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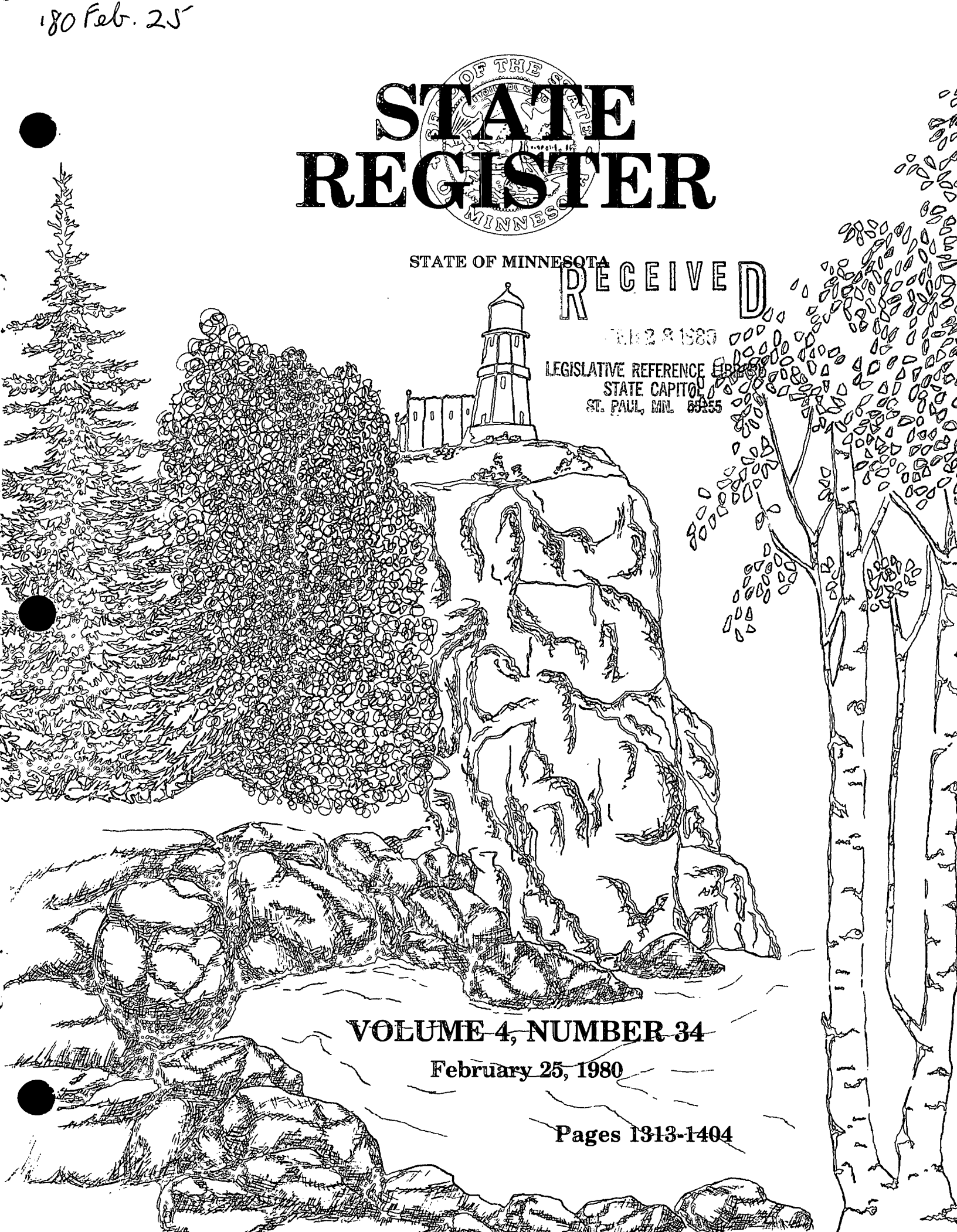
# STATE REGISTER

STATE OF MINNESOTA





VOLUME 4, NUMBER 34

February 25, 1980

Pages 1313-1404

# 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 | | |
| 35 | Friday Feb 15 | Monday Feb 25 | Monday Mar 3 |
| 36 | Monday Feb 25 | Monday Mar 3 | Monday Mar 10 |
| 37 | Monday Mar 3 | Monday Mar 10 | Monday Mar 17 |
| 38 | Monday Mar 10 | Monday Mar 17 | Monday Mar 24 |

*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.

The *State Register* is published by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $118 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $2.25 per copy.

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

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*.



**Cover graphic: *Split Rock Lighthouse*, pen and ink drawing by Barbara J. Peterson.**

# CONTENTS

## NOTICE

**How to Follow State Agency Rulemaking Action in the *State Register***

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION.** Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

**The PROPOSED RULES section contains:**

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

**The ADOPTED RULES section contains:**

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issue 27-38, inclusive
Issue 39, cumulative for 1-39
Issues 40-51, inclusive
Issue 52, cumulative for 1-52

The listings are arranged in the same order as the table of contents of the MCAR.

# MCAR AMENDMENTS AND ADDITIONS

# 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.**

## Department of Health

## Proposed Amendments to Rules for Construction, Equipment, Maintenance, Operation and Licensing of Nursing Homes and Boarding Care Homes

### Notice of Hearing

A public hearing concerning the proposed amendments to the rules captioned-above will be held in Room 105, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on April 1, 1980, commencing at 9:30 a.m. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. 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 to George Beck, Hearing Examiner,

**Public Hearings on Agency Rules March 3-10, 1980**

| Date | Agency and Rule Matter | Time & Place |
|---|---|---|
| March 4 | Transportation Dept. Implementation of MN Rail Service Improvement Program Hearing Examiner: Harry S. Crump | 10:00 a.m., Rm. 125, State Capitol Bldg., St. Paul, MN |
| March 5 | Transportation Dept. Rail User Loan Guarantee Program Hearing Examiner: Harry S. Crump | same as above |

Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8108, either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record. For those wishing to submit written statements or exhibits, it is requested that at least two (2) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that

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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 rule hearing procedure is governed by Minn. Stat. §§ 15.0411, 15.0417, and 15.052, and by 9 MCAR §§ 2.010-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Twenty-five (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 all of the evidence which the agency intends to present at the hearing to justify both the need for and the reasonableness of the proposed rule. However, additional evidence may be submitted in response to questions raised by interested persons. You are therefore urged to both review the Statement of Need and Reasonableness before the hearing and to attend the hearing. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

A copy of the proposed rules is attached hereto and made a part hereof. The statutory authority of the Commissioner of Health to adopt these rules is contained in Minn. Stat. §§ 144.56, 144A.08, and 144A.10 (1978).

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.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, (supp. 1979) 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, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

February 11, 1980

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

## Amendments as Proposed

**7 MCAR § 1.044 ~~MHD 44~~ Definitions, general provisions, issuance of licenses.**

X. Variance and waivers.

1. General provisions. A nursing home or boarding care home may request that the department grant a variance or waiver from the provisions of these rules.

2. Contents of request. All requests for a variance or waiver shall be submitted to the department in writing. Each request shall contain the following information:

a. The specific rule or rules for which the variance or waiver is requested;

b. The reasons for the request;

c. The alternative measures that will be taken if a variance or waiver is granted;

d. The length of time for which the variance or waiver is requested;

e. Such other relevant information which the department shall determine is necessary to properly evaluate the request for the variance or waiver.

3. Criteria for evaluation.

a. A variance or waiver shall be granted if the department determines that:

(1) The alternative measures to be taken are equivalent or superior to those prescribed in the rule or rules;

(2) The granting of the variance or waiver will not adversely affect the health, treatment, comfort, safety or well-being of the patients or residents; and

(3) The application of the rule or rules would impose an undue burden upon the applicant.

b. The applicant shall be notified in writing of the department's decision. If a variance or waiver is granted, the notification shall specify the period of time for which the variance or waiver will be effective and the alternative measures or conditions, if any, to be met by the applicant.

4. Effect of alternative measures or conditions. All alternative measures or conditions attached to a variance or waiver shall have the force and effect of the licensure rule(s) and shall be subject to the issuance of correction orders and penalty assessments in accordance with the provisions of Minn. Stat. §§ 144.653 and 144A.10. The period of time for correction and the amount of fines specified for the particular rule for which the variance or waiver was requested shall apply.

5. Renewal.

a. Any request for the renewal of a variance or waiver shall be submitted in writing prior to its expiration date. Renewal requests shall contain the information specified in 2. above.

b. A variance or waiver may be renewed by the

department if the applicant continues to satisfy the criteria contained in 3. above and demonstrates compliance with the alternative measures or conditions imposed at the time the original variance or waiver was granted.

6. Denial, revocation or refusal to renew. The department shall deny, revoke or refuse to renew a variance or waiver if it is determined that the criteria specified in 3. above are not met. The applicant shall be notified in writing of the decision to deny, revoke or refuse to renew and informed of the right to appeal this decision.

7. Appeal procedure. An applicant may contest the denial, revocation or refusal to renew a variance or waiver by requesting a contested case hearing under the provisions of the Administrative Procedures Act, Minn. Stat. §§ 15.0411 *et seq.* The applicant shall submit, within 15 days of the receipt of the department's decision, a written request for a hearing. The request for hearing shall set forth in detail the reasons why the applicant contends the decision of the department should be reversed or modified. At the hearing, the applicant shall have the burden of proving that it satisfied the criteria specified in 3. above.

**7 MCAR § 1.046 ~~MHD 46~~ General policies.**

L. ~~(1)~~ Use of oxygen.

1. Oxygen~~, when~~ may be used in a nursing home ~~shall be~~ on an emergency basis. ~~only. The oxygen shall be ordered by a physician.~~ A registered nurse or other person trained in the use of oxygen shall be responsible for its administration and shall be on duty during the entire time that oxygen is administered. The following precautions shall be taken:

a. ~~(1)~~ Signs indicating "No Smoking" shall be placed at the bedside and at the entrance to the room.

b. ~~(2)~~ All matches, ash trays and other smoking material shall be removed and kept out of the room.

c. ~~(3)~~ No oil or grease shall be used on oxygen equipment.

d. ~~(4)~~ Oxygen tanks shall be securely anchored when stored or in use.

2. A nursing home which admits or retains patients in need of oxygen, on other than an emergency basis, shall comply with the following provisions:

a. The nursing home shall provide 24-hour licensed nurse coverage, unless it only admits patients who can self-administer oxygen.

b. The patient's attending physician shall submit written orders for oxygen and, if self-administration of oxygen is also ordered, the physician shall specify that the patient is mentally and physically capable of administering oxygen without the assistance of the nursing home staff.

c. The Patient Care Policy Committee shall develop and implement written policies regarding the provision of oxygen in the nursing home. These policies shall, at a minimum, include:

(1) Any limitations placed on the patient or other patients such as room assignments and smoking policies.

(2) Any restrictions placed on patients using portable oxygen equipment as to mobility within the facility or participation in activities.

(3) A mechanism to periodically assess those patients authorized to self-administer oxygen as to their continued capability to self-administer it.

(4) Precautions to be taken, in addition to those in 1.a.-d., above, to assure the safe use of oxygen.

d. All nursing homes which admit patients in need of oxygen shall inform these patients of any limitations or restrictions imposed by the nursing home prior to admission or at the time the use of oxygen is ordered by the physician.

e. The director of nursing shall be responsible for providing training to the nursing home staff regarding the procedures to be followed for the administration of oxygen, for monitoring the use and effectiveness of oxygen, special precautions to be taken, and the care and cleaning of equipment.

f. Written policies and procedures shall be developed and implemented regarding the care, storage, cleaning and sanitizing of oxygen tanks, equipment and supplies.

**7 MCAR § 1.047 ~~MHD 47~~ Personnel.**

A. ~~(a) Annual Tests. All employees shall, prior to employment and annually thereafter, show freedom from tuberculosis by a report of either a standard Mantoux tuberculin test or a chest X-ray. If the Mantoux test is positive or contraindicated, a chest X-ray shall be taken. The results of these tests shall be reported in writing and made a part of the employee's personnel record. (See Personnel Records, under Records and Reports, MHD 48.)~~ Tuberculosis testing of employees. The nursing home or boarding care home shall be responsible for assuring that all employees, prior to employment and as otherwise indicated in this rule, show freedom from tuberculosis in accordance with the provisions of this section. The nursing home and the boarding care home shall reimburse their employees for the costs, if any, of obtaining the necessary tests which demonstrate freedom from tuberculosis.

1. All employees, unless certified in writing by a physician to have had a positive reaction to a standard intradermal tuberculin test, shall have a standard intradermal tuberculin test with purified protein derivative (Mantoux) within 45 days prior to employment.

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a. If the tuberculin test is negative, the employee shall be considered free from tuberculosis.

b. If the tuberculin test is positive or if the employee's physician has certified a positive reaction to the tuberculin test, the employee shall submit prior to employment and annually thereafter a written report by a physician of a negative full-sized chest X-ray taken within the previous 45 days. Annual written reports of the employee's negative chest X-ray shall be required for five years after a documented positive standard intradermal tuberculin test, after which time the employee shall be considered free from tuberculosis.

2. All employees showing positive reaction to the tuberculin test who have taken a complete course of preventive therapy as directed by their physician shall be considered free from tuberculosis at the completion of the program and shall be exempt from the testing requirements of this section.

3. Written documentation of compliance with the above requirements shall be filed in the employee's personnel record.

**7 MCAR § 1.048 ~~MHD 48~~ Records and reports. [Applies to both nursing homes and boarding care homes.]**

A. ~~(a)~~ Patient or resident care record. An individual chart shall be kept on each patient and resident admitted to the home. All entries shall be made with a pen and signed by the person making the entry. Accurate, complete and legible records for each patient or resident from the time of admission to the time of discharge or death shall be kept current and shall be maintained in a chart holder at the nurses' or attendants' station.[1]

1. ~~(1)~~ Admission record. The admission record shall be initiated for each patient and resident within 72 hours after admission and contain identifying information including: name, previous address, social security number, sex, marital status, age, date and place of birth, previous occupation, date and hour of admission; name, address and telephone number of the nearest relative, and the person to be notified in an emergency or death; information as to funeral arrangements, if available; church affiliation and pastor; and the name of the patient's or resident's attending physician. At the time of discharge or death, this record shall be completed with the date, time, reason for discharge, discharge diagnosis and condition; or date, time and cause of death. In either case the signature and address of the responsible person to whom released shall be obtained.

2. ~~(2)~~ Medical record. The medical record shall be initiated for each patient or resident within 72 hours in accordance with 7 MCAR § 1.049 C.

3. ~~(3)~~ Filing and disposition of records. The patient or resident care record shall be incorporated into an individual folder and filed at the nurses' or attendants' station.[1] The records of discharged patients or residents shall be promptly completed and filed in the home.

Patients' or residents' medical records and patient care plans in nursing homes shall be considered confidential but they shall be made available to all persons in the home who are responsible for the care of the patient or resident and they shall be open to inspection by representatives of the department. When a patient or resident is discharged to another care facility pertinent information relative to his care shall accompany the patient or resident.

4. ~~(4)~~ Storage and preservation of records. Space shall be provided for the safe storage of patients' or residents' records at the nurses' or attendants' station[1] and in general storage. Records shall be filed so as to be readily accessible. All patients' and residents' records shall be preserved for a period of at least ~~ten (10)~~ 5 years following discharge or death.

5. ~~(5)~~ Census register. A register shall be kept in a separate bound book, listing in chronological order the names and dates of all admissions and discharges. This register shall be kept in such a manner that total admissions, discharges, deaths and patient or resident days can be calculated.

6. ~~(6)~~ Reports to the department. Reports regarding statistical data and services furnished shall be submitted on forms furnished by the department. Copies shall be retained by the home.

7. ~~(7)~~ Correspondence with department. All correspondence with the department shall be kept as a permanent, accessible record.

8. ~~(8)~~ Record of patients' and residents' funds. ~~The home shall keep a record of any personal funds, regardless of source, and of any valuables kept for a patient or resident. If purchases are made from these personal funds, proper receipts shall be kept and notations made in a separate bookkeeping system.~~

a. Admission agreement. The admission policies of the nursing home and boarding care home shall specify whether the home will accept the personal funds of patients or residents for safekeeping. If the nursing home or boarding care home accepts the personal funds of patients and residents for safekeeping, written policies regarding the handling and protection of the funds shall be established in accordance with this section.

b. Authorization.

(1) The personal funds of the patient or resident shall not be accepted for safekeeping without written authorization from the patient or resident or from the patient's or resident's legal guardian or conservator.

(2) A copy of this written authorization shall be retained in the patient's or resident's records.

c. Personal fund accounts.

(1) The personal funds of patients and residents shall not be commingled with the funds of the nursing home or boarding care home or with the funds of any person other than patients or residents of the home, unless otherwise authorized by law.

[1]A central control point for the storage of records and medications.

(2) The personal funds of patients and residents shall not be used in any way for the purpose of the nursing home, boarding care home or any other patient or resident and shall be free from any liability that the nursing home or boarding care home incurs.

(3) A person, firm, partnership, association or corporation which operates more than one facility licensed in accordance with the provisions of Minn. Stat. §§ 144.50-.56 or Minn. Stat. ch. 144A shall not commingle patient or resident funds from one facility with another.

(4) A written accounting system for the personal funds of patients and residents shall be developed and maintained.

(a) Each patient or resident and the patient's or resident's guardian, conservator, or other person designated by the patient or resident shall be allowed access to the written records of all financial arrangements and transactions involving the individual patient's or resident's funds in accordance with the nursing home's and boarding care home's written policy. Such policy shall assure that access be allowed at least one hour 5 days per week.

(b) Each patient or resident or the patient's or resident's guardian, conservator or other person designated in writing by the patient or resident shall be provided a written quarterly accounting of the financial transactions made by or on behalf of the patient or resident.

(c) An individual written record shall be maintained for each patient or resident which shall include the following items:

(i) The date, amount and source of funds deposited by or on behalf of a patient or resident.

(ii) The name of all individuals, other than the patient or resident, authorized to withdraw or expend funds from the patient's or resident's personal account.

(iii) The date and the amount of all withdrawals from the patient's or resident's personal account. Receipts for purchases made with money withdrawn from a patient's or resident's account by individuals other than the patient or resident shall be obtained and placed in the patient's or resident's record.

(5) The personal funds of any patient or resident in excess of $10,000 shall be deposited in a demand account in a financial institution authorized to do business in Minnesota, the deposits of which are federally insured, except that a facility that is operated by a county shall deposit such funds with the county treasurer. This account must be in a form which clearly indicates that the facility has only a fiduciary interest in the funds. Records shall be maintained which specify on whose behalf funds are deposited or withdrawn from this account.

(6) If a patient's or resident's personal funds are deposited in an interest bearing account, the accrued interest shall, unless otherwise specified by law, be prorated in accordance with the amounts attributable to each patient or resident and recorded on the patient's or resident's account.

(7) Upon the request of the patient or resident or the patient's or resident's guardian or conservator, the nursing home or boarding care home shall return all or any part of the patient's or resident's funds given to the nursing home or boarding care home for safekeeping, including interest, if any, accrued from deposits. The nursing home or boarding care home shall develop a policy specifying the period of time for each day of the week that funds can be withdrawn. Funds kept outside of the facility shall be returned within three banking days.

d. Discharge of patient or resident. Upon discharge of a patient or resident, unless the patient's or resident's bed is being held for anticipated readmission, all funds of that patient or resident shall be returned to the patient or resident or to an authorized individual, with a written accounting, in exchange for a signed receipt. Funds which are maintained outside of the nursing home or boarding care home shall be returned within three banking days.

e. Death of a patient or resident. Upon the death of a patient or resident, the nursing home or boarding care home shall provide a complete accounting of that patient's or resident's funds and shall return the funds to the appropriate individuals in accordance with state law.

f. Change of ownership. Prior to a change of ownership of a nursing home or boarding care home, a written verification by a public accountant of all patients' and residents' funds shall be provided to the new licensee in exchange for a signed receipt.

9. ~~(9)~~ Policy records. All policies and procedures adopted by the home shall be placed on file and be made readily accessible to the personnel.

10. ~~(10)~~ Unusual occurrences. Any occurrence of food poisoning or reportable disease shall be reported immediately to the department.

11. ~~(11)~~ Employees' personnel records. A current personnel record shall be maintained for each employee and placed on file in a locked cabinet in the office of the administrator, person in charge or the business office. These records shall be available to representatives of the department and shall contain the following information:

a. ~~(aa)~~ Person's name, address, telephone number, age and birth date; sex, marital status, Minnesota license or registration number, if applicable; name, address and telephone number of person to be called in case of emergency; social security number; and similar identifying data.

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b. ~~(bb)~~ Resume of individual's training, experience and previous employment; recommendations and references from previous employers.

c. ~~(cc)~~ Dates and results of any pre-employment physical examination and of any subsequent physical examinations.[2]

d. ~~(dd)~~ Date of employment in home; type of position currently held in home; hours of work; attendance and salary records.

e. ~~(ee)~~ The record of all illnesses and accidents.

f. ~~(ff)~~ A listing of all institutes or training courses attended.

g. ~~(gg)~~ At least annual evaluations concerning employee's work performance.

h. ~~(hh)~~ Date of resignation or discharge and reason for leaving.

**7 MCAR § 1.049 ~~MHD 49~~ Medical and dental services.**

C. ~~(c)~~ Physicians' examinations and orders.

1. ~~(1)~~ Each patient or resident shall have an admission medical history and complete physical examination performed and recorded by a physician within five (5) days prior to or within 72 hours after admission. The medical record shall include: the report of the admission history and physical examination; the admitting diagnosis and report of subsequent physical examinations; ~~a report of a standard Mantoux tuberculin test or, if the Mantoux test is positive or contraindicated, a chest X-ray within three (3) months in advance of admission and as indicated thereafter;~~ a report of a negative full-sized chest X-ray taken within 45 days prior to admission; if chest X-ray positive, documentation from a physician of freedom from active tuberculosis disease, or documentation from a physician of completion of a preventive tuberculosis therapy; reports of appropriate laboratory examinations; general medical condition including disabilities and limitations; instructions relative to the patient's or resident's total program of care; written orders for all medications with stop dates, treatments, special diets and for extent or restriction of activity; physician's orders and progress notes; and condition on discharge or transfer, or cause of death.

2. ~~(2)~~ Each nursing home patient shall be examined by a physician at least every 6 months and each boarding care home resident at least annually or more often if indicated by the clinical condition. A progress note shall be recorded in the patient's or resident's record at the time of each examination.

3. ~~(3)~~ If orders for the immediate care of a patient or resident are not available at the time of admission, the emergency physician shall write temporary orders which are effective for a maximum of 72 hours.

**7 MCAR § 1.052 A.1. ~~MHD 52(a)(1)~~ Patient and resident units.**

a. ~~(1)~~ A comfortable bed at least 36 inches wide, good springs and a clean, firm, comfortable mattress and mattress pad. At least one clean, comfortable pillow with extra pillows available to meet the patient's needs. Clean, lightweight blankets and bed linen in good condition and of the proper size shall be kept on hand for use at all times. Clean sheets and pillow cases shall be furnished at least once a week. Each bed shall have a washable bedspread. A moisture-proof mattress cover or rubber or plastic sheeting shall be provided for mattresses of all bed patients and for other beds as necessary. Rollaway type beds, cots, or folding beds ~~or double beds~~ shall not be used.

b. The nursing home and boarding care home shall develop a written policy regarding the use of double beds.

**7 MCAR § 1.053 ~~MHD 53~~ Medications.**

F. ~~(f)~~ Disposition of medications.

1. If authorized by the attending physician or the physician in charge, medications belonging to patients shall be given to them when discharged or transferred. This shall be recorded on the patient's chart. Unused portions of controlled substances shall be handled by contacting the ~~Bureau of Narcotics and Dangerous Drugs. The Bureau will furnish the necessary instructions and appropriate forms,~~ Minnesota Board of Pharmacy who shall furnish the necessary instructions and forms, a copy of which shall be kept on file in the home for two years. Any other unused portions of prescription drugs remaining in the nursing home after the death or discharge of the patient for whom they were prescribed, or any prescriptions discontinued permanently, shall be destroyed by the supervising nurse in the nursing home by flushing them into the sewer system and removing and destroying the labels from the containers~~.~~, or handled in accordance with F.2., below. A notation of any such destruction giving date, quantity, name of medication and prescription number shall be recorded on the patient's chart. Such destruction shall be witnessed and the notation signed by both persons.

2. Drugs and prescribed medications, other than controlled substances, used in nursing homes may be returned to the dispensing pharmacy in accordance with the provisions of the Minnesota Board of Pharmacy rule, 7 MCAR § 8.032 B.

**7 MCAR § 1.055 ~~MHD 55~~ Dietary service and sanitation.**

U. ~~(u)~~ Dishwashing. The dishwashing operation shall provide proper separation in the handling of soiled and clean dishes and utensils, and shall conform with the following procedures for washing, rinsing, sanitizing and drying. ~~Chemical disinfection is not acceptable.~~

1. ~~(1)~~ Machine washing of dishes and utensils.

a. Hot water sanitizing. The dishwashing machine shall be operated in accordance with the manufacturer's instructions which shall be posted nearby; see MHD 67(clii). The flow pressure shall be maintained between 15 and 25 pounds per square inch (psi) at the dishwasher. The temperatures of the water shall be maintained at 140°-160°F. for the washing cycle, and at 170°F. for the rinsing and sanitizing cycle, both temperatures measured at tray level. If the same person handles both

[2]~~1~~Annual physical examinations are recommended.

soiled and clean dishes, he shall wash his hands between operations. Dishes and utensils shall be air dried.

b. Chemical sanitizing.

(1) Equipment.

(a) Dishwashing machines using chemicals for sanitizing shall bear labeling indicating that the machine has been approved by the National Sanitation Foundation.

(b) Each dishwashing machine shall be equipped with an audible signaling device which indicates when the detergent supply or chemical sanitizing supply is empty. The signaling device shall be maintained in an operating condition.

(c) The pressure of final rinse water supplies to spray-type dishwashing machines shall not be less than 15 or more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A pressure gauge shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

(d) The clean dish counter shall provide space for at least 4 racks of clean and sanitized dishes and utensils.

(2) Operation.

(a) The dishwashing machines shall be operated in accordance with the manufacturer's instructions which shall be posted nearby.

(b) The temperature of the wash water shall not be less than 140°F. (60°C.)

(c) Chemicals added for sanitation purposes shall be automatically dispensed in accordance with the manufacturer's specifications for time and concentration.

(d) The chemical sanitizing rinse water temperature shall not be less than 75°F. (24°C.) nor less than the temperature specified by the chemical manufacturer.

(e) All chemical sanitizers used in the dishwashing machines shall bear labeling indicating that the chemical sanitizers are registered by the Environmental Protection Agency and shall contain specific instructions for use.

(f) A test kit or other device that accurately measures the parts per million concentration of the sanitizing solution shall be available and used in accordance with this section.

(i) The concentration level shall be tested in accordance with the manufacturer's instruction each time the machine is used.

(ii) The results of the testing shall be recorded in a written log which specifies the result of the test and shall be signed by the individual making the test. The log shall include the name of the chemical used and the manufacturer's recommended concentration of the chemical. This written log shall be maintained for the previous 3 months.

(g) If the same person handles both soiled and clean dishes, he shall wash his hands between operations.

(h) Dishes and utensils shall be air dried.

(i) The dishwashing machine shall be thoroughly cleaned at least once a day in accordance with the manufacturer's recommendation.

2. ~~(2)~~ Hand washing of pots and pans. A three-compartment scullery sink (see MHD 65 (b2aa3)) shall be utilized as follows for a complete washing cycle by hand of pots and pans. The first comparment is for soaking and washing, the second compartment is for rinsing, and the third compartment for sanitizing. Sanitizing is accomplished by complete immersion for at least two (2) minutes in 170°F. water. A unit heater capable of maintaining the water in the sanitizing compartment at 170°F. shall be provided, including a long handled wire basket for the removal of the sanitized items. The temperature shall be monitored with a thermometer. If the mechanical dishwasher is used for sanitizing of pots and pans, a sanitizing comparmtent is not required. Only air drying is permitted.

**7 MCAR § 1.057 ~~MHD 57~~ Schedule of fines for uncorrected deficiencies.**
**[Applies to both nursing homes and boarding care homes.]**

A. ~~(a)~~ A $50 penalty assessment will be issued under the provisions of Minn. Stat. § 144.653, subd. 6 (1974) for noncompliance with correction orders relating to the sections of these rules listed below.

MHD 44 (o); (p); (q); (s); (t); (u)
MHD 45 (a) (3); (f); (h)(1); (h)(2)(aa); (h)(2)(ff); (h)(4)
MHD 46 (a); (b); (j); (k)
MHD 47 (c); (e)
MHD 48 (a)(4); (a)(5); (a)(6); (a)(7); (a)(9); (a)(11)
MHD 50 (a); (j)
MHD 52 (a)(2); (a)(3); (a)(4); (a)(9); (d); (e)
MHD 54 (a)(7); (b)(5)
MHD 55 (i)
MHD 56 (f); (h)
MHD 64 (a)(22); (b)(15)

B. ~~(b)~~ A $250 penalty assessment will be issued under the provisions of Minn. Stat. § 144.653, subd. 6 (1974) for noncompliance with correction orders relating to all other sections of these regulations not specifically enumerated in A. ~~(a)~~ above or C.

C. Nursing homes.

1. A $50 penalty assessment will be assessed on a daily basis to a nursing home for non-compliance with correction orders relating to the following rules:

**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."

a. 7 MCAR § 1.048 A.4.

b. 7 MCAR § 1.048 A.8.a.

c. 7 MCAR § 1.048 A.8.b.(2)

d. 7 MCAR § 1.048 A.8.c.(3)

e. 7 MCAR § 1.048 A.8.c.(5)

f. 7 MCAR § 1.048 A.8.c.(6)

g. 7 MCAR § 1.048 A.8.d.

h. 7 MCAR § 1.048 A.8.e.

i. 7 MCAR § 1.048 A.8.f.

j. 7 MCAR § 1.052 A.1.b.

k. 7 MCAR § 1.053 F.2.

l. 7 MCAR § 1.055 U.1.b.(1)(d)

m. 7 MCAR § 1.064 A.3.f.(1)(a)

2. A $150 penalty assessment will be assessed on a daily basis to a nursing home for non-compliance with correction orders relating to the following rules:

a. 7 MCAR § 1.046 L.2.b.

b. 7 MCAR § 1.046 L.2.c.

c. 7 MCAR § 1.046 L.2.d.

d. 7 MCAR § 1.046 L.2.e.

e. 7 MCAR § 1.046 L.2.f.

f. 7 MCAR § 1.047 A.

g. 7 MCAR § 1.048 A.8.b.(1)

h. 7 MCAR § 1.048 A.8.c.(1)

i. 7 MCAR § 1.048 A.8.c.(2)

j. 7 MCAR § 1.048 A.8.c.(4)(a)

k. 7 MCAR § 1.048 A.8.c.(4)(b)

l. 7 MCAR § 1.048 A.8.c.(4)(c)

m. 7 MCAR § 1.048 A.8.c.(7)

n. 7 MCAR § 1.055 U.1.b.(1)(a)

o. 7 MCAR § 1.055 U.1.b.(1)(b)

p. 7 MCAR § 1.055 U.1.b.(1)(c)

q. 7 MCAR § 1.055 U.1.b.(2)(a)

r. 7 MCAR § 1.055 U.1.b.(2)(b)

s. 7 MCAR § 1.055 U.1.b.(2)(c)

t. 7 MCAR § 1.055 U.1.b.(2)(d)

u. 7 MCAR § 1.055 U.1.b.(2)(e)

v. 7 MCAR § 1.055 U.1.b.(2)(f)

w. 7 MCAR § 1.055 U.1.b.(2)(g)

x. 7 MCAR § 1.055 U.1.b.(2)(h)

y. 7 MCAR § 1.055 U.1.b.(2)(i)

3. A $250 penalty assessment shall be assessed on a daily basis to a nursing home for non-compliance with correction orders relating to the following rules:

a. 7 MCAR § 1.046 L.2.a.

b. 7 MCAR § 1.049 C.1.

c. 7 MCAR § 1.064 A.3.f.(1)(b)

**7 MCAR § 1.058 Allowable time periods for correction.**

A. Allowable time periods for correction. The allowable time periods for complying with a correction order issued by the department shall be as follows:

| | |
|---|---|
| 1. 7 MCAR § 1.046. | |
| a. L.2.a. | 30 days |
| b. L.2.b. | 14 days |
| c. L.2.c. | 14 days |
| d. L.2.d. | 14 days |
| e. L.2.e. | 14 days |
| f. L.2.f. | 14 days |
| 2. 7 MCAR § 1.047 A. | 14 days |
| 3. 7 MCAR § 1.048. | |
| a. A.4. | 14 days |
| b. A.8.a. | 30 days |
| c. A.8.b. | 14 days |
| d. A.8.c.(1) | 30 days |
| e. A.8.c.(2) | 30 days |
| f. A.8.c.(3) | 30 days |
| g. A.8.c.(4)(a) | 14 days |
| h. A.8.c.(4)(b) | 30 days |
| i. A.8.c.(4)(c) | 30 days |
| j. A.8.c.(5) | 30 days |
| k. A.8.c.(6) | 30 days |
| l. A.8.c.(7) | 14 days |
| m. A.8.d. | 14 days |
| n. A.8.e. | 14 days |
| o. A.8.f. | 30 days |
| 4. 7 MCAR § 1.049 C.1. | 14 days |
| 5. 7 MCAR § 1.052 A.1.b. | 30 days |
| 6. 7 MCAR § 1.053 F.2. | 30 days |
| 7. 7 MCAR § 1.055. | |
| a. U.1.b.(1)(a) | 60 days |
| b. U.1.b.(1)(b) | 30 days |
| c. U.1.b.(1)(c) | 14 days |
| d. U.1.b.(1)(d) | 60 days |
| e. U.1.b.(2)(a) | 14 days |

| | |
|---|---|
| f. U.1.b.(2)(b) | 14 days |
| g. U.1.b.(2)(c) | 14 days |
| h. U.1.b.(2)(d) | 14 days |
| i. U.1.b.(2)(e) | 14 days |
| j. U.1.b.(2)(f) | 14 days |
| k. U.1.b.(2)(g) | 14 days |
| l. U.1.b.(2)(h) | 14 days |
| m. U.1.b.(2)(i) | 14 days |
| 8. 7 MCAR § 1.064. | |
| a. A.3.f.(1)(a) | 30 days |
| b. A.3.f.(1)(b) | 14 days |

B. Extension of the allowable time period for correction.

1. Request for extension. The administrator of the nursing home may request an extension of the allowable time for correction for those rules specified in A., above. The request for extension of the allowable period of time for correction shall be received by the department prior to the expiration of the time period cited in the correction order. The failure to submit a request within that time period shall result in a denial of the request.

2. Contents of request.

a. All requests for an extension of the allowable time period for correction shall contain the following information:

(1) The identification of the rule or rules for which the correction order was issued;

(2) The date the correction order was received;

(3) The allowable time period for correction;

(4) The reasons for requesting an extension of the allowable time period for correction which shall specify, in detail, the steps that have been taken by the nursing home to attain compliance;

(5) The length of additional time required to attain compliance with the correction order; and

(6) Such other relevant information which the department shall determine is necessary to evaluate the request for the extension of time.

b. If the request for an extension is made orally, the administrator shall mail, within 24 hours, a written confirmation which contains the information specified under 2.a., above.

3. Criteria for evaluation.

a. A request for an extension of the allowable period of time shall be granted if the department determines that:

(1) Continued non-compliance with the rule for the length of the extension will not jeopardize the health, treatment, comfort, safety or well-being of the patients; and

(2) The nursing home:

(a) Has entered into a contract to obtain the materials, labor, personnel, or other items necessary to obtain compliance with the correction order, but the supplies, contractor or individual has failed to perform or is unable to perform within the time period specified and the inability of the nursing home to comply with the correction order is due solely to that failure; or

(b) Has otherwise made a diligent good faith effort to comply with the correction order since its receipt.

b. The administrator shall be notified, in writing, of the department's decision. If an extension of time is granted, the notification shall specify the additional time allowed for correction.

4. Renewal.

a. Any request for the renewal of an extension of the allowable time period for correction shall be made in accordance with B.1. and 2., above.

b. Approval for the renewal of an extension of the allowable time period for correction shall be granted if the department determines that the nursing home continues to meet the criteria contained in B.3., above.

5. Denial. The department shall deny any request for an extension of the allowable time period for correction if it determines that the criteria specified in B.3., above, are not met. The denial shall be in writing and shall list the reasons for the denial.

**7 MCAR § 1.064 A.3.f. ~~MHD 64(a)(3)(ff)~~ Bedroom doors.**

(1) ~~(ff1)~~ Existing and new. ~~There shall be no locks on patient room doors.~~

(a) The nursing home shall develop a written policy regarding the use of locks on patient bedroom doors. The policy shall address whether or not doors can be locked while the patient is in the room.

(b) Any locks installed on patient bedroom doors shall be so arranged that they can be locked only from the corridor side. All such locks shall permit exit from the room by a simple operation without the use of a key. All locks shall be openable with a master key which is located at each nursing station.

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# Department of Health
# Health Systems Division

## Notice of Public Hearing to Solicit Outside Opinion on Certain Rules Relating to the Licensing of Nursing Homes

Notice is hereby given that a public hearing will be held in Room 105 of the Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota on April 2, 1980 at 9:30 a.m. and continuing until all persons have had an opportunity to be heard. The purpose of the hearing will be to obtain public comment concerning certain nursing home rules.

The Legislative Commission to Review Administrative Rules has requested that the Department of Health hold a public hearing to solicit outside opinion regarding certain provisions contained in the department's rules for the licensing and regulation of nursing homes. Testimony received at this hearing will assist the department in determining whether or to what extent these rules should be amended. The rules which shall be reviewed during this meeting are as follows:

**MHD 50(e)(1)—Nursing staff.**

The nursing home shall have on duty at all times a sufficient number of qualified nursing personnel which includes registered nurses, licensed practical nurses, nurses aides and orderlies to meet the needs of the patients on all nurses' stations, on all floors and in all buildings if more than one building is involved. This includes relief duty, weekends and vacation replacements. On and after July 1, 1973, a minimum of two (2) hours of nursing personnel per patient per 24 hours plus additional qualified nursing staff commensurate with the needs of the patients shall be provided.

**MHD 54(a)(5)—Laundering of linen.**

Linen shall be washed in commercial-type washers. The water temperature inside the washers shall be at least 160°F. during the main washing and rinsing cycles for a total time of at least 30 minutes, excluding time for filling and draining. Contaminated linen shall be thoroughly preflushed separately before being introduced to the main washing and rinsing process.

**MHD 64(a)(1)(aa)—Bedroom capacities.**

New construction: At least 5% of the rooms shall be designed for single person occupancy (1 bed), and shall have private toilet rooms. At least 75% of the beds shall be located in rooms designed for one or two beds. No room shall have more than four (4) beds.

All persons will be afforded the opportunity to be heard through the presentation of oral and written statements. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Health will become part of the hearing record. For further information, contact Michael Tripple at the above address, or by phone at (612) 296-5418.

February 11, 1980

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

# Housing Finance Agency

## Proposed Amendments to Rules Relating to the Home Improvement Grant Program, the Definition of Developmentally Disabled, and American Indian Housing Programs

### Notice of Hearing

Notice is hereby given that a public hearing will be held in the above entitled matter in the Capitol Square Building, Conference Room A, 550 Cedar Street, St. Paul, Minnesota, 55101, on Friday, March 28, 1980, commencing at 9:00 a.m. and continuing until all interested or affected persons have had an opportunity to participate.

All representatives of associations or other interested groups and all interested or affected persons will have an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted by mail without personally appearing at the hearing to Natalie Gaull, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8114. 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 on behalf of such interests. All such statements will be entered into and become part of the record. The conduct of the hearing will be governed by the rules of the Office of Hearing Examiners.

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

After the public hearing, written material may be submitted to the hearing examiner and recorded in the hearing record for five working days, or for a longer period not to exceed 20 calendar days if so ordered by the hearing examiner.

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 agency proposes to adopt rules of the Minnesota Housing Finance Agency Relating to the Home Improvement Grant Program, the Definition of Developmentally Disabled, and American Indian Housing Programs. Notice: The proposed rules 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 rules to participate in the rule hearing process.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to the Executive Director, Minnesota Housing Finance Agency, 333 Sibley Street, St. Paul, Minnesota, 55101. Additional copies will be available at the door on the date of the hearing.

The agency's statutory authority to promulgate the proposed rules is contained in Minn. Stat. §§ 462A.03, subd. 10, 462A.06, subds. 4 and 11, and 462A.07, subd. 14.

Under Minn. Stat. § 10A.01, subd. 11 a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute:

"Lobbyist" means 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.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250, excluding *his own* travel expenses, in any year in communicating with public officials; or

(g) Party or his representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Questions regarding only lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, St. Paul, Minnesota, 55155; telephone (612) 296-5615.

February 8, 1980

James J. Solem
Executive Director

## Amendments as Proposed

**12 MCAR § 3.002 O.** "Persons and families of low and moderate income" means:

3. with respect to Home Improvement Grants to be made by the agency, those persons and families whose adjusted income does not exceed ~~$5,000~~ $6,000 and whose assets, excluding the property to be improved, does not exceed $25,000; and

**12 MCAR § 3.002 P.** "Developmentally disabled" means an individual who has a severe, chronic disability which:

~~1. is attributable to mental retardation, cerebral palsy, epilepsy, or other neurological condition found to be closely related to mental retardation or to require treatment similar to that for mentally retarded individuals;~~

~~2. originated at an age earlier than 18 years of age, is continuing, and can be expected to continue indefinitely; and~~

~~3. constitutes a substantial handicap to the individual.~~

1. is attributable to a mental or physical impairment or a

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combination of mental and physical impairments;

2. is manifested before the person attains the age of twenty-two;

3. is likely to continue indefinitely;

4. results in substantial functional limitations in three or more of the following areas of major life activity; (i) self-care (ii) receptive and expressive language (iii) learning (iv) mobility (v) self-direction (vi) capacity for independent living and (vii) economic sufficiency;

5. reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration.

**12 MCAR § 3.061** ~~C. The agency shall submit all plans to the applicable Regional Development Commission (including the Metropolitan Council) and shall consider the comments and recommendations of such commissions with respect to the extent to which the plan assists in satisfying the housing needs for such region.~~

**12 MCAR § 3.061** ~~D.~~ C. The agency shall allocate the ~~total~~ funds available at any time ~~ratably~~ among the several regions, based upon data assembled by the agency and accurately reflecting housing needs and related factors. The agency shall submit its proposed allocation of funds to the applicable Regional Development Commission (including the Metropolitan Council) and shall consider the comments and recommendations of the commissions with respect to the extent to which the proposed allocation assists in satisfying the housing needs for the region.

**12 MCAR § 3.096 Duration of loan.** No loan shall be made for a term in excess of thirty (30) years on a structure or structures designed for occupancy by not more than four families, or a dwelling unit in a planned unit development or a condominium. The maximum term of a rehabilitation loan for an existing structure or structures designed for occupancy by not more than four families or a dwelling unit in a planned unit development or a condominium shall not exceed ~~twelve (12)~~ fifteen (15) years. For all other residential structures, the maximum term of any loan including a rehabilitation loan, granted pursuant to the Act, Plan, and these Rules shall not exceed forty (40) years.

## Chapter 13: Urban Indian Housing Loan Program

**12 MCAR § 3.150 Scope of rules.** The rules provided in 12 MCAR §§ 3.150 to 3.157 shall govern the implementation of the urban Indian housing loan program established in Minn. Stat. § 462A.07, subd. 15.

**12 MCAR § 3.151 Definition.** "Administrator" means a nonprofit entity or local community as defined by 12 MCAR § 3.002 or Indian tribal organization eligible pursuant to 12 MCAR §§ 3.090 to 3.108 which carries out a loan program of housing for low and moderate income American Indians using urban Indian housing loan program funds.

**12 MCAR § 3.152 The urban Indian housing loan program.** The urban Indian housing loan program provides loans for housing for American Indian persons and families residing in urban areas of the state. The program is implemented through administrators selected by the agency after review of proposals submitted pursuant to these rules. A proposal by an administrator may serve all or a portion of the eligible areas of the State of Minnesota. The eligible areas are the metropolitan area as defined in Minn. Stat. § 473.121, subd. 2 and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian loan program funds equitably among eligible areas, based upon American Indian population estimates. To assist potential applicants, the agency shall provide, upon request, information describing potential uses of urban Indian housing loan program funds and may provide additional technical assistance upon request by the applicants.

**12 MCAR § 3.153 Proposal from administrators.**

A. The agency shall announce the availability of urban Indian loan program funds by publishing in the *State Register* a Notice of Request For Proposals and by sending such notice to the persons and organizations on the agency's urban Indian mailing list. The notice shall specify that interested parties should obtain a complete Request for Proposals from the agency and shall specify the period in which proposals may be submitted, which period may not be less than 60 days from the date on which the notice is published in the *State Register*.

B. The Request for Proposals shall be prepared by the agency and made available to interested parties as provided in paragraph A. The Request for Proposals shall contain a description of the purposes and objectives of the urban Indian housing loan program, the content of a proposal, and the agency process for selecting proposals.

C. The Request for Proposals shall provide that each proposal submitted to the agency shall contain:

1. evidence that the organization submitting the proposal is a nonprofit entity, local community or Indian tribal organization and evidence that the organization has the capacity to successfully carry out the program;

2. a proposed program which describes, in adequate detail as determined by the agency:

a. the communities or portions thereof to be served.

b. the housing needs of the American Indians residing in the areas to be served and the manner in which the proposed program assists in meeting those needs.

c. a financial description of the program, including the dollar amount of program funds requested, types of loans to be made, the terms of the loans and the costs of program administration and the manner in which these costs will be paid.

d. a description of the manner in which the program will be implemented and operated, including the duration of the program method of outreach and selection of loan recipients, and procedures for servicing loans over the life of the program.

e. the source of any funds other than the urban Indian housing loan program to be included in the program of the applicant, and evidence that these funds will be available.

3. any additional information which the agency in its reasonable discretion deems necessary after initial review of the proposal to evaluate the merits of the program. The agency may meet with representatives of the organizations submitting proposals to review proposals and request such additional information.

D. The agency shall provide a copy of each proposal it receives to the Advisory Council on Urban Indians, and shall forward to the Advisory Council a copy of any additional written material received regarding each proposal. The Advisory Council on Urban Indians shall review all proposals. Upon request of the Advisory Council, the organization submitting a proposal shall present the proposal before the Advisory Council.

E. The Request For Proposals shall provide that an organization submitting a proposal which meets the objectives of the urban Indian housing loan program and which the organization determines is not best presented in the form of proposal required by the Request For Proposals may submit the proposal in any form desired, provided that the organization also submits a proposal meeting the requirements of the Request for Proposals.

**12 MCAR § 3.154 Additional requirements.** Each program must provide for loans for the construction, purchase, or rehabilitation of residential housing. Except as otherwise provided herein and by 12 MCAR § 3.034, each person or family initially occupying a dwelling unit financed pursuant to the act, program and these rules shall be an American Indian as defined by Minn. Stat. § 254A.02, subd. 11 or an American Indian family as defined by 12 MCAR § 3.092, and of low and moderate income, as defined by 12 MCAR § 3.002; provided that developers of multifamily housing developments need not be American Indians or low and moderate income. In obtaining assistance under this program, Indian persons and families shall not be discriminated against on the basis of tribal affiliation or tribal enrollment.

**12 MCAR § 3.155 Application of other rules.** 12 MCAR §§ 3.093 to 3.098, 3.101 and 3.105 shall apply to programs under this chapter, except that loans may be made with appropriated funds without interest.

**12 MCAR § 3.156 Selection of proposals.** The agency may approve a program of an administrator in whole or in part, and may approve a program for a limited geographic area. In determining whether or not to approve applications to administer programs under the urban Indian program, the members shall examine the following facts and make their determinations thereon:

A. Any written comments received by the agency from the Advisory Council regarding the applications for the proposed programs. The agency shall consider the conclusions of the Advisory Council and the reasons given in support of the conclusions, including the council's evaluation of the applications under the criteria listed in paragraphs B. and C.;

B. The extent to which the program will assist in serving the housing needs of the urban Indian community. Factors to be considered include:

1. the extent to which the program duplicates or is in conflict with other programs which provide housing for urban Indians and the extent to which the program will demonstrate the feasibility of alternative methods for providing housing for urban Indians.

2. the geographic location of the proposed program and the percentage of the Minnesota urban Indian community residing in the geographic area or areas to be served, as determined by the agency according to population data.

3. the method of program administration, the time required to implement the program, and the capacity of the administrator to carry out the program.

4. the extent to which American Indians are involved in the administration of the program, and in the ownership, management, and labor force of any contractors and subcontractors intended to be employed in the program.

C. The extent to which the use of appropriated funds reduces housing costs to American Indian persons or families and the extent to which the program combines the proceeds of appropriated funds with proceeds of bonds of the agency, or of other issues of bonds, or otherwise uses available money to leverage the appropriated funds.

**12 MCAR § 3.157 Agreements.** Any decision by the agency to select a proposal to administer funds pursuant to these rules shall be contingent upon the execution of an agreement, satisfactory to the agency, between the agency and the administrator. The agreement shall include a detailed description of the program to be administered and shall provide:

A. The conditions for repayment, without interest of all funds advanced by the agency;

B. The circumstances under which the agency shall provide technical assistance to the administrator and the amount of remuneration to be received by the agency from the administrator for its assistance and monitoring;

C. That, except for loans made under programs administered by the agency under other programs, the final decision on applications for loans to eligible borrowers shall be made by the administrator and that the duties of the originator and rights of

the agency shall be the same as those provided for the tribe, band, and communities and the agency pursuant to 12 MCAR §§ 3.104, 3.107, and 3.108; and

D. Any other provision deemed necessary by MHFA in its reasonable discretion to assure that the program will be carried out.

# Minnesota Pollution Control Agency

## Proposed Amendments and Renumbering of WPC 14, 15, 24 and 25, and Proposed Repeal of WPC 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 26, 29, 31 and 32

### Notice of Hearing

Notice is hereby given that a hearing in the above-entitled matter will be held at the following times and locations:

1. Monday, March 31, 1980, 9:30 a.m. and the rest of the week
   MPCA Board Room
   1935 West County Road B-2
   Roseville, Minnesota

(Please note that the hearing on April 1, 1980, will not be held in the Board Room but will be held in a place announced by the hearing examiner on March 31.)

2. Monday, April 7, 1980, 7:00 p.m. and Tuesday, April 8, 1980, 9:00 a.m.
   Building IL
   Room 219
   Southwest State College
   Marshall, Minnesota

3. Tuesday, April 8, 1980, 7:00 p.m. and Wednesday, April 9, 1980, 9:00 a.m.
   City Administration Building
   1025 Roosevelt Avenue
   Detroit Lakes, Minnesota

4. Wednesday, April 9, 1980, 7:00 p.m. and Thursday, April 10, 1980, 9:00 a.m.
   County Services Building
   Laurel Street
   Brainerd, Minnesota

5. Thursday, April 10, 1980, 7:00 p.m. and Friday, April 11, 1980, 9:00 a.m.
   St. Louis County Courthouse
   Duluth, Minnesota

6. Monday, April 14, 1:00 p.m. and 7:00 p.m.
   Friedel Building
   1200 South Broadway
   Rochester, Minnesota

The hearing will be continued on subsequent days, if necessary, at a time and place to be determined by the hearing examiner during the hearing.

At the hearing the agency will, through written or oral testimony, or both, and the introduction of exhibits, explain the proposed amendments (when used in this notice the term "proposed amendments" refers to both the above-captioned proposed amendments and proposed repeal) and the agency's reasons for proposing the amendments. After the agency has introduced its exhibits in support of the proposed amendments and all the witnesses for the agency have presented their oral or written comments, interested persons will be given an opportunity to ask questions of the agency. Questioners will be asked to identify the issues and the facts that are of concern. All interested or affected persons will be given an opportunity to participate and to make oral presentations or submit written comments. In addition, written materials may be submitted by mail to Mr. Allan Klein, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8104, at any time before the record closes. The record will remain open for five working days after the actual hearing ends, or for a longer period not to exceed twenty calendar days if ordered by the hearing examiner.

In the interests of economy and efficiency and helpfulness, the agency hereby requests that any person who has any objection to any part of the proposed amendments submit a statement of such objection to the agency (Attention: Mr. John McGuire) and to the hearing examiner as soon as possible and prior to March 31, 1980. Such statement should:

(1) state concisely and with particularity each portion of the proposed amendments to which objection is taken;

(2) state the basis for such objection; and

(3) state the objector's proposed modification, the reason such modification is sought, and the scientific or other basis for the proposed modification.

To the extent possible, the agency will respond at the hearing to each such objection to the proposed amendments. Failure to submit such objections will not prohibit any person from submitting written or oral statements or comments.

Please be advised that the proposed amendments are subject to change as a result of the rule hearing process. For example, changes may be made in specific proposed water quality standards or in methods of sampling and determining compliance. Any changes made could make the rules more stringent or less stringent. The agency urges those who are interested to any extent in the substance of the proposed amendments, including those who support the amendments as proposed, to participate in the rule hearing process.

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.

The Statement of Need and Reasonableness will summarize the agency's reasons for the proposed amendments, identify manuals and reports and other documents relied upon by the agency, and list those persons, including experts, who will present written or oral comments and information at the hearing on behalf of the agency. In addition to the Office of Hearing Examiners, copies of the Statement of Need and Reasonableness are available from Mr. McGuire.

Copies of the proposed amendments are now available and one free copy may be obtained by contacting Mr. John McGuire, Division of Water Quality, 1935 West County Road B-2, Roseville, Minnesota, 55113 (Phone (612) 296-7242). Additional copies will be available at the hearing at each location.

The agency has proposed amendments to the following water quality rules:

a. WPC 14 Criteria for the classification of the intrastate waters of the state and the establishment of standards of quality and purity.

b. WPC 15 Criteria for the classification of the interstate waters of the state and the establishment of standards of quality and purity.

c. WPC 24 Classifications of intrastate waters of Minnesota.

d. WPC 25 Classifications of interstate waters of Minnesota.

The proposed amendments to WPC 14 and 15, if adopted, would:

(1) modify the water quality standards for fecal coliform organisms and ammonia;

(2) modify and clarify the water quality standards for dissolved oxygen;

(3) add water quality standards for chlorine;

(4) modify the effluent limitation for fecal coliform organisms and total suspended solids;

(5) establish a new class of waters to be known as limited resource value waters and establish water quality standards and effluent limitations for such waters;

(6) eliminate the common level of treatment requirement of (c) (10) in WPC 14 and 15 which applied to all dischargers in the same reach; and

(6) amend other provisions of the rules for purposes of clarification, consistency and administration, and to conform the rules to the most recent available scientific information.

The proposed amendments to WPC 24 and 25 would add a class of limited resource value waters and provide a list of waters so classified. In addition, proposed amendments to WPC 25 would change the designated classification of certain portions of the Minnesota River and the Mississippi River.

Finally, the agency is proposing to repeal the following rules:

a. WPC 2 Classification and Standards for the Mississippi River and Tributaries from the Upper Lock and Dam at St. Anthony Falls to the Outfall of the Minneapolis-St. Paul Sanitary District Sewage Treatment Plant.

b. WPC 3 Classification and Standards for the Mississippi River and Tributaries from the Outfall of the Minneapolis-St. Paul Sanitary District Sewage Treatment Plant to Lock and Dam No. 2 near Hastings.

c. WPC 5 Classification and Standards for the Minnesota River and Tributary Waters from Carver Rapids to the Outlet of Reilly Creek and Grass Lake Below Shakopee, Zone 36-22.4.

d. WPC 6 Classification and Standards for the Minnesota River and Tributary Waters from the Outlet of Reilly (Terrell) Creek and Grass Lake Below Shakopee to the Junction with the Mississippi River at Fort Snelling, Zone 22.4-0.

e. WPC 7 Classification and Standards for Reilly (Terrell) Creek, Bluff Creek, the Chaska Creeks, Spring Creek, Carver Creek and Sand Creek and Tributary Waters.

f. WPC 8 Classification and Standards for Eagle Creek and Purgatory Creek and Tributary Waters.

g. WPC 9 Classification and Standards for Nine Mile Creek and the Credit River and Tributary Waters.

h. WPC 10 Classification and Establishment of Standards of Water Quality and Purity for the Red River of the North, the Otter Tail River from Fergus Falls to the Mouth, and the Red Lake River from Crookston to the Mouth.

i. WPC 11 Classification and Standards of Water Quality and Purity for the Rainy River from the Outlet of Rainy Lake at Ranier to the Minnesota and Ontario Paper Company Dam in International Falls.

j. WPC 12 Classification and Standards of Water Quality and purity for the Rainy River from the Minnesota and Ontario Paper Company Dam in International Falls to the Canadian National Railway Bridge in Baudette.

k. WPC 13 Classification and Standards of Water Quality and Purity for the Rainy River from the Canadian National Railway Bridge in Baudette to Lake of the Woods.

l. WPC 16 Classification and Establishment of Standards of Water Quality and Purity for Anderson Creek, Big Silver Creek, the Blackhoof River, Canutrup Creek (and Mary Brook), Clear Creek, Deer Creek, the Little Net River, the Net River, North Ford Creek, Skunk Creek, Stateline Creek and Stony Brook, Carlton and Pine Counties.

**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."

m. WPC 17 Classification and Establishment of Standards of Water Quality and Purity for the Nemadji River System, Carlton and Pine Counties (Except Waters Included in WPC 16).

n. WPC 18 Effluent Standards for Disposal Systems Discharging to the Mississippi River from the Outfall of the Minneapolis-St. Paul Sanitary District Sewage Treatment Plant to Lock and Dam No. 2 near Hastings.

o. WPC 19 Effluent Standards for Disposal Systems Discharging to the Minnesota River from above Chaska to the Junction with the Mississippi River at Fort Snelling.

p. WPC 20 Effluent Standards for Disposal Systems Discharging to the Minnesota River from Mankato to Chaska.

q. WPC 21 Effluent Standards for Disposal Systems Discharging to the Mississippi River from the Junction of the Rum River to the Outfall of the Minneapolis-St. Paul Sanitary District Sewage Treatment Plant, and from Lock and Dam No. 2 Near Hastings, to the Junction with the Chippewa River, and to the St. Croix River from Taylors Falls to the Junction with the Mississippi River.

r. WPC 23 Standards of Quality and Purity for Effluents Discharged to Intrastate Waters.

s. WPC 26 Effluent Standards for Disposal Systems Discharging to Lake Superior, Lake of the Woods and Fall Lake.

t. WPC 29 Effluent Standards for Disposal Systems Discharging to that Portion of the Mississippi River from the Blandin Dam in the City of Grand Rapids to the Mouth of the Rum River and from the Mouth of the Chippewa River to the Iowa Border, the Red Cedar River from Austin to the Minnesota-Iowa Border, the Minnesota River from the Mouth of the Pomme De Terre River and Including Marsh Lake to Mankato, and the Blue Earth River from the Mouth of Elm Creek to the Junction with the Minnesota River in Mankato.

u. WPC 31 Effluent Standards for Disposal Systems Discharging to the Roseau River from Its Source to the Canadian Border, the North Fork of the Yellow Medicine River, the West Fork of the Lac Qui Parle River, the Blue Earth River from the Iowa Border to the Mouth of Elm Creek, the Little Rock River, the West Fork of the Little Sioux River, the Rock River, the West Fork of the Des Moines River from Its Source to the Minnesota-Iowa Border, the Red Cedar River from Its Source to Austin, Bear Creek, the Upper Iowa River, Pine Creek, and the Root River.

v. WPC 32 Effluent Standards for Disposal Systems Discharging to Crooked Creek from Its Source to Its Mouth.

These proposed amendments would require the Metropolitan Waste Control Commission, which services over 80 metro area communities, and most of the over 200 outstate communities to incur additional capital expenditures and operating and maintenance expenses to meet the new standards in the operation of their sewage treatment plants. The impact on each community will have to be determined individually, and some communities will actually realize a savings, but the agency estimates that the total cost to all local public bodies in the state to implement the proposed amendments will be approximately 150 million dollars. These expenses will be incurred in a period extending as long as ten years after the amendments are adopted and no major expenses are likely within the first couple of years after adoption. Under present law 90% or more of the capital expenditures will be eligible for state and federal funding.

The agency's authority to promulgate the proposed amendments is contained in Minn. Stat. §§ 115.03 and 115.44 (1978).

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).

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he/she 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.

February 6, 1980

Art Engelbrecht
Chairman

Terry Hoffman
Executive Director

## Amendments as Proposed

**6 MCAR § 4.8014 ~~WPC 14~~ Criteria for the classification of the intrastate waters of the state and the establishment of standards of quality and purity.** The official policy and purpose of the State of Minnesota in regard to these matters is set forth in the Minnesota Water Pollution Control Statutes as amended by Laws of 1973, ch. 374:

§ 115.42. It is the policy of the state to provide for the prevention, control and abatement of pollution of all waters of the state, so far as feasible and practical, in furtherance of conservation of such waters and protection of the public health and in furtherance of the development of the economic welfare of the state.

. . . It is the purpose of Laws of 1963, ch. 874, to safeguard the waters of the state from pollution by: (a) preventing any new pollution; and (b) abating pollution existing when Laws of 1963, ch. 874, become effective, under a program consistent with the declaration of policy above stated.

§ 115.44, subd. 2. In order to attain the objectives of Laws of 1963, ch. 874, the agency, after proper study and after conducting public hearing upon due notice, shall, as soon as practicable, group the designated waters of the state into classes and adopt classifications and standards of purity and quality therefor. Such classification shall be made in accordance with considerations of best usage in the interest of the public and with regard to the considerations mentioned in subdivision 3 hereof.

§ 115.44, subd. 8. If the agency finds in order to comply with the federal water pollution control act or any other federal law or rule or regulation promulgated thereunder that it is impracticable to comply with the requirements of this section in classifying waters or adopting standards or in meeting any of the requirements thereof, compliance with the requirements of such section are waived to the extent necessary to enable the agency to comply with federal laws and rules and regulations promulgated thereunder. The agency may classify waters and adopt criteria and standards in such form and based upon such evidence as it may deem necessary and sufficient for the purposes of meeting requirements of such federal laws, notwithstanding any provisions in chapter 115 or any other state law to the contrary. In the event waters are classified and criteria and standards are adopted to meet the requirements of federal law, the agency shall thereafter proceed to otherwise comply with the provisions of this section which were waived as rapidly as is practicable. This authority shall extend to proceedings pending before the agency on May 20, 1973.

. . . Wherever advisable and practicable the agency may establish standards for effluent or disposal systems discharging into waters of the state regardless of whether such waters are or are not classified.

§ 115.03, subd. 5. Notwithstanding any other provisions prescribed in or pursuant to chapter 115 and, with respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall have the authority to perform any and all acts minimally necessary including, but not limited to, the establishment and application of standards, procedures, regulations, orders, variances, stipulation agreements, schedules of compliance, and permit conditions, consistent with and, therefore, not less stringent than the provisions of the Federal Water Pollution Control Act, as amended, applicable to the participation by the state of Minnesota in the National Pollutant Discharge Elimination System (NPDES). . . .

In accordance with this declaration of policy and legislative intent, and under the powers delegated to the agency, the following intrastate water use classifications and corresponding standards of quality and purity are hereby adopted by the Pollution Control Agency as provided by law.

A. ~~(a)~~ Introduction.

1. ~~(1)~~ Scope. The following classifications, criteria and standards of water and effluent quality and purity as hereby adopted and established shall apply to all intrastate waters of the state, notwithstanding any other intrastate water quality or effluent regulations of general or specific application, except that any more stringent water quality or effluent standards or prohibitions in the other applicable regulations are preserved.

2. ~~(2)~~ Severability. All provisions of this rule shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not void any other lettered paragraph or subparagraph, subdivision or any part thereof.

3. ~~(3)~~ Definitions. The terms "waters of the state" for the purposes of this rule shall be construed to mean intrastate waters as herein below defined, and the terms "sewage," "industrial wastes," and "other wastes," as well as any other terms for which definitions are given in the Water Pollution Control Statutes, as used herein have the meanings ascribed to them in Minn. Stat. §§ 115.01 and 115.41, with the exception that disposal systems or treatment works operated under permit of the agency shall not be construed to be "waters of the state" as the term is used herein. Interstate waters are defined as all rivers, lakes, and other waters that flow across or form part of state boundaries. All of the remaining designated waters of the state which do not meet the definition of interstate waters given above are to be construed herein as constituting intrastate waters. Other terms and abbreviations used herein which are not specifically defined in applicable federal or state law shall be construed in conformance with the context, and in relation to the applicable section of the statutes pertaining to the matter at hand, and current professional usage.

4. ~~(4)~~ Uses of the intrastate waters. The classifications are listed separately in accordance with the need for intrastate water quality protection, considerations of best use in the interest of the public and other considerations, as indicated in Minn. Stat. § 115.44. The classifications should not be construed to be an order of priority, nor considered to be exclusive or prohibitory of other beneficial uses.

5. ~~(5)~~ Determination of compliance. In making tests or analyses of the intrastate waters of the state, sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered necessary by the agency from the viewpoint of adequately reflecting the condition of the intrastate waters, the composition

of the effluents, and the effects of the pollutants upon the specified uses. Reasonable allowance will be made for dilution of the effluents, which are in compliance with C.6. ~~(c)(6)~~, following discharge into waters of the state. The agency by allowing dilution may consider the effect on all uses of the intrastate waters into which the effluents are discharged. The extent of dilution allowed regarding any specific discharge shall not violate the applicable water quality standards. The samples shall be preserved and analyzed in accordance with procedures given in the 1971 edition of *Standard Methods for the Examination of Water and Waste-Water*, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and any revisions or amendments thereto. The agency may accept or may develop other methods, procedures, guidelines or criteria for measuring, analyzing and collecting samples.

6. ~~(6)~~ Unclassified intrastate waters. Adoption of specific classifications and standards for unclassified intrastate waters, and/or changes in existing classifications and standards, will be done as soon as practicable by the Minnesota Pollution Control Agency for individually designated waters after the necessary studies and public hearings relating to the determination of present and future quality, characteristics and uses have been completed as required by law. In the absence of such official classifications and standards for any given intrastate waters, it shall be the policy of the agency to consider all unclassified intrastate waters as waters of the highest quality consistent with their actual or potential use, and deserving of the equivalent degree of protection from pollution, until the same may be affirmed or altered by adoption of standards or other official act of the agency; except that where sewage, industrial wastes or other wastes are being discharged to unclassified intrastate waters during such interim period the concentrations of polluting substances in such separate industrial waste or other effluents shall be no higher than the permissible concentrations of polluting substances of a comparable nature in the effluents of municipal sewage treatment works which discharge into the same intrastate waters, unless specifically exempted from this requirement by other effluent standards or the terms of a valid waste disposal permit issued by the agency.

7. ~~(7)~~ Natural intrastate water quality. The intrastate waters may, in a state of nature, have some characteristics or properties approaching or exceeding the limits specified in the water quality standards. The standards shall be construed as limiting the addition of pollutants of human activity to those of natural origin, where such be present, so that in total the specified limiting concentrations will not be exceeded in the intrastate waters by reason of such controllable additions. Where the background level of the natural origin is reasonably definable and normally is higher than the specified standard the natural level may be used as the standard for controlling the addition of pollutants of human activity which are comparable in nature and significance with those of natural origin. The natural background level may be used instead of the specified water quality standard as a maximum limit of the addition of pollutants, in those instances where the natural level is lower than the specified standard and reasonable justification exists for preserving the quality to that found in a state of nature.

In the adoption of standards for individual intrastate waters, the agency will be guided by the standards set forth herein but may make reasonable modifications of the same on the basis of evidence brought forth at a public hearing if it is shown to be desirable and in the public interest to do so in order to encourage the best use of the intrastate waters or the lands bordering such intrastate waters.

8. ~~(8)~~ Non-degradation. Waters which are of quality better than the established standards shall be maintained at high quality unless a determination is made by the agency that a change is justifiable as a result of necessary economic or social development and will not preclude appropriate beneficial present and future uses of the waters. Any project or development which would constitute a source of pollution to waters of the state shall be required to provide the best practicable control technology currently available not later than July 1, 1977 and the best available technology economically achievable not later than July 1, 1983, and any other applicable treatment standards as defined by and in accordance with the requirements of the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et. seq.*, as amended, in order to maintain high water quality and keep water pollution at a minimum. In implementing this policy, the Administrator of the U.S. Environmental Protection Agency will be provided with such information as he requires to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

9. ~~(9)~~ Variance from standards. In any case where, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare; and that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances; the agency in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and federal laws. The U.S. Environmental Protection Agency will be advised of any permits which may be issued under this clause together with information as to the need therefor.

B. ~~(b)~~ Water use classifications — all intrastate waters of the state. Based on considerations of best usage in the interest of the public and in conformance with the requirements of the applicable statutes, the intrastate waters of the state shall be grouped into one or more of the following classes:

1. ~~(1)~~ Domestic consumption. (To include all intrastate waters which are or may be used as a source of supply for drinking, culinary or food processing use or other domestic purposes, and for which quality control is or may be necessary to protect the public health, safety or welfare.)

2. ~~(2)~~ Fisheries and recreation. (To include all intrastate waters which are or may be used for fishing, fish culture, bathing or any other recreational purposes, and for which quality control is or may be necessary to protect aquatic or terrestrial life, or the public health, safety or welfare.)

3. ~~(3)~~ Industrial consumption. (To include all intrastate waters which are or may be used as a source of supply for industrial process or cooling water, or any other industrial or commercial purposes, and for which quality control is or may be necessary to protect the public health, safety or welfare.)

4. ~~(4)~~ Agriculture and wildlife. (To include all intrastate waters which are or may be used for any agriculture purposes, including stock watering and irrigation, or by waterfowl or other wildlife, and for which quality control is or may be necessary to protect terrestrial life or the public health, safety or welfare.)

5. ~~(5)~~ Navigation and waste disposal. (To include all intrastate waters which are or may be used for any form of water transportation or navigation, dispoasl of sewage, industrial waste or other waste effluents, or fire prevention, and for which quality control is or may be necessary to protect the public health, safety or welfare.)

6. ~~(6)~~ Other uses. (To include intrastate waters which are or may serve the above listed uses or any other beneficial uses not listed herein, including without limitation any such uses in this or any other state, province, or nation of any intrastate waters flowing through or originating in this state, and for which quality control is or may be necessary for the above declared purposes, or to conform with the requirements of the legally constituted state or national agencies having jurisdiction over such intrastate waters, or any other considerations the agency may deem proper.)

7. Limited resource value waters. This class includes surface waters of the state which are of limited value as a water resource and where water quantities are intermittent or less than one (1) cubic feet per second at the once in ten year, seven day low flow as defined in section C.7. These waters shall be protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. It is the intent of the agency that very few waters be classified as limited resource value waters. In conjunction with those factors listed in Minn. Stat. § 115.44, subd. 2 and subd. 3 (1978), the agency shall determine the extent to which the waters of the state demonstrate the conditions set forth below:

a. The existing fishery and potential fishery are severely limited by natural conditions as exhibited by poor water quality characteristics, lack of habitat, or lack of water; or

b. The quality of the resource has been significantly altered by human activity and the effect is essentially irreversible; and

c. There are limited recreational opportunities (such as fishing, swimming, wading or boating) in and on the water resource.

Conditions a. and c. or b. and c. must be established by the agency water assessment procedure before the waters can be classified as limited resource value waters.

C. ~~(c)~~ General standards applicable to all intrastate waters of the state.

1. ~~(1)~~ No untreated sewage shall be discharged into any intrastate waters of the state. ~~No treated sewage, or industrial waste or other wastes continuing viable pathogenic organisms, shall be discharged into intrastate waters of the state without effective disinfection.~~ Effective disinfection of any discharges, including combined flows of sewage and storm water, will be required where necessary to protect the specified uses of the intrastate waters.

2. ~~(2)~~ No sewage, industrial waste or other wastes shall be discharged into any intrastate waters of the state so as to cause any nuisance conditions, such as the presence of significant amounts of floating solids, scum, oil slicks, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undersirable slimes or fungus growths, or other offensive or harmful effects.

3. ~~(3)~~ Existing discharges of inadequately treated sewage, industrial waste or other wastes shall be abated, treated or controlled so as to comply with the applicable standards. Separation of sanitary sewage from natural runoff may be required where necessary to ensure continuous effective treatment of sewage.

4. ~~(4)~~ The highest levels of water quality, including, but not limited to, dissolved oxygen, which are attainable in the intrastate waters by continuous operation at their maximum capability of all primary and secondary units of treatment works or their equivalent discharging effluents into the intrastate waters shall be maintained in order to enhance conditions for the specified uses.

5. ~~(5)~~ Means for expediting mixing and dispersion of sewage, industrial waste, or other waste effluents in the receiving intrastate waters are to be provided so far as practicable when deemed necessary by the agency to maintain the quality of the receiving intrastate waters in accordance with applicable standards. Mixing zones be established by the agency on an individual basis, with primary consideration being given to the following guidelines: (a) mixing zones in rivers should permit an acceptable passageway for the movement of fish; (b) the total mixing zone or zones at any transect of the stream should contain no more than 25% of the crossectional area and/or volume of flow of the stream, and should not extend over more than 50% of the width; (c) mixing zone characteristics shall not be lethal to

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aquatic organisms; (d) for contaminants other than heat, the 96 hour median tolerance limit for indigenous fish and fish food organisms should not be exceeded at any point in the mixing zone; (e) mixing zones should be as small as possible, and not intersect spawning or nursery areas, migratory routes, water intakes, nor mouths of rivers; and (f) overlapping of mixing zones should be minimized and measures taken to prevent adverse synergistic effects.

6. ~~(6)~~ It is herein established that the agency shall require secondary treatment as a minimum for all municipal sewage and biodegradable industrial or other wastes to meet the adopted water quality standards. A comparable high degree of treatment or its equivalent also shall be required of all nonbiodegradable industrial or other wastes unless the discharger can demonstrate to the agency that a lesser degree of treatment or control will provide for water quality enhancement commensurate with present and proposed future water uses and a variance is granted under the provisions of the variance clause. Secondary treatment facilities are defined as works which will provide effective sedimentation, biochemical oxidation, and disinfection, or the equivalent, including effluents conforming to the following:

| **Substance or Characteristic** | **Limiting Concentration or Range*** |
|---|---|
| 5-Day Biochemical Oxygen Demand* | 25 milligrans per liter |
| Fecal coliform group organisms*** | 200 ~~most probable number~~ organisms per 100 milliliters (May 1 through October 31) |
| Total suspended solids* | 30 milligrams per liter |
| ~~Pathogenic organisms~~ | ~~None~~ |
| Oil | Essentially free of visible oil |
| Phosphorus** | 1 milligram per litter |
| Turbidity | 25 |
| pH range | 6.5-8.5 |
| Unspecified toxic or corrosive substance | None at levels acutely toxic to humans or other animals or plants life, or directly damaging to real property. |

*The arithmetic mean for concentrations of 5-day biochemical oxygen demand and total suspended solids shall not exceed the stated values in a period of 30 consecutive days and 45 milligrams per liter in a period of 7 consecutive days. ~~Disinfection of wastewater effluents to reduce the coliform organisms levels is required year around. The geometric mean for the fecal coliform organisms shall not exceed the stated value in a period of 30 consecutive days and 400 most probable number per 100 milliliters in a period of 7 consecutive days. The application of the coliform and pathogenic organism standards ordinarily shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms or viable pathogenic organisms in such wastes is known or reasonably certain.~~

**Where the discharge of effluent is directly to or affects a lake or reservoir. Removal of nutrients from all wastes shall be provided to the fullest practicable extent wherever sources of nutrients are considered to be actually or potentially detrimental to preservation of enhancement of the designated water uses.

***Disinfection of wastewater effluents to reduce the levels of fecal coliform organisms to the stated value is required from May 1 through October 31 except that where the effluent is discharged 25 miles or less upstream of a water intake supplying a potable water system, the reduction to the stated value is required year around. The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of five samples, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. The application of the fecal coliform group organism standards shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms or viable pathogenic organisms in such wastes is known or reasonably certain.

~~In addition to providing secondary treatment as defined above, all dischargers of sewage, industrial wastes or other wastes also shall provide the best practicable control technology not later than July 1, 1977, and best available technology economically achievable by July 1, 1983, and any other applicable treatment standards as defined by and in accordance with the requirements and schedules of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et. seq., as amended, and applicable regulations or rules promulgated pursuant thereto by the Administrator of the U.S. Environmental Protection Agency.~~

The requirements of this rule and specifically the requirement of secondary treatment as stated above shall be in addition to any requirement imposed on a discharge by the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and its implementing regulations. In the case of a conflict between the requirements of this rule and the requirements of the Clean Water Act or its implementing regulations, the more stringent requirement shall be controlling.

7. ~~(7)~~ Dischargers of sewage, industrial waste or other waste effluents shall be controlled so that the water quality standards will be maintained at all stream flows which are equal to or exceeded by 90 percent of the seven consecutive daily average flows of record ( the lowest weekly flow with a once in ten year recurrence interval) for the critical month(s). The period of record for determining the specific flow for the stated recurrence interval, where records are available, shall include at least the most recent ten years of record, including flow records obtained after establishment of flow regulation devices, if any. Such calculations shall not be applied to lakes and their embayments which have no comparable flow recurrence interval. Where stream flow records are not available, the flow may be estimated on the basis of available information on the watershed characteristics, precipitation, run-off and other relevant data.

Allowance shall not be made in the design of treatment works for low stream flow augmentation unless such flow augmentation of minimum flow is dependable and controlled under applicable laws or regulations.

8. ~~(8)~~ In any instance where it is evident that the minimal treatment specified in C.6. ~~(e)(6)~~ and dispersion are not effective in preventing pollution, or if at the applicable flows it is evident that the specified stream flow is inadequate to protect the specified water quality standards, the specific standards may be interpreted as effluent standards for control purposes. In addition, the following effluent standards may be applied without any allowance for dilution where stream flow or other factors are such as to prevent adequate dilution, or where it is otherwise necessary to protect the intrastate waters for the stated uses:

waters and/or intermittently flowing creeks, ditches, or draws, etc., are not listed individually herein. All interstate waters are classified herein and this classification shall supersede the classification of the interstate waters listed in previously adopted WPC ~~1, 2, 3, 5, 6, 10, 11, 12, 13, 16 and 17~~.

B. ~~(b)~~ The regulation includes known present uses and/or uses which may be made of the waters in the future. In addition to the classification(s) given below, all of the interstate waters whether or not specifically named herein are also included in Classes 2C, 3C, 4A and B, 5 and 6 for all reaches or areas where such uses are possible, provided that waters specifically classified as limited resource value shall only be included in the following additional classes: 3C, 4A, 4B, 5 and 6. Where specific criteria are common to two or more listed classes the more restrictive value shall apply. For additional information refer to 6 MCAR § 4.8015 ~~Regulation WPC 15~~, Criteria for the classification of the interstate waters of the state and the establishment of standards of quality and purity.

C. ~~(c)~~ The provisions of this rule shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph, subparagraph, subdivision or any other party thereof.

D. Supplement 1 to this rule lists interstate waters that are classified as limited resource value waters, Class 7. For those interstate waters identified with an asterisk (*), the revised classification in Supplement 1 shall supersede any previous classification; provided, however, that the limited resource value classification shall apply only to that portion of the water specifically described in Supplement 1.

| Waters | Reach or Area Involved or Location | Classification |
|---|---|---|
| | . . . . . | |
| Streams | Minnesota River Basin | |
| | . . . . . | |
| Minnesota River | Big Stone Lake outlet to Granite Falls | 1C, 2B, 3B |
| Minnesota River | Granite Falls to Mankato | 2B, 3B |
| ~~Minnesota River~~ | ~~Mankato to Carve Rapids~~ | ~~2B, 3B~~ |
| ~~Minnesota River~~ | ~~Carver Rapids to mouth~~ | ~~2C, 3B~~ |
| Minnesota River | Mankato to river mile 22 (Head of 9 feet navigation channel) | 2B, 3B |
| Minnesota River | River mile 22 to mouth | 2C, 3B |
| | . . . . . | |
| Streams | Lower Mississippi River Basin | |
| | . . . . . | |
| ~~Mississippi River~~ | ~~Outlet of Metro Wastewater treatment Works in St. Paul to Lock and Dam No. 2 at Hastings~~ | ~~2C, 3B~~ |
| ~~Misissippi River~~ | ~~Lock and Dam No. 2 at Hastings to Iowa Border~~ | ~~2B, 3B~~ |
| Mississippi River | Outlet of Metro Wastewater Treatment Works in St. Paul to river mile 830 (Rock Island RR Bridge) | 2C, 3B |
| Mississippi River | River mile 830 to Iowa Border | 2B, 3B |
| | . . . . . | |
| Streams | Upper Mississippi River Basin | |
| | . . . . . | |
| Mississippi River | Lake Itasca to Fort Ripley | 2B, 3B |
| Mississippi River | Fort Ripley to the Upper Lock and Dam at St. Anthony Falls in Minneapolis | 1C, 2B, 3B |
| Mississippi River | Upper Lock and Dam at St. Anthony Falls in Minneapolis to outfall of the Metro wastewater treatment plant in St. Paul | 2B, 3B |
| | . . . . . | |

## Supplement 1

## Class 7 Limited Resource Value Waters

| | |
|---|---|
| Red Cedar River Basin | |
| Streams | |
| Unnamed Creek | T101 R22 S31 |
| Emmons | |
| Lower Mississippi River Basin | |
| Streams | |
| *Bear Creek, North | T101 R7 S26,27,35 |
| Spring Grove | |
| *Pine Creek | T101 R 9 S31 |
| Harmony | T101 R10 S24,25,36 |
| *Riceford Creek | T101 R 8 S24,25,26 |
| Mabel | |
| Missouri River Basin | |
| Streams | |
| *Flandreau Creek | T108 R46 S1,2,11 |
| Lake Benton | T109 R45 S30,31 |
| | T109 R46 S36 |
| *Rock River | T107 R44 S18,19,20,29 |
| Holland | T107 R45 S12,13 |
| Unnamed Ditch | T101 R46 S28,33 |
| Hills | |

**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."

## Amendments as Proposed (repeal)

~~CHAPTER TWO: WPC 2~~

~~CLASSIFICATION AND STANDARDS FOR THE MISSISSIPPI RIVER AND TRIBUTARIES FROM THE UPPER LOCK AND DAM AT ST. ANTHONY FALLS TO THE OUTFALL OF THE MINNEAPOLIS-ST. PAUL SANITARY DISTRICT SEWAGE TREATMENT PLANT~~

~~The classification for use and the pollution standards as hereinafter set forth are hereby adopted and established for that portion of the Mississippi River from the upper lock and dam at St. Anthony Falls, approximately at the northeastward extension of Fifth Avenue South in the City of Minneapolis, to immediately above the outfall of the Minneapolis St. Paul Sanitary District sewage treatment plant in the City of St. Paul, approximately at the eastward extension of Baker Street East in said city, and streams tributary thereto except the Minnesota River.~~

~~(a) Classification for Use.~~

~~(1) The uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed are pleasure boating, fishing, and other recreational uses, subject to such restriction on any such uses which involve close, frequent, or prolonged contact with the water as may be necessary for protection of public health.~~

~~(2) The waters may be used for navigation, general industrial purposes, and other beneficial uses for which water of lower quality may be suitable, provided the effects do not actually or potentially conflict with the uses specified in paragraph (1).~~

~~(b) Related Conditions. The waters are suitable for the aforesaid uses and for maintenance of game fish of species commonly inhabiting waters of the vicinity under natural conditions, but not as a source of drinking water or special quality industrial process water, or for bathing or swimming, subject to such restrictions on any such uses which involve close, frequent, or prolonged contact with the water as may be necessary for protection of public health.~~

~~(c) Standards.~~

~~(1) No major quantities of sewage, industrial waste, or other wastes, treated or untreated, shall be discharged into the waters. No treated sewage, industrial waste, or other wastes containing viable pathogenic organisms shall be discharged into the waters without effective disinfection during the summer months, except under emergency conditions. Effective disinfection of any discharges, including combined flows of sewage and storm water, may be required to protect the aforesaid uses of the waters.~~

~~(2) No sewage, industrial waste, or other wastes shall be discharged into the waters so as to cause any nuisance conditions, including, without limitation, the presence of substantial amounts of floating solids, scum, oil slicks, suspended solids, material discoloration, obnoxious odors, visible gassing, sludge deposits, substantial fungus growths, or other offensive effects.~~

~~(3) The discharge of oxygen demanding sewage, industrial waste, or other wastes shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters the dissolved oxygen content of such waters will be maintained at not less than 4 milligrams per liter, based on the monthly average flow which is exceeded by 90 per cent of the monthly flows of record for the month of August or February, whichever is lower, and so that a level of not less than 3 milligrams per liter will be maintained under the minimum daily flow which is exceeded by 98 per cent of the minimum daily flows of record for the month of August or February, whichever is lower.~~

~~(4) The discharge of industrial waste or other wastes shall be controlled so that the heat content of such discharges, after reasonable opportunity for mixing and dilution thereof with the receiving waters, does not raise the temperature of such waters above 93°F, based on the critical month of August and the monthly average flow specified in paragraph (3).~~

~~(5) The discharge of sewage, industrial waste, or other wastes shall be restricted so that, on the basis of the monthly average flow specified in paragraph (3), the limits hereinafter specified will not be exceeded in the waters after reasonable opportunity for mixing and dilution:~~

| | |
|---|---|
| ~~Ammonia~~ | ~~2.0 milligrams per liter (as Nitrogen)~~ |
| ~~Chromium~~ | ~~1.0 milligrams per liter (as Chromium)~~ |
| ~~Copper~~ | ~~0.2 milligrams per liter (as Copper)~~ |
| ~~Cyanide~~ | ~~0.02 milligrams per liter (as Cyanide ion)~~ |
| ~~Oil~~ | ~~10 milligrams per liter~~ |
| ~~pH range~~ | ~~6.0-9.0~~ |
| ~~Phenolic materials~~ | ~~0.01 milligrams per liter (as Phenol)~~ |
| ~~Radioactive materials~~ | ~~Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health~~ |

~~Means for expediting mixing and dispersion of such sewage, industrial waste, or other wastes in the receiving waters shall be provided so far as practicable whenever deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with applicable standards.~~

~~(6) No sewage, industrial waste, or other wastes shall be discharged into the waters in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law.~~

~~(7) In any case where, upon application of the responsible person or persons, the Commission finds after a hearing thereon that by reason of exceptional circumstances the strict enforcement of a provision of these standards would cause undue hardship and would be unreasonable, that disposal of the sewage, industrial waste, or other wastes involved is necessary for public health, safety, and welfare, and that no means for such disposal in strict conformity with the standards is reasonably available, the Commission, in its discretion, may permit a~~

variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution and in harmony with the general purpose and intent of the standards.

## CHAPTER THREE: WPC 3

## CLASSIFICATION AND STANDARDS FOR THE MISSISSIPPI RIVER AND TRIBUTARIES FROM THE OUTFALL OF THE MINNEAPOLIS-ST. PAUL SANITARY DISTRICT SEWAGE TREATMENT PLANT TO LOCK AND DAM NO. 2 NEAR HASTINGS

The classification for use and the pollution standards as hereinafter set forth are hereby adopted and established for that portion of the Mississippi River from immediately above the outfall of the Minneapolis-St. Paul Sanitary District sewage treatment plant in the City of St. Paul, approximately at the eastward extension of Baker Street East in said city to the U. S. Lock and Dam No. 2 above Hastings.

(a) Classification for Use. The uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed are for industrial processes, general cooling water, stock and wild life watering, restricted irrigation, disposal of treated sewage and waste effluents, fish survival, esthetic enjoyment of river scenery, and passage of watercraft in connection with navigation and pleasure boating in such manner as to avoid close, frequent, or prolonged contact with the water.

(b) Related Conditions. The waters are suitable for the aforesaid uses and for survival or passage of game fish of species commonly inhabiting waters of the vicinity under natural conditions, and for disposal of treated sewage and industrial waste effluents for which no other means of disposal is available. Treatment of the waters may be necessary for some industrial uses.

(c) Standards.

(1) No major quantities of untreated sewage, industrial waste, or other wastes shall be discharged into the waters. No treated sewage, industrial waste, or other wastes containing viable pathogenic organisms shall be discharged into the waters without effective disinfection during the summer months, except under emergency conditions. Effective disinfection of any discharges, including combined flows of sewage and storm water, may be required to protect the aforesaid uses of the waters.

(2) No sewage, industrial waste, or other wastes shall be discharged into the waters so as to cause any nuisance conditions, including, without limitation, the presence of substantial amounts of floating solids, scum, oil slicks, suspended solids, material discoloration, obnoxious odors, visible gassing, sludge deposits, substantial fungus growths, or other offensive effects.

(3) The discharge of oxygen-demanding sewage, industrial waste, or other wastes shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters the dissolved oxygen content of such waters will be maintained at not less than 2 milligrams per liter, based on the monthly average flow which is exceeded by 90 per cent of the monthly average flows of record for the month of August or February, whichever is lower, and so that a level of not less than 1 milligram per liter will be maintained under the minimum daily flow which is exceeded by 95 per cent of the minimum daily flows of record for the month of August or February, whichever is lower. In addition to the aforesaid requirements, the highest levels of dissolved oxygen which are attainable by continuous operation of all the units of the treatment works discharging into this reach of the river at the maximum capability/consistent with practical limitations of such works shall be maintained in the waters, except for emergencies, in order to improve conditions for fish and for other uses of the waters.

(4) The discharge of industrial waste or other wastes shall be controlled so that the heat content of such discharges, after reasonable opportunity for mixing and dilution thereof with the receiving waters, does not raise the temperature of such waters above 93°F based on the critical month of August and the monthly average flow specified in paragraph (3). Further reduction in heat discharges may be required if necessary to avoid substantial interference with or adverse effects upon other uses.

(5) The discharge of sewage, industrial waste, or other wastes shall be restricted so that, on the basis of the monthly average flow specified in paragraph (3), the limits hereinafter specified will not be exceeded in the waters after reasonable opportunity for mixing dilution:

| | |
|---|---|
| Ammonia | 2.0 milligrams per liter (as Nitrogen) |
| Chromium | 1.0 milligrams per liter (as Chromium) |
| Copper | 0.2 milligrams per liter (as Copper) |
| Cyanide | 0.02 milligrams per liter (as Cyanide ion) |
| Fluoride | 2.0 milligrams per liter (as Fluoride ion) |
| Oil | 10 milligrams per liter |
| pH range | 6.0 9.5 |
| Phenolic materials | 0.1 milligrams per liter (as Phenol) |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |

Means for expediting mixing and dispersion of such treated sewage effluent, industrial waste, or other wastes in the receiving waters shall be provided so far as practicable whenever deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with applicable standards.

(6) No sewage, industrial waste, or other wastes shall be discharged into the waters in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law.

(7) In any case where, upon application of the responsible person or persons the Commission finds, after a hearing thereon, that by reason of exceptional circumstances the strict enforcement of a provision of these standards would cause undue hardship and would be unreasonable; that disposal of the sewage, industrial waste, or other wastes involved is necessary for public health, safety, and welfare; and that no means for such disposal in strict conformity with the standards is reasonably available; the Commission, in its discretion, may permit a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution, and in harmony with the general purpose and intent of the standards.

## CHAPTER FIVE: WPC 5

## CLASSIFICATION AND STANDARDS FOR THE MINNESOTA RIVER AND TRIBUTARY WATERS FROM CARVER RAPIDS TO THE OUTLET OF REILLY CREEK AND GRASS LAKE, BELOW SHAKOPEE ZONE 36-22.4

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for that portion of the Minnesota River from below the Carver Rapids, approximately at the eastward extension of the Carver Village south boundary lying between sections 30 and 31, Louisville Township, Scott County, to immediately below the outlet of Reilly (Terrell) Creek and Grass Lake below Shakopee, approximately at the northward extension of the boundary between sections 4 and 5, Eagle Creek Township, Scott County, and waters tributary thereto except Reilly (Terrell), Bluff, Chaska (East), Chaska (West), Spring, Carver, and Sand Creeks, and waters tributary thereto.

(a) Classification for Use.

(1) The present or potential uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed include fishing, pleasure boating, esthetic enjoyment, irrigation, stock watering, wildlife, subject to such restrictions on any such uses which involve close, frequent, or prolonged contact with the water as may be necessary for protection of public health.

(2) The waters also may be used for navigation or general industrial purposes, or any other beneficial uses for which the waters may be suitable.

(b) Related Conditions. The waters are suitable for the aforesaid uses and for maintenance of game fish of species commonly inhabiting waters of the vicinity under natural conditions, and for disposal of treated sewage and waste effluents for which no other means of disposal is available.

(c) Standards.

(1) No untreated sewage shall be discharged into the waters. No treated sewage, industrial waste, or other wastes containing viable pathogenic organisms, shall be discharged into the waters without effective disinfection. Effective disinfection of any discharges, including combined flows of sewage and storm water, may be required to protect the aforesaid uses of the waters.

(2) Existing discharges of untreated sewage, and untreated industrial waste or other wastes shall be abated or treated and controlled so as to comply with these standards.

(3) No treated sewage, and no industrial waste or other wastes shall be discharged into the waters so as to cause any nuisance conditions such as the presence of floating solids, scum, oil slicks, suspended solids, material discoloration, obnoxious odors, visible gassing, sludge deposits, slimes or fungus growths, or other offensive effects.

(4) No treated sewage, and no industrial waste, or other wastes shall be discharged into the waters so as to cause any material increase in constituents or characteristics which may impair the quality of the water so as to render it objectionable or unsuitable for fish or wildlife, or as a source of water for general industrial use or agricultural purposes, including irrigation.

(5) The discharge of oxygen demanding sewage or waste effluents shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters the dissolved oxygen content of such waters will be maintained at not less than 4 milligrams per liter during April and May, based on the monthly average flow which is exceeded by 90 per cent of the monthly flows of record for the month of April or May, whichever is lower, and so that a level of not less than 3 milligrams per liter will be maintained during August and February, based on the minimum daily flow which is exceeded by 90 per cent of the minimum daily flows of record for the month of August or February, whichever is lower.

(6) In addition to the aforesaid requirements, the highest levels of dissolved oxygen which are attainable by continuous operation of all the units of the treatment works discharging into this reach of the river at their maximum capability consistent with practical limitations of such works, shall be maintained in the waters, in order to improve conditions for fish and for other uses of the waters.

(7) The discharge of industrial waste or other wastes shall be controlled so that the heat content of such discharges, after reasonable opportunity for mixing and dilution thereof with the receiving waters, does not raise the temperature of such waters above 93°F, based on the average natural water temperature in the month of August, and the August monthly average flow which is exceeded by 90 per cent of the monthly average flows of record for August.

(8) The discharge of treated sewage, industrial waste, or other wastes shall be restricted so that, on the basis of the monthly average flow specified in paragraph (5), the limits hereinafter specified will not be exceeded in the waters by reason of such discharges after reasonable opportunity for mixing and dilution:

| | |
|---|---|
| Ammonia | 2 milligrams per liter (as Nitrogen) |
| Chlorides | 100 milligrams per liter (as Chloride ion) |
| Chromium | 1 milligram per liter (as Chromium) |
| Copper | 0.2 milligram per liter (as Copper) |
| Cyanides | 0.02 milligram per liter (as Cyanide ion) |
| Oil | 10 milligrams per liter |
| pH range | 6.0-9.5 |

| | |
|---|---|
| Phenolic materials | 0.01 milligram per liter (as Phenol) |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |

(9) Means for expediting mixing and dispersion of sewage, industrial waste, or other wastes in the receiving waters shall be provided so far as practicable whenever deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with applicable standards.

(10) Liquid substances which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law, or other substances which could constitute a pollution hazard, shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to the standards herein adopted, or cause pollution as defined by law.

(11) No sewage, industrial waste, or other wastes shall be discharged into the waters in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law. In any case where the waters into which sewage, industrial waste or other waste effluents discharge are assigned different standards than the waters into which such receiving waters flow, the standards applicable to the waters which receive such sewage or waste effluents shall be supplemented by the following:

The quality of any waters receiving sewage, industrial waste, or other waste discharges shall be such that no violation of the standards established for any other waters shall occur by reason of such sewage, industrial waste or other waste discharges.

(12) In any case where, upon application of the responsible person or persons, the Commission finds after a hearing thereon that by reason of exceptional circumstances the strict enforcement of a provision of these standards would cause undue hardship and would be unreasonable; that disposal of the sewage, industrial waste, or other wastes involved is necessary for public health, safety, and welfare, and that no means for such disposal in strict conformity with the standards is reasonably available, the Commission, in its discretion, may permit a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution and in harmony with the general purpose and intent of the standards. Upon similar application, the Commission may permit a temporary variance from the provisions of these standards without a hearing to enable existing non complying facilities to be brought into compliance within a reasonable time period and under other such conditions as it may prescribe.

## CHAPTER SIX: WPC 6

## CLASSIFICATION AND STANDARDS FOR THE MINNESOTA RIVER AND TRIBUTARY WATERS FROM THE OUTLET OF REILLY (TERRELL) CREEK AND GRASS LAKE, BELOW SHAKOPEE TO THE JUNCTION WITH THE MISSISSIPPI RIVER AT FORT SNELLING ZONE 22,4-0

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the portion of the Minnesota River from a point immediately below the outlet of Reilly Creek and Grass Lake, below Shakopee, approximately at the northward extension of the boundary between sections 4 and 5, Eagle Creek Township, Scott County, to immediately above the junctions with the Mississippi River at Fort Snelling, approximately at the due southward extension of Edgecumbe Road from the intersection with West Seventh Street, and the due southward extension of Lexington Parkway from the intersection with West Seventh Street, in sections 21 and 22, St. Paul, and waters tributary thereto except Nine Mile Creek, the Credit River, Eagle Creek, Purgatory Creek, and waters tributary thereto.

(a) Classification for Use.

(1) The present or potential uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed include pleasure boating, wildlife, fishing, esthetic enjoyment, and other recreational uses, subject to such restrictions on any such uses which involve close, frequent, or prolonged contact with the water as may be necessary for protection of public health.

(2) The waters also may be used for navigation, general industrial purposes, agriculture, and other beneficial uses for which the waters may be suitable, and which do not conflict with the uses stated above.

(b) Related Conditions. The waters are suitable for the aforesaid uses and for maintenance of game fish of species commonly inhabiting waters of the vicinity under natural conditions, but not as a source of drinking water or special quality industrial process water.

(c) Standards.

(1) No untreated sewage, and no untreated industrial waste or other wastes containing viable pathogenic organisms or any substances which may cause disease, endanger the public health, or otherwise impair the quality of the receiving waters for the stated uses, shall be discharged into the waters.

(2) No major quantities of treated sewage from any source originating after the taking effect hereof, shall be discharged into the waters. No treated sewage, and no treated industrial waste or other wastes containing viable pathogenic

organisms shall be discharged into the waters without effective disinfection. Effective disinfection of any discharges, including combined flows of sewage and storm water, may be required to protect the aforesaid uses of the waters.

(3) Existing discharges of major quantities of sewage, industrial waste, or other wastes, treated or untreated, shall be abated or divered out of the watershed, or otherwise controlled so as to comply with these standards.

(4) No sewage, industrial waste, or other wastes shall be discharged into the waters so as to cause any nuisance conditions, such as the presence of floating solids, scum, oil slicks, suspended solids, material discoloration, obnoxious odors, visible gassing, sludge deposits, slimes or fungus growth, or other offensive effects.

(5) No sewage, industrial waste, or other wastes shall be discharged into the waters so as to cause any material increase in any constituents or characteristics which may impair the quality of the water so as to render it objectionable or unsuitable for fish and wildlife, or as a source of water for general industrial use or agricultural purposes, including irrigation.

(6) The discharge of oxygen demanding sewage or waste effluents shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters, the dissolved oxygen content of such waters will be maintained at not less than 4 milligrams per liter during April and May, based on the monthly average flow which is exceeded by 90 per cent of the monthly flows of record for the month of April or May, whichever is lower, and so that a level of not less than 3 milligrams per liter will be maintained during August and February, based on the minimum daily flow which is exceeded by 90 per cent of the minimum daily flows of record for the month of August or February, whichever is lower.

(7) In addition to the aforesaid requirements, the highest levels of dissolved oxygen which are attainable by continuous operation of all the units of the treatment works discharging into this reach of the river at their maximum capability consistent with practical limitations of such works, shall be maintained in the waters in order to improve conditions for fish and for other uses of the waters.

(8) The discharge of industrial waste or other wastes shall be controlled so that the heat content of such discharges, after reasonable opportunity for mixing and dilution thereof with the receiving waters, does not raise the temperatures of such waters above 93°F, based on the average natural water temperature in the month of August and the August monthly average flow with is exceeded by 90 per cent of the monthly average flows of record for August.

(9) The discharge of sewage, industrial waste, or other wastes shall be restricted so that, on the basis of the monthly average flow specified in paragraph (6), the limits hereinafter specified will not be exceeded in the waters by reason of such discharges, after reasonable opportunity for mixing and dilution:

| | |
|---|---|
| Ammonia | 2 milligrams per liter (as Nitrogen) |
| Chlorides | 100 milligrams per liter (as Chloride ion) |
| Chromium | 1 milligram per liter (as Chromium) |
| Copper | 0.2 milligram per liter (as Copper) |
| Cyanides | 0.02 milligram per liter (as Cyanide ion) |
| Oil | 10 milligrams per liter |
| pH range | 6.0 9.5 |
| Phenolic materials | 0.01 milligram per liter (as Phenol) |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |

(10) Means for expediting mixing and dispersion of sewage, industrial waste, or other wastes in the receiving waters shall be provided so far as practicable whenever deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with applicable standards.

(11) Liquid substances which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law, or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to the standards herein adopted, or cause pollution as defined by law.

(12) No sewage, industrial waste, or other wastes shall be discharged into the waters in such quantity or in such manner (alone or in combination with other substances) as to cause pollution thereof as defined by law. In any case where the waters into which sewage, industrial waste or other waste effluents discharge are assigned different standards than the waters into which such receiving waters flow, the standards applicable to the waters which receive such sewage or waste effluents shall be supplemented by the following:

The quality of any waters receiving sewage, industrial waste or other waste discharges shall be such that no violation of the standards established for any other waters shall occur by reason of such sewage, industrial waste or other waste discharges.

(13) In any case where, upon application of the responsible person or persons, the Commission finds after a hearing thereon that by reason of exceptional circumstances the strict enforcement of a provision of these standards would cause undue hardship and would be unreasonable; that disposal of the sewage, industrial waste, or other wastes involved is necessary for public health, safety, and welfare, and that no means for such disposal in strict conformity with the standards is reasonably available, the Commission, in its discretion, may permit a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution and in harmony with the general purpose and intent of the standards. Upon similar application, the Commission may permit a temporary variance from the provisions of these standards without a hearing to enable existing non-complying facilities to be brought into compliance within a reasonable time period and under other such conditions as it may prescribe.

## ~~CHAPTER SEVEN: WPC 7~~

## ~~CLASSIFICATION AND STANDARDS FOR REILLY (TERRELL) CREEK, BLUFF CREEK, THE CHASKA CREEKS, SPRING CREEK, CARVER CREEK AND SAND CREEK, AND TRIBUTARY WATERS~~

~~The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the waters of Reilly (Terrell) Creek, Bluff Creek, Chaska Creek (East), Chaska Creek (West), Spring Creek, Carver Creek and Sand Creek, and waters tributary thereto, in Carver, Hennepin, Scott, Le Sueur, and Rice Counties, from the source to the junction with the Minnesota River in sections 32 and 33, Eden Prairie, Hennepin County, and sections 31 and 32, Eden Prairie, Hennepin County; in section 4, Chaska, Carver County; in section 9, Chaska, Carver County; in section 20, Carver, Carver County; in section 20, Carver, Carver County, in section 20, Louisville township, Scott County, respectively.~~

~~(a) Classification for Use.~~

~~(1) The present or potential uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed include fishing, swimming, esthetic enjoyment, and other recreational uses, subject to such restrictions on any such uses which involve close, frequent, or prolonged contact with the water as may be necessary for the protection of public health.~~

~~(2) The waters also may be used for general industrial purposes, agriculture, and other beneficial uses for which the waters may be suitable, and which do not conflict with the stated uses.~~

~~(b) Related Conditions. The waters are suitable for the aforesaid uses and for growth and propagation of game fish of species commonly inhabiting waters of the vicinity under natural conditions, but not as a source of drinking water or special quality industrial process water, and for disposal of treated sewage and industrial waste effluents for which no other means of disposal is available.~~

~~(c) Standards.~~

~~(1) No untreated sewage, and no untreated industrial waste or other wastes containing viable pathogenic organisms or any substances which may cause disease, endanger the public health, or otherwise impair the quality of the receiving waters for the stated uses, shall be discharged into the waters.~~

~~(2) No treated sewage, industrial waste, or other wastes containing viable pathogenic organisms shall be discharged into the waters without effective disinfection. Effective disinfection of any discharges, including combined flows of sewage and storm water, may be required to protect the aforesaid uses of the waters.~~

~~(3) Existing discharges of untreated sewage, and untreated industrial waste or other wastes shall be abated, or treated, or otherwise controlled so as to comply with these standards.~~

~~(4) No treated sewage, and no industrial waste or other wastes shall be discharged into the waters so as to cause any nuisance conditions, such as the presence of floating solids, scum, oil slicks, suspended solids, material discoloration, obnoxious odors, visible gassing, sludge deposits, slimes or fungus growths, or other offensive effects.~~

~~(5) No treated sewage, and no industrial waste or other wastes shall be discharged into the waters so as to cause any material increase in any constituents or characteristics which may impair the quality of the water so as to render it objectionable or unsuitable for fish and wildlife, or as a source of water for general industrial use or agricultural purposes, including irrigation.~~

~~(6) The discharge of oxygen demanding sewage or waste effluents shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters, the dissolved oxygen content of such waters will be maintained at not less than 5 milligrams per liter during April and May, based on the monthly average flow which is exceeded by 90 per cent of the monthly flows of record for the month of April or May, whichever is lower, and so that a level of not less than 3 milligrams per liter will be maintained during August and February, based on the minimum daily flow which is exceeded by 90 per cent of the minimum daily flows of record for the month of February or August, whichever is lower. Where flow records are not available, the indicated flows may be estimated on the basis of available information on the watershed characteristics, precipitation, run-off, and other pertinent data.~~

~~(7) In addition to the aforesaid requirements, the highest levels of dissolved oxygen which are attainable by continuous operation of all the units of the treatment works discharging into these creeks at their maximum capability consistent with practical limitations of such works, shall be maintained in the waters in order to improve conditions for fish and other uses of the waters.~~

~~(8) The discharge of industrial waste or other wastes shall be controlled so that the heat content of such discharges, after reasonable opportunity for mixing and dilution thereof with the receiving waters, does not raise the temperature of such waters above 93°F, based on the average natural water temperature in the month of August and the August minimum daily flow specified in paragraph (6), and during the months of December through May does not raise the temperature of such waters above 73°F, based on the applicable monthly average water temperature, and the applicable monthly average flow which is exceeded by 90 per cent of such flows of record.~~

**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."

(9) The discharge of the treated sewage, industrial waste, or other wastes shall be restricted so that, on the basis of the minimum daily flow specified in paragraph (6), the limits hereinafter specified will not be exceeded in the waters by reason of such discharges, after reasonable opportunity for mixing and dilution:

| | |
|---|---|
| Ammonia | 2 milligrams per liter (as Nitrogen) |
| Chlorides | 100 milligrams per liter (as Chloride ion) |
| Chromium | 1 milligram per liter (as Chromium) |
| Copper | 0.2 milligram per liter (as Copper) |
| Cyanides | 0.02 milligram per liter (as Cyanide ion) |
| Oil | Not to exceed a trace |
| pH range | 6.5-9.0 |
| Phenolic materials | 0.01 milligram per liter (as Phenol) |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |

(10) Means for expediting mixing and dispersion of sewage, industrial waste, or other wastes in the receiving waters shall be provided, so far as practicable, whenever deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with applicable standards.

(11) Liquid substances which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law, or other substances which could constitute a pollution hazard, shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to the standards herein adopted, or cause pollution as defined by law.

(12) In any instance where it is found that it may not be feasible to provide for effective mixing or dispersion of an effluent, or if at the applicable stream flows mentioned in the preceding sections on standards of water quality and purity, it is evident that the stream flow may be less than the effluent flow at any time, the aforesaid standards may be interpreted as effluent standards for control purposes, where applicable. In addition, the following effluent standards may be applied in special situations where it is found necessary to protect the waters for the stated uses:

| | |
|---|---|
| Turbidity value | 25 |
| Total Phosphorus | 1 milligram per liter (as Phosphorus) |
| Biochemical oxygen demand | 20 milligrams per liter (as 5-day Demand) |
| Total suspended solids | 20 milligrams per liter |

(13) No sewage, industrial waste, or other wastes shall be discharged into the waters in such quantity or in such manner alone or in combination with other substances, as to cause pollution thereof as defined by law. In any case where the waters into which sewage, industrial wastes or other waste effluents discharge are assigned different standards than the waters into which such receiving waters flow, the standards applicable to the waters which receive such sewage or waste effluents shall be supplemented by the following:

The quality of any waters receiving sewage, industrial waste, or other waste discharges shall be such that no violation of the standards established for any other waters shall occur by reason of such sewage, industrial waste or other waste discharges.

(14) In any case where, upon application of the responsible person or persons, the Commission finds after a hearing thereon that by reason of exceptional circumstances the strict enforcement of a provision of these standards would cause undue hardship and would be unreasonable; that disposal of the sewage, industrial waste, or other wastes involved is necessary for public health, safety, and welfare, and that no means for such disposal in strict conformity with the standards is reasonably available, the Commission, in its discretion, may permit a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution and in harmony with the general purpose and intent of the standards. Upon similar application, the Commission may permit a temporary variance from the provisions of these standards without a hearing to enable existing non-complying facilities to be brought into compliance within a reasonable time period and under other such conditions as it may prescribe.

## CHAPTER EIGHT: WPC 8

## CLASSIFICATION AND STANDARDS FOR EAGLE CREEK AND PURGATORY CREEK, AND TRIBUTARY WATERS

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the waters of Eagle Creek and Purgatory Creek and waters tributary thereto in Scott, Dakota, Hennepin, and Carver Counties, from the source to the junction with the Minnesota River in section 7, Glendale Township, Scott County, and in section 36, Eden Prairie, Hennepin County, respectively.

(a) Classification for Use.

(1) The present and potential uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed include fishing, swimming, esthetic enjoyment, and other recreational uses.

(2) The waters also may be used for general industrial purposes, agriculture, and other beneficial uses for which the waters may be suitable and which do not conflict with the stated uses.

(b) Related Conditions. The waters are suitable for the aforesaid uses and for growth and propagation of game fish, including trout, and other species commonly inhabiting waters of the vicinity under natural conditions, but not as a source of drinking water or special quality industrial process water.

(c) Standards.

(1) No untreated sewage, and no untreated industrial waste or other wastes containing viable pathogenic organisms or any substances which may cause disease, endanger the public health, or otherwise impair the quality of the receiving waters for the stated uses, shall be discharged into the waters.

(2) No treated sewage effluent originating after the tak-

ing effect hereof, shall be discharged into the waters. No treated sewage, and no treated industrial waste or other wastes containing viable pathogenic organisms, shall be discharged into the waters without effective disinfection. Effective disinfection of any discharges, including mixtures of sewage with storm water, may be required to protect the aforesaid uses of the waters.

(3) Existing discharges of sewage, industrial waste, or other wastes, treated or untreated, shall be abated or diverted out of the watershed, or otherwise controlled so as to comply with these standards.

(4) No sewage, industrial waste, or other wastes shall be discharged into the waters so as to cause any nuisance conditions, such as the presence of visible floating solids, scum, foam, oil slicks, suspended solids, material discoloration, obnoxious odors, gas ebullition, sludge deposits, slimes or fungus growths, or any other offensive effects attributable to such discharges.

(5) No sewage, industrial waste, or other wastes shall be discharged into the waters so as to cause any material increase in any constituents or characteristics which may impair the quality of the water so as to render it objectionable or unsuitable for the growth and propagation of fish and wildlife, or as a source of water for general industrial use or agricultural purposes, including irrigation.

(6) The discharge of oxygen demanding sewage or waste effluents shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters, the dissolved oxygen content of such waters will be maintained at not less than 7 milligrams per liter during April and May, based on the monthly average flow which is exceeded by 95 per cent of the monthly flows of record for the month of April or May, whichever is lower, and so that a level of not less than 5 milligrams per liter will be maintained during August and February, based on the minimum daily flow which is exceeded by 95 per cent of the minimum daily flows of record for the month of August or February, whichever is lower. Where flow records are not available, the indicated flows may be estimated on the basis of available information on the watershed characteristics, precipitation, run off, and other pertinent data.

(7) In addition to the aforesaid requirements, the highest levels of dissolved oxygen which are attainable by continuous operation of all the units of the treatment works discharging into these creeks at the maximum capability consistent with practical limitations of such works, shall be maintained in the waters in order to maintain conditions suitable for fish and for other uses of the waters.

(8) The discharge of sewage, industrial waste or other wastes shall be controlled so that the heat content of such discharges does not materially raise the temperature of these waters above naturally prevailing levels at any time.

(9) The discharge of sewage, industrial waste, or other wastes shall be restricted so that, on the basis of the minimum daily flow specified in paragraph (6), the limits hereinafter specified will not be exceeded in the waters by reason of such discharges, after reasonable opportunity for mixing and dilution:

| | |
|---|---|
| Ammonia | Not to exceed a trace (as Nitrogen) |
| Chlorides | 50 milligrams per liter (as Chloride ion) |
| Chromium | Not to exceed a trace (as Chromium) |
| Copper | Not to exceed a trace (as Copper) |
| Cyanides | Not to exceed a trace (as Cyanide ion) |
| Oil | Not to exceed a trace |
| pH range | 6.5-8.5 |
| Phenolic materials | Not to exceed a trace (as Phenol) |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |

(10) Means for expediting mixing and dispersion of sewage, industrial waste, or other wastes in the receiving waters shall be provided, so far as practicable, whenever deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with applicable standards.

(11) Liquid substances which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law, or other substances which could constitute a pollution hazard, shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to the standards herein adopted, or cause pollution as defined by law.

(12) In any instance where it is found that it may not be feasible to provide for effective mixing or dispersion of an effluent, or if at the applicable stream flows mentioned in the preceding sections on standards of water quality and purity it is evident that the stream flow may be less than the effluent flow at any time, the aforesaid standards may be interpreted as effluent standards for control purposes where applicable. In addition, the following effluent standards may be applied in special situations where it is found necessary to protect the waters for the stated uses:

| | |
|---|---|
| Turbidity value | 10 |
| Total phosphorus | 1 milligram per liter (as Phosphorus) |
| Biochemical oxygen demand | 10 milligrams per liter (as 5-day demand) |
| Total suspended solids | 10 milligrams per liter |

(13) No sewage, industrial waste, or other wastes shall be discharged into the waters in such quantity or in such manner alone or in combination with other substances, as to cause pollution thereof as defined by law. In any case where the waters into which sewage, industrial wastes or other waste effluents

discharge are assigned different standards than the waters into which such receiving waters flow, the standards applicable to the waters which receive such sewage or waste effluents shall be supplemented by the following:

The quality of any waters receiving sewage, industrial waste or other waste discharges shall be such that no violation of the standards established for any other waters shall occur by reason of such sewage, industrial waste or other waste discharges.

(14) In any case where, upon application of the responsible person or persons, the Commission finds after a hearing thereon that by reason of exceptional circumstances the strict enforcement of a provision of these standards would cause undue hardship and would be unreasonable; that disposal of the sewage, industrial waste or other wastes involved is necessary for public health, safety, and welfare, and that no means for such disposal in strict conformity with the standards is reasonably available, the Commission, in its discretion, may permit a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution and in harmony with the general purpose and intent of the standards. Upon similar application, the Commission may permit a temporary variance from the provisions of these standards without a hearing to enable existing non-complying facilities to be brought into compliance within a reasonable time period and under other such conditions as it may prescribe.

## CHAPTER NINE: WPC 9

## CLASSIFICATION AND STANDARDS FOR NINE MILE CREEK AND THE CREDIT RIVER AND TRIBUTARY WATERS

The classification for use and standards of quality and purity as hereinafter set forth are hereby adopted and established for the waters of the Nine Mile Creek and the Credit River, and waters tributary thereto, in Hennepin, Dakota, and Scott Counties, from the source to the junction with the Minnesota River in sections 28 and 29 in Bloomington, Hennepin County, and in section 31, Savage, Scott County, respectively.

(a) Classification for Use.

(1) The present or potential uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed include fishing, swimming, esthetic enjoyment, and other recreational uses, subject to such restrictions on any such uses which involve close, frequent, or prolonged contact with the water as may be necessary for the protection of public health.

(2) The waters also may be used for general industrial purposes, agriculture, and other beneficial uses for which the waters may be suitable, and which do not conflict with the stated uses.

(b) Related Conditions. The waters are suitable for the aforesaid uses and for growth and propagation of game fish of species commonly inhabiting waters of the vicinity under natural conditions, but not as a source of drinking water or special quality industrial process water.

(c) Standards.

(1) No untreated sewage, and no untreated industrial waste or other wastes containing viable pathogenic organisms or any substances which may cause disease, endanger the public health, or otherwise impair the quality of the receiving waters for the stated uses, shall be discharged into the waters.

(2) No major quantities of treated sewage from any source originating after the taking effect hereof shall be discharged into the waters. No treated sewage, and no treated industrial waste or other wastes containing viable pathogenic organisms shall be discharged into the waters without effective disinfection. Effective disinfection of any discharges, including combined flows of sewage and storm water, may be required to protect the aforesaid uses of the water.

(3) Existing discharges of major quantities of sewage, industrial waste, or other wastes, treated or untreated, shall be abated or diverted out of the watershed, or otherwise controlled so as to comply with these standards.

(4) No sewage, industrial waste, or other wastes shall be discharged into the waters so as to cause any nuisance conditions, such as the presence of floating solids, scum, oil slicks, suspended solids, material discoloration, obnoxious odors, visible gassing, sludge deposits, slimes or fungus growths, or other offensive effects.

(5) No sewage, industrial waste, or other wastes shall be discharged into the waters so as to cause any material increase in any constituents or characteristics which may impair the quality of the water so as to render it objectionable or unsuitable for fish and wildlife, or as a source of water for general industrial use or agricultural purposes, including irrigation.

(6) The discharge of oxygen-demanding sewage or waste effluents shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters, the dissolved oxygen content of such waters will be maintained at not less than 5 milligrams per liter during April and May, based on the monthly average flow which is exceeded by 90 per cent of the monthly flows of record for the month of April or May, whichever is lower, and so that a level of not less than 3 milligrams per liter will be maintained during August and February, based on the minimum daily flow which is exceeded by 90 per cent of the minimum daily flows of record for the month of August or February, whichever is lower. Where flow records are not available, the indicated flows may be estimated on the basis of available information on the watershed characteristics, precipitation, run-off and other pertinent data.

(7) In addition to the aforesaid requirements, the highest levels of dissolved oxygen which are attainable by continuous operation of all the units of the treatment works discharging into these creeks or rivers at their maximum capability consistent with practical limitations of such works, shall be maintained in the waters in order to maintain conditions suitable for fish and for other uses of the waters.

(8) The discharge of industrial waste or other wastes shall be controlled so that the heat content of such discharges,

after reasonable opportunity for mixing and dilution thereof with the receiving waters, does not raise the temperature of such waters above 93°F, based on the average natural water temperature in the month of August and the August minimum daily flow specified in paragraph (6), and during the months of December through May does not raise the temperature of such waters above 73°F, based on the applicable monthly average water temperature and the applicable monthly average flow which is exceeded by 90 per cent of such flows of record.

(9) The discharge of sewage, industrial waste, or other wastes shall be restricted so that, on the basis of the minimum daily flow specified in paragraph (6), the limits hereinafter specified will not be exceeded in the waters by reason of such discharges after reasonable opportunity for mixing and dilution:

| | |
|---|---|
| Ammonia | 2 milligrams per liter (as Nitrogen) |
| Chlorides | 100 milligrams per liter (as Chloride ion) |
| Chromium | 1 milligram per liter (as Chromium) |
| Copper | 0.2 milligram per liter (as Copper) |
| Cyanides | 0.02 milligram per liter (as Cyanide ion) |
| Oil | Not to exceed a trace |
| pH | 6.5-9.0 |
| Phenolic materials | 0.01 milligram per liter (as Phenol) |
| Radioactive materials | Not to exceed the lowest concentration, permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |

(10) Means for expediting mixing and dispersion of sewage, industrial waste, or other wastes in the receiving waters shall be provided so far as practicable whenever deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with applicable standards.

(11) Liquid substances which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law, or other substances which could constitute a pollution hazard, shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to the standards herein adopted, or cause pollution as defined by law.

(12) In any instance where it is found that it may not be feasible to provide for effective mixing and dispersion of an effluent, or if at the applicable stream flow mentioned in the preceding sections on standards of water quality and purity it is evident that the stream flow may be less than the effluent flow at any time, the aforesaid standards may be interpreted as effluent standards for control purposes, where applicable. In addition, the following effluent standards may be applied in special situations where it is found necessary to protect the waters for the stated uses:

| | |
|---|---|
| Turbidity value | 25 |
| Total phosphorus | 1 milligram per liter (as Phosphorus) |
| Biochemical oxygen demand | 20 milligrams per liter (as 5-day demand) |
| Total suspended solids | 20 milligrams per liter |

(13) No sewage, industrial waste, or other wastes shall be discharged into the waters in such quantity or in such manner alone or in combination with other substances, as to cause pollution thereof as defined by law. In any case where the waters into which sewage, industrial waste or other waste effluents discharge are assigned different standards than the waters into which such receiving waters flow, the standards applicable to the waters which receive such sewage or waste effluents shall be supplemented by the following:

The quality of any waters receiving sewage, industrial waste or other waste discharges shall be such that no violation of the standards established for any other waters shall occur by reason of such sewage, industrial waste or other waste discharges.

(14) In any case where, upon application of the responsible person or persons, the Commission finds after a hearing thereon that by reason of exceptional circumstances the strict enforcement of a provision of these standards would cause undue hardship and would be unreasonable; that disposal of the sewage, industrial waste, or other wastes involved is necessary for public health, safety, and welfare, and that no means for such disposal in strict conformity with the standards is reasonably available, the Commission, in its discretion, may permit a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution and in harmony with the general purpose and intent of the standards. Upon similar application, the Commission may permit a temporary variance from the provisions of these standards without a hearing to enable existing non complying facilities to be brought into compliance within a reasonable time period and under other such conditions as it may prescribe.

## CHAPTER TEN: WPC 10

## CLASSIFICATION AND ESTABLISHMENT OF STANDARDS OF WATER QUALITY AND PURITY FOR THE RED RIVER OF THE NORTH, THE OTTER TAIL RIVER FROM FERGUS FALLS TO THE MOUTH, AND THE RED LAKE RIVER FROM CROOKSTON TO THE MOUTH

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the Red River of the North from its origin at the junction of the Bois de Sioux and Otter Tail Rivers in Breckenridge to the United States - Canada boundary; the Otter Tail River from the Pisgah Dam located approximately at the northward extension of Wendell Road in Fergus Falls to the mouth in Breckenridge;

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and the Red Lake River from the dam located approximately at the extensions of Loring Street and Cascade Avenue in Crookston to the mouth in East Grand Forks.

(a) Classification for Use.

(1) The present and potential uses of the waters which require maintenance of water quality in accordance with the standards hereinafter prescribed are domestic consumption, fisheries and recreation, industrial consumption, agriculture and wildlife, and waste disposal.

(2) The waters may also be used for navigation or any other uses for which the waters may be suitable in this state, or other areas through which the waters may flow.

(b) Related Conditions.

(1) The quality of the waters shall be such that with treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment processes, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards—1962 for drinking water, as specified in Publication No. 956, published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions or amendments thereto.

(2) The quality of the waters shall be such as to permit the propagation and maintenance of fish of species commonly inhabiting the waters of the vicinity under natural conditions, and be suitable for boating and other forms of aquatic recreation not involving prolonged intimate contact with the water.

(3) The quality of the waters shall be such as to permit their use for industrial cooling and materials transport without a high degree of treatment being necessary to avoid severe fouling, corrosion, scaling or other unsatisfactory conditions.

(4) The quality of the waters shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the area.

(5) The quality of the waters shall be such as to permit their use for livestock and wildlife without inhibition or injurious effects.

(6) The quality of the waters shall be such as to be suitable for esthetic enjoyment of scenery and avoidance of any damaging effects on property.

(c) Standards.

(1) No untreated sewage, and no untreated industrial waste or other wastes containing viable pathogenic organisms or any substances which may cause disease or endanger the public health, shall be discharged into the waters.

(2) No treated sewage, and no treated industrial waste or other wastes containing viable pathogenic organisms, shall be discharged into the waters without effective disinfection. Effective disinfection of any discharges, including combined flows of sewage and storm water, may be required to protect the aforesaid uses of the waters. Separation of sanitary sewage from natural runoff may be required, if necessary, to enable continuous effective treatment of sewage or conformance with the applicable standards. In any case where the discharge of sewage, industrial waste or other wastes, whether treated or untreated and whether from existing or new sources, may be such as to constitute an actual or potential hazard to the safety of a municipal water supply, facilities for storage of the effluents over critical river flow periods may be required. All units of treatment works discharging effluent into the waters shall be operated continuously at their maximum capability, and reports on the operation of the treatment works shall be submitted regularly at monthly intervals.

(3) The discharge of oxygen demanding sewage, industrial waste or other wastes shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters, the dissolved oxygen content of such waters will be maintained at not less than 5 milligrams per liter based on the minimum monthly average flow which is exceeded by 90 per cent of the monthly flows of record for January or February, whichever is lower; except that seasonal discharge of certain agricultural products processing wastes shall be controlled so as to maintain at least 5 milligrams of dissolved oxygen per liter in the receiving waters at all river flows equal to or greater than the minimum monthly average flow which is exceeded by 90 per cent of the monthly flows for April or May, whichever is lower, and so as to maintain during the same seasonal discharge period at least 3 milligrams of dissolved oxygen per liter in the receiving waters at all lower river flows.

(4) The discharge of industrial waste or other wastes shall be controlled so that the heat content of such discharges, after reasonable opportunity for mixing and dilution thereof with the receiving waters, does not raise the temperature of such waters above 93°F based on the minimum monthly average flow which is exceeded by 90 per cent of the monthly flows for July or August, whichever is lower.

(5) The discharge of sewage, industrial waste or other wastes shall be restricted so that at any river flow the maximum limits for chemicals in the waters shall be such that after treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment, the following concentrations will not be exceeded in the treated water:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Turbidity value | 5 |
| Color value | 15 |
| Threshold odor number | 3 |
| Methylene blue active substance (MBAS) | 0.5 milligram per liter |
| Arsenic (As) | 0.01 milligram per liter |
| Carbon chloroform extract | 0.2 milligram per liter |
| Iron (Fe) | 0.3 milligram per liter |
| Manganese (Mn) | 0.05 milligram per liter |
| Phenol | 1 microgram per liter |
| Sulfates ($SO_4$) | 250 milligrams per liter |
| Total dissolved solids | 500 milligrams per liter |

(6) The concentrations given below shall not be exceeded at any river flow at any point in the river after reasonable opportunity for mixing and dilution of the sewage, industrial waste or other wastes with the receiving waters:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Coliform group organisms | 5,000 most probable number per 100 milliliters |
| Ammonia (N) | 2 milligrams per liter |
| Barium (Ba) | 1 milligram per liter |
| Bicarbonates ($HCO_3$)* | 5 milliequivalents per liter |
| Boron (B)* | 0.5 milligram per liter |
| Cadium (Cd) | 0.01 milligram per liter |
| Chromium (Hexavalent Cr) | 0.05 milligram per liter |
| Chromium (Total Cr) | 1 milligram per liter |
| Chlorides (Cl) | 250 milligrams per liter |
| Copper (Cu) | 0.2 milligram per liter |
| Cyanides (CN) | 0.02 milligram per liter |
| Fluorides (F) | 1.5 milligrams per liter |
| Hardness ($CaCO_3$) | 500 milligrams per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Oil | 10 milligrams per liter |
| pH value | 6.0 – 9.0 |
| Selenium (Se) | Not to exceed a trace |
| Silver (Ag) | 0.05 milligram per liter |
| Sodium (Na)* | 60% of total cations as milliequivalents per liter |
| Zinc | 1 milligram per liter |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |
| Other unspecified substances | None at levels harmful or detrimental either directly or indirectly. |

(7) The natural aquatic habitat, which includes the waters and stream bed shall not be degraded in any material manner; there shall be no material increase in slime growths or undesirable aquatic plants, nor shall there be any material increase in harmful pesticide residues in the waters, sediments and aquatic flora and fauna; the natural fishery or the use thereof and lower aquatic biota upon which it is dependent shall not be degraded or endangered significantly; the species composition shall not be altered substantially, and the normal propagation of the fish and other biota shall not be prevented or seriously hindered by the discharge of sewage, industrial waste or other waste effluents to these waters.

(8) No sewage, industrial waste or other wastes shall be discharged into these waters so as to cause any nuisance conditions, such as the presence of substantial amounts of floating or suspended solids, scums, or slicks, material discoloration, obnoxious odors, visible gassing, excessive fungus growths, deleterious sludge deposits or other offensive or objectionable effects.

(9) In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged in such quanity or in such manner, alone or in combination with other substances, or permitted by any person to gain access to these waters, so as to cause any material undesirable increase in the taste or corrosiveness or nutrient content of the river waters or in any other manner to impair the natural quality or value of the waters or render them unsuitable or objectionable for the stated uses. The maximum practical reduction of nutrients, including nitrogen, phosphorus and sugars, in the sewage and wastes shall be accomplished as soon as practicable. Existing discharges of untreated or inadequately treated sewage, industrial wastes or other wastes shall be abated, treated or otherwise controlled so as to comply with these standards.

(10) Means for expediting mixing and dispersion of sewage, industrial waste or other waste effluents in the receiving waters shall be provided so far as practicable when deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with the applicable standards. In any instance where it is evident that it may not be feasible to provide for effective mixing or dispersion of an effluent or if at the applicable stream flows mentioned in the preceding paragraphs of the standards it is evident that the specified stream flow may be less than the effluent flow, these standards may be interpreted as effluent standards for control purposes where applicable.

(11) The following effluent standards are herein established and made applicable to all persons responsible for sewage discharges to these waters, both existing and new. Treatment facilities shall be provided which will produce an effluent with characteristics, originating directly from or directly attributable to the sewage per se, not exceeding the following:

| | |
|---|---|
| Biochemical oxygen demand, 5 day | 25 milligrams per liter |
| Total suspended solids | 30 milligrams per liter |
| Coliform group organisms | 5,000 most probable number of 100 milliliters |

Allowance shall not be made in the design of treatment works for low stream flow augmentation unless such flow augmentation or minimum flow is dependable under applicable laws and regulations.

(12) It shall be encumbent on all persons responsible for existing or new sources of any sewage, industrial wastes or other wastes which are or will be discharged to these waters to treat or control their wastes so as to produce effluents having a common level or concentration, of pollutants of a comparable nature, as may be necessary to meet the standards, or better, and in no case

*May be based on the July or August river flow as specified in paragraph (4) above.

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shall the concentration of polluting substances in any individual effluent be permitted to exceed the common concentration or level required of the other sources discharging to these waters, except for controlled discharges of certain agricultural products processing wastes during the spring flush under special permit of the Commission, regardless of differences in the amount of pollutional substances discharged or degree of treatment which may be involved.

(13) Liquid substances which are not commonly considered to be sewage or industrial wastes but which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to any of the standards herein adopted or cause pollution as defined by law.

(14) The discharge of sewage, industrial wastes or other wastes to waters of the state which are tributary to these waters shall be controlled so that no violation of the standards for these waters shall occur by reason of such discharges to the tributary waters.

(15) Some of the waters may in a state of nature have characteristics or properties approaching or exceeding some of the limits specified in the standards. The standards shall be construed as regulating or limiting the addition of pollutants of human origin to those of natural origin, if such be present, so that in total the specified limiting concentrations will not be exceeded in the waters by reason of such controllable additions, except that if the background level of natural origin is reasonably definable and is higher than the specified standard such natural background level may be used as the standard for controlling such additions of human origin.

(16) In any case where, upon application of the responsible person or persons, the Commission finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship; and that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare; and that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances; then the Commission in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and national laws.

## CHAPTER ELEVEN: WPC 11

## CLASSIFICATION AND STANDARDS OF WATER QUALITY AND PURITY FOR THE RAINY RIVER FROM THE OUTLET OF RAINY LAKE AT RAINIER TO THE MINNESOTA AND ONTARIO PAPER COMPANY DAM IN INTERNATIONAL FALLS

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the Rainy River from its origin at the outlet of Rainy Lake near the Duluth, Winnipeg and Pacific Railway bridge, approximately at the westward extension of Main Street in Ranier, to the Minnesota and Ontario Paper Company dam, approximately at the northward extension of Third Street in International Falls.

(a) Classification for Use.

(1) The present and potential uses of the waters which require maintenance of water quality in accordance with the standards hereinafter prescribed are domestic consumption, fisheries and recreation, and industrial consumption and wildlife.

(2) The waters may also be used for navigation or any other uses for which the waters may be suitable in this state or other areas through which the waters may flow.

(b) Related Conditions.

(1) The quality of the waters shall be such that with treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment processes, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards—1962 for drinking water as specified in Publication No. 957 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions or amendments thereto.

(2) The quality of the waters shall be such as to permit the propagation and maintenance of warm or cold water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may otherwise be usable.

(3) The quality of the waters shall be such as to permit their use without chemical treatment for most industrial purposes, except food processing and related uses, for which a high quality water is required.

(4) The quality of the waters shall be such as to permit their use by wildlife without inhibition or injurious effects, and be suitable for esthetic enjoyment of scenery and avoidance of any interference with navigation or damaging effects on property.

(c) Standards.

(1) No untreated sewage, and no untreated industrial wastes or other wastes containing viable pathogenic organisms or any substances which may cause disease or endanger the public health, shall be discharged into the waters from sources now existing. No sewage effluent, and no industrial waste or other waste effluents containing viable pathogenic organisms or any substances which may cause disease or endanger the public health, shall be discharged into the waters from any source originating after the taking effect hereof, including without limitation, discharges from watercraft.

(2) No treated sewage, and no treated industrial wastes or other wastes containing viable pathogenic organisms from sources now existing, shall be discharged into the waters without effective disinfection. Effective disinfection of any contami-

nated discharges, including combined flows of sewage and storm water, and/or separation of sanitary sewage from natural runoff, will be required to protect the aforesaid uses of the waters.

(3) The discharge of oxygen demanding sewage, industrial wastes or other wastes, shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters, the dissolved oxygen content of such waters will be maintained at not less than 7 milligrams per liter in October and continuing through May, based on the monthly average flow which is exceeded by 96 per cent of the monthly flows of record for February; and so that a level of not less than 5 milligrams of dissolved oxygen per liter will be maintained during June through September, based on the monthly average flow which is exceeded by 96 per cent of the monthly flows of record for August; and so as to maintain at least 3 milligrams of dissolved oxygen per liter in the receiving waters at all river flows equal to or greater than the minimum daily average flow which is exceeded by 96 per cent of the minimum daily average flows of record for August.

(4) The discharge of sewage, industrial wastes or other wastes shall be restricted so that the limits given below are not exceeded at any river flow at any point in the river after reasonable opportunity for mixing and dilution of the effluents with the receiving waters:

| Substance or Characteristic | Limiting Value or Range |
|---|---|
| Alkalinity ($CaCO_3$) | No material increase above natural levels |
| Ammonia (N) | No material increase above natural levels |
| Arsenic (As) | No material increase above natural levels |
| Barium (Ba) | No material increase above natural levels |
| Cadmium (Cd) | No material increase above natural levels |
| Carbon chloroform extract | No material increase above natural levels |
| Chlorides (Cl) | No material increase above natural levels |
| Chromium (Total Cr) | Not to exceed a trace |
| Coliform group organisms | 500 most probable number per 100 milliliters |
| Color value | No material increase above natural levels |
| Copper (Cu) | No material increase above natural levels |
| Cyanides (CN) | Not to exceed a trace |
| Dissolved solids | No material increase above natural levels |
| Fluorides (F) | No material increase above natural levels |
| Hardness ($CaCO_3$) | No material increase above natural levels |
| Iron (Fe) | No material increase above natural levels |
| Lead (Pb) | No material increase above natural levels |
| Manganese (Mn) | No material increase above natural levels |
| Methylene blue active substance (MBAS) | Not to exceed a trace |
| Nitrates ($NO_3$) | No material increase above natural levels |
| Oil | Not to exceed a trace |
| Phosphorus (P) | No material increase above natural levels |
| Selenium (Se) | Not to exceed a trace |
| Silica ($SiO_2$) | No material increase above natural levels |
| Silver (Ag) | No material increase above natural levels |
| Sulfates ($SO_4$) | No material increase above natural levels |
| Suspended solids | No material increase above natural levels |
| Temperature* | 75°F |
| Threshold odor number | No material increase above natural levels |
| Turbidity value | No material increase above natural levels |
| pH value* | 6.5 - 8.0 |
| Zinc | No material increase above natural levels |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |
| Unspecified substances | None at levels harmful or detrimental either directly or indirectly. |

(5) In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged in such quantity or in such manner, alone or in combination with other substances, or permitted by any person to gain access to these waters, so as to cause any material undesirable increase in the taste or corrosiveness or nutrient content of the river waters or in any other manner to impair the natural quality or value of the waters or render them unsuitable or objectionable for the stated uses. Existing discharges of untreated or inadequately treated sewage, industrial wastes or

*May be based on the minimum daily average river flow in August as specified in the preceding paragraph.

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other wastes, shall be abated, treated or otherwise controlled so as to comply with these standards.

(6) The aquatic habitat, which includes the waters and stream bed, shall not be degraded in any material manner; there shall be no material increase in slime growths or undesirable aquatic plants, including algae, nor shall there be any detectable increase in harmful pesticide residues in the waters, sediments and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent shall not be degraded or endangered, the species composition shall not be altered materially, and the normal propagation of the fish and other biota shall not be prevented or hindered; by the discharge of any sewage, industrial waste or other waste effluents to these waters.

(7) No sewage, industrial waste or other wastes shall be discharged into these waters so as to cause any nuisance conditions, such as the presence of floating solids, scum, oil slicks, suspended solids, material discoloration, obnoxious odors, visible gassing, slime or fungus growths, or sludge deposits, or any other offensive or objectionable effects.

(8) Means for expediting mixing and dispersion of sewage, industrial waste or other waste effluents in the receiving waters shall be provided so far as practicable when deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with the applicable standards. In any instance where it is evident that it may not be feasible to provide for effective mixing or dispersion of an effluent or if at the applicable stream flows mentioned in the preceding paragraphs of the standards it is evident that the specified stream flow may be less than the effluent flow, these standards may be interpreted as effluent standards for control purposes where applicable. Allowance shall not be made in the design of treatment works for low stream flow augmentation unless such flow augmentation or minimum flow is dependable under applicable laws and regulations. All units of treatment works discharging effluent into the waters shall be operated continuously at their maximum capability and reports on their operation shall be submitted regularly at monthly intervals.

(9) It shall be incumbent on all persons responsible for existing or new sources of industrial or other wastes which are or will be discharged to these waters to treat or control their wastes so as to produce effluents having a common level or concentration, of pollutants of a comparable nature, as may be necessary to meet the standards, or better, and in no case shall the concentration of polluting substances in any individual effluent be permitted to exceed the common concentration or level required of the other sources discharging to these waters, regardless of differences in the amount of pollutional substances discharged or degree of treatment which may be involved.

(10) Liquid substances which are not commonly considered to be sewage or industrial wastes but which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to any of the standards herein adopted or cause pollution as defined by law.

(11) The quality of the waters of the state which are tributary to these waters shall be such that no violation of the standards for these waters shall occur by reason of the discharge of sewage, industrial waste or other wastes to the tributary waters.

(12) In any case where, upon application of the responsible person or persons, the Commission finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship; that disposal of the sewage, industrial waste or other wastes is necessary for the public health, safety or welfare; and that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances; the Commission in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and national laws.

## CHAPTER TWELVE: WPC 12

## CLASSIFICATION AND STANDARDS OF WATER QUALITY AND PURITY FOR THE RAINY RIVER FROM THE MINNESOTA AND ONTARIO PAPER COMPANY DAM IN INTERNATIONAL FALLS TO THE CANADIAN NATIONAL RAILWAY BRIDGE IN BAUDETTE

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the Rainy River from the Minnesota and Ontario Per Company dam, approximately at the northward extension of Third Street in International Falls, to the Canadian National Railway bridge, approximately 0.1 mile west of the mouth of the Baudette River in Baudette.

(a) Classification for Use.

(1) The present and potential uses of the waters which require maintenance of water quality in accordance with the standards hereinafter prescribed are domestic consumption, fisheries and recreation, industrial consumption, and agriculture and wildlife.

(2) The waters may also be used for navigation or any other uses for which the waters may be suitable in this state or other areas through which the waters may flow.

(b) Related Conditions.

(1) The quality of the waters shall be such that with treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment processes, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards—1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revision or amendments thereto.

(2) The quality of the waters shall be such as to permit the propagation and maintenance of sport or commercial fishes, and

be suitable for boating and other forms of aquatic recreation not involving prolonged intimate contact with the water for which the waters may otherwise be usable.

(3) The quality of the waters shall be such as to permit their use for general industrial purposes, except food processing, with only a moderate degree of treatment.

(4) The quality of the waters shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the area.

(5) The quality of the waters shall be such as to permit their use by livestock and wildlife without inhibition or injurious effects, and be suitable for esthetic enjoyment of scenery and avoidance of any interference with navigation or damaging effects on property.

(c) Standards.

(1) No untreated sewage, and no untreated industrial wastes or other wastes containing viable pathogenic organisms or any substances which may cause disease or endanger the public health, shall be discharged into the waters.

(2) No treated sewage, and no treated industrial wastes or other wastes containing viable pathogenic organisms, shall be discharged into the waters without effective disinfection. Effective disinfection of any contaminated discharges, including combined flows of sewage and storm water, and/or separation of sanitary sewage from natural runoff, will be required to protect the aforesaid uses of the waters.

(3) The discharge of oxygen demanding sewage, industrial wastes or other wastes, shall be restricted so that after reasonable opportunity for mixing and dilution htereof with the receiving waters the dissolved oxygen content of such waters will be maintained at not less than 6 milligrams per liter in April and May, based on the monthly average flow which is exceeded by 95 per cent of the monthly flows of record for April or May, whichever is lower; and so as to maintain during June through March at least 5 milligrams of dissolved oxygen per liter, based on the monthly flow which is exceeded by 95 per cent of the monthly flows of record for August; and so as to maintain at least 3 milligrams of dissolved oxygen per liter in the receiving waters at all river flows equal to or greater than the minimum daily average flow which is exceeded by 95 per cent of the minimum daily average flows of record for August.

(4) The discharge of industrial wastes or other wastes shall be controlled so that the heat content of such discharges after reasonable opportunity for mixing and dilution thereof with the receiving waters does not raise the temperature of such waters above 85°F based on the minimum monthly average flow which is exceeded by 95 per cent of the monthly flows for August.

(5) The discharge of sewage, industrial wastes or other wastes shall be restricted so that at any river flow the maximum limits for chemicals in the waters shall be such that after treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment, the following concentrations will not be exceeded in the treated water:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Arsenic (As) | 0.01 milligram per liter |
| Carbon chloroform extract | 0.2 milligram per liter |
| Color value | 15 |
| Iron (Fe) | 0.3 milligram per liter |
| Manganese (Mn) | 0.05 milligram per liter |
| Threshold odor number | 3 |
| Methylene blue active substance (MBAS) | 0.5 milligram per liter |
| Phenol | 1 microgram per liter |

(6) The concentrations given below shall not be exceeded at any river flow at any point in the river after reasonable opportunity for mixing and dilution of the sewage, industrial waste or other waste with the receiving waters:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Ammonia (N)* | 1 milligram per liter |
| Barium (Ba) | 1 milligram per liter |
| Bicarbonates ($HCO_3$)* | 5 milliequivalents per liter |
| Boron (B)* | 0.5 milligram per liter |
| Cadmium (Cd) | 0.01 milligram per liter |
| Chlorides (Cl)* | 50 milligrams per liter |
| Chromium (Hexavalent Cr) | 0.05 milligram per liter |
| Chromium (Total Cr)* | 1 milligram per liter |
| Coliform group organisms | 2,400 most probable number per 100 milliliters |
| Specific conductance* | 1,000 micromho per centimeter |
| Copper (Cu) | 0.2 milligram per liter |
| Cyanides (CN) | 0.02 milligram per liter |
| Fluorides (F) | 1.5 milligrams per liter |
| Hardness ($CaCO_3$)* | 50 milligrams per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Oil | Not to exceed a trace |
| pH value* | 6.5 8.5 |
| Selenium (Se) | Not to exceed a trace |
| Silver (Ag) | 0.05 milligram per liter |
| Sodium (Na)* | 60 per cent of total cations as milliequivalents per liter |
| Dissolved solids* | 200 milligrams per liter |
| Turbidity value | 10 |
| Zinc* | 1 milligram per liter |
| Radioactive Materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |
| Unspecified substances | None at levels harmful or detrimental either directly or indirectly. |

*May be based on the minimum monthly August river flow as specified in the paragraphs above.

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(7) In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged in such quantity or in such manner, alone or in combination with other substances, or permitted by any person to gain access to these waters, so as to cause any material undesirable increase in the taste or corrosiveness or nutrient content of the river waters or in any other manner to impair the natural quality or value of the waters or render them unsuitable or objectionable for the stated uses. The maximum practical reducation of nutrients, including phosphorus, nitrogen and sugars, in the sewage and wastes shall be accomplished as soon as possible. Existing discharges of untreated or inadequately treated sewage, industrial wastes or other wastes, shall be abated, treated or otherwise controlled so as to comply with these standards.

(8) The aquatic habitat, which includes the waters and stream bed, shall not be degraded in any material manner; there shall be no material increase in slime growths or undesirable aquatic plants, including algae, nor shall there be any detectable increase in harmful pesticide residues in the waters, sediments and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent shall not be degraded or endangered, the species compositon shall not be altered materially, and the normal propagation of the fish and other biota shall not be prevented or hindered, by the discharge of any sewage, industrial waste or other waste effluents to these waters.

(9) No sewage, industrial waste or other wastes shall be discharged into the waters so as to cause any nuisance conditions, such as the presence of substantial amounts of floating or suspended solids, scums or slicks, material discoloration, obnoxious odors, visible gassing, excessive fungus growths, deleterious sludge deposits, or other offensive or objectionable effects.

(10) Means for expediting mixing and dispersion of sewage, industrial waste or other waste effluents in the receiving waters shall be provided so far as practicable when deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with the applicable standards. In any instance where it is evident that it may not be feasible to provide for effective mixing or dispersion of an effluent, or if at the applicable stream flows mentioned in the preceding paragraphs of the standards it is evident that the specified stream flow may be less than the effluent flow, the standards may be intepreted as effluent standards for control purposes where applicable.

(11) It is herein established as a requirement applicable to all persons responsible for industrial waste discharges to these waters that a minimum of primary treatment shall be provided, so as to produce an effluent not exceeding the following:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Floating solids or liquids | Non visible |
| Total suspended solids | 100 milligrams per liter |

Allowance shall not be made in the design of treatment works for low stream flow augmentation unless such flow augmentation or minimum flow is dependable under applicable laws and regulations. All units of treatment works discharging effluent into the waters shall be operated continuously at their maximum capability and reports on their operation shall be submitted regularly at monthly intervals.

(12) It shall be encumbent on all persons responsible for existing or new sources of sewage, industrial wastes or other wastes which are or will be discharged to these waters to treat or control their wastes so as to produce effluents having a common level or concentration, of pollutants of a comparable nature, as may be necessary to meet the standards, or better, and in no case shall the concentration of polluting substances in any individual effluent be permitted to exceed the common concentration or level required of the other sources discharging to these waters, except for possible controlled discharges of certain stored wastes under special permit of the Commission, regardless of differences in the amount of pollutional substances discharged or degree of treatment which may be involved.

(13) Liquid substances which are not commonly considered to be sewage or industrial wastes but which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to any of the standards herein adopted or cause pollution as defined by law.

(14) The quality of the waters of the state which are tributary to these waters shall be such that no violation of the standards for these waters shall occur by reason of the discharge of sewage, industrial waste or other wastes to the tributary waters.

(15) Some of the waters may in a state of nature have characteristics or properties approaching or exceeding some of the limits specified in the standards. These standards shall be construed as regulating or limiting the addition of pollutants of human origin to those of natural origin, if such be present, so that in total the specified limiting concentrations will not be exceeded in the waters by reason of such controllable additions, except that if the background level of natural origin is reasonably definable and is higher than the specified standard for controlling such additions of human origin.

(16) In any case where, upon application of the responsible person or persons, the Commission finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship; that disposal of the sewage, industrial waste or other wastes is necessary for the public health, safety or welfare; and that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances; the Commission in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and national laws.

## CHAPTER THIRTEEN: WPC 13

## CLASSIFICATION AND STANDARDS OF WATER QUALITY AND PURITY FOR THE RAINY RIVER FROM THE CANADIAN NATIONAL RAILWAY BRIDGE IN BAUDETTE TO THE LAKE OF THE WOODS

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the Rainy River from the Canadian National Railway bridge, approximately 0.1 mile west of the mouth of the Buadette River to the mouth at Wheeler's Point on Lake of the Woods, approximately to the northeast-southwest line joining International Boundary Commission reference monuments no. 50 and 51.

(a) Classification for Use.

(1) The present and potential uses of the waters which require maintenance of water quality in accordance with the standards hereinafter prescribed are fisheries and recreation, industrial consumption, and agriculture and wildlife.

(2) The waters may also be used for navigation or any other uses for which the waters may be suitable in this state or other areas through which the waters may flow.

(b) Related Conditions.

(1) The quality of the waters shall be such as to permit the propagation and maintenance of sport or commercial fishes, and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may otherwise be usable.

(2) The quality of the waters shall be such as to permit their use for general industrial purposes, except food processing, with only a moderate degree of treatment.

(3) The quality of the waters shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the area.

(4) The quality of the waters shall be such as to permit their use by livestock and wildlife without inhibition or injurious effects, and be suitable for esthetic enjoyment of scenery and avoidance of any interference with navigation or damaging effects on property.

(c) Standards.

(1) No untreated sewage, and no untreated industrial wastes or other wastes containing viable pathogenic organisms or any substances which may cause disease or endanger the public health, shall be discharged into the waters.

(2) No treated sewage, and no treated industrial wastes or other wastes containing viable pathogenic organisms, shall be discharged into the waters without effective disinfection. Effective disinfection of any contaminated discharges, including combined flows of sewage and storm water, and/or separation of sanitary sewage from natural runoff, will be required to protect the aforesaid uses of the waters.

(3) The discharge of oxygen demanding sewage, industrial wastes or other wastes, shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters the dissolved oxygen content of such waters will be maintained at not less than 6 milligrams per liter in April and May, based on the monthly average flow which is exceeded by 95 per cent of the monthly flows of record for April or May, whichever is lower; and so as to maintain at least 5 milligrams of dissolved oxygen per liter during June through March, based on the monthly flow which is exceeded by 95 per cent of the monthly flows of record for August; and so as to maintain at least 3 milligrams of dissolved oxygen per liter in the waters at all river flows equal to or greater than the minimum daily average flow which is exceeded by 95 per cent of the minimum daily average flows of record for August.

(4) The discharge of industrial wastes or other wastes shall be controlled so that the heat content of such discharges after reasonable opportunity for mixing and dilution thereof with the receiving waters does not raise the temperature of such waters above 85°F based on the minimum monthly average flow which is exceeded by 95 per cent of the monthly flows for August.

(5) The discharge of sewage, industrial wastes or other wastes shall be restricted so that at any river flow at any point in the river after reasonable opportunity for mixing and dilution, the following concentrations will not be exceeded in the waters:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Methylene blue active substance (MBAS)* | 0.5 milligram per liter |
| Ammonia (N) | 1 milligram per liter |
| Bicarbonates ($HCO_3$)* | 5 milliequivalents per liter |
| Boron (B)* | 0.5 milligram per liter |
| Chromium (Total Cr) | 1 milligram per liter |
| Chlorides (Cl)* | 50 milligrams per liter |
| Coliform group organisms | 1,000 most probable number per 100 milliliters |
| Specific conductance* | 1,000 micromho per centimeter |
| Copper (Cu) | 0.2 milligram per liter |
| Cyanides (CN) | 0.02 milligram per liter |
| Hardness ($CaCo_3$)* | 50 milligrams per liter |
| Oil | Not to exceed a trace |
| pH value* | 6.5-8.5 |
| Phenol | 0.01 milligram per liter |
| Sodium (Na)* | 60 per cent of total cations as milliequivalents per liter |
| Dissolved solids | 200 milligrams per liter |
| Turbidity value | 10 |
| Unspecified substances | None at levels harmful or detrimental either directly or indirectly. |

*May be based on the minimum monthly August river flow as specified in the paragraphs above.

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(6) In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged in such quantity or in such manner, alone or in combination with other substances, or permitted by any person to gain access to these waters, so as to cause any material undesirable increase in the corrosiveness or nutrient content of the river waters or in any other manner to impair the natural quality or value of the waters or render them unsuitable or objectionable for the stated uses. Existing discharges of untreated or inadequately treated sewage, industrial wastes or other wastes, shall be abated, treated or otherwise controlled so as to comply with these standards.

(7) The aquatic habitat, which includes the waters and stream bed shall not be degraded in any material manner; there shall be no material increase in slime growths or undesirable aquatic plants, nor shall there be any detectable increase in harmful pesticide residues in the waters, sediments and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent shall not be degraded or endangered, the species composition shall not be altered materially, and the normal propagation of the fish and other biota shall not be prevented or hindered, by the discharge of any sewage, industrial waste or other waste effluents to these waters.

(8) No sewage, industrial waste or other wastes shall be discharged into the waters so as to cause any nuisance conditions, such as the presence of substantial amounts of floating or suspended solids, scums, or slicks, material discoloration, obnoxious odors, visible gassing, excessive fungus growths, deleterious sludge deposits, or other offensive or objectionable effects.

(9) Means for expediting mixing and dispersion of sewage, industrial waste or other waste effluents in the receiving waters shall be provided so far as practicable when deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with the applicable standards. In any instance where it is evident that it may not be feasible to provide for effective mixing or dispersion of an effluent, or if at the applicable stream flows mentioned in the preceding paragraphs of the standards it is evident that the specified stream flow may be less than the effluent flow, the standards may be interpreted as effluent standards for control purposes where applicable.

(10) It is herein established as a requirement applicable to all persons responsible for sewage discharges to these waters that secondary treatment shall be provided for all such discharges of sewage. Allowance shall not be made in the design of treatment works for low stream flow augmentation unless such flow augmentation or minimum flow is dependable under applicable laws and regulations. All units of treatment works discharging effluent into the waters shall be operated continuously at their maximum capability and reports on their operation shall be submitted regularly at monthly intervals.

(11) It shall be encumbent on all persons responsible for existing or new sources of sewage, industrial wastes or other wastes which are or will be discharged to these waters to treat or control their wastes so as to produce effluents having a common level or concentration, of pollutants of a comparable nature, as may be necessary to meet the standards, or better, and in no case shall the concentration or level exceed that required of the other sources discharging to these waters, regardless of differences in the amount of pollutional substances discharged or degree of treatment which may be involved.

(12) Liquid substances which are not commonly considered to be sewage or industrial wastes but which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to any of the standards herein adopted or cause pollution as defined by law.

(13) The quality of the waters of the state which are tributary to these waters shall be such that no violation of the standards for these waters shall occur by reason of the discharge of sewage, industrial waste or other wastes to the tributary waters.

(14) Some of the waters may in a state of nature have characteristics or properties approaching or exceeding some of the limits specified in the standards. These standards shall be construed as regulating or limiting the addition of pollutants of human origin to those of natural origin, if such be present, so that in total the specified limiting concentrations will not be exceeded in the waters by reason of such controllable additions, except that if the background level of natural origin is reasonably definable and is higher than the specified standard such natural background level may be used as the standard for controlling such additions of human origin.

(15) In any case where, upon application of the responsible person or persons, the Commission finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship; that disposal of the sewage, industrial waste or other wastes is necessary for the public health, safety or welfare; and that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances; the Commission in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and national laws.

## CHAPTER SIXTEEN: WPC 16

## CLASSIFICATION AND ESTABLISHMENT OF STANDARDS OF WATER QUALITY AND PURITY FOR ANDERSON CREEK, BIG SILVER CREEK, THE BLACKHOOF RIVER, CANUTRUP CREEK (AND MARY BROOK), CLEAR CREEK, DEER CREEK, THE LITTLE NET RIVER, THE NET RIVER, NORTH FORK CREEK, SKUNK CREEK, STATELINE CREEK AND STONY BROOK CARLTON AND PINE COUNTIES

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the waters of Anderson Creek, Big Silver Creek, the Black-

~~hoof River, Canutrup Creek (and Mary Brook), Clear Creek, Deer Creek, the Little Net River, the Net River, North Fork Creek (Hunters and Nemadji Creeks), Skunk Creek, Stateline Creek and Stone Brook, and waters tributary thereto, in Carlton and Pine Counties, from the source to the mouth in Section 14, Township 46 North, Range 17 West; Section 12, Township 46 North, Range 17 West; Section 32, Township 47 North, Range 16 West; Section 19, Township 46 North, Range 17 West; Section 12, Township 46 North, Range 17 West; Section 28, Township 47 North, Range 16 West; Section 3, Township 46 North, Range 16 West; Section 34, Township 47 North, Range 16 West; Section 9, Township 46 North, Range 17 West; Section 36, Township 47 North, Range 17 West; Section 30, Township 47, Range 15 West; and Section 11, Township 46 North, Range 17 West, respectively.~~

~~(a) Classification for Use.~~

~~(1) The present or potential uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed are domestic consumption, fisheries and recreation, and agriculture and wildlife.~~

~~(2) The waters also may be used for industrial consumption or any other uses for which the waters may be suitable naturally in this state or other areas through which the waters may flow.~~

~~(b) Related Conditions.~~

~~(1) The quality of the waters shall be such that with approved disinfection, such as simple chlorination, or its equivalent, the treated water will meet the mandatory requirements of the Public Health Service Drinking Water Standards—1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions or amendments thereto.~~

~~(2) The quality of the waters shall be such as to permit the propagation and maintenance of warm or cold water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable.~~

~~(3) The quality of the waters shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the area, and permit their use by livestock and wildlife without inhibition or injurious effects.~~

~~(c) Standards.~~

~~(1) No untreated sewage, and no untreated industrial waste or other wastes containing viable pathogenic organisms or any substances which may cause disease or endanger the health of humans, shall be discharged into the waters.~~

~~(2) No treated sewage, and no treated industrial wastes or other wastes containing viable pathogenic organisms shall be discharged into the waters without effective disinfection. Effective disinfection of any such contaminated discharges, including combined flows of sewage and storm water, and/or separation of sanitary sewage from natural runoff, will be required to protect the aforesaid uses of the waters. In any case, where the discharge of sewage, industrial wastes or other wastes, whether treated or untreated, may be such as to constitute an actual or potential hazard to the safety of users of those waters, storage of the effluents and controlled release over non critical periods may be required. All units of treatment works discharging effluent into the waters shall be operated continuously at their maximum capability and reports on the operation of the treatment works shall be submitted regularly at monthly intervals.~~

~~(3) The discharge of oxygen demanding sewage, industrial wastes or other wastes shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters the dissolved oxygen content of such waters will be maintained during October through May at not less than 7 milligrams per liter, based on the minimum monthly average flow which is exceeded by 96 per cent of the monthly stream flows of record for January or February, whichever is lower; and so as to maintain at other times at least 5 milligrams of dissolved oxygen per liter in the receiving waters, based on the minimum monthly average flow which is exceeded by 96 per cent of the monthly flows for July or August, whichever is lower. Where flow records are not available the indicated flows may be estimated on the basis of available information on the watershed characteristics, precipitation, run off and other pertinent data.~~

~~(4) The discharge of industrial wastes or other wastes shall be controlled so that the heat content of such discharges after reasonable opportunity for mixing and dilution thereof with the receiving waters does not materially increase the temperature of such waters above prevailing natural levels, based on the minimum monthly average temperature and flow, as indicated above for July or August, whichever is lower.~~

~~(5) The discharge of sewage, industrial wastes or other waste effluents shall be restricted so that at any stream flow the concentrations given below shall not be exceeded at any point in the waters after reasonable opportunity for mixing and dilution:~~

| ~~Substance or Characteristic~~ | ~~Maximum Limit or Range~~ |
|---|---|
| ~~Methylene blue active substance (MBAS)~~ | ~~Not to exceed a trace~~ |
| ~~Ammonia (N)~~ | ~~Not to exceed a trace~~ |
| ~~Arsenic (As)~~ | ~~0.01 milligram per liter~~ |
| ~~Barium (Ba)~~ | ~~1 milligram per liter~~ |
| ~~Bicarbonates ($HCO_3$)*~~ | ~~5 milliequivalents per liter~~ |
| ~~Boron (B)*~~ | ~~0.5 milligram per liter~~ |
| ~~Cadmium (Cd)~~ | ~~0.01 milligram per liter~~ |
| ~~Chlorides~~ | ~~50 milligrams per liter~~ |

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| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Chromium (Total Cr) | Not to exceed a trace |
| Copper (Cu) | Not to exceed a trace |
| Cyanides (CN) | Not to exceed a trace |
| Fluorides (F) | 1.5 milligrams per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Oil | Not to exceed a trace |
| pH value | 6.5—8.5 |
| Phenol | Not to exceed a trace |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |
| Selenium (Se) | Not to exceed a trace |
| Silver (Ag) | 0.5 milligram per liter |
| Sodium (Na)* | 60% of total cations as milliequivalents per liter |
| Dissolved solids | 500 milligrams per liter |
| Specific conductance* | 1,000 micromho per centimeter |
| Unspecified substances | None at levels harmful or detrimental either directly or indirectly. |

(6) The natural aquatic habitat, which includes the waters and stream bed, shall not be degraded in any material manner, there shall be no material increase in slime growths or undesirable aquatic plants, nor shall there be any material increase in harmful pesticide residues in the waters, sediments and aquatic flora and fauna; the natural fishery and lower aquatic biota upon which it is dependent shall not be degraded or endangered significantly, the species composition shall not be altered substantially, and the propagation of the fish and other biota shall not be prevented or seriously hindered; by the discharge of sewage, industrial waste or other waste effluents to these waters.

(7) No sewage, industrial waste or other wastes shall be discharged into these waters so as to cause any nuisance conditions such as the presence of substantial amounts of floating or suspended solids, scums, or slicks, material discoloration, obnoxious odors, visible gassing, excessive fungus growths, deleterious sludge deposits or other offensive or objectionable effects.

(8) In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged in such quantity or in such manner, along or in combination with other substances, or permitted by any person to gain access to these waters, so as to cause any material undesirable increase in the taste or corrosiveness or nutrient content of the waters or in any other manner to impair the natural quality or value of the waters or render them unsuitable or objectionable for the stated uses.

(9) Means for expediting mixing and dispersion of sewage, industrial waste or other waste effluents in the receiving waters shall be provided so far as practicable when deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with the applicable standards. In any instance where it is evident that it may not be feasible to provide for effective mixing or dispersion of an effluent or if at the applicable stream flows mentioned in the preceding paragraphs of the standards it is evident that the specified stream flow may be less than the effluent flow, these standards may be interpreted as effluent standards for control purposes where applicable.

(10) The following effluent standards are herein established and made applicable to all persons responsible for sewage discharges to these waters originating after the taking effect hereof. Unless otherwise required under the preceding standards, treatment facilities shall be provided which will produce an effluent with characteristics, originating directly from or directly attributable to the sewage per se, not exceeding the following:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Biochemical oxygen demand, 5 day | 25 milligrams per liter |
| Coliform group organisms | 50 most probable number per 100 milliliters |
| Phosphorus | 1 milligram per liter |
| Suspended solids | 30 milligrams per liter |
| Turbidity value | 25 |

Allowance shall not be made in the design of treatment works for stream flow augmentation unless such augmentation of minimum flow is dependable under applicable laws and regulations.

(11) It shall be encumbent on all persons responsible for existing or new sources of any sewage, industrial wastes or other wastes which are or will be discharged to these waters to treat or control their waste so as to produce effluents having a common level or concentration, of pollutants of a comparable nature, as may be necessary to meet the standards, or better, and in no case shall the concentration of polluting substances in any individual effluent be permitted to exceed the common concentration or level required of the other sources discharging to these waters, regardless of differences in the amount of pollutional substances discharged or degree of treatment which may be involved.

(12) Liquid substances which are not commonly considered to be sewage or industrial wastes but which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to any of the standards herein adopted or cause pollution as defined by law.

(13) The discharge of sewage, industrial wastes or other wastes to waters of the state which are tributary to these waters shall be controlled so that no violation of the standards for these waters shall occur by reason of such discharges to the tributary waters.

(14) Some of the waters may in a state of nature have characteristics or properties approaching or exceeding some of

*May be based on the July or August river flow as specified in the paragraphs above.

| Item* | Limits |
|---|---|
| 5-day biochemical oxygen demand | 5 milligrans per liter |
| ~~Total suspended solids~~ | ~~5 milligrams per liter~~ |

This section shall not apply to discharges to surface waters classified as limited resource value waters pursuant to B.7. of this rule and 6 MCAR § 4.8024.

~~(9) In any case where, after a public hearing, the Agency finds it necessary for conformance with Federal requirements, or conservation of the intrastate waters of the state, or protection of the public health, or in furtherance of the development of the economic welfare of the state, it may prohibit or futher limit the discharge to any designated intrastate waters of any sewage, industrial waste, or other waste effluents, or any component thereof, whether such effluents are treated or untreated or existing or new, notwithstanding any other provisions of classifications or specific standards stated herein which may be applicable to such designated intrastate waters.~~

9. Notwithstanding the provisions of C.8. and C.16. of this rule, the agency may require a specific discharger to meet effluent limitations which are necessary to maintain the water quality of the receiving water at the standards of quality and purity established by this rule. Any effluent limitation determined to be necessary under this section shall only be required of a discharger after the discharger has been given notice of the specific effluent limitations and an opportunity for public hearing provided that compliance with the requirements of 6 MCAR § 4.8036 H. regarding notice of National Pollutant Discharge Elimination System and State Disposal System permits shall satisfy the notice and opportunity for hearing requirements of this section.

10. ~~(10) It shall be incumbent upon all persons responsible for existing or new sources of sewage, industrial wastes or other wastes which are or will be discharged to intrastate waters, to treat or control their wastes so as to produce effluents having a common level or concentration of pollutants of comparable nature or effect as may be necessary to meet the specified standards or better, but this shall not be interpreted to prohibit the Agency, a~~ After providing an opportunity for public hearing ~~from accepting~~ the agency shall accept effective loss prevention and/or water conservation measures or process changes or other waste control measures or arrangements if it finds that such measures, changes or arrangements are as being equivalent to the waste treatment measures required for compliance with applicable effluent and/or water quality standards or load allocations.

11. ~~(11)~~ All sources of sewage, industrial waste, or other waste which do not at present have a valid operation and discharge permit, or an application for the same pending before the agency, shall apply for the same within 30 days of the adoption of this rule, or the agency may abate the source forthwith. The provisions of C.6.~~(c)(6)~~ relating to effluent quality standards, and the other provisions of this rule, are applicable to existing sewage, industrial waste or other waste disposal facilities and the effluent discharged therefrom. Nothing herein shall be construed to prevent the agency subsequently from modifying any existing permits so as to conform with federal requirements and the requirements of this regulation.

12. ~~(12)~~ Liquid substances which are not commonly considered to be sewage or industrial wastes but which could constitute a pollution hazard shall be stored in accordance with ~~Regulation WPC-4,~~ 6 MCAR § 4.8004, and any revisions or amendments thereto. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into any intrastate waters of the state in excess of or contrary to any of the standards herein adopted, or cause pollution as defined by law.

13. ~~(13)~~No sewage, industrial waste or other wastes shall be discharged into the intrastate waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law. In any case where the intrastate waters of the state into which sewage, industrial wastes or other waste effluents discharge are assigned different standards than the interstate or intrastate waters into which such receiving intrastate waters flow, the standards applicable to the intrastate waters into which such sewage, industrial waste or other wastes discharged shall be supplemented by the following:

The quality of any waters of the state receiving sewage, industrial waste or other waste effluents shall be such that no violation of the standards of any interstate or intrastate waters of the state in any other class shall occur by reason of the discharge of such sewage, industrial waste or other waste effluents.

14. ~~(14)~~ Questions concerning the permissible levels, or changes in the same, of a substance, or combination of substances, of undefined toxicity to fish or other biota shall be resolved in accordance with the latest methods recommended by the U.S. Environmental Protection Agency. ~~The recommendations of the National Technical Advisory Committee appointed by the U.S. Environmental Protection Agency shall be used as~~

*The concentrations specified in section C.6.~~(c)(6)~~ of this rule may be used in lieu thereof if the discharge of effluent is restricted to the spring flush or other high runoff periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge period. If treatment works are designed and constructed to meet the specified limits given above for a continuous discharge, at the discretion of the agency the operation of such works may allow for the effluent quality to vary between the limits specified above and in C.6.~~(c)(6)~~, provided the water quality standards and all other requirements of the agency and the U.S. Environmental Protection Agency are being met. Such variability of operation must be based on adequate monitoring of the treatment works and the effluent and receiving waters as specified by the agency.

~~official guidelines in all aspects where the recommendations may be applicable.~~ The agency shall consider the recommendations of the Quality Criteria for Water, USEPA 1976, in making determinations under this section. Toxic substances shall not exceed 1/10 of the 96 hour median tolerance limit (TLM) as a water quality standard except that other ~~more stringent~~ application factors shall be used when justified on the basis of available scientific evidence.

15. ~~(15)~~ All persons operating or responsible for sewage, industrial waste or other waste disposal systems which are adjacent to or which discharge effluents to these waters or to tributaries which affect the same, shall submit regularly every month a report to the agency on the operation of the disposal system, the effluent flow, and the characteristics of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses, and other pertinent information shall be furnished as may be required by the agency to adequately evaluate the condition of the disposal system, the effluent, the waters receiving or affected by the effluent.

16. Limited resource value waters.

a. For point source discharges to surface waters classified as limited resource value waters pursuant to section B.7. of this rule and 6 MCAR § 4.8024 the agency shall require treatment facilities which will provide effluents conforming to the following limitations:

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5-Day Biochemical oxygen Demand | 15 milligrams per liter* |

b. The agency may allow treatment works to be constructed and/or operated to produce effluents to limited resource value waters at levels up to those stated in C.6. of this rule provided that it is demonstrated that the water quality standards for limited resource value waters will be maintained during all periods of discharge from the treatment facilities.

c. Notwithstanding the effluent limitations established by this section the quality of limited resource value waters shall not be such as to allow a violation of applicable water quality standards in waters of the state which are connected to or affected by water classified as limited resource value waters.

D. ~~(d)~~ Specific standards of quality and purity for designated classes of intrastate waters of the state. The following standards shall prescribe the qualities or properties of the intrastate waters of the state which are necessary for the designated public use or benefit and which if the limiting conditions given are exceeded, shall be considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental or injurious with respect to such designated uses or established classes of the intrastate waters:

1. ~~(1)~~ Domestic consumption.

Class A. The quality of this class of the intrastate waters of the state shall be such that without treatment of any kind the raw waters will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions, amendments or supplements thereto. This standard will ordinarily be restricted to underground waters with a high degree of natural protection. The basic requirements are given below:

| Substance or Characteristic | Limit or Range |
|---|---|
| Total coliform organisms | 1 most probable number per 100 milliliters |
| Turbidity value | 5 |
| Color value | 15 |
| Threshold odor number | 3 |
| Methylene blue active substance (MBAS) | 0.5 milligram per liter |
| Arsenic (As) | 0.01 milligram per liter |
| Chlorides (Cl) | 250 milligrams per liter |
| Copper (Cu) | 1 milligram per liter |
| Carbon Chloroform extract | 0.2 milligram per liter |
| Cyanides (CN) | 0.01 milligram per liter |
| Fluorides (F) | 1.5 milligrams per liter |
| Iron (Fe) | 0.3 milligram per liter |
| Manganese (Mn) | 0.05 milligram per liter |
| Nitrates ($NO_3$) | 45 milligrams per liter |
| Phenol | 0.001 milligram per liter |
| Sulfates ($SO_4$) | 250 milligrams per liter |
| Total dissolved solids | 500 milligrams per liter |
| Zinc (Zn) | 5 milligrams per liter |
| Barium (Ba) | 1 milligram per liter |
| Cadmium (Cd) | 0.01 milligram per liter |
| Chromium (Hexavalent, Cr) | 0.05 milligram per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Selenium (Se) | 0.01 milligram per liter |
| Silver (Ag) | 0.05 milligram per liter |
| Radioactive material | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |

Class B. The quality of this class of the intrastate waters of the state shall be such that with approved disinfection, such as simple chlorination or its equivalent, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions, amendments or supplements thereto. This standard will ordinarily be restricted to surface and underground waters with a moderately high degree of natural protection. The physical and chemical standards quoted above for Class A intrastate waters shall also apply to these intrastate waters in the untreated state; ~~except as listed below:~~

| ~~Substance or Characteristic~~ | ~~Limit or Range~~ |
|---|---|
| ~~Fecal coliform organisms~~ | ~~10 most probable number per 100 milliliters~~ |

*As measured by the arithmetic mean of all samples taken during any calendar month.

Class C. The quality of this class of the intrastate waters of the state shall be such that with treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment processes, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions, amendments or supplements thereto. This standard will ordinarily be restricted to surface waters, and ground waters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where intrastate water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water infiltration. The physical and chemical standards quoted above for Class A intrastate waters shall also apply to these intrastate waters in the untreated state, except as listed below:

| Substance or Characteristic | Limit or Range |
|---|---|
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| Turbidity value | 25 |

Class D. The quality of this class of the intrastate waters of the state shall be such that after treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, plus additional pre, post, or intermediate stages of treatment, or other equivalent treatment processes, the treated water will meet in all respects the recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions, amendments or supplements thereto. This standard will ordinarily be restricted to surface waters, and ground waters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water inflitration. The concentrations or ranges given below shall not be exceeded in the raw waters before treatment:

| Substance or Characteristic | Limit or Range |
|---|---|
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| Arsenic (As) | 0.05 milligram per liter |
| Barium (Ba) | 1 milligram per liter |
| Cadmium (Cd) | 0.01 milligram per liter |
| Chromium (Cr + 6) | 0.05 milligram per liter |
| Cyanide (CN) | 0.2 milligram per liter |
| Fluoride (F) | 1.5 milligrams per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Selenium (Se) | 0.01 milligram per liter |
| Silver (Ag) | 0.05 milligram per liter |
| Radioactive Material | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |

In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged into or permitted by any person to gain access to any intrastate waters classified for domestic consumption so as to cause any material undesirable increase in the taste, hardness, temperature, toxicity, corrosiveness or nutrient content, or in any other manner to impair the natural quality or value of the intrastate waters for use as a source of drinking water.

2. ~~(2)~~ Fisheries and recreation.

Class A. The quality of this class of the intrastate waters of the state shall be such as to permit the propagation and maintenance of warm or cold water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the intrastate waters are given below:

| Substance or Characteristic | Limit or Range |
|---|---|
| Dissolved oxygen | ~~Not less than 7 milligrams per liter from October 1st and continuing through May 31st, and Not not less than 6 milligrams per liter at other times.~~ Not less than 7 milligrams per liter at all times (instantaneous minimum concentration) |
| Temperature | No material increase |
| Ammonia (N) * | ~~0.2 milligram per liter~~ 0.016 milligram per liter (un-ionized as N) |
| Chlorides (Cl) | 50 milligrams per liter |
| Chromium (Cr) | 0.02 milligram per liter |
| Copper (Cu) | 0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value. |
| Cyanides (CN) | 0.2 milligram per liter |
| Oil | 0.5 milligram per liter |
| pH value | 6.5-8.5 |
| Phenols | 0.01 milligram per liter and none that could impart odor or taste to fish flesh or other fresh-water edible products such as crayfish, clams, prawns |

| Substance or Characteristic | Limit or Range |
|---|---|
| | and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present. |
| Turbidity value | 10 |
| Color value | 30 |
| Fecal coliform organisms | ~~200 most probable number per 100 milliliters as a monthly geometric mean based on not less than 5 samples per month, nor exceed 400 most probable number per 100 milliliters in more than 10% of all samples during any month.~~ 200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between May 1 and October 31) |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Total Residual Chlorine** | 0.003 milligrams per liter |

Class B. The quality of this class of the intrastate waters of the state shall be such as to permit the propagation and maintenance of cool or warm water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the intrastate waters are given below:

| Substance or Characteristic | Limit or Range |
|---|---|
| Dissolved oxygen | ~~Not less than 6 milligrams per liter from April 1 through May 31, and Not less than 5 milligrams per liter at other times.~~ Not less than 5 milligrams per liter at all times (instantaneous minimum concentration) |
| Temperature | 5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature, except in no case shall it exceed the daily average temperature of 86°F. |
| Ammonia (N) * | ~~1 milligram per liter~~ 0.04 milligram per liter (un-ionized as N) |
| Chromium (Cr) | 0.05 milligram per liter |
| Copper (Cu) | 0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value. |
| Cyanides (Cn) | 0.02 milligram per liter |
| Oil | 0.5 milligram per liter |
| pH value | 6.5-9.0 |
| Phenols | 0.01 milligram per liter and none that could impart odor or taste to fish flesh or other fresh-water edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present. |
| Turbidity value | 25 |
| Fecal coliform organisms | ~~200 most probable number per 100 milliliters as a monthly geometric mean based on not less than 5 samples per month, nor equal or exceed 2000 most probable number per 100 milliliters in more than 10% of all samples during any month.~~ 200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between May 1 and October 31). |
| Radioactive materials | Not to exceed the lowest concontration permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Total Residual Chlorine** | 0.003 milligrams per liter |

*The percent un-ionized ammonia can be calculated for any temperature and pH by using the following formula taken from Thurston, R.V., R.C. Russo, and K. Emerson, 1974. Aqueous ammonia equilibrium calculations. Technical Report Number 74-1, Fisheries Bioassay Laboratory, Montana State University, Bozeman, MT. 18 p.

$$f = \frac{1}{10^{pk_a - pH} + 1} \times 100$$

where:

f = the percent of total ammonia in the un-ionized state

$pk_a = 0.0901821 + \frac{2729.92}{T}$, dissociation constant for ammonia

T = temperature in degrees Kelvin (273.16° Kelvin = 0° Celsius)

**Applies to conditions of continuous exposure, where continuous exposure refers to effluents which are discharged for more than a total of two hours in any 24 hour period.

*See ammonia footnote for Class 2A waters.

**See chlorine footnote for Class 2A waters.

Class C. The quality of this class of the intrastate waters of the state shall be such as to permit the propagation and maintenance of rough fish or species commonly inhabiting waters of the vicinity under natural conditions, and be suitable for boating and other forms of aquatic recreation for which the intrastate waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the intrastate waters are given below:

| Substance or Characteristic | Limit or Range |
|---|---|
| Dissolved oxygen | ~~Not less than 5 milligrams per liter from April 1 through November 30, and not less than 4 milligrams per liter at other times~~. Not less than 5 milligrams per liter at all times (instantaneous minimum concentration) |
| Temperature | 5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature except in no case shall it exceed the daily average temperature of 90°F. |
| Ammonia (N) * | ~~1.5 milligrams per liter 0.04~~ milligram per liter (un-ionized as N) |
| Chromium (Cr) | 0.05 milligram per liter |
| Copper (Cu) | 0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value. |
| Cyanides (CN) | 0.02 milligram per liter |
| Oil | 10 milligrams per liter, and none in such quantities as to (1) produce a visible color film on the surface, (2) impart an oil odor to water or an oil taste to fish and edible invertebrates, (3) coat the banks and bottom of the watercourse or taint any of the associated biota, or (4) become effective toxicants according to the criteria recommended. |
| pH value | 6.5-9.0 |
| Phenols | 0.1 milligram per liter and none that could impart odor or taste to fish flesh or other fresh-water edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present. |
| Turbidity value | 25 |
| Fecal coliform organisms | ~~200 most probable number per 100 milliliters as a geometric mean nor equal or exceed 2000 most probable number per 100 milliliters in more than 10% of the samples.~~ 200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between May 1 and October 31). |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Total Residual Chlorine** | 0.003 milligrams per liter |

For all classes of fisheries and recreation waters, the aquatic habitat, which includes the intrastate waters and stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste or other waste effluents to the intrastate waters.

No sewage, industrial waste or other wastes shall be discharged into any of the intrastate waters of this category so as to cause any material change in any other substances or characteristics which may impair the quality of the intrastate waters or the aquatic biota of any of the above listed classes or in any manner render them unsuitable or objectionable for fishing, fish culture or recreational uses. Additional selective limits or changes in the discharge bases may be imposed on the basis of local needs.

3. ~~(3)~~ Industrial consumption.

Class A. The quality of this class of the intrastate waters of the state shall be such as to permit their use without chemical

*See ammonia footnote for Class 2A waters.

**See chlorine footnote for Class 2A waters.

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."

treatment, except softening for ground water, for most industrial purposes, except food processing and related uses, for which a high quality of water is required. The quality shall be generally comparable to Class B waters for domestic consumption, except for the following:

| Substance or Characteristic | Limit or Range |
|---|---|
| Chlorides (Cl) | 50 milligrams per liter |
| Hardness | 50 milligrams per liter |
| pH value | 6.5-8.5 |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |

Class B. The quality of this class of the intrastate waters of the state shall be such as to permit their use for general industrial purposes, except for food processing, with only a moderate degree of treatment. The quality shall be generally comparable to Class D intrastate waters used for domestic consumption, except the following:

| Substance or Characteristic | Limit or Range |
|---|---|
| Chlorides (Cl) | 100 milligrams per liter |
| Hardness | 250 milligrams per liter |
| pH value | 6.0-9.0 |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |

Class C. The quality of this class of the intrastate waters of the state shall be such as to permit their use for industrial cooling and materials transport without a high degree of treatment being necessary to avoid severe fouling, corrosion, scaling, or other unsatisfactory conditions. The following shall not be exceeded in the intrastate waters:

| Substance or Characteristic | Limit or Range |
|---|---|
| Chlorides (Cl) | 250 milligrams per liter |
| Hardness | 500 milligrams per liter |
| pH value | 6.0-9.0 |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |

Additional selective limits may be imposed for any specific intrastate waters as needed.

In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged into or permitted by any person to gain access to any intrastate waters classified for industrial purposes so as to cause any material impairment of their use as a source of industrial water supply.

4. ~~(4)~~ Agriculture and wildlife.

Class A. The quality of this class of the intrastate waters of the state shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the waters or area, including truck garden crops. The following concentrations or limits shall be used as a guide in determining the suitability of the waters for such uses, together with the recommendations contained in Handbook 60 published by the Salinity Laboratory of the U.S. Department of Agriculture, and any revisions, amendments or supplements thereto:

| Substance or Characteristic | Limit or Range |
|---|---|
| Bicarbonates ($HCO_3$) | 5 milliequivalents per liter |
| Boron (B) | 0.5 milligram per liter |
| pH value | 6.0-8.5 |
| Specific conductance | 1,000 micromhos per centimeter |
| Total dissolved salts | 700 milligrams per liter |
| Sodium (Na) | 60% of total cations as milliequivalents per liter |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| Sulfates ($SO_4$) | 10 milligrams per liter, applicable to water used for production of wild rice during periods when the rice may be susceptible to damage by high sulfate levels. |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |

Class B. The quality of this class of the intrastate waters of the state shall be such as to permit their use by livestock and wildlife without inhibition or injurious effects. The limits or concentrations of substances or characteristics given below shall not be exceeded in the intrastate waters:

| Substance or Characteristic | Limit or Range |
|---|---|
| pH value | 6.0-9.0 |
| Total salinity | 1,000 milligrams per liter |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Unspecified toxic substances | None at levels harmful either directly or indirectly. |

Additional selective limits may be imposed for any specific intrastate waters as needed.

5. ~~(5)~~ Navigation and waste disposal. The quality of this class of the intrastate waters of the state shall be such as to be suitable for esthetic enjoyment of scenery and to avoid any interference with navigation or damaging effects on property. The following limits or concentrations shall not be exceeded in the intrastate waters:

| Substance or Characteristic | Limit or Range |
|---|---|
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| pH value | 6.0-9.0 |
| Hydrogen sulfide | 0.02 milligrams per liter |

Additional selective limits may be imposed for any specific intrastate waters as needed.

6. ~~(6)~~ Other uses. The uses to be protected in this class may be under other jurisdictions and in other areas to which the intrastate waters of the state are tributary, and may include any

or all of the uses listed in the foregoing categories, plus any other possible beneficial uses. The agency therefore reserves the right to impose any standards necessary for the protection of this class, consistent with legal limitations.

7. Limited resource value waters. The quality of this class of intrastate waters shall be such as to protect aesthetic qualities, secondary body contact use, and ground water for use as a potable water supply. The limits or concentrations of substances or characteristics given below shall not be exceeded in the intrastate waters:

| Substance or Characteristic | Limit or Range |
|---|---|
| Fecal Coliform Organisms | 1,000 organisms per 100 milliliters* (applies only between May 1 and October 31) |
| pH | 6.0 to 9.0 |
| Dissolved Oxygen | At concentrations which will avoid odors, or putrid conditions in the receiving water provided that the concentration shall be not less than 1 milligram per liter at all times (instantaneous minimum concentration in order to avoid these conditions unless lower concentrations can be shown to avoid these conditions on a site specific basis. |
| Unspecified Substances | Unspecified substances shall not be allowed in such quantities or concentrations that will impair the specified uses. |

~~CHAPTER FIFTEEN WPC 15~~

**6 MCAR § 4.8015 ~~WPC 15~~ Criteria for the classification of the interstate waters of the state and the establishment of standards of quality and purity.** The official policy and purpose of the State of Minnesota in regard to these matters is set forth in the Minnesota Water Pollution Control Statutes as amended by Laws of 1973, ch. 374:

§ 115.42. It is the policy of the state to provide for the prevention, control and abatement of pollution of all waters of the state, so far as feasible and practical, in furtherance of conservation of such waters and protection of the public health and in furtherance of the development of the economic welfare of the state.

. . . It is the purpose of Laws of 1963, ch. 874, to safeguard the waters of the state from pollution by: (a) preventing any new pollution; and (b) abating pollution existing when Laws of 1963, ch. 874, become effective, under a program consistent with the declaration of policy above stated.

§ 115.44, subd. 2. In order to attain the objectives of Laws of 1963, ch. 874, the agency, after proper study and after conducting public hearing upon due notice, shall, as soon as practicable, group the designated waters of the state into classes and adopt classifications and standards of purity and quality therefor. Such classification shall be made in accordance with considerations of best usage in the interest of the public and with regard to the considerations mentioned in subdivision 3 hereof.

§ 115.44, subd. 8. If the agency finds in order to comply with the federal water pollution control act or any other federal law or rule or regulation promulgated thereunder that it is impracticable to comply with the requirements of this section in classifying waters or adopting standards or in meeting any of the requirements thereof, compliance with the requirements of such section are waived to the extent necessary to enable the agency to comply with federal laws and rules and regulations promulgated thereunder. The agency may classify waters and adopt criteria and standards in such form and based upon such evidence as it may deem necessary and sufficient for the purposes of meeting requirements of such federal laws, notwithstanding any provisions in chapter 115 or any other state law to the contrary. In the event waters are classified and criteria and standards are adopted to meet the requirements of federal law, the agency shall thereafter proceed to otherwise comply with the provisions of this section which were waived as rapidly as is practicable. This authority shall extend to proceedings pending before the agency on May 20, 1973.

. . . Wherever advisable and practicable the agency may establish standards for effluent or disposal systems discharging into waters of the state regardless of whether such waters are or are not classified.

§ 115.03, subd. 5. Notwithstanding any other provisions prescribed in or pursuant to chapter 115 and, with respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall have the authority to perform any and all acts minimally necessary including, but not limited to, the establishment and application of standards, procedures, regulations, orders, variances, stipulation agreements, schedules of compliance, and permit conditions, consistent with and, therefore, not less stringent than the provisions of the Federal Water Pollution Control Act, as amended, applicable to the participation by the state of Minnesota in the National Pollutant Discharge Elimination System (NPDES). . . .

In accordance with this declaration of policy and legislative intent, and under the powers delegated to the agency, the following interstate water use classifications and corresponding standards of quality and purity are hereby adopted by the Pollution Control Agency as provided by law.

*The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of 5 samples, nor shall more than 10% of all samples taken during any calendar month individually exceed 2,000 organisms per 100 milliliters.

A. ~~(a)~~ Introduction.

1. ~~(1)~~ Scope. The following classifications, criteria and standards of water and effluent quality and purity as hereby adopted and established shall apply to all interstate waters of the state, notwithstanding any other interstate water quality or effluent regulations of general or specific application, except that any more stringent water quality or effluent standards or prohibitions in the other applicable regulations are preserved.

2. ~~(2)~~ Severability. All provisions of this rule shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not void any other lettered paragraph or subparagraph, subdivision or any part thereof.

3. ~~(3)~~ Definitions. The terms "waters of the state" for the purposes of this rule shall be construed to mean interstate waters as herein below defined, and the terms "sewage," "industrial wastes," and "other wastes," as well as any other terms for which definitions are given in the Water Pollution Control Statutes, as used herein have the meanings ascribed to them in Minn. Stat. §§ 115.01 and 115.41, with the exception that disposal systems or treatment works operated under permit of the agency shall not be construed to be "waters of the state" as the term is used herein. Interstate waters are defined as all rivers, lakes, and other waters that flow across or form part of state boundaries. Other terms and abbreviations used herein which are not specifically defined in applicable federal or state law shall be construed in conformance with the context, and in relation to the applicable section of the statutes pertaining to the matter at hand, and current professional usage.

4. ~~(4)~~ Uses of the interstate waters. The classifications are listed separately in accordance with the need for interstate water quality protection, considerations of best use in the interest of the public and other considerations, as indicated in Minn. Stat., § 115.44. The classifications should not be construed to be an order of priority, nor considered to be exclusive or prohibitory of other beneficial uses.

5. ~~(5)~~ Determination of compliance. In making tests or analyses of the interstate waters of the state, sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered necessary by the agency from the viewpoint of adequately reflecting the condition of the interstate waters, the composition of the effluents, and the effects of the pollutants upon the specified uses. Reasonable allowance will be made for dilution of the effluents, which are in compliance with C.6. ~~(c)(6)~~, following discharge into waters of the state. The agency by allowing dilution may consider the effect on all uses of the interstate waters into which the effluents are discharged. The extent of dilution allowed regarding any specific discharge shall not violate the applicable water quality standards. The samples shall be preserved and analyzed in accordance with procedures given in the 1971 edition of *Standard Methods for the Examination of Water and Waste-Water*, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and any revisions or amendments thereto. The agency may accept or may develop other methods, procedures, guidelines or criteria for measuring, analyzing and collecting samples.

6. ~~(6)~~ Natural interstate water quality. The interstate waters may, in a state of nature, have some characteristics or properties approaching or exceeding the limits specified in the water quality standards. The standards shall be construed as limiting the addition of pollutants of human activity to those of natural origin, where such be present, so that in total the specified limiting concentrations will not be exceeded in the interstate waters by reason of such controllable additions. Where the background level of the natural origin is reasonably definable and normally is higher than the specified standard the natural level may be used as the standard for controlling the addition of pollutants of human activity which are comparable in nature and significance with those of natural origin. The natural background level may be used instead of the specified water quality standard as a maximum limit of the addition of pollutants, in those instances where the natural level is lower than the specified standard and reasonable justification exists for preserving the quality to that found in a state of nature.

In the adoption of standards for individual interstate waters, the agency will be guided by the standards set forth herein but may make reasonable modifications of the same on the basis of evidence brought forth at a public hearing if it is shown to be desirable and in the public interest to do so in order to encourage the best use of the interstate waters or the lands bordering such interstate waters.

7. ~~(7)~~ Non-degradation. Waters which are of quality better than the established standards shall be maintained at high quality unless a determination is made by the agency that a change is justifiable as a result of necessary economic or social development and will not preclude appropriate beneficial present and future uses of the waters. Any project or development which would constitute a source of pollution to waters of the state shall be required to provide the best practicable control technology currently available not later than July 1, 1977 and the best available technology economically achievable not later than July 1, 1983, and any other applicable treatment standards as defined by and in accordance with the requirements of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., as amended, in order to maintain high water quality and keep water pollution at a minimum. In implementing this policy, the administrator of the U.S. Environmental Protection Agency will be provided with such information as he requires to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

8. ~~(8)~~ Variance from standards. In any case where, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare; and that strict conformity with the standards would be unreason-

able, impractical or not feasible under the circumstances; the agency in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and federal laws. The U.S. Environmental Protection Agency will be advised of any permits which may be issued under this clause together with information as to the need therefor.

B. ~~(b)~~ Water use classifications—all interstate waters of the state. Based on considerations of best usage in the interest of the public and in conformance with the requirements of the applicable statutes, the interstate waters of the state shall be grouped into one or more of the following classes:

1. ~~(1)~~ Domestic consumption. (To include all interstate waters which are or may be used as a source of supply for drinking, culinary or food processing use or other domestic purposes, and for which quality control is or may be necessary to protect the public health, safety or welfare.)

2. ~~(2)~~ Fisheries and recreation. (To include all interstate waters which are or may be used for fishing, fish culture, bathing or any other recreational purposes, and for which quality control is or may be necessary to protect aquatic or terrestrial life, or the public health, safety or welfare.)

3. ~~(3)~~ Industrial consumption. (To include all interstate waters which are or may be used as a source of supply for industrial process or cooling water, or any other industrial or commercial purposes, and for which quality control is or may be necessary to protect the public health, safety or welfare.)

4. ~~(4)~~ Agriculture and wildlife. (To include all interstate waters which are or may be used for any agriculture purposes, including stock watering and irrigation, or by waterfowl or other wildlife, and for which quality control is or may be necessary to protect terrestrial life or the public health, safety or welfare.)

5. ~~(5)~~ Navigation and waste disposal. (To include all interstate waters which are or may be used for any form of water transportation or navigation, disposal of sewage, industrial waste or other waste effluents, or fire prevention, and for which quality control is or may be necessary to protect the public health, safety or welfare.)

6. ~~(6)~~ Other uses. (To include interstate waters which are or may serve the above listed uses or any other beneficial uses not listed herein, including without limitation any such uses in this or any other state, province, or nation of any interstate waters flowing through or originating in this state, and for which quality control is or may be necessary for the above declared purposes, or to conform with the requirements of the legally constituted state or national agencies having jurisdiction over such interstate waters, or any other considerations the agency may deem proper.)

7. Limited resource value waters. This class includes surface waters of the state which are of limited value as a water resource and where water quantities are intermittent or less than one (1) cubic feet per second at the once in ten year, seven day low flow as defined in C.7. These waters shall be protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. It is the intent of the agency that very few waters be classified as limited resource value waters. In conjunction with those factors listed in Minn. Stat. § 115.44, subd. 2 and subd. 3 (1978), the agency shall determine the extent to which the waters of the state demonstrate the conditions set forth below:

a. The existing fishery and potential fishery are severely limited by natural conditions as exhibited by poor water quality characteristics, lack of habitat, or lack of water; or

b. The quality of the resource has been significantly altered by human activity and the effect is essentially irreversible; and

c. There are limited recreational opportunities (such as fishing, swimming, wading or boating) in and on the water resource.

Conditions a. and c. or b. and c. must be established by the agency water assessment procedure before the waters can be classified as limited resource value waters.

C. ~~(c)~~ General standards applicable to all interstate waters of the state.

1. ~~(1)~~ No untreated sewage shall be discharged into any interstate waters of the state. ~~No treated sewage, or industrial waste or other wastes containing viable pathogenic organisms, shall be discharged into interstate waters of the state without effective disinfection.~~ Effective disinfection of any discharges, including combined flows of sewage and storm water, will be required where necessary to protect the specified uses of the interstate waters.

2. ~~(2)~~ No sewage, industrial waste or other wastes shall be discharged into any interstate waters of the state so as to cause any nuisance conditions, such as the presence of significant amounts of floating solids, scum, oil slicks, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, or other offensive or harmful effects.

3. ~~(3)~~ Existing discharges of inadequately treated sewage, industrial waste or other wastes shall be abated, treated or controlled so as to comply with the applicable standards. Separation of sanitary sewage from natural runoff may be required where necessary to ensure continuous effective treatment of sewage.

**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."

4. ~~(4)~~ The highest levels of water quality, including, but not limited to, dissolved oxygen, which are attainable in the interstate waters by continuous operation at their maximum capability of all primary and secondary units of treatment works or their equivalent discharging effluents into the interstate waters shall be maintained in order to enhance conditions for the specified uses.

5. ~~(5)~~ Means for expediting mixing and dispersion of sewage, industrial waste, or other waste effluents in the receiving interstate waters are to be provided so far as practicable when deemed necessary by the agency to maintain the quality of the receiving interstate waters in accordance with applicable standards. Mixing zones be established by the agency on an individual basis, with primary consideration being given to the following guidelines: (a) mixing zones in rivers shall permit an acceptable passageway for the movement of fish; (b) the total mixing zone or zones at any transect of the stream should contain no more than 25% of the crossectional area and/or volume of flow of the stream, and should not extend over more than 50% of the width; (c) mixing zone characteristics shall not be lethal to aquatic organisms; (d) for contaminants other than heat, the 96 hour median tolerance limit for indigenous fish and fish food organisms should not be exceeded at any point in the mixing zone; (e) mixing zones should be as small as possible, and not intersect spawning or nursery areas, migratory routes, water intakes, nor mouths of rivers; and (f) overlapping of mixing zones should be minimized and measures taken to prevent adverse synergistic effects.

6. ~~(6)~~ It is herein established that the agency shall require secondary treatment as a minimum for all municipal sewage and biodegradable industrial or other wastes to meet the adopted water quality standards. A comparable high degree of treatment or its equivalent also shall be required of all non-biodegradable industrial or other wastes unless the discharger can demonstrate to the agency that a lesser degree of treatment or control will provide for water quality enhancement commensurate with present and proposed future water uses and a variance is granted under the provisions of the variance clause. Secondary treatment facilities are defined as works which will provide effective sedimentation, biochemical oxidation, and disinfection, or the equivalent, including effluents conforming to the following:

| Substance or Characteristic | Limiting Concentration or Range* |
|---|---|
| 5-Day Biochemical Oxygen Demand* | 25 milligrams per liter |
| Fecal coliform group organisms*** | 200 ~~most probable number~~ organisms per 100 milliliters (May 1 through October 31) |
| Total suspended solids* | 30 milligrams per liter |
| ~~Pathogenic organisms~~ | ~~None~~ |
| Oil | Essentially free of visible oil |
| Phosphorus** | 1 milligram per liter |
| Turbidity | 25 |
| pH range | 6.5-8.5 |
| Unspecified toxic or corrosive substances | None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property. |

~~In addition to providing secondary treatment as defined above, all dischargers of sewage, industrial wastes or other wastes also shall provide the best practicable control technology not later than July 1, 1977, and best available technology economically achievable by July 1, 1983, and any other applicable treatment standards as defined by and in accordance with the requirements and schedules of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., as amended, and applicable regulations or rules promulgated pursuant thereto by the Administrator of the U.S. Environmental Protection Agency~~.

The requirements of this rule and specifically the requirement of secondary treatment as stated above shall be in addition to any requirement imposed on a discharge by the Clean Water Act, 33 U.S.C. 1251 et seq., and its implementing regulations. In the case of a conflict between the requirements of this rule and the requirements of the Clean Water Act or its implementing regulations, the more stringent requirement shall be controlling.

7. ~~(7)~~ Dischargers of sewage, industrial waste or other waste effluents shall be controlled so that the water quality standards will be maintained at all stream flows which are equal to or exceeded by 90 percent of the seven consecutive daily average flows of record (the lowest weekly flow with a once in ten year recurrence interval) for the critical month(s). The period of record for determining the specific flow for the stated recurrence interval, where records are available, shall include at least the most recent ten years of record, including flow records obtained after establishment of flow regulation devices, if any. Such calculations shall not be applied to lakes and their embayments which have no comparable flow recurrence interval. Where stream flow records are not available, the flow may be estimated on the basis of available information on the watershed characteristics, precipitation, run-off and other relevant data.

Allowance shall not be made in the design of treatment works

*The arithmetic mean for concentrations of 5-day biochemical oxygen demand and total suspended solids shall not exceed the stated values in a period of 30 consecutive days and 45 milligrams per liter in a period of 7 consecutive days. ~~Disinfection of wastewater effluents to reduce the coliform organisms levels is required year around. The geometric mean for the fecal coliform organisms shall not exceed the stated value in a period of 30 consecutive days and 400 most probable number per 100 milliliters in a period of 7 consecutive days. The application of the coliform and pathogenic organism standards ordinarily shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms or viable pathogenic organisms in such wastes is known or reasonably certain.~~

**Where the discharge of effluent is directly to or affects a lake or reservoir. Removal of nutrients from all wastes shall be provided to the fullest practicable extent wherever sources of nutrients are considered to be actually or potentially detrimental to preservation of enhancement of the designated water uses.

***Disinfection of wastewater effluents to reduce the levels of fecal coliform organisms to the stated value is required from May 1 through October 31 except that where the effluent is discharged 25 miles or less upstream of a water intake supplying a potable water system, the reduction to the stated value is required year around. The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of five samples, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. The application of the fecal coliform group organism standards shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms or viable pathogenic organisms in such wastes is known or reasonably certain.

for low stream flow augmentation unless such flow augmentation of minimum flow is dependable and controlled under applicable laws or regulations.

8. ~~(8)~~ In any instance where it is evident that the minimal treatment specified in C.6. ~~(c)(6)~~ and dispersion are not effective in preventing pollution, or if at the applicable flows it is evident that the specified stream flow is inadequate to protect the specified water quality standards, the specific standards may be interpreted as effluent standards for control purposes. In addition, the following effluent standards may be applied without any allowance for dilution where stream flow or other factors are such as to prevent adequate dilution, or where it is otherwise necessary to protect the interstate waters for the stated uses:

| Item* | Limits |
|---|---|
| 5-day biochemical oxygen demand | 5 milligrams per liter |
| ~~Total suspended solids~~ | ~~5 milligrams per liter~~ |

This section shall not apply to discharges to surface waters classified as limited resource value waters pursuant to B.7. of this rule and 6 MCAR § 4.8025.

~~(9) In any case where, after a public hearing, the Agency finds it necessary for conformance with Federal requirements, or conservation of the interstate waters of the state, or protection of the public health, or in furtherance of the development of the economic welfare of the state, it may prohibit or further limit the discharge to any designated interstate waters of any sewage, industrial waste, or other waste effluents, or any component thereof, whether such effluents are treated or untreated or existing or new, notwithstanding any other provisions of classifications or specific standards stated herein which may be applicable to such designated interstate waters.~~

9. Notwithstanding the provisions of C.8. and C.16. of this rule, the agency may require a specific discharger to meet effluent limitations which are necessary to maintain the water quality of the receiving water at the standards of quality and purity established by this rule. Any effluent limitation determined to be necessary under this section shall only be required of a discharger after the discharger has been given notice of the specific effluent limitations and an opportunity for public hearing provided that compliance with the requirements of 6 MCAR § 4.8036 H. regarding notice of National Pollutant Discharge Elimination System and State Disposal System permits shall satisfy the notice and opportunity for hearing requirements of this section.

10. ~~(10) It shall be incumbent upon all persons responsible for existing or new sources of sewage, industrial wastes or other wastes which are or will be discharged to interstate waters, to treat or control their wastes so as to produce effluents having a common level or concentration of pollutants of comparable nature or effect as may be necessary to meet the specified standards or better, but this shall not be interpreted to prohibit the Agency, a~~ After providing an opportunity for public hearing ~~from accepting~~ the agency shall accept effective loss prevention and/or water conservation measures or process changes or other waste control measures or arrangements if it finds that such measures, changes or arrangements are ~~as being~~ equivalent to the waste treatment measures required for compliance with applicable effluent and/or water quality standards or load allocations.

11. ~~(11)~~ All sources of sewage, industrial waste, or other waste which do not at present have a valid operation and discharge permit, or an application for the same pending before the agency, shall apply for the same within 30 days of the adoption of this regulation, or the agency may abate the source forthwith. The provisions of C.6. ~~(c)(6)~~ relating to effluent quality standards, and the other provisions of this rule, are applicable to existing sewage, industrial waste or other waste disposal facilities and the effluent discharged therefrom. Nothing herein shall be construed to prevent the agency subsequently from modifying any existing permits so as to conform with federal requirements and the requirements of this rule.

12. ~~(12)~~ Liquid substances which are not commonly considered to be sewage or industrial wastes but which could constitute a pollution hazard shall be stored in accordance with ~~Regulation WPC 4,~~ 6 MCAR § 4.8004, and any revisions or amendments thereto. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into any interstate waters of the state in excess of or contrary to any of the standards herein adopted, or cause pollution as defined by law.

13. ~~(13)~~ No sewage, industrial waste or other wastes shall be discharged into the interstate waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law. In any case where the interstate waters of the state into which sewage, industrial wastes or other waste effluents discharge are assigned different standards than the interstate waters into which such receiving interstate waters flow, the standards applicable to the interstate waters into which such sewage, industrial waste or other wastes discharged shall be supplemented by the following:

*The concentrations specified in C.6. ~~(c)(6)~~ of this rule may be used in lieu thereof if the discharge of effluent is restricted to the spring flush or other high runoff periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge period. If treatment works are designed and constructed to meet the specified limits given above for a continuous discharge, at the discretion of the Agency the operation of such works may allow for the effluent quality to vary between the limits specified above and in C.6. ~~(c)(6)~~, provided the water quality standards and all other requirements of the Agency and the U.S. Environmental Protection Agency are being met. Such variability of operation must be based on adequate monitoring of the treatment works and the effluent and receiving waters as specified by the agency.

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The quality of any waters of the state receiving sewage, industrial waste or other waste effluents shall be such that no violation of the standards of any interstate waters of the state in any other class shall occur by reason of the discharge of such sewage, industrial waste or other waste effluents.

14. ~~(14)~~ Questions concerning the permissible levels, or changes in the same, of a substance, or combination of substances, of undefined toxicity to fish or other biota shall be resolved in accordance with the latest methods recommended by the U.S. Environmental Protection Agency. ~~The recommendations of the National Technical Advisory Committee appointed by the U.S. Environmental Protection Agency shall be used as official guidelines in all aspects where the recommendations may be applicable.~~ The agency shall consider the recommendations of the Quality Criteria for Water, USEPA 1976, in making determinations under this section. Toxic substances shall not exceed 1/10 of the 96 hour median tolerance limit (TLM) as a water quality standard except that other ~~more stringent~~ application factors shall be used when justified on the basis of available scientific evidence.

15. ~~(15)~~ All persons operating or responsible for sewage, industrial waste or other waste disposal systems which are adjacent to or which discharge effluents to these waters or to tributaries which affect the same, shall submit regularly every month a report to the agency on the operation of the disposal system, the effluent flow, and the characteristics of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses, and other pertinent information shall be furnished as may be required by the Agency to adequately evaluate the condition of the disposal system, the effluent, and the waters receiving or affected by the effluent.

16. Limited resource value waters.

a. For point source discharges to surface waters classified as limited resource value waters pursuant to B.7. of this rule and 6 MCAR § 4.8025 the agency shall require treatment facilities which will provide effluents conforming to the following limitations:

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5-Day Biochemical Oxygen Demand | 15 milligrams per liter* |

b. The agency may allow treatment works to be constructed and/or operated to produce effluents to limited resource value waters at levels up to those stated in C.6. of this rule provided that it is demonstrated that the water quality standards for limited resource value waters will be maintained during all periods of discharge from the treatment facilities.

c. Notwithstanding the effluent limitations established by this section the quality of limited resource value waters shall not be such as to allow a violation of applicable water quality standards in waters of the state which are connected to or affected by water classified as limited resource value waters.

D. ~~(d)~~ Specific standards of quality and purity for designated classes of interstate waters of the state. The following standards shall prescribe the qualities or properties of the interstate waters of the state which are necessary for the designated public use or benefit and which, if the limiting conditions given are exceeded, shall be considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental or injurious with respect to such designated uses or established classes of the interstate waters:

1. ~~(1)~~ Domestic consumption.

Class A. The quality of this class of the interstate waters of the state shall be such that without treatment of any kind the raw waters will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions, amendments or supplements thereto. This standard will ordinarily be restricted to underground waters with a high degree of natural protection. The basic requirements are given below:

| Substance or Characteristic | Limit or Range |
|---|---|
| Total coliform organisms | 1 most probable number per 100 milliliters |
| Turbidity value | 5 |
| Color value | 15 |
| Threshold odor number | 3 |
| Methylene blue active substance (MBAS) | 0.5 milligram per liter |
| Arsenic (As) | 0.01 milligram per liter |
| Chlorides (Cl) | 250 milligrams per liter |
| Copper (Cu) | 1 milligram per liter |
| Carbon Chloroform extract | 0.2 milligram per liter |
| Cyanides (CN) | 0.01 milligram per liter |
| Fluorides (F) | 1.5 milligrams per liter |
| Iron (Fe) | 0.3 milligram per liter |
| Manganese (Mn) | 0.05 milligram per liter |
| Nitrates ($NO_3$) | 45 milligrams per liter |
| Phenol | 0.001 milligram per liter |
| Sulfates ($SO_4$) | 250 milligrams per liter |
| Total dissolved solids | 500 milligrams per liter |
| Zinc (Zn) | 5 milligrams per liter |
| Barium (Ba) | 1 milligram per liter |
| Cadmium (Cd) | 0.01 milligram per liter |
| Chromium (Hexavalent, Cr) | 0.05 milligram per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Selenium (Se) | 0.01 milligram per liter |
| Silver (Ag) | 0.05 milligram per liter |
| Radioactive material | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |

Class B. The quality of this class of the interstate waters of the state shall be such that with approved disinfection, such as simple chlorination or its equivalent, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department

*As measured by the arithmetic mean of all samples taken during any calendar month.

of Health, Education and Welfare, and any revisions, amendments or supplements thereto. This standard will ordinarily be restricted to surface and underground waters with a moderately high degree of natural protection. The physical and chemical standards quoted above for Class A interstate waters shall also apply to these interstate waters in the untreated state, ~~except as listed below:~~

| ~~Substance or Characteristic~~ | ~~Limit or Range~~ |
|---|---|
| ~~Fecal coliform organisms~~ | ~~10 most probable number per 100 milliliters~~ |

Class C. The quality of this class of the interstate waters of the state shall be such that with treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment processes, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions, amendments or supplements thereto. This standard will ordinarily be restricted to surface waters, and ground waters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where interstate water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water infiltration. The physical and chemical standards quoted above for Class A interstate waters shall also apply to these interstate waters in the untreated state, except as listed below:

| Substance or Characteristic | Limit or Range |
|---|---|
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| Turbidity value | 25 |

Class D. The quality of this class of the interstate waters of the state shall be such that after treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, plus additional pre, post, or intermediate states of treatment, or other equivalent treatment processes, the treated water will meet in all respects the recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions, amendments or supplements thereto. This standard will ordinarily be restricted to surface waters, and ground waters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water infiltration. The concentrations or ranges given below shall not be exceeded in the raw waters before treatment:

| Substance or Characteristic | Limit or Range |
|---|---|
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| Arsenic (As) | 0.05 milligram per liter |
| Barium (Ba) | 1 milligram per liter |
| Cadmium (Cd) | 0.01 milligram per liter |
| Chromium (Cr + 6) | 0.05 milligram per liter |
| Cyanide (CN) | 0.2 milligram per liter |
| Fluoride (F) | 1.5 milligrams per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Selenium (Se) | 0.01 milligram per liter |
| Silver (Ag) | 0.05 milligram per liter |
| Radioactive Material | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |

In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged into or permitted by any person to gain access to any interstate waters classified for domestic consumption so as to cause any material undesirable increase in the taste, hardness, temperature, toxicity, corrosiveness or nutrient content, or in any other manner to impair the natural quality or value of the interstate waters for use as a source of drinking water.

2. ~~(2)~~ Fisheries and recreation.

Class A. The quality of this class of the interstate waters of the state shall be such as to permit the propagation and maintenance of warm or cold water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the interstate waters are given below:

| Substance or Characteristic | Limit or Range |
|---|---|
| Dissolved oxygen | ~~Not less than 7 milligrams per liter from October 1st and continuing through May 31st, and Not not less than 6 milligrams per liter at other times.~~ Not less then 7 milligrams per liter at all times (instantaneous minimum concentration) |
| Temperature | No material increase |

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| Substance or Characteristic | Limit or Range |
|---|---|
| Ammonia (N) * | ~~0.2 milligram per liter~~ 0.016 milligram per liter (un-ionized as N) |
| Chlorides (Cl) | 50 milligrams per liter |
| Chromium (Cr) | 0.02 milligram per liter |
| Copper (Cu) | 0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value. |
| Cyanides (CN) | 0.2 milligram per liter |
| Oil | 0.5 milligram per liter |
| pH value | 6.5-8.5 |
| Phenols | 0.01 milligram per liter and none that could impart odor or taste to fish flesh or other fresh-water edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present. |
| Turbidity value | 10 |
| Color value | 30 |
| Fecal coliform organisms | ~~200 most probable number per 100 milliliters as a monthly geometric mean based on not less than 5 samples per month, nor exceed 400 most probable number per 100 milliliters in more than 10% of all samples during any month.~~ 200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between May 1 and October 31) |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Total Residual Chlorine** | 0.003 milligrams per liter |

*The percent un-ionized ammonia can be calculated for any temperature and pH using the following formula taken from Thurston, R.V., R.C. Russo, and K. Emerson, 1974. Aqueous ammonia equilibrium calculations. Technical Report Number 74-1, Fisheries Bioassay Laboratory, Montana State University, Bozeman, MT. 18 p.

$$f = \frac{1}{10^{pk_a - pH} + 1} \times 100$$

where:

f = the percent of total ammonia in the un-ionized state

$pk_a = \frac{0.0901821 + 2729.92}{T}$, dissociation constant for ammonia

T = temperature in degrees Kelvin (273.16° Kelvin = 0° Celsius)

Class B. The quality of this class of the interstate waters of the state shall be such as to permit the propagation and maintenance of cool or warm water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the interstate waters are given below:

| Substance or Characteristic | Limit or Range |
|---|---|
| Dissolved oxygen | ~~Not less than 6 milligrams per liter from April 1 through May 31, and Not less than 5 milligrams per liter at other times.~~ Not less than 5 milligrams per liter at all times (instantaneous minimum concentration) |
| Temperature * | 5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature, except in no case shall it exceed the daily average temperature of 86°F. |
| Ammonia (N)** | ~~1 milligram per liter~~ 0.04 milligram per liter (un-ionized as N) |
| Chromium (Cr) | 0.05 milligram per liter |
| Copper (Cu) | 0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value. |
| Cyanides (CN) | 0.02 milligram per liter |
| Oil | 0.5 milligram per liter |
| pH value | 6.5-9.0 |
| Phenols | 0.01 milligram per liter and none that could impart odor or taste to fish flesh or other fresh-water edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present. |
| Turbidity value | 25 |
| Fecal coliform organisms | ~~200 most probable number per 100 milliliters as a monthly geometric mean based on not less than 5 samples per month, nor equal or exceed 2000 most probable number per 100 milliliters in more than 10% of all samples during any month.~~ 200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, |

**Applies to conditions of continuous exposure, where continuous exposure refers to effluents which are discharged for more than a total of two hours in any 24 hour period.

| Substance or Characteristic | Limit or Range |
|---|---|
| | nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between May 1 and October 31). |
| Radioactive materials | Not to exceed the lowest concentration permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Total Residual Chlorine*** | 0.003 milligrams per liter |

Class C. The quality of this class of the interstate waters of the state shall be such as to permit the propagation and maintenance of rough fish or species commonly inhabiting waters of the vicinity under natural conditions, and be suitable for boating and other forms of aquatic recreation for which the interstate waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the interstate waters are given below:

| Substance or Characteristic | Limit or Range |
|---|---|
| Dissolved oxygen | ~~Not less than 5 milligrams per liter from April 1 through November 30, and not less than 4 milligrams per liter at other times.~~ Not less than 5 milligrams per liter at all times (instantaneous minimum concentration) |
| Temperature* | 5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature except in no case shall it exceed the daily average temperature of 90°F. |
| Ammonia (N)** | ~~1.5 milligrams per liter~~ 0.04 milligram per liter (un-ionized as N) |
| Chromium (Cr) | 0.05 milligram per liter |
| Copper (Cu) | 0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value. |
| Cyanides (Cn) | 0.02 milligram per liter |
| Oil | 10 milligrams per liter, and none in such quantities as to (1) produce a visible color film on the surface, (2) impart an oil odor to water or an oil taste to fish and edible invertebrates, (3) coat the banks and bottom of the watercourse or taint any of the associated biota, or (4) become effective toxicants according to the criteria recommended. |
| pH value | 6.5-9.0 |
| Phenols | 0.1 milligram per liter and none that could impart odor or taste to fish flesh or other fresh-water edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present. |
| Turbidity value | 25 |
| Fecal coliform organisms | ~~200 most probable number per 100 milliliters as a geometric mean nor equal or exceed 2000 most probable number per 100 milliliters in more than 10% of the samples.~~ 200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any |

*The following temperature criteria will be applicable for the Mississippi River from Lake Itasca to the outlet of the Metro Wastewater Treatment Works in St. Paul in addition to or superseding the above. The weekly average temperature shall not exceed the following temperatures during the specified months:

| | | | |
|---|---|---|---|
| January | 40°F | July | 83°F |
| February | 40°F | August | 83°F |
| March | 48°F | September | 78°F |
| April | 60°F | October | 68°F |
| May | 72°F | November | 50°F |
| June | 78°F | December | 40°F |

For the Mississippi River from Lock and Dam No. 2 at Hastings to the Iowa Border, the weekly average temperature shall not exceed the following temperatures during the specified months:

| | | | |
|---|---|---|---|
| January | 40°F | July | 84°F |
| February | 40°F | August | 84°F |
| March | 54°F | September | 82°F |
| April | 65°F | October | 73°F |
| May | 75°F | November | 58°F |
| June | 84°F | December | 48°F |

**See ammonia footnote for Class 2A waters.
***See chlorine footnote for Class 2A waters.

| Substance or Characteristic | Limit or Range |
|---|---|
| | calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between May 1 and October 31). |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Total Residual Chlorine*** | 0.003 milligrams per liter |

For all classes of fisheries and recreation waters, the aquatic habitat, which includes the interstate waters and stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste or other waste effluents to the interstate waters.

No sewage, industrial waste or other wastes shall be discharged into any of the interstate waters of this category so as to cause any material change in any other substances or characteristics which may impair the quality of the interstate waters or the aquatic biota of any of the above listed classes or in any manner render them unsuitable or objectionable for fishing, fish culture or recreational uses. Additional selective limits or changes in the discharge bases may be imposed on the basis of local needs.

3. ~~(3)~~ Industrial consumption.

Class A. The quality of this class of the interstate waters of the state shall be such as to permit their use without chemical treatment, except softening for ground water, for most industrial purposes, except food processing and related uses, for which a high quality of water is required. The quality shall be generally comparable to Class B waters for domestic consumption, except for the following:

| Substance or Characteristic | Limit or Range |
|---|---|
| Chlorides (Cl) | 50 milligrams per liter |
| Hardness | 50 milligrams per liter |
| pH value | 6.5-8.5 |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |

Class B. The quality of this class of the interstate waters of the state shall be such as to permit their use for general industrial purposes, except for food processing, with only a moderate degree of treatment. The quality shall be generally comparable to Class D interstate waters used for domestic consumption, except the following:

| Substance or Characteristic | Limit or Range |
|---|---|
| Chlorides (Cl) | 100 milligrams per liter |
| Hardness | 250 milligrams per liter |
| pH value | 6.0-9.0 |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |

Class C. The quality of this class of the interstate waters of the state shall be such as to permit their use for industrial cooling and materials transport without a high degree of treatment being necessary to avoid severe fouling, corrosion, scaling, or other unsatisfactory conditions. The following shall not be exceeded in the interstate waters:

| Substance or Characteristic | Limit or Range |
|---|---|
| Chlorides (Cl) | 250 milligrams per liter |
| Hardness | 500 milligrams per liter |
| pH value | 6.0-9.0 |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |

Additional selective limits may be imposed for any specific interstate waters as needed.

In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged into or permitted by any person to gain access to any interstate waters classified for industrial purposes so as to cause any material impairment of their use as a source of industrial water supply.

4. ~~(4)~~ Agriculture and wildlife.

Class A. The quality of this class of the interstate waters of the state shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the waters or area, including truck garden crops. The following concentrations or limits shall be used as a guide in determining the suitability of the waters for such uses, together with the recommendations contained in Handbook 60 published by the Salinity Laboratory of the U.S. Department of Agriculture, and any revisions, amendments or supplements thereto:

| Substance or Characteristic | Limit or Range |
|---|---|
| Bicarbonates ($HCO_3$) | 5 milliequivalents per liter |
| Boron (B) | 0.5 milligram per liter |
| pH value | 6.0-8.5 |
| Specific conductance | 1,000 micromhos per centimeter |

*The following temperature criteria will be applicable for the Mississippi River from the outlet of the Metro Wastewater Treatment Works in St. Paul to Lock and Dam No. 2 at Hastings in addition to or superseding the above. The weekly average temperature shall not exceed the following temperatures during the specified months.

| | | | |
|---|---|---|---|
| January | 40°F | July | 83°F |
| February | 40°F | August | 83°F |
| March | 48°F | September | 78°F |
| April | 60°F | October | 68°F |
| May | 72°F | November | 50°F |
| June | 78°F | December | 40°F |

**See ammonia footnote for Class 2A waters.
***See chlorine footnote for Class 2A waters.

| Substance or Characteristic | Limit or Range |
|---|---|
| Total dissolved salts | 700 milligrams per liter |
| Sodium (Na) | 60% of total cations as milliequivalents per liter |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| Suflates ($SO_4$) | 10 milligrams per liter, applicable to water used for production of wild rice during periods when the rice may be susceptible to damage by high sulfate levels. |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |

Class B. The quality of this class of the interstate waters of the state shall be such as to permit their use by livestock and wildlife without inhibition or injurious effects. The limits or concentrations of substances or characteristics given below shall not be exceeded in the interstate waters:

| Substance or Characteristic | Limit or Range |
|---|---|
| pH value | 6.0-9.0 |
| Total salinity | 1,000 milligrams per liter |
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| Radioactive materials | Not to exceed the lowest concontrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Unspecified toxic substances | None at levels harmful either directly or indirectly. |

Additional selective limits may be imposed for any specific interstate waters as needed.

5. ~~(5)~~ Navigation and waste disposal. The quality of this class of the interstate waters of the state shall be such as to be suitable for esthetic enjoyment of scenery and to avoid any interference with navigation or damaging effects on property. The following limits or concentrations shall not be exceeded in the interstate waters:

| Substance or Characteristic | Limit or Range |
|---|---|
| ~~Fecal coliform organisms~~ | ~~200 most probable number per 100 milliliters~~ |
| pH value | 6.0-9.0 |
| Hydrogen sulfide | 0.02 milligrams per liter |

Additional selective limits may be imposed for any specific interstate waters as needed.

6. ~~(6)~~ Other uses. The uses ot be protected in this class may be under other jurisdictions and in other areas to which the interstate waters of the state are tributary, and may include any or all of the uses listed in the foregoing categories, plus any other possible beneficial uses. The agency therefore reserves the right to impose any standards necessary for the protection of this class, consistent with legal limitations.

7. Limited resource value waters. The quality of this class of interstate waters shall be such as to protect aesthetic qualities, secondary body contact use, and ground water for use as a potable water supply. The limits or concentrations of substances or characteristics given below shall not be exceeded in the interstate waters:

| Substance or Characteristic | Limit or Range |
|---|---|
| Fecal Coliform Organisms | 1,000 organisms per 100 milliliters* (applies only between May 1 and October 31) |
| pH | 6.0 to 9.0 |
| Dissolved Oxygen | At concentrations which will avoid odors, or putrid conditions in the receiving water provided that the concentration shall be not less than 1 milligram per liter at all times (instantaneous minimum concentration) in order to avoid these conditions unless lower concentrations can be shown to avoid these conditions on a site specific basis. |
| Unspecified Substances | Unspecified substances shall not be allowed in such quantities or concentrations that will impair the specified uses. |

## ~~CHAPTER TWENTY FOUR: WPC 24~~

**6 MCAR § 4.8024 ~~WPC 24~~ Classifications of Intrastate Waters of Minnesota.** The following regulation establishing classifications pertains to all intrastate surface waters of the state.

A. ~~(a)~~ All intrastate waters are included, although some minor watercourses such as unnamed streams or interconnecting waters and/or intermittently flowing creeks, ditches, or draws, etc., are not listed individually herein. All intrastate waters are classified herein and this classification shall supersede the classification of the intrastate waters given in WPC ~~1, 2, 5, 6, 7, 8, 9, 10, 16 and 17~~.

B. ~~(b)~~ All known present uses and/or uses which may be made of the waters in the future are included. In addition to the

*The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of 5 samples, nor shall nore than 10% of all samples taken during any calendar month individually exceed 2,000 organisms per 100 milliliters.

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classification given below, all of the waters named herein are also included in Classes 2C, 3C, 4A and B, 5 and 6, where such uses are possible, provided that waters specifically classified as limited resource value shall only be included in the following additional classes: 3C, 4A, 4B, 5 and 6. All other waters not specifically named herein shall be classified as 2B, 2C, 3B, 3C, 4A and B, 5 and 6. ~~unless deletion of any one or all of such designations is recommended by the Minnesota Department of Natural Resources on the basis of information available as to its actual or potential suitability for the given uses.~~ Where specific criteria are common to two or more listed classes the more restrictive value shall apply. For additional information refer to 6 MCAR § 4.8014 ~~Regulation WPC 14~~, Criteria for the classification of the intrastate waters of the state and the establishment of standards of quality and purity~~, and to Regulation WPC 23, Standards of Quality and Purity for Effluents Discharged to Intrastate Waters~~.

C. ~~(c)~~ Interstate waters as defined in the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), § 13(e) thereof as including all rivers, lakes, and other waters that flow across or form a part or state boundaries. All of the remaining designated waters of the state which do not meet the definition of interstate waters given above are to be construed herein as constituting intrastate waters.

D. ~~(d)~~ The provisions of this regulation shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph, subparagraph, subdivision or any other party thereof.

E. Supplement 1 to this rule lists intrastate waters that are classified as limited resource value waters, Class 7. For those intrastate waters identified with an asterisk (*), the revised classification in Supplement 1 shall supersede any previous classification; provided, however, that the limited resource value classification shall apply only to that portion of the water specifically described in Supplement 1.

**Supplement 1**

CLASS 7 Limited Resource Value Waters

Lake Superior Basin
St. Louis River Watershed (No. 1)

| | |
|---|---|
| Streams | |
| *Barber Creek (East Swan River) (Chisholm Creek) Chisholm | T 58 R20 S21,22,26,27,34,35 |
| *Elbow Creek Eveleth | T 57 R17 S6<br>T 57 R18 S1 |
| Unnamed Creek Meadowlands | T 53 R19 S22,23 |
| Unnamed Ditch Eveleth | T 57 R17 S6 |
| Unnamed Ditch Gilbert | T 58 R17 S23,24,25,36 |

Lake Superior Watershed (No. 2)
Lake of the Woods Basin
Rainy Lake Watershed (No. 3)

| | |
|---|---|
| Unnamed Swamp Winton | T 63 R11 S19<br>T 63 R12 S24 |

Little Fork River Watershed (No. 4)
Big Fork River Watershed (No. 5)
Lake of the Woods Watershed (No. 6)
Bad River of the North Basin
Mustinka-Boise de Sioux Rivers Watershed (No. 7)

| | |
|---|---|
| Streams | |
| *Twelve Mile Creek (County Ditch No. 1) Donnelly | T126 R43 S16,17,18,19,21,22, 25,26,27<br>T126 R44 S23,24,25,26,27,28, 29,30,31,32,33<br>T126 R45 S25,26,27,28,36 |

Otter Tail River Watershed (No. 8)

| | |
|---|---|
| Streams | |
| County Ditch No. 65 New York Mills | T135 R37 S18<br>T135 R38 S13 |
| Willow Creek New York Mills | T135 R38 S13,14,15,16,17,18 |
| Lakes | |
| Unnamed Slough Vergas | T137 R40 S18<br>T137 R41 S13,24 |

Buffalo River Watershed (No. 9)

| | |
|---|---|
| Streams | |
| County Ditch No. 6A-2 Rothsay | T135 R45 S21,28,33 |
| County Ditch No. 32 Sabin | T138 R48 S13,14,15,16,17,18 |
| Unnamed Creek Rothsay | T135 R45 S21,22,23,25,26 |
| Unnamed Ditch Audubon | T139 R42 S4,9 |
| Unnamed Ditch Lake Park | T139 R43 S4 |
| Unnamed Ditch Glyndon | T139 R47 S1,2,12<br>T140 R47 S35 |
| Unnamed Ditch Callaway | T140 R41 S6<br>T140 R42 S1,2,10,11 |

Wild Rice River Watershed (No. 10)

| | |
|---|---|
| Unnamed Ditch Gary | T145 R44 S22,27,34 |

Red Lake River Watershed (No. 11)

| | |
|---|---|
| Streams | |
| Judicial Ditch No. 13 Goodridge | T154 R40 S16,17,18 |
| Judicial Ditch No. 18 Goodridge | T154 R40 S18,19,27,28,29,30<br>T154 R41 S13,14,15,16,17,18<br>T154 R42 S7,8,13,14,15,16<br>T154 R43 S9,10,11,12,16 |
| Unnamed Creek Shevlin | T147 R36 S17,18<br>T147 R37 S11,12,13,14 |
| Unnamed Ditch Erskine | T149 R42 S34,35 |
| Unnamed Ditch Thief River Falls | T154 R43 S31,32,33 |

Middle River Watershed (No. 12)
Two Rivers Watershed (No. 13)
Roseau River Watershed (No. 14)
Upper Mississippi River Basin
Mississippi River Headwaters Watershed (No. 15)

| | |
|---|---|
| Streams | |
| County Ditch No. 42 | T 48 R23 S29,32 |
| McGregor | |
| *Sandy River | T 48 R23 S19,29,30 |
| McGregor | T 48 R24 S13,24 |
| Unnamed Creek | T 56 R23 S21 |
| Calumet | |
| Unnamed Ditch | T 48 R23 S31,32 |
| McGregor | |
| Unnamed Ditch | T 56 R22 S4,5 |
| Nashwauk | T 57 R22 S32 |
| Unnamed Ditch | T 56 R24 S22 |
| Taconite | |
| Lakes | |
| Unnamed Swamp | T 56 R24 S22 |
| Taconite | |
| | Crow Wing River Watershed (No. 16) |
| Streams | |
| County Ditch No. 15 | T132 R35 S2 |
| (Bear Creek) | T133 R34 S7 |
| Bertha | T133 R35 S12,13,24,25,26,35 |
| County Ditch No. 23 | T129 R38 S26,27 |
| Garfield | |
| Unnamed Creek | T129 R36 S6 |
| Miltona | T130 R36 S30,31 |
| Unnamed Ditch | T130 R36 S30 |
| Miltona | T130 R37 S25,36 |
| Lakes | |
| Unnamed Slough | T130 R37 S26,35,36 |
| Miltona | |
| Unnamed Swamp | T133 R33 S1 |
| Staples | |
| | Crow River Watershed (No. 17) |
| Streams | |
| County Ditch No. 23A | T119 R34 S29,30 |
| Willmar | T119 R35 S23,25,26 |
| County Ditch No. 132 | T116 R31 S16,21 |
| Lakeside | |
| Lakeside Coop Cry. | |
| *Crane Creek | T117 R27 S14,20,21,22,23 |
| Winsted | |
| Judicial Ditch No. 1 | T116 R31 S28,33 |
| Lakeside | |
| Lakeside Coop Cry. | |
| Judicial Ditch No. 15 | T115 R31 S15,16,20,21,29,30 |
| Buffalo Lake | T115 R32 S22,25,26,27,28,32, 33 |
| Iowa Pork Industries | |
| Hector | |
| *Skunk River (Co. Dt. No. 37) | T123 R35 S4,5,9 |
| (Co. Dt. No. 29) | T123 R35 S9,10,11,12 |
| Brooten | T123 R34 S3,4,5,6,7,8 |
| Unnamed Creek | T119 R26 S22,26,27,35 |
| Hiller Mobile Home Court | |
| Unnamed Ditch | T115 R28 S14,23 |
| Glencoe | |
| Green Giant | |
| Unnamed Ditch | T115 R28 S21,22,27,28 |
| Glencoe | |
| Green Giant | |
| Unnamed Ditch | T116 R30 S19,20,21,28,33 |
| Near Hutchinson | |
| West Lynn Coop Creamery | |
| Unnamed Ditch | T117 R27 S10,11 |
| Winsted | |
| Green Giant | |
| Unnamed Ditch | T119 R26 S34,35 |
| Hiller Mobile Home Court | |
| Unnamed Ditch | T119 R34 S10,15,21,22,28, 29,32 |
| Kandiyohi | |
| Unnamed Ditch | T123 R34 S19,30 |
| Belgrade | |
| Unnamed Stream | T117 R27 S11,12 |
| Winsted | |
| | Rum River Watershed (No. 18) |
| Streams | |
| Lower Stanchfield Brook | T 37 R23 S3,10,15,22 |
| Braham | |
| Unnamed Ditch | T 37 R23 S2,3 |
| Braham | |
| Unnamed Ditch | T 38 R28 S4,5 |
| Ramey | T 39 R28 S29,30,32 |
| Ramey Farmers Coop Cry. | T 39 R29 S25,26,27,28 |
| | Mississippi-Sauk Rivers Watershed (No. 19) |
| Streams | |
| *Buckman Creek | T 39 R30 S4,5,6,9 |
| Buckman | T 39 R31 S1,2,10,11 |
| Buckman Coop Cry. | T 40 R30 S31 |
| | T 40 R31 S36 |
| *Bunker Hill Creek | T 38 R30 S6 |
| Little Rock | T 38 R31 S1 |
| Little Rock Coop Cry. | T 39 R30 S31,32,33 |
| *Pike Creek | T129 R30 S17,18,19,20 |
| Flensburg | |
| *Stony Brook | T 36 R29 S2,9,10,11,16 |
| (Stoney Brook) | T 37 R29 S35,36 |
| Foley | |
| *Two Rivers, South Branch | T125 R31 S13,21,22,23,24 |
| Albany | |
| Unnamed Creek | T121 R23 S30 |
| Albertville | T121 R24 S25,26 |
| Unnamed Creek | T121 R31 S2 |
| Eden Valley | T122 R31 S35 |
| Rumland Feeds | |
| Unnamed Creek | T123 R33 S11,14 |
| Lake Henry | |
| Unnamed Ditch | T129 R30 S30 |
| Flensburg | T129 R31 S25 |
| Unnamed Stream | T129 R30 S19,30 |
| Flensburg | |
| Lakes | |

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| | |
|---|---|
| Unnamed Swamp<br>Flensburg | T129 R31 S25 |
| Minnesota River Basin<br>Big Stone Lake Watershed (No. 20) | |
| Lakes | |
| Unnamed Marsh<br>Barry | T124 R47 S8 |
| Pomme de Terre River Watershed<br>(No. 21) | |
| Streams | |
| *Muddy Creek | T124 R42 S6,7,15,16,17,18,21,<br>22,23 |
| (Mud Creek) | T124 R43 S1,4,5,6,7,8 |
| (County Ditch No. 2) | T124 R44 S1,2,3,12 |
| (County Ditch No. 4)<br>Chokio | T125 R43 S34,35,36 |
| Unnamed Ditch<br>Alberta | T124 R43 S3,4 |
| Lac Qui Parle River Watershed<br>(No. 22) | |
| Streams | |
| County Ditch No. 5<br>Marietta | T117 R45 S6,7,18<br>T117 R46 S1<br>T118 R46 S23,25,26,36 |
| County Ditch No. 27<br>Madison | T117 R43 S3,4,5,6<br>T117 R44 S1<br>T118 R43 S34<br>T118 R44 S35,36 |
| County Ditch No. 28<br>Marietta | T118 R46 S22,23,26 |
| Unnamed Ditch<br>Madison | T118 R44 S27,28,34,35 |
| Unnamed Stream<br>Dawson<br>Dawson Mills Soy Isolate | T117 R43 S22 |
| Chippewa River Watershed (No. 23) | |
| Streams | |
| County Ditch No. 7<br>Lowry | T126 R39 S25,26 |
| *County Ditch No. 60 | T130 R39 S14,22,23,27,28,32,<br>33 |
| (Chippewa River)<br>Millerville<br>Millerville Coop Cry. | |
| County Ditch No. 61<br>Kerkhoven | T120 R37 S21,22 |
| Unnamed Ditch<br>Hancock | T122 R40 S6<br>T122 R41 S1,12<br>T123 R40 S18,19,30,31<br>T123 R41 S11,12 |
| Unnamed Ditch<br>Farwell<br>Farwell Coop Cry. Assn. | T126 R39 S6 |
| Unnamed Ditch<br>Lowry | T126 R39 S26,35 |
| Unnamed Ditch<br>Brandon | T129 R39 S21,22 |
| Unnamed Ditch<br>Evansville | T129 R40 S10,11 |
| Lakes | |
| Unnamed Slough<br>Kensington | T127 R40 S34 |
| Unnamed Slough<br>Brandon | T129 R39 S21,22 |
| Unnamed Swamp<br>Sunburg<br>Sunburg Coop Creamery | T122 R36 S30 |
| Unnamed Swamp<br>Lowry | T126 R39 S35,36 |
| Yellow Medicine River Watershed<br>(No. 24) | |
| Streams | |
| *Boiling Springs Creek<br>(County Ditch No. 18)<br>Echo | T113 R38 S5,8<br>T114 R37 S19,30<br>T114 R38 S25,26,27,32,33,34 |
| County Ditch No. 1<br>Echo | T113 R38 S8,9 |
| County Ditch No. 12<br>(Rice Creek)<br>Belview | T113 R36 S4,5,7,8,18,19<br>T113 R37 S15,21,22,23,24 |
| Rice Creek | See County Ditch No. 12 |
| Unnamed Ditch<br>Porter | T114 R44 S21,28 |
| Unnamed Ditch<br>Clarkfield | T115 R41 S16 |
| Unnamed Ditch<br>Clarkfield | T115 R41 S16,21 |
| Redwood River Watershed (No. 25) | |
| Streams | |
| County Ditch No. 14<br>Tyler | T109 R43 S18<br>T109 R44 S2,3,11,13,14<br>T110 R44 S33,34 |
| Judicial Ditch No. 12<br>Tyler | T109 R43 S9,15,16,17,18 |
| Cottonwood River Watershed<br>(No. 26) | |
| Streams | |
| County Ditch No. 38<br>Storden | T107 R37 S28,29 |
| County Ditch No. 63<br>Hanska | T108 R30 S11,12,14,17,18,19,<br>20,21,22,23,27,28 |
| County Ditch No. 109<br>Morgan | T111 R34 S4,5,8,17<br>T112 R34 S22,23,27,28,33 |
| Judicial Ditch No. 6<br>Hanska | T107 R30 S4<br>T108 R30 S28,33 |
| Judicial Ditch No. 10<br>Hanska | T108 R30 S1<br>T109 R30 S35,36 |
| Judicial Ditch No. 30<br>Sleepy Eye<br>Del Monte Corp. | T109 R32 S4,5,6<br>T110 R32 S31 |
| Lone Tree Creek<br>Tracy | T109 R39 S2,3,4,7,8,9<br>T110 R38 S19,20,30<br>T110 R39 S25,34,35,36 |
| *Pell Creek<br>Walnut Grove | T109 R38 S25,26,27,28 |
| *Sleepy Eye Creek<br>Wabasso | T110 R35 S7,8,9,14,15,16<br>T110 R36 S1,2,3,12 |
| Unnamed Ditch<br>Jeffers | T107 R36 S21 |
| Unnamed Ditch<br>Storden | T107 R37 S19,30 |
| Unnamed Dry Run<br>Near Minneopa<br>Blue Earth-Nicolet Elec. | T108 R27 S16 |

| | |
|---|---|
| Unnamed Ditch | T109 R38 S28 |
| Walnut Grove | |
| Unnamed Ditch | T109 R39 S18 |
| Tracy | T109 R40 S13 |
| Unnamed Ditch | T110 R36 S3 |
| Wabasso | T111 R36 S18,19,20,28,29,33, 34 |
| | T111 R37 S13 |
| Unnamed Ditch | T111 R37 S13,24 |
| Wabasso | |
| Lakes | |
| Unnamed Swamp | T107 R37 S30 |
| Storden | |

Blue Earth River Watershed (No. 27)

Streams

| | |
|---|---|
| *Boot Creek | T105 R22 S6,7 |
| New Richland | T105 R23 S12,13,24 |
| Cobb Creek | T104 R23 S7,8,17 |
| Freeborn | T104 R24 S11,12 |
| Cobb Creek Ditch | T103 R23 S2 |
| Freeborn | T104 R23 S14,15,16,23,26,35 |
| County Ditch No. 6 | T107 R24 S4,8,9,17,18 |
| Janesville | T107 R25 S13 |
| County Ditch No. 87 | T103 R24 S6 |
| Wells | T104 R24 S31 |
| | T104 R25 S36 |
| *Foster Creek | T103 R23 S31 |
| Alden | T103 R24 S25,36 |
| Judicial Ditch No. 1 | T104 R27 S23,25,26,36 |
| Delavan | |
| Judicial Ditch No. 49 | T105 R27 S18,19 |
| (Providence Creek) | T105 R28 S13 |
| Amboy | |
| *St. James Creek | T106 R31 S5,7,8,18 |
| St. James | T107 R31 S21,22,28,32,33 |
| Unnamed Ditch | T102 R23 S4,5 |
| Alden | T103 R23 S31,32 |
| Unnamed Ditch | T104 R30 S2,11 |
| Truman | T105 R30 S25,26,35 |
| Unnamed Ditch | T105 R22 S17,18,19 |
| New Richland | T105 R23 S24 |
| Unnamed Ditch | T105 R30 S3 |
| Lewisville | T106 R30 S14,23,26,34,35 |
| Unnamed Ditch | T106 R24 S34 |
| Waldorf | |
| Unnamed Ditch | T108 R25 S18,19 |
| Eagle Lake | T108 R26 S13 |
| Lakes | |
| One Hundred Acre Slough | T106 R31 S7 |
| St. James | |
| Unnamed Swamp | T104 R25 S3,4 |
| Minnesota Lake | |

Minnesota River-Hawk Creek Watershed (No. 28)

Streams

| | |
|---|---|
| *Beaver Creek, East Fork | T115 R35 S13,14,23,24,25,26 |
| (County Ditch No. 63) | |
| Olivia | |
| County Ditch No. 45 | T114 R36 S5,6,7,18 |
| Renville | T114 R37 S13 |
| | T115 R36 S7,18,19,29,30,32 |
| County Ditch No. 46 | T119 R35 S19,20,29 |
| Willmar | |
| County Ditch No. 66 | T115 R34 S15,16,17,18,22,23 |
| Bird Island | |
| County Ditch No. 104 | T114 R38 S1,2 |
| Sacred Heart | T115 R37 S7,18 |
| | T115 R38 S13,24,25,35,36 |
| East Fork Beaver Creek | See Beaver Creek, East Fork |
| *Hawk Creek | T118 R36 S2,3,8,10,15,16,17, 18,19 |
| (County Ditch No. 10) | T118 R37 S5,6,7,8,9,14,15, 16,18, 19,23,24,30,31 |
| Willmar/Pennock | T119 R35 S19 |
| | T119 R36 S24,25,26,35 |
| Unnamed Creek | T118 R37 S2,3,4,5 |
| Pennock | T119 R36 S4,5,6,7,18,19 |
| | T119 R37 S24,25,26,35 |
| Unnamed Ditch | T119 R36 S2,3,4,9,10 |
| Pennock | |

Lower Minnesota River Watershed (No. 29)

Streams

| | |
|---|---|
| *Cherry Creek | T110 R25 S7,8,16,17 |
| Cleveland | T110 R26 S12 |
| County Ditch No. 4 | T115 R25 S30 |
| Norwood | T115 R26 S13,14,24,25 |
| County Ditch No. 40A | T111 R29 S8,14,15,16,17, 23,24 |
| Lafayette | |
| County Ditch No. 42 | T112 R29 S6,7 |
| Winthrop | |
| County Ditch No. 51 | T110 R24 S5,6 |
| Le Center | T111 R24 S31,32 |
| | T111 R25 S26,35,36 |
| County Ditch No. 54 | T112 R23 S26,33,34,35 |
| Montgomery | |
| Judicial Ditch No. 1A | T111 R27 S5,6,7 |
| Lafayette | T111 R28 S10,11,12,15,16,17, 18,19 |
| | T111 R29 S24 |
| *Rush River, Middle Branch | T112 R27 S16,19,20,21,30 |
| Winthrop | T112 R28 S18,19,20,21,22,25, 26,27 |
| | T112 R29 S7,8,9,13,14,15,16, 17,18 |
| Unnamed Dry Run | T108 R26 S19,30 |
| Mankato | T108 R27 S24 |
| Southview Hts Coop Assn | |
| Unnamed Ditch | T111 R29 S6,7,8 |
| Lafayette | T111 R30 S12 |

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| | |
|---|---|
| Unnamed Ditch | T112 R23 S33 |
| Montgomery | |
| Unnamed Ditch | T113 R30 S5 |
| Near Fernando | T114 R29 S19,20,30 |
| Round Grove Coop Creamery | T114 R30 S25,26,27,28,29,32 |
| Unnamed Ditch | T115 R25 S9,16 |
| Bongards | |
| Bongards Creameries | |
| Unnamed Stream | T109 R26 S20,21,28 |
| Mankato | |
| Midwest Electric Products | |

St. Croix River Basin
Kettle River Watershed (No. 30)

| | |
|---|---|
| Streams | |
| Unnamed Ditch | T 46 R19 S30 |
| Moose Lake | |

Snake River Watershed (No. 31)

| | |
|---|---|
| Unnamed Dry Run | T 41 R25 S3 |
| Wahkon | T 42 R25 S29,32,33,34 |

Lower St. Croix River Watershed (No. 32)

| | |
|---|---|
| Streams | |
| Unnamed Ditch | T 34 R20 S19,29,30,31,32 |
| Chisago City | |
| Unnamed Ditch | T 35 R20 S25 |
| Almelund | |
| Almelund Coop Cry. | |
| Unnamed Stream | T 34 R19 S32,33,34 |
| Shafer | |
| Lakes | |
| Unnamed Swamp | T 34 R19 S31,32 |
| Shafer | |

Lower Mississippi River Basin
Metropolitan Area Watershed (No. 33)

| | |
|---|---|
| Streams | |
| Unnamed Ditch | T113 R18 S5,6 |
| Hampton | T114 R18 S31 |
| Lakes | |
| Unnamed Swamp | T113 R18 S8 |
| Hampton | |

Cannon River Watershed (No. 34)

| | |
|---|---|
| Streams | |
| County Ditch No. 15 | T110 R23 S22,23 |
| Kilkenny | |
| Unnamed Ditch | T112 R22 S25,35,36 |
| Lonsdale | |
| Lakes | |
| Unnamed Marsh | T110 R23 S22,23 |
| Kilkenny | |

Zumbro River Watershed (No. 35)

| | |
|---|---|
| Streams | |
| *Trout Brook | T110 R15 S3,4 |
| (Mazeppa Creek) | T111 R15 S28,33,34 |
| Goodhue | |
| Unnamed Creek | T108 R17 S17,20,21 |
| West Concord | |
| Unnamed Ditch | T107 R18 S27,34 |
| Claremont | |

Root River Watershed (No. 36)

| | |
|---|---|
| Streams | |
| *Carters Creek | T103 R12 S4,9,15,16,22 |
| Wykoff | |
| North Fork Whitewater River | See Whitewater River, North Fork |
| Unnamed Creek | T101 R 7 S14,22,23,27 |
| Spring Grove | |
| Unnamed Dry Run | T107 R 9 S7,18 |
| Altura | |
| *Whitewater River, North Fork | T108 R12 S25,26,27 |
| Elgin | |

Missouri-Cedar-Des Moines Rivers Basin
Cedar River Watershed (No. 37)

| | |
|---|---|
| Streams | |
| County Ditch No. 48 | T102 R22 S19,20 |
| Conger | T102 R23 S24,25,26,35 |
| *Goose Creek | T101 R20 S31 |
| Twin Lakes | T101 R21 S16,17,18,21,22,26, 27,35,36 |
| | T101 R 22 S12,13 |
| Unnamed Creek | T103 R17 S4,9 |
| Brownsdale | |
| Unnamed Creek | T104 R18 S5,8,9,16 |
| Blooming Prairie | T105 R18 S31 |

Des Moines River Watershed (No. 38)

| | |
|---|---|
| Streams | |
| County Ditch No. 11 | T101 R32 S4,9,10 |
| Sherburne | T102 R32 S7,8,16,17,21,27, 28,33,34 |
| *Jack Creek | T104 R41 S25,26,30,31,32,33, 34,35,36 |
| Wilmont | |
| *Okabena Creek | T102 R38 S6,7 |
| Worthington | T102 R39 S8,9,10,11,12,14, 15,16 |
| Worthington Lagoons and Allied Mills | T103 R38 S21,22,28,29,30,31 |
| Unnamed Creek | T105 R41 S3,4,9 |
| Iona | T106 R40 S19,29,30,32 |
| | T106 R41 S24,25,26,34,35 |

Rock River Watershed (No. 39)

| | |
|---|---|
| Streams | |
| Judicial Ditch No. 6 | T101 R40 S2 |
| Worthington | T102 R40 S25,26,35 |
| Campbell Soup Co. | |
| Unnamed Creek | T104 R46 S6 |
| Jasper | |
| Unnamed Creek | T105 R44 S6,7,8 |
| Hatfield | T105 R45 S1 |
| | T106 R45 S36 |
| Unnamed Creek | T106 R45 S34,35,36 |
| Hatfield | |
| Unnamed Ditch | T109 R45 S17,19,20 |

~~CHAPTER TWENTY-FIVE: WPC 25~~

**6 MCAR § 4.8025 ~~WPC 25~~ Classifications of interstate waters of Minnesota.** The following regulation establishing classifications applies to all interstate surface waters of the state.

A. ~~(a)~~ All interstate waters are included, although some minor watercourses such as unnamed streams or interconnecting

the limits specified in the standards. The standards shall be construed as regulating or limiting the addition of pollutants of human origin to those of natural origin, if such be present, so that in total the specified limiting concentrations will not be exceeded in the waters by reason of such controllable additions, except that if the background level of natural origin is reasonably definable and is higher than the specified standard such natural background level may be used as the standard for controlling such additions of human origin.

(15) In any case where, upon application of the responsible person or persons, the Commission finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship; that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare; and that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances; the Commission in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and national laws.

## CHAPTER SEVENTEEN: WPC 17

## CLASSIFICATION AND ESTABLISHMENT OF STANDARDS OF WATER QUALITY AND PURITY FOR THE NEMADJI RIVER SYSTEM, CARLTON AND PINE COUNTIES (Except Waters Included in WPC 16)

The classification for use and the standards of quality and purity as hereinafter set forth are hereby adopted and established for the waters of the Black River, Clear Creek, the Nemadji River, Mud Creek, and the South Fork of the Nemadji River, and waters tributary thereto except those designated in Regulation WPC 16, in Carlton and Pine Counties, from the source to the Minnesota-Wisconsin border in Section 19, Township 45 North, Range 15 West; Section 7, Township 47 North, Range 15 West; Section 19, Township 47 North, Range 15 West; Section 18, Township 47 North, Range 15 West; and Section 30, Township 47 North, Range 15 West, respectively.

(a) Classification for Use.

(1) The present or potential uses of the waters requiring maintenance of water quality in accordance with the standards hereinafter prescribed are domestic comsumption, fisheries and recreation, agriculture and wildlife.

(2) The waters also may be used for industrial consumption or any other uses for which the waters may be suitable naturally in this state or other areas through which the waters may flow.

(b) Related Conditions.

(1) The quality of the waters shall be such that with approved disinfection, such as simple chlorination, or its equivalent, the treated water will meet the mandatory requirements of the Public Health Service Drinking Water Standards—1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the U.S. Department of Health, Education and Welfare, and any revisions or amendments thereto.

(2) The quality of the waters shall be such as to permit the propagation and maintenance of sport or commercial fishes of species commonly inhabiting the waters of the vicinity under natural conditions and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable.

(3) The quality of the waters shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the area, and such as to permit their use by livestock and wildlife without inhibition or injurious effects.

(c) Standards.

(1) No untreated sewage, and no untreated industrial waste or other wastes containing viable pathogenic organisms or any substances which may cause disease or endanger the health of humans, shall be discharged into the waters.

(2) No treated sewage, and no treated industrial wastes or other wastes containing viable pathogenic organisms shall be discharged into the waters without effective disinfection. Effective disinfection of any such contaminated discharges, including combined flows of sewage and storm water, and/or separation of sanitary sewage from natural runoff, will be required to protect the aforesaid uses of the waters. In any case, where the discharge of sewage, industrial wastes or other wastes, whether treated or untreated, may be such to consitute an actual or potential hazard to the safety of users of those waters, storage of the effluents and controlled release over non-critical periods may be required. All units of treatment works discharging effluent into the waters shall be operated continuously at their maximum capability and reports on the operation of the treatment works shall be subinitted regularly at monthly intervals.

(3) The discharge of oxygen demanding sewage, industrial wastes or other wastes shall be restricted so that after reasonable opportunity for mixing and dilution thereof with the receiving waters the dissolved oxygen content of such waters will be maintained during April and May at not less than 6 milligrams per liter, based on the minimum monthly average flow which is exceeded by 95 per cent of the monthly stream flows of record for April or May, whichever is lower; and so as to maintain at other times at least 5 milligrams of dissolved oxygen per liter in the receiving waters, based on the minimum

monthly average flow which is exceeded by 95 per cent of the monthly flows for July or August, whichever is lower. Where flow records are not available the indicated flows may be estimated on the basis of available information on the watershed characteristics, precipitation, run-off and other pertinent data.

(4) The discharge of industrial wastes or other wastes shall be controlled so that the heat content of such discharges after reasonable opportunity for mixing and dilution thereof with the receiving waters does not raise the temperature of such waters above 86°F based on the minimum monthly average flow which is exceeded by 95 per cent of the monthly flows for July or August, whichever is lower.

(5) The discharge of sewage, industrial wastes or other waste effluents shall be restricted so that at any stream flow the concentrations given below shall not be exceeded at any point in the waters after reasonable opportunity for mixing and dilution:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Methylene blue active substance (MBAS) | 0.5 milligram per liter |
| Arsenic (As) | 0.01 milligram per liter |
| Phenol | 0.01 milligram per liter |
| Total dissolved solids | 700 milligrams per liter |
| Ammonia (N) | 1 milligram per liter |
| Barium (Ba) | 1 milligram per liter |
| Bicarbonates ($HCO_3$)* | 5 milliequivalents per liter |
| Boron (B)* | 0.5 milligram per liter |
| Cadmium (Cd) | 0.01 milligram per liter |
| Chromium (Hexavalent Cr) | 0.05 milligram per liter |
| Chromium (Total Cr) | 1 milligram per liter |
| Copper (Cu) | 0.2 milligram per liter |
| Cyanides (CN) | 0.02 milligram per liter |
| Fluorides (F) | 1.5 milligrams per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Oil | Not to exceed a trace |
| pH Value | 6.5 - 9.0 |
| Selenium (Se) | Not to exceed a trace |
| Silver (Ag) | 0.05 milligram per liter |
| Sodium (Na)* | 60% of total cations as milliequivalents per liter |
| Specific conductance* | 1,000 micromho per centimeter |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate Federal authority or by the State Board of Health. |
| Other unspecified substances | None at levels harmful or detrimental either directly or indirectly. |

*May be based on the July or August river flow as specified in the paragraphs above.

(6) The natural aquatic habitat, which includes the waters and stream bed, shall not be degraded in any material manner, there shall be no material increase in slime growths or undesirable aquatic plants, nor shall there be any material increase in harmful pesticide residues in the waters, sediments and aquatic flora and fauna; the natural fishery and lower aquatic biota upon which it is dependent shall not be degraded or endangered significantly, the species composition shall not be altered substantially, and the propagation of the fish and other biota shall not be prevented or seriously hindered; by the discharge of sewage, industrial waste or other waste effluents to these waters.

(7) No sewage, industrial waste or other wastes shall be discharged into these waters so as to cause any nuisance conditions such as the presence of substantial amounts of floating or suspended solids, scums, or slicks, material discoloration, obnoxious odors, visible gassing, excessive fungus growths, deleterious sludge deposits or other offensive or objectionable effects.

(8) In addition to the above listed standards, no sewage, industrial waste or other wastes, treated or untreated, shall be discharged in such quantity or in such manner, alone or in combination with other substances, or permitted by any person to gain access to these waters, so as to cause any material undesirable increase in the taste or corrosiveness or nutrient content of the waters or in any other manner to impair the natural quality or value of the waters or render them unsuitable or objectionable for the stated uses.

(9) Means for expediting mixing and dispersion of sewage, industrial waste or other waste effluents in the receiving waters shall be provided so far as practicable when deemed necessary by the Commission to maintain the quality of the receiving waters in accordance with the applicable standards. In any instance where it is evident that it may not be feasible to provide for effective mixing or dispersion of an effluent or if at the applicable stream flows mentioned in the preceding paragraphs of the standards it is evident that the specified stream flow may be less than the effluent flow, these standards may be interpreted as effluent standards for control purposes where applicable.

(10) The following effluent standards are herein established and made applicable to all persons responsible for sewage discharges to these waters originating after the taking effect hereof. Unless otherwise required under the preceding standards, treatment facilities shall be provided which will produce an effluent with characteristics, originating directly from or directly attributable to the sewage per se, not exceeding the following:

| Substance or Characteristic | Maximum Limit or Range |
|---|---|
| Biochemical oxygen demand, 5 day | 25 milligrams per liter |
| Coliform group organisms | 50 most probable number per 100 milliliters |
| Phosphorus | 1 milligram per liter |
| Suspended solids | 30 milligrams per liter |
| Turbidity value | 25 |

Allowance shall not be made in the design of treatment works for stream flow augmentation unless such augmentation of minimum flow is dependable under applicable laws and regulations.

(11) It shall be encumbent on all persons responsible for existing or new sources of any sewage, industrial wastes or other wastes which are or will be discharged to these waters to treat or control their wastes so as to produce effluents having a common level or concentration, of pollutants of a comparable nature, as may be necessary to meet the standards, or better, and in no case shall the concentration of polluting substances in any individual effluent be permitted to exceed the common concentration or level requied of the other sources discharging to these waters, regardless of differences in the amount of pollutional substances discharged or degree of treatment which may be involved.

(12) Liquid substances which are not commonly considered to be sewage or industrial wastes but which could constitute a pollution hazard shall be stored in accordance with Regulation WPC 4. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into these waters in excess of or contrary to any of the standards herein adopted or cause pollution as defined by law.

(13) The discharge of sewage, industrial wastes or other wastes to waters of the state which are tributary to these waters shall be controlled so that no violation of the standards for these waters shall occur by reason of such discharges to the tributary waters.

(14) Some of the waters may in a state of nature have characteristics or properties approaching or exceeding some of the limits specified in the standards. The standards shall be construed as regulating or limiting the addition of pollutants of human origin to those of natural origin, if such be present, so that in total the specified limiting concentrations will not be exceeded in the waters by reason of such controllable additions, except that if the background level of natural origin is reasonably definable and is higher than the specified standard such natural background level may be used as the standard for controlling such additions of human origin.

(15) In any case where, upon application of the responsible person or persons, the Commission finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship; that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare; and that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances; the Commission in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and national laws.

## CHAPTER EIGHTEEN: WPC 18

## PROPOSED EFFLUENT STANDARDS FOR DISPOSAL SYSTEMS DISCHARGING TO THE MISSISSIPPI RIVER FROM THE OUTFALL OF THE MINNEAPOLIS-ST. PAUL SANITARY DISTRICT SEWAGE TREATMENT PLANT TO LOCK AND DAM NO. 2 NEAR HASTINGS

The following standards of effluent quality and purity are hereby adopted and established for that portion of the Mississippi River from the outfall of the Minneapolis St. Paul Sanitary District sewage treatment plant in the City of St. Paul, approximately at the eastward extension of Baker Street East in said city, to the U.S. lock and dam No. 2 above Hastings.

(a) Definitions: The terms "person," "sewage," "industrial wastes," "other wastes," "treatment works," "disposal systems," and "waters of the state," as well as any other pertinent terms for which definitions are given in the water pollution control statutes, as used herein have the meanings ascribe to them in Minnesota Statutes (1967), Chapter 115. Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance with the context and professional usage.

(b) Standards: It is hereby established as a minimum requirement applicable to all persons responsible for disposal systems discharging sewage, industrial waste or other waste effluents to the above delineated waters, or which may affect these waters, that from May 1 through October 31 there shall be effective continuous chlorination of sewage and other effluents containing viable pathogenic organisms. It is further established that all effluents shall be treated prior to discharge so as to meet the following limiting permissible concentrations:

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5-day biochemical oxygen demand | 35 milligrams per liter |
| Total suspended solids | 30 milligrams per liter |
| Total coliform group organisms | 5,000 most probable number per 100 milliliters |
| Oil | 10 milligrams per liter |
| Turbidity | 25 |

(c) Monthly Reports: All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to the waters covered by this Regulation shall submit every month a report to the Minnesota Pollution Control Agency on the operation of such disposal system, the effluent flow, and the characteristics and concentrations of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses, and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the waters receiving the effluent.

(d) Determination of Compliance: In making tests or analyses

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."

of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered satisfactory by the Agency. No allowance will be ade for dilution of the effluents in the waters of the state into which they are discharged. The samples shall be preserved and analyzed in accordance with procedures given in the Standard Methods for the Examination of Water and Waste Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, or other methods acceptable to the Agency.

(c) Variance: Where upon written application of the responsible person or persons and after public hearing the Agency finds that, by reason of exceptional circumstances, strict conformity with any provision of these standards would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Agency may by Order grant a variance from these standards to such person or persons upon such conditions and within such time limitations as it may prescribe for prevention, control or abatement of pollution in harmony with the intent of state and federal laws.

## CHAPTER NINETEEN: WPC 19

## EFFLUENT STANDARDS FOR DISPOSAL SYSTEMS DISCHARGING TO THE MINNESOTA RIVER FROM ABOVE CHASKA TO THE JUNCTION WITH THE MISSISSIPPI RIVER AT FORT SNELLING

The following standards of effluent quality and purity are hereby adopted and established for that portion of the Minnesota River from the Chaska Village south boundary to the junction with the Mississippi River at Fort Snelling.

(a) Definitions: The terms ''person,'' ''sewage,'' ''industrial wastes,'' ''other wastes,'' ''treatment works,'' ''disposal systems,'' and ''waters of the state,'' as well as any other pertinent terms for which definitions are given in the water pollution control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes (1967), Chapter 115. Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance with the context and professional usage.

(b) Standards: It is hereby established as a minimum requirement applicable to all persons responsible for disposal systems discharging sewage, industrial waste or other waste effluents to the above delineated waters, or which may affect these waters, that from May 1 through October 31 there shall be effective continuous chlorination of sewage and other effluents containing viable pathogenic organisms. It is further established that all effluents shall be treated prior to discharge so as to meet the following limiting permissible concentrations:

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5-day biochemical oxygen demand | 25 milligrams per liter |
| Total suspended solids | 30 milligrams per liter |
| Total coliform group organisms | 5,000 most probable number per 100 milliliters |
| Oil | 10 milligrams per liter |
| Turbidity | 25 |

(c) Monthly Reports: All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to the waters covered by this Regulation shall submit every month a report to the Minnesota Pollution Control Agency on the operation of such disposal system, the effluent flow, and the characteristics and concentrations of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses, and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the waters receiving the effluent.

(d) Determination of Compliance: In making tests or analyses of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered satisfactory by the Agency. No allowance will be made for dilution of the effluents in the waters of the state into which they are discharged. The samples shall be preserved and analyzed in accordance with procedures given in the Standard Methods for the Examination of Water and Waste Water, by the American Health Association, American Water Works Association, and the Water Pollution Control Federation, or other methods acceptable to the Agency.

(e) Variance: Where upon written application of the responsible person or persons and after public hearing, the Agency finds that, by reason of exceptional circumstances, strict conformity with any provisions of these standards would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Agency may by Order grant a variance from these standards to such person or persons upon such conditions and within such time limitations as it may prescribe for prevention, control or abatement of pollution in harmony with the intent of state and federal laws.

## CHAPTER TWENTY: WPC 20

## EFFLUENT STANDARDS FOR DISPOSAL SYSTEMS DISCHARGING TO THE MINNESOTA RIVER FROM MANKATO TO CHASKA.

The following standards of effluent quality and purity are hereby adopted and established for that portion of the Minnesota River from the mouth of the Blue Earth River in Mankato, to the Chaska Village south boundary.

(a) Definitions: The terms ''person,'' ''sewage,'' ''industrial wastes,'' ''other wastes,'' ''treatment works,'' ''disposal systems,'' and ''waters of the state,'' as well as any other pertinent terms for which definitons are given in the water pollution control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes (1967), Chapter 115. Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance with the context and professional usage.

(b) Standards: It is hereby established as a minimum requirement applicable to all persons responsible for disposal systems discharging sewage, industrial waste or other waste effluents to the above delineated waters, or which may affect these waters,

that from May 1 through October 31 there shall be effective continuous chlorination of sewage and other effluents containing viable pathogenic organisms. It is further established that all effluents shall be treated prior to discharge so as to meet the following limiting permissible concentrations:

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5 day biochemical oxygen demand | 50 milligrams per liter |
| Total suspended solids | 30 milligrams per liter |
| Total colifrom group organisms | 5000 most probable number per 100 milliliters |
| Oil | 10 milligrams per liter |
| Turbidity value | 25 |

(c) Monthly Reports: All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to the waters covered by this Regulation shall submit every month a report to the Minnesota Pollution Control Agency on the operation of such disposal system, the effluent flow, and the characteristics and concentrations of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the waters receiving the effluent.

(d) Determination of Compliance: In making tests or analyses of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered satisfactory by the Agency. No allowance will be made for dilution of the effluents in the waters of the state into which they are discharged. The samples shall be preserved and analyzed in accordance with procedures given in the Standard Methods for the Examination of Water and Waste Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation or other methods acceptable to the Agency.

(e) Variance: Where upon written application of the responsible person or persons and after public hearing the Agency finds that by reason of exceptional circumstances strict conformity with any provision of these standards would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Agency may by Order grant a variance from these standards to such person or persons upon such conditions and within such time limitations as it may prescribe for prevention, control or abatement of pollution in harmony with the intent of state and federal laws.

## CHAPTER TWENTY ONE: WPC 21 EFFLUENT STANDARDS FOR DISPOSAL SYSTEMS DISCHARGING TO THE MISSISSIPPI RIVER FROM THE JUNCTION OF THE RUM RIVER TO THE OUTFALL OF THE MINNEAPOLIS-ST. PAUL SANITARY DISTRICT SEWAGE TREATMENT PLANT, AND FROM LOCK AND DAM NO. 2 NEAR HASTINGS TO THE JUNCTION WITH THE CHIPPEWA RIVER, AND TO THE ST. CROIX RIVER FROM TAYLORS FALLS TO THE JUNCTION WITH THE MISSISSIPPI RIVER.

The following standards of effluent quality and purity are hereby adopted and established for that portion of the Mississippi River from the mouth of the Rum River in the City of Anoka, to the outfall of the Minneapolis St. Paul Sanitary District sewage treatment plant in the City of St. Paul, and from the U.S. Lock and Dam No. 2 above Hastings to the mouth of the Chippewa River at the lower end of Lake Pepin near the Village of Wabasha, and that portion of the St. Croix River from the Nevers Dam in Taylors Falls, approximately at the eastward extension of the boundary between Sections 24 and 25, Shafer Township, Chisago County, to the junction with the Mississippi River near Hastings.

(a) Definitions: The terms "person," "sewage," "industrial wastes," "other wastes," "treatment works," "disposal systems," and "waters of the state," as well as any other pertinent terms for which definitions are given in the water pollution control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes (1967), Chapter 115. Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance with the context and professional usage.

(b) Standards: It is hereby established as a minimum requirement applicable to all persons responsible for disposal systems discharging sewage, industrial waste or other waste effluents to the above delineated waters, or which may affect these waters, that there shall be year round effective continuous chlorination of sewage and other effluents containing viable pathogenic organisms which are discharged at or above public water supply intakes, and effective continuous chlorination from May 1 through October 31 of sewage and other effluents containing viable pathogenic organisms which are discharged to other reaches. It is further established that all effluents shall be treated prior to discharge so as to meet the following limiting permissible concentrations:

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5 day biochemical oxygen demand | 50 milligrams per liter |
| Total suspended solids | 30 milligrams per liter |
| Total coliform group organisms | 1,000 most probable number per 100 milliliters |
| Oil | Not to exceed a trace |
| Turbidity value | 25 |

(c) Monthly Reports: All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to the water covered by this Regulation shall submit every month a report to the Minnesota Pollution Control Agency on the operation of such disposal system, the effluent flow, and the characteristics and concentration of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the waters receiving the effluent.

(d) Determination of Compliance: In making tests or analyses of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered satisfactory by the Agency. No allowance will be made for dilution of the effluents in the waters of the state into which they are discharged. The samples shall be preserved and analyzed in accordance with procedures given in the Standard Methods for the Examination of Water and Waste Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation or other methods acceptable to the Agency.

(e) Variance: Where upon written application of the responsible person or persons and after public hearing the Agency finds that by reason of exceptional circumstances, strict conformity with any provision of these standards would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Agency may by Order grant a variance from these standards to such person or persons upon such conditions and within such time limitations as it may prescribe for prevention, control or abatement of pollution in harmony with the intent of state and federal laws.

## CHAPTER TWENTY-THREE: WPC 23

## STANDARDS OF QUALITY AND PURITY FOR EFFLUENTS DISCHARGED TO INSTRASTATE WATERS

The following regulation setting effluent standards obtains to all instrastate surface waters of the state except as herein indicated.

(a) Scope: The following standards of effluent quality and purity as hereby adopted and established obtain to all intrastate surface waters of the state except those reaches or waters now governed by specific prior effluent standards. "Waters of the state" as hereinafter used shall be construed within these qualifications. Classifications, water quality criteria, and effluent standards which may later be enacted for waters named herein shall supercede this regulation as to such waters without specific amendment or modification hereof.

(b) Definitions: The terms "person," "industrial wastes," "other wastes," "sewage," "treatment works," "disposal systems," and other pertinent terms for which definitions are given in the water pollution control statutes as used herein have the meanings ascribed to them in Minnesota Statutes (1967), Chapter 115, but "waters of the state" is limited as defined in paragraph (a) above. "Agency" as used herein means the Minnesota Pollution Control Agency. Other terms and abbreviations used herein but not specifically defined in law shall be construed in conformance with the context and professional usage.

(c) Severability: The provisions of this regulation shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph or subparagraph, subdivision or any other part thereof.

(d) Standards of Effluent Quality and Purity: Except as otherwise provided herein or otherwise provided by specific effluent standards for certain reaches of named instrastate waters, it is hereby established as a minimum requirement applicable to all persons operating or causing to be operated or in any way responsible for the operation of a disposal system which discharges, directly or indirectly, sewage, industrial waste or other wastes to the intrastate waters of the state, that treatment or control be provided so as to achieve any or all of the following limiting permissible concentrations of quality and purity as may be reasonably appropriate for such effluents prior to discharge:

| Substance or Characteristic | Maximum or Limiting Range |
|---|---|
| Coliform Group Organisms* | 1,000 MPN/100 ml |
| 5-day Biochemical Ozygen Demand | 25 mg/l |
| Suspended Solids | 30 mg/l (not including algal cells) |
| Oil | Essentially free of visible floating oil |
| Turbidity value | 25 (or average natural background level, if greater) |
| pH range | 6.5-8.5 |
| Phosphorus** | 2 mg/l |
| Unspecified toxic or corrosive | None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property |

(e) Effluent Standards Applicable to Classifications: The limiting permissible concentrations of sewage, industrial waste or other waste effluent quality and purity prior to discharge, for the following water use classifications for which stream quality standards have previously been designed or for which criteria are established in regulation WPC 14, excepting those waters where specific prior effluent standards now obtain, as a minimum requirement, shall be:

Maximum Permissible Limit or Range for Effluents Discharged to the Following Classes of Intrastate Surface Waters

| Substances or Characteristic | 1. Domestic Consumption | | | | 2. Fisheries and Recreation | | |
|---|---|---|---|---|---|---|---|
| | A | B | C | D | A | B | C |
| Coliform Group Organisms (MPN/100 ml)* | — | 50 | 4,000 | 4,000 | 1,000 | 1,000 | 5,000 |

*Chlorination of the sewage effluent or other controls to reduce the coliform organism level is required from May 1 through October 31, except that where the effluent may affect a water supply, reduction to the application coliform level is required year around. To determine compliance with this standard, not more than 20% of the samples examined may have coliform organisms in excess of the specified limits. The application of this standards ordinarily shall be limited to sewage effluents or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage or viable pathogenic organisms in such wastes is known or reasonably certain.

**Applies where discharge is directly to a lake or reservoir.

Maximum Permissible Limit or Range for Effluents Discharged to the Following Classes of Intrastate Surface Waters:

| Substance or Characteristic | 1. Domestic Consumption A | B | C | D | 2. Fisheries and Recreation A | B | C |
|---|---|---|---|---|---|---|---|
| 5 day Biochemical Oxygen Demand (mg/l) | — | 25 | 25 | 25 | 25 | 25 | 25 |
| Suspended Solids (mg/l) | — | 10 | 30 | 30 | 30 | 30 | 30 |
| Oil | Essentially free of visible floating oil | | | | | | |
| Turbidity value | — | 5 | 25 | — | 10 | 25 | 25 |
| pH range | — | 6.5 8.5 | 6.5 8.5 | 6.5 8.5 | 6.5 8.5 | 6.5 9.0 | 6.0 9.5 |
| Phosphorus** (mg/l) | — | 2 | 2 | 2 | 2 | 2 | 2 |
| Unspecified toxic or corrosive substances | None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property. | | | | | | |

| Substance or Characteristic | 3. Industrial Consumption A | B | C | 4. Agriculture & Wildlife A | B | 5. Navigation & Waste Disposal |
|---|---|---|---|---|---|---|
| Coliform Group Organisms (MPN/100 ml)* | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| 5-day Biochemical Oxygen Demand (mg/l) | 25 | 50 | 50 | 50 | 50 | 50 |
| Suspended Solids (mg/l) | 30 | 50 | 50 | 50 | 50 | 50 |
| Oil | Essentially free of visible floating oil | | | | | |
| Turbidity value | 25 | 50 | — | — | — | — |
| pH range | 6.5 8.5 | 6.0 9.0 | 6.0 9.5 | 5.0 8.5 | 6.0 9.5 | 5.0 10.0 |
| Phosphorus (mg/l)** | 2 | 2 | — | — | — | — |
| Unspecified toxic or corrosive substances | None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property. | | | | | |

(f) Determination of Classification: Any person now operating a disposal system where the effluents may, directly or indirectly, reach intrastate waters of the state may seek a determination of appropriate classification as listed in regulation WPC 14. Such person shall apply for such a determination from the Agency by written application to be made within thirty (30) days subsequent to the effective date of this regulation, directed to the Agency at its Minneapolis offices. If no such application is made, it shall be conclusively presumed that the person or persons operating such disposal system shall have accepted the general effluent standards established in lettered paragraph (d) hereof to be applicable to such disposal system. Sources originating after the adoption of this regulation may make application for a determination of classification concurrently with their application for approval of plans and issuance of a permit for construction and operation of treatment works, but to be valid the application and requisite information must be submitted not less than one hundred and fifty (150) days prior to the start of construction of the treatment works.

To secure a determination of appropriate classification within the meaning of this lettered paragraph, the person or persons operating a disposal system must submit the following information within one hundred and twenty (120) days subsequent to the submission of the written application therefor:

(1) The size, depth, surface area covered, volume, direction and rate of flow, stream gradient, and temperature of the water;

(2) The character of the district bordering said waters and its particular suitability for residential, agricultural, industrial, or recreational purposes;

(3) The uses which have been made, are being made, or may be made of said waters for transportation, domestic and industrial consumption, bathing, fishing and fish culture, fire prevention, and the disposal of sewage, industrial wastes and other wastes.

Failure to submit such information within the appropriate time limit shall void the application for determination of classification.

If subsequent to determination of applicable classifications applicant feels aggrieved by such determination, the same may be appealed to the appropriate District in accordance with Minnesota Statutes (1967), Section 115.05. Such appeal shall not, however, act as a bar to the state pursuing statutory, other administrative, or common law powers to abate the discharge.

(g) Monthly Reports: All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to intrastate waters covered by this regulation shall submit every month to the Agency a report on the operation of such disposal system, the effluent flow, and the characteristics of the effluent and receiving intrastate waters. Sufficient data on measurements, observations, sampling and analyses, and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the intrastate waters receiving the effluent.

(h) Determination of Compliance: In making tests or analy-

*Chlorination of the sewage effluent or other controls to reduce the coliform organism level is required from May 1 through October 31 except that where the effluent may affect a water supply reduction to the applicable coliform level is required year around. To determine compliance with this standard, not more than 20% of the samples examined may have coliform organisms in excess of the specified limits. The application of this standards ordinarily shall be limited to sewage effluents or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage or viable pathogenic organisms in such wastes is known or reasonably certain.

**Applies where discharge is directly to a lake or reservoir.

**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."

ses of the sewage, industrial wastes or other wastes, or intrastate waters, to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered representative and satisfactory by the Agency. No allowance will be made for dilution of the effluents by the waters of the state into which they are discharged. The sample shall be preserved and analyzed in accordance with procedures given by the Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, or other methods acceptable to the Agency.

Existing sources of sewage, industrial waste or other wastes with effluents having 5 day biochemical oxygen demand and suspended solids concentrations equal to or less than 40 milligrams per liter will not be required to construct additional treatment works, except for nutrient removal where necessary, until the existing treatment or control facilities are overloaded by increasing flow or concentration of raw sewage or waste to the extent that the original design criteria for the disposal system is exceeded, or unless the effluent 5 day biochemical oxygen demand or suspended solid concentrations exceed 40 milligrams per liter, or the effect of the effluent upon the receiving waters is such that the applicable water quality standards are violated. When construction of a new treatment works or a major addition is required, or new or additional major sources of pollutional effluents are proposed, the disposal system to be constructed shall be designed to produce effluents conforming in all respects with the applicable standards. All sources of sewage, industrial waste, or other waste which do not at present have a valid operation or discharge permit, or an application for the same pending before the Agency, shall apply for the same within thirty (30) days of the adoption of this regulation, or the source may be abated forthwith. The design of new treatment works or disposal systems to conform with the effluent standards specified herein also provide for maintaining the appropriate stream standards contained in regulation WPC 14, where the same may be applicable as provided herein, at all stream flows which equal or exceed the seven consecutive day minimum flow having a recurrence interval of ten years. The effluent standards specified herein shall supercede the effluent standards specified in section (c) (6) regulation WPC 14.

(i) Variance: Where upon written application of the responsible person or persons the Agency finds that by reason of exceptional circumstances strict conformity with any provisions of the effluent standards contained herein would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Agency may permit a variance from these effluent standards upon such conditions and within such time limitations as it may prescribe for prevention, control or abatement of pollution in harmony with the intent of the state and any applicable federal laws.

(j) Existing Permits: The foregoing provisions in sections (d), (e), and (f) relating to effluent quality standards are not applicable to existing sewage, industrial waste or other waste disposal facilities and the effluent therefrom so long as such facilities are operated and the effluents discharged in conformance with the terms of an existing operation or discharge permit which has been issued in accordance with law by the Agency or its predecessor, the Water Pollution Control Commission, while such operation or discharge permit remains in force, but nothing herein shall be construed to prevent the Agency subsequently from modifying such permits in the manner prescribed by law.

## CHAPTER TWENTY-SIX: WPC 26

## EFFLUENT STANDARDS FOR DISPOSAL SYSTEMS DISCHARGING TO LAKE SUPERIOR, LAKE OF THE WOODS AND FALL LAKE

The following standards of effluent quality and purity are hereby adopted and established for the waters of Lake Superior (Townships 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, North, Ranges 7 East 14 West), Lake of the Woods (Townships 161, 162, 163, 164, 165, 166, 167, 168 North, Ranges 30, 31, 32, 33, 34, 35 West) and Fall Lake (Townships 63, 64 North, Ranges 11, 12 West).

(a) Definitions. The terms ''person,'' ''sewage,'' ''industrial wastes,'' ''other wastes,'' ''treatment works,'' ''disposal systems,'' and ''waters of the state,'' as well as any other pertinent terms for which definitions are given in the water pollution control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes (1969), Chapters 115 and 116. Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance with the context and professional usage.

(b) Severability. The provisions of this regulation shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph, subparagraph, subdivision or any other part thereof.

(c) Standards of Effluent Quality and Purity. Except as otherwise provided herein it is hereby established as a minimum requirement applicable to all persons operating or causing to be operated or in any way responsible for the operation of a disposal system which discharges sewage, industrial waste or other wastes directly to the above delineated waters, or which may affect these waters, that all effluents shall be treated prior to discharge so as to meet any or all of the following limiting permissible concentrations:

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5 day biochemical oxygen demand | 25 milligrams per liter |
| Total suspended solids | 30 milligrams per liter |
| Fecal coliform group organisms | 10 most probable number per 100 milliliters |
| Total coliform group organisms* | 50 most probable number per 100 milliliters |
| Pathogenic organisms | None |
| Oil | Essentially free of visible oil |
| Turbidity value | 5 |
| Phosphorus | 1 milligram per liter |
| pH | 6.5 8.5 |
| Unspecified toxic or corrosive substances | None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property |

*May be used as the control parameter in lieu of fecal coliforms if desired.

(d) Monthly Reports. All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to the waters covered by this regulation shall submit every month a report to the Minnesota Pollution Control Agency on the operation of such disposal system, the effluent flow, and the characteristics and concentration of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the water receiving the effluent.

(e) Determination of Compliance. In making tests or analyses of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered satisfactory by the Agency. No allowance will be made for dilution of the effluents in the waters of the state into which they are discharged. The samples shall be preserved and analyzed in accordance with procedures given in Standard Methods for the Examination of Water and Waste Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, which is in effect on the effective date of this regulation, or other methods acceptable to the Agency.

For the purpose of determining compliance with this regulation the characteristics of the sewage industrial waste, or other wastes to be controlled shall be construed to be those which are attributable to changes resulting from the use or conveyance of surface water by an industry, or other person within the meaning of the statute.

(f) Variance from Standards. In any case where, upon application of the responsible person or persons, the Agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare, or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Agency in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these standards and the intent of the applicable state and national laws.

## CHAPTER TWENTY-NINE: WPC 29

## EFFLUENT STANDARDS FOR DISPOSAL SYSTEMS DISCHARGING TO THAT PORTION OF THE MISSISSIPPI RIVER FROM THE BLANDIN DAM IN THE CITY OF GRAND RAPIDS TO THE MOUTH OF THE RUM RIVER AND FROM THE MOUTH OF THE CHIPPEWA RIVER TO THE IOWA BORDER, THE RED CEDAR RIVER FROM AUSTIN TO THE MINNESOTA-IOWA BORDER, THE MINNESOTA RIVER FROM THE MOUTH OF THE POMME DE TERRE RIVER AND INCLUDING MARSH LAKE TO MANKATO, AND THE BLUE EARTH RIVER FROM THE MOUTH OF ELM CREEK TO THE JUNCTION WITH THE MINNESOTA RIVER IN MANKATO

The following standards of effluent quality and purity are hereby adopted and established for that portion of the Mississippi River from the Blandin dam at the outlet of Paper Mill Reservoir in the City of Grand Rapids approximately 400 feet upstream from the U.S. Highway 169 bridge to the mouth of the Rum River in the City of Anoka, and from the mouth of the Chippewa River at the lower end of Lake Pepin near the Village of Wabasha to the Minnesota-Iowa border; and that portion of the Red Cedar River from the bridge on Interstate Highway 90 in the City of Austin to the Minnesota-Iowa border in Section 33, Township 101 North, Range 18 West; and for that portion of the Minnesota River from the mouth of the Pomme de Terre River (Township 120 North, Range 43 West) to the mouth of the Blue Earth River in Mankato, and that portion of the Blue Earth River from the mouth of Elm Creek in Section 4, Township 103 North, Range 28 West of the mouth in Mankato.

(a) Definitions. The terms "person," "sewage," "industrial wastes," "other wastes," "treatment works," "disposal systems," and "waters of the state," as well as any other pertinent terms for which definitions are given in the water pollution control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes (1969), Chapters 115 and 116. Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance with the context and professional usage.

(b) Severability. The provisions of this regulation shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph, subparagraph, subdivision or any other part thereof.

(c) Standards of Effluent Quality and Purity. Except as otherwise provided herein and notwithstanding any prior regulation it is hereby established as a requirement applicable to all persons operating or causing to be operated or in any way responsible for the operation of a disposal system which discharges sewage, industrial waste or other wastes to the above delineated waters,

**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."

or which may affect these waters, that all effluents shall be treated prior to discharge so as to meet any or all of the following limiting concentrations:

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5 day biochemical oxygen demand | 25 milligrams per liter |
| Total suspended solids | 30 milligrams per liter |
| Fecal coliform group organisms | 200 most probable number per 100 milliliters |
| Total coliform group organisms* | 1,000 most probable number per 100 millilieters |
| Pathogenic organisms | None |
| Oil | Essentially free of visible oil |
| Turbidity value | 25 |
| pH | 6.5 — 8.5 |
| Unspecified toxic or corrosive substances | None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property. |

(d) Monthly Reports. All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to the waters covered by this regulation shall submit every month a report to the Minnesota Pollution Control Agency on the operation of such disposal system, the effluent flow, and the characteristics and concentration of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the waters receiving the effluent.

(e) Determination of Compliance. In making tests or analyses of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered satisfactory by the Agency. No allowance will be made for dilution of the effluents in the waters of the state into which they are discharged. The samples shall be preserved and analyzed in accordance with procedures given in Standard Methods for the Examination of Water and Waste Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, which is in effect on the effective date of this regulation or other methods acceptable to the Agency.

(f) Variance from Standards. In any case where, upon application of the responsible person or persons, the Agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare, or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Agency in its discretion may permit a variance therefrom upon such conditions as it may prescribe for the prevention, control or abatement of pollution in harmony with the general purposes of these standards and the intent of the applicable state and national laws.

*May be used as the control parameter in lieu of fecal coliforms if desired.

## CHAPTER THIRTY-ONE: WPC 31

## EFFLUENT STANDARDS FOR DISPOSAL SYSTEMS DISCHARGING TO THE ROSEAU RIVER FROM ITS SOURCE TO THE CANADIAN BORDER, THE NORTH FORK OF THE YELLOW MEDICINE RIVER, THE WEST FORK OF THE LAC QUI PARLE RIVER, THE BLUE EARTH RIVER FROM THE IOWA BORDER TO THE MOUTH OF ELM CREEK, THE LITTLE ROCK RIVER, THE WEST FORK OF THE LITTLE SIOUX RIVER, THE ROCK RIVER, THE WEST FORK OF THE DES MOINES RIVER FROM ITS SOURCE TO THE MINNESOTA-IOWA BORDER, THE RED CEDAR RIVER FROM ITS SOURCE TO AUSTIN, BEAR CREEK, THE UPPER IOWA RIVER, PINE CREEK, AND THE ROOT RIVER

The following standards of effluent quality and purity are hereby adopted and established for the waters of the Roseau River from its source to the Minnesota-Manitoba border (Section 29, Township 164 North, Range 45 West) near Caribou; for that portion of the waters of the North Fork of the Yellow Medicine River from the source on the South Dakota border crossing to the mouth in Section 7, Township 113 North, Range 4 West, the West Fork of the Lac qui Parle River from the South Dakota Border to the mouth in Section 22, Township 117 North, Range 43 West, the Blue Earth River from the Iowa border to the mouth of Elm Creek in Section 4, Township 103 North, Range 28 West, Little Rock River from the source to the Iowa border in Section 35, Township 101 North, Range 42 West, West Fork of the Little Sioux River from the source to the Iowa border in Section 33, Township 101 North, Range 37 West, the Rock River from the source to the Iowa border in Section 36, Township 101 North, Range 45 West, Rock County, West Fork of the Des Moines River from its source at the outlet of Lake Yankton near Balaton to the Minnesota-Iowa border in Section 34, Township 101 North, Range 34 West, Jackson County, that portion of the Red Cedar River from the source to the bridge on Interstate Highway 90 in the City of Austin, Bear Creek from the source to the Minnesota-Iowa border in Section 25, Township 101 North, Range 7 West, those portions of the Upper Iowa River in Minnesota from the source to the lowest crossing of the Minnesota-Iowa border in Section 31, Township 101 North, Range 13 West, Pine Creek from the source to the Minnesota-Iowa border in Section 31, Township 101 North, Range 9 West, the Root River from the mouth of the south Fork to the mouth in Section 36, Township 101 North, Range 4 West, Houston County.

(a) Definitions. The terms "person," "sewage," "industrial wastes," "other wastes," "treatment works," "disposal systems," and "waters of the state," as well as any other pertinent terms for which definitions are given in the water pollution control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes (1969), Chapters 115 and 116. Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance with the context and professional usage.

(b) Severability. The provisions of this regulation shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph, subparagraph, subdivision or any other part thereof.

(c) Standards of Effluent Quality and Purity. Except as otherwise provided herein it is hereby established as a requirement applicable to all persons operating or causing to be operated or in any way responsible for the operation of a disposal system which discharges sewage, industrial waste or other wastes to the above delinated waters, or which may affect these waters that all effluents shall be treated prior to discharge so as to meet any or all of the following limiting concentrations:

| Substance or Characteristic | Limiting Concentrations |
|---|---|
| 5-day biochemical oxygen demand* | 5 milligrams per liter |
| Total suspended solids* | 5 milligrams per liter |
| Fecal coliform group organisms | 200 most probable number per 100 milliters |
| Total coliform group organisms** | 1,000 most probable number per 100 milliters |
| Pathogenic organisms | None |
| Oil | Essentially free of visible oil |
| Turbidity value | 25 |
| pH | 6.5 - 8.5 |
| Unspecified toxic or corrosive substances | None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property |

(d) Monthly Reports. All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to the waters covered by this regulation shall submit every month a report to the Minnesota Pollution Control Agency on the operation of such disposal system, the effluent flow, and the characteristics and concentration of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the waters receiving the effluent.

(e) Determination of Compliance. In making tests or analyses of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered satisfactory by the Agency. No allowance will be made for dilution of the effluents in the waters of the state into which they are discharged. The samples shall be preserved and analyzed in accordance with procedures given in Standard Methods for the Examination of Water and Waste Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, which is in effect on the effective date of this regulation, or other methods acceptable to the Agency.

(f) Variance from Standards. In any case where, upon application of the responsible person or persons, the Agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare, or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Agency in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these standards and the intent of the applicable state and national laws.

## CHAPTER THIRTY-TWO: WPC 32

## EFFLUENT STANDARDS FOR DISPOSAL SYSTEMS DISCHARGING TO CROOKED CREEK FROM ITS SOURCE TO ITS MOUTH

The following standards of effluent quality and purity are hereby adopted and established for the following waters of Crooked Creek from its source to the mouth in Section 35, Township 102 North, Range 4 West, Houston County.

(a) Definitions. The terms "person," "sewage," "industrial wastes," "treatment works," "other wastes," "disposal systems," and "waters of the state," as well as any other pertinent terms for which definitions are given in the water pollution control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes (1969), Chapters 115 and 116. Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance with the context and professional usage.

(b) Severability. The provisions of this regulation shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph, subparagraph, subdivision or any other part thereof.

(c) Standards of Effluent Quality and Purity. Except as otherwise provided herein it is hereby establshed as a requirement applicable to all persons operating or causing to be operated or in any way responsible for the operation of a disposal system which discharges sewage, industrial waste or other wastes to the above delineated waters, or which may affect these waters, that all effluents shall be treated prior to discharge so as to meet any or all of the following limiting concentrations:

*The concentrations specified in Regulation WPC-15, section (c) (6), may be used in lieu thereof if the discharge of effluent is restricted to the spring flush or other high run-off periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge periods.

**May be used as the control parameter in lieu of fecal coliforms if desired.

| Substance or Characteristic | Limiting Concentration |
|---|---|
| 5-day biochemical oxygen demand* | 5 milligrams per liter |
| Total suspended solids* | 5 milligrams per liter |
| Fecal coliform group organisms | 10 most probable number per 100 milliliters |
| Total coliform group organisms** | 50 most probable number per 100 milliliters |
| Pathogenic organisms | None |
| Oil | Essentially free of visible oil |
| Turbidity value* | 10 |
| pH | 6.5 – 8.5 |
| Unspecified toxic or corrosive substances | None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property. |

(d) Monthly Reports. All persons operating sewage, industrial waste or other waste disposal systems adjacent to or discharging to the waters covered by this regulation shall submit every month a report to the Minnesota Pollution Control Agency on the operation of such disposal system, the effluent flow, and the characteristics and concentration of the effluents and receiving waters. Sufficient data on measurements, observations, sampling and analyses and other pertinent information shall be furnished as may be required by the Agency to reflect adequately the condition of the disposal system, the effluent and the waters receiving the effluent.

(e) Determination of Compliance. In making tests or analyses of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number and frequency as may be considered satisfactory by the Agency. No allowance will be made for dilution of the effluents in the waters of the state into which they are discharged. The samples shall be preserved and analyzed in accordance with procedures given in Standard Methods for the Examination of Water and Waste Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, which is in effect on the effective date of this regulation, or other methods acceptable to the Agency.

(f) Variance from Standards. In any case where, upon application of the responsible person or persons, the Agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare, on that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Agency in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purposes of these standards and the intent of the applicable state and national laws.

*The concentrations specified in Regulation WPC 15, Section (c) (6), may be used in lieu thereof if the discharge of effluent is restricted to the spring flush or other high run-off periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge periods.

**May be used as the control parameter in lieu of fecal coliforms if desired.

# Department of Transportation Aeronautics Division

## Proposed Deletion of Aeronautics Rules Pertaining to Flying Clubs

### Notice of Second Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412 in the Transportation Building, Room 406, St. Paul, Minnesota 55155, on March 28, 1980, commencing at 9:30 a.m., and continuing until all persons have had an opportunity to be heard.

The Commissioner of Transportation has been provided the statutory authority to promulgate rules governing aeronautics pursuant to Minn. Stat. § 360.015, subd. 3 (1978).

The proposed deletion of rules is being made as a correction to the proposed rules published at 4 S.R. 631 on October 22, 1979.

The proposed rules published at 4 S.R. 631 erroneously omitted the deletion of a part of the existing 14 MCAR § 1.3027 dealing with flying clubs. The sole purpose of this notice and the aforementioned hearing is to delete that portion of § 1.3027 which was not typed in and then crossed out in the October 22, 1979, publication.

This proposed deletion will have the following effect:

1. The existing 14 MCAR § 1.3027 contains statutory definitions of the terms "commercial operations," "air instruction," "air school," "aeronautics instructor" and "person." All of these definitions will be deleted. (A portion of the definition of "commercial operations" was previously deleted.)

2. The existing definitions of "assets" now found at § 1.3027 G. appears verbatim at § 1.3029 F. as published at 4 S.R. 661. The old reference at § 1.3027 G. will therefore be deleted.

3. The existing § 1.3027 H. dealing with the question of when flying clubs are deemed to be commercial operations, will now be found at § 1.3029 G. as published at 4 S.R. 661. The existing section which is to be deleted and the proposed section as published are virtually identical. The existing § 1.3027 H. will therefore be deleted. (A portion of this section was previously deleted at 4 S.R. 651.)

A copy of the proposed rules is attached. Copies of the proposed rules are available and one free copy may be obtained by writing to the Minnesota Department of Transportation, Attention Robert Bissonnette, St. Paul Downtown Airport, St. Paul, Minnesota 55107. The proposed rules will also be available at the door on the date of the hearing.

All interested or affected persons will have an opportunity to participate in the hearing. Statements may be made orally and written materials may be submitted. In addition, whether or not an appearance is made, written statements or materials may be submitted by mail to Mr. Harry Seymour Crump, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, Saint Paul, Minnesota 55104, Telephone (612) 296-8111 either before the hearing, or within five (5) working days after the close of the hearing, or for a longer period not to exceed twenty (20) calendar days, if so ordered by the Hearing Examiner.

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the address of the Department of Transportation given above, and at the Office of Hearing Examiners. The Statement of Need and Reasonableness contains substance of the evidence and will be presented at the hearing justifying both the need for and reasonableness of the proposed rules. It is recommended that the public obtain and read the Statement of Need and Reasonableness prior to the hearing. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that a lobbyist must register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined by Minn. Stat. § 10A.01, subd. 11, as any individual who is:

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. Spends 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.

A lobbyist does not include any:

A. Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

B. Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

C. Individual while engaged in selling goods or services to be paid for by public funds;

D. News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

E. Paid expert witness whose testimony is requested by the body before which he is appearing but only to the extent of preparing or delivering testimony; or

F. Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250, excluding *his own* travel expenses in any year in communicating with public officials.

Questions should be addressed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, Saint Paul, Minnesota 55155, Telephone (612) 296-5615.

Notice: Any person may request a notification of the date on which the Hearing Examiner's Report will be available, after which date the Department of Transportation 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 Department of Transportation. 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 case of the Hearing Examiner's Report), or to the department representative listed above (in case of the department's submission or resubmission to the Attorney General).

February 7, 1980

Richard P. Braun
Commissioner

## Rule as Proposed

**[Note: Rule 14 MCAR § 1.3027 F.—H.1.b. should have appeared at 4 S.R. 651-652, October 22, 1979, as follows:]**

~~**14 MCAR § 1.3027 Flying Clubs**~~

~~F. Statutory definitions. Statutory definitions, where applicable, shall apply to these rules. As a matter of convenience, the following statutory definitions are set forth below.~~

~~1. Commercial Operations, Minn. Stat. § 360.013, subd. 11. "'Commercial Operations' means any operations of an aircraft for compensation or hire; or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received; including, but not limited to, the servicing, maintaining and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, aerial photography and surveys, air shows or expositions, parachute jumping, and the operation of aircraft for fishing. 'Commercial Operations' also mean brokering or selling of any of the aforesaid services but do not include any operation of aircraft as common carriers certificated (certified) by the federal government or the services incidental thereto."~~

~~2. Air Instruction, Minn. Stat. § 360.013, subd. 16. "'Air Instruction' means the imparting of aeronautical information by any aeronautics instructor or in or by any air school or flying club."~~

~~3. Air School, Minn. Stat. § 360.013, sub. 17. "'Air School' means any person engaged in giving or offering to give, instruction in aeronautics, either in flying or ground subjects, or both, for or without hire or reward and advertising, representing, or holding himself out as giving or offering to give such instructions. It does not include any public school of this state, the University of Minnesota, or any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved by it for carrying on collegiate work."~~

~~4. Aeronautics Instructor, Minn. Stat. § 360.013, subd. 19 (1967). "'Aeronautics Instructor' means any individual engaged in giving instruction or offering to give instruction in aeronautics either in flying or ground subjects, or both, for hire or reward, without advertising such occupation, without calling facilities an 'Air School,' or anything equivalent thereto, and without employing or using other instructors. It does not include any public school of this state, the University of Minnesota, or any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved by it for carrying on such collegiate work, while engaged in his duties as such instructor."~~

~~5. Person, Minn. Stat. § 360.013, subd. 8 (1967). "'Person' means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or either similar representative thereof."~~

~~G. Assets. The word "assets" when used herein, shall mean property which the flying club owns, in whole or in part, or over which it has control, including the club's interest in any owned, rented or leased aircraft.~~

~~H. Flying clubs can be deemed to be commercial operations. A flying club shall be deemed to be engaged in commercial operations and therefore a commercial operations license shall be required:~~

~~1. If any of the club's assets are used by members of the club who:~~

~~a. Do not have a bona fide and significant percentage of the property interest in the assets of the club; or~~

~~b. Hold property interest in the club's assets, which property interest is subject to an unreasonable forfeiture; however, a club may set forth in its operating rules and bylaws any reasonable penalties and any reasonable forfeitures so long as the purpose and the actual effect thereof is to enforce valid club rules; or~~


(Photograph from *Minneapolis Journal*, May 10, 1936. Reprinted courtesy of Minneapolis Star and Tribune Co.)

# SUPREME COURT

## Decisions Filed Friday, February 15, 1980

### Compiled by John McCarthy, Clerk

**49968/53 In the Matter of the Welfare of S. R. Hennepin County.**

Evidence at delinquency hearing was insufficient to establish that juvenile committed act of criminal sexual conduct in the second degree but record does support finding that he committed criminal sexual conduct in the fourth degree.

Order modified. Sheran, C. J.

**49734/59 State of Minnesota vs. Gary William Severson, Appellant. Itasca County.**

Evidence of defendant's guilt was sufficient.

Defendant, by failing to object to trial court's responses to jury requests after retiring for deliberations, forfeited his right to have this court review the propriety of the trial court's responses, and our review of the record fails to disclose any plain error.

Affirmed. Otis, J.

**49621/50 State of Minnesota vs. Michael Dale Eilola, Appellant. Hennepin County.**

Evidence adduced at defendant's trial is held to be sufficient to sustain the guilty verdict.

Record on appeal is deemed adequate to sustain defendant's waiver of counsel at trial against claim that waiver was not knowing, voluntary and intelligent.

Trial court did not prejudicially abuse its discretion in denying jury request for rereading of testimony of defendant.

Affirmed. Rogosheske, J.

**49776/57 State of Minnesota vs. Larry Mings, Appellant. Kittson County.**

Evidence of defendant's guilt was not, as defendant contends, legally insufficient, and trial court did not abuse its discretion in failing to order a Schwartz hearing on speculative claim of defendant that jury misconduct had occurred.

Affirmed. Rogosheske, J.

**49512/338 Frederick G. Wegscheider, et al., Appellants, vs. Plastics, Inc. Ramsey County.**

Where plaintiff was aware of a general risk of injury from a fall off a tanker trailer but there was no evidence he was aware that the particular trailer to which he was assigned on the day of the accident was defective in such a way that it would cause a fall, the submission of an instruction on assumption of risk was reversible error.

The refusal of the trial court to give a requested instruction on strict liability was not, in the circumstances of this case, reversible error.

Reversed in part, affirmed in part, and remanded with instructions. Peterson, J.

**49472/44 Rosella Sonsteby, Appellant vs. Beverly H. Hagen, et al., Anoka County.**

As a matter of law, defendants' claim of abuse of process predicated upon the alleged repetitive and vexatious nature of this litigation lacked sufficient evidence to sustain it.

Reversed in part and remanded with instructions. Peterson, J. Took no part, Otis, J.

**50063/5 In Re: The Estate of Bellida Ulrikson, Deceased. Tillman Olson, et al., Appellants, vs. Annabelle Erickson, et al., Hennepin County.**

Where the residuary estate is devised to a brother and sister, "and in the event that either one of them shall predecease me, then to the other surviving brother or sister," but in fact both brother and sister predecease the testatrix, the brother leaving issue, the anti-lapse statute, Minn. Stat. § 524.2-605 (1978), applies in the absence of clear intention to the contrary.

Affirmed. Yetka, J.

**50055/18 Steven D. Kurtz, petitioner, vs. City of Apple Valley, et al., Appellants. Dakota County.**

An honorably discharged veteran who is a police officer may not be suspended without pay pending the resolution of criminal charges brought against the officer.

Affirmed and remanded. Yetka, J.

**49218/52 State of Minnesota vs. Kirk Anderson Bolts, Appellant. Hennepin County.**

Trial court did not abuse its discretion in admitting other-crime evidence, and evidence of defendant's guilt of the crime of uttering a forged instrument was not, as defendant contends, legally insufficient.

Affirmed. Wahl, J.

**50211/64 Stephen K. Ani, petitioner, Appellant, vs. State of Minnesota. Hennepin County.**

Petitioner, seeking postconviction relief in the form of a new trial, failed to meet his burden of proving that his trial counsel represented him inadequately, and there is no merit to his contention that the interests of justice require a new trial; however, petitioner's maximum sentence is reduced from 30 years to 20 years, on the authority of *State v. Coolidge*, 282 N.W.2d 511 (Minn. 1978).

Denial of new trial affirmed; sentence reduced. Wahl, J.

**49921/67 Minnesota Cable Communications Association, Inc., et al., Appellants, vs. Minnesota Cable Communications Board. Ramsey County.**

Minn. Stat. § 238.07 (1978), which as applied imposes on only some cable communications systems the cost of regulatory activities enjoyed by all, violated the uniformity of taxation requirement. Article X, § 1, of the Minnesota Constitution.

Reversed. Wahl, J. Took no part, Todd, J.

**49857/62 State of Minnesota vs. Theodore Walter William, Appellant. Lake County.**

Trial court properly denied a motion to suppress, which was based on a claim of unlawful arrest on less than probable cause, and a motion for a mistrial, based on a claim that the prosecutor elicited evidence which impermissibly informed the jury that defendant had a prior record.

Affirmed. Per Curiam.

# 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 contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.**

## Department of Health Community Services Division

### Notice of Request for Proposals for a Family Planning Public Information Project

The Community Services Division, Bureau of Health Services, Minnesota Department of Health, is requesting proposals from public and private organizations to develop and produce materials to continue and expand the statewide multi-media family planning public information campaign initiated in 1979. This project, which will be provided under contract, is outlined in detail in the Request for Proposals (RFP) Statement of work. The formal RFP may be requested and inquiries should be directed to:

Judi Kapuscinski, Supervisor
Family Planning Unit
Minnesota Department of Health
717 S.E. Delaware Street
Minneapolis, Minnesota 55440

The department prefers responders with experience in family planning public information. It is anticipated that the activities to accomplish this project will not exceed the total cost to the state of $50,000. The deadline for the submission of completed proposals will be the close of the working day March 14, 1980.

## State Planning Agency Environmental Quality Board

### Notice of Request for Proposals for Professional Service Contract

The Environmental Quality Board requires the service of a qualified consultant to conduct a study and present a documented report on "Status and Expectations for Emerging Technologies in Electric Power Generation." An assessment of new technologies in electric generation that will be available and applicable to Minnesota municipal and rural electric systems within the next 15 years.

Estimated fee range—$75,000.00

Time contract aware—March 28, 1980.

Firms/individual desiring consideration should send their response to:

Dennis Rothenmaier
Environmental Quality Board
15B Capitol Square Building
St. Paul, Minnesota 55101
(612) 296-2169

Request for Proposal is available on request.

All responses should be sent in no later than 5:00 p.m., March 21, 1980. Late responses will not be accepted.

### Notice of Request for Proposals for Professional Service Contract

Notice is hereby given that the Environmental Quality Board intends to engage the service of a qualified consultant to conduct a study and prepare a documented report on "Local Taxing of Electric Utility Property, Matching Benefits with Burden." The purpose of this project is to examine the tax benefit of plants and other electric facilities and to determine how closely they match or can match the local incidence of those burdens. The project is designed to:

1) Describe the location specific burdens imposed by electric utility property.

2) Describe how electric utilities are taxed in Minnesota and other states.

3) Discuss utility taxing concepts and describe how well they are able to associate location specific burdens with tax revenue.

Estimated fee range: $25,000.00.

Time: Contract award March 24, 1980.

Firms/individual considering to respond should send their response to:

Steve Nelson
Power Plant Siting
State Planning Agency
15B Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
612/297-2605

Request for Proposal is available on request. All responses should be sent in no later than 5:00 p.m. March 17, 1980. Late responses will not be accepted.

## Notice of Request for Proposal for Professional Service Contract

The Environmental Quality Board requires the service of a qualified consultant to conduct a study and present a documented report on:

1. Characterization of regional sulfate pollution and its relationship to air mass history; and

2. Characterization of local pollution from large point sources using snow, soil and plant data on pollutant deposition and accumulation.

Estimated fee range: about $75,000.00.

Time: March 31, 1980.

Firms/individuals desiring consideration should send their response and resume of their training and work experience to David Lang, Project Manager, Environmental Quality Board, 15B Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Phone 612/296-2399.

RFP is available on request.

All responses should be sent in no later than 5:00 p.m., March 5, 1980. Late responses will not be accepted.

## Notice of Request for Professional Service Contract

Notice is hereby given that the Environmental Quality Board intends to engage the service of a qualified consultant to prepare an addendum to the report "Public Health and Safety Effects of High Voltage Overhead Transmission Lines," prepared by the Minnesota Department of Health. The consultant should emphasize the following topics:

1. AC and DC electric field shock thresholds.

2. Relationships between "worst case" and "electric case" shock exposure.

3. New laboratory and field research and epidemiological findings on the biological effects of 60 HZ electric fields.

4. New laboratory and field research and epidemiological findings on the biological effects of DC electrostatic fields.

5. A thorough description of the space charge phenomena and of the biological effects of air ions on human and animal subjects. This review shall be based on the work of the Minnesota Department of Health and on a critical review of the literature and current research.

6. An annotated bibliography.

The product of the study should be a documented report and copies of the most significant work in the field.

Estimated Fee Range: about $12,000.00.

Time: Contract award March 26, 1980.

Firms/individuals desiring consideration should send their response and resume of their training and work experience to George Durfee, Power Plant Siting Program, Environmental Quality Board, 15B Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Phone (612) 296-2878.

RFP is available on request.

All responses should be sent in no later than 5:00 p.m., March 18, 1980. Late responses will not be accepted.

# 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.**

## Energy Agency
## Fuel Allocation Activity

### Notice of Extension of Comment Period for Outside Opinion Concerning Development of A State Emergency Plan for Gasoline Conservation

The agency hereby extends the comment period for the state emergency gasoline conservation plan to May 14, 1980.

The previous notice to solicit outside opinion and comment was published in the *State Register* on February 11, 1980, Volume 4, Number 32, p. 1278.

All written comments should be addressed to:

Dixie Lee Diehl
Manager, Fuel Allocations
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

## Metropolitan Council

### EIS Preparation

### Burnsville, Freeway and Pinebend Landfill Expansions
### Public Meeting on EIS Preparations

The Metropolitan Council is beginning the process of preparing environmental impact statements on three proposed landfill expansions. The proposed expansions are the Burnsville and Freeway landfills in Burnsville, Minnesota and the Pinebend landfill in Inver Grove Heights, Minnesota. The three proposals are to expand the capacities and operating life of the landfills. In an effort to ensure that all relevant issues and information have been identified, the Solid Waste Advisory Committee of the Metropolitan Council will seek public comment early in the EIS preparation process and will hold a public meeting at 2 p.m., Wednesday, March 6 at the Metropolitan Council Chambers located at 300 Metro Square Building, 7th & Robert Sts., St. Paul.

The public meeting will begin with Metropolitan Council staff briefly discussing state environmental regulatory process, the proposed projects, and a description of how the council intends to prepare the EISs. After this summary, the council staff will listen to comments and respond to questions concerning the proposed EISs. The council is particularly interested in public participation regarding:

1. local issues pertinent to the landfill expansions;

2. any information which may be useful to the council in preparing the EISs.

It is expected that the draft EIS will be completed by May 8.

Charles Weaver
Chairman

## Pollution Control Agency

### Application by St. Regis Paper Co. for National Pollutant Discharge Elimination System (NPDES) and State Disposal System Permit and An Air Quality Installation Permit for Operation and Expansion of Paper Mill at Sartell, MN

### Order and Notice of Hearing

It is hereby ordered and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held by the Minnesota Pollution Control Agency (MPCA) on Thursday, March 27, 1980, in the City of St. Cloud Council Chambers, 315 St. Germain Street in St. Cloud, Minnesota, commencing at 10:00 a.m. and continuing until closed by the hearing examiner. The purpose of the hearing is to receive and review testimony, evidence, and argument regarding the terms and conditions and proposed issuance of the above-referenced permits.

The St. Regis Paper Company presently owns and operates a paper mill on the Mississippi River in Sartell, Minnesota, with a capacity of 140 tons per day of pulp and 240 tons per day of lightweight coated paper. The company presently discharges approximately five million gallons per day of process wastewater from its activated sludge treatment plant to the Mississippi River near its plant in Sartell. The company's existing operations are presently permitted by the MPCA under NPDES and

State Disposal System Permit No. MN 0000973 and Air Quality Operating Permit No. 1004-80-OT-2B.

The St. Regis Paper Company has proposed to expand its mill by installing a new paper machine capable of producing 507 tons per day of coated, magazine-grade paper. A Draft Environmental Impact Statement (EIS) has been completed on the proposed expansion and a Final EIS is in the process of being completed.

Notice is hereby given that the St. Regis Paper Company, Gulf Life Tower, Jacksonville, Florida, 32207, has applied to the MPCA for a NPDES and State Disposal System permit for new wastewater treatment facilities, which, along with the existing facilities, will discharge up to approximately eight million gallons of treated wastewater per day when the expansion is complete, and for an Air Quality Installation Permit for a boiler and air pollution control equipment. The MPCA has prepared a draft modified NPDES and State Disposal System Permit No. MN 0000973 and a draft Air Quality Installation Permit that would authorize the proposed expansion. As drafted, the modified NPDES and State Disposal System Permit would be issued for a period expiring on June 30, 1982. The Air Quality Installation Permit would be in effect until installation was completed.

The wastewater treatment facilities which St. Regis proposes to install consist of bar screens, a primary clarifier, aeration basins and final clarifiers. The discharges when the expansion is complete will be to the Mississippi River at the plant site, the same location as the present discharges. These discharges are described in greater detail in a fact sheet that has been prepared by the MPCA, which includes a map locating the discharge points. Emissions from the proposed facility are projected to consume a substantial portion of pollution increments allowed under Prevention of Significant Deterioration (PSD) requirements set forth in federal law.

The draft permits, the fact sheet, and the Draft EIS are available for public inspection at the MPCA offices in Roseville, at the MPCA Regional Office at 615 Oak Street, Brainerd, Minnesota 56401, and at the public library in St. Cloud. Copies of the draft permits and the fact sheet will be mailed to any interested person upon request. Persons wishing copies of the draft permits and the fact sheet should contact Ms. Terry Mader at:

Minnesota Pollution Control Agency
1935 W. County Road B2
Roseville, Minnesota 55113
Telephone: (612) 296-7320

The decision to issue the permits as drafted is tentative. Interested persons are invited to submit written comments to the MPCA in regard to the determination to issue the permits or in regard to any of the terms and conditions of the draft permits. Comments should be submitted in person or by mail and received by the MPCA by no later than March 26, 1980. Comments should be directed to the attention of Ms. Mader. Any written comments received will be offered to the Hearing Examiner as part of the hearing record.

The hearing will be held before the Chief Hearing Examiner, or his designee, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, telephone (612) 296-8100. The hearing will be held pursuant to Minn. Stat. §§ 115.03, subds. 1(e) and (h); 116.07, subd. 4a; 116.075; and 116.081 (1978); and WPC 36(k), APC 3(a), and MPCA 9. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and 6 MCAR §§ 2.201-2.299 and, to the extent they are not inconsistent, pursuant to the MPCA's procedural rules, 6 MCAR §§ 4.3001-4.3013. Procedural rules 6 MCAR §§ 2.201-2.299 are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, St. Paul, Minnesota, 55155 (296-2974).

Any person who desires to become a Party to this matter must submit a timely Petition to Intervene to the hearing examiner pursuant to 6 MCAR § 2.210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. Persons intending to intervene as parties are requested to mail or deliver a copy of the Petition to Intervene to the agency. In addition, each Party must also submit the Notice of Appearance form enclosed with this order to the hearing examiner at least 10 days before the hearing date.

A Party to a case has the right to present evidence and argument with respect to the issues and to cross-examine witnesses. All parties have the right to be represented by legal counsel or any other representative of their choice, if not otherwise prohibited as the unauthorized practice of law, throughout the proceeding.

Interested persons may speak at the hearing without becoming parties and without submitting a Notice of Appearance. However, such persons may not cross-examine witnesses and exercise other rights of parties without filing a Petition to Intervene.

If no person intervenes as a party and no person appears at the hearing at 10:00 a.m. on March 27, the permits may be issued by the MPCA as presently drafted. In any event, some time after the close of the hearing, the hearing examiner will submit a report to the MPCA and make a recommendation on the permits. The MPCA Board will then make the final decision.

Any questions regarding this Order and Notice or regarding informal disposition or access to information may be directed to Special Assistant Attorney General Alan R. Mitchell, 1935 West County Road B2, Roseville, Minnesota, 55113 (296-7344).

February 14, 1980

Terry Hoffman
Executive Director

STATE OF MINNESOTA

OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building
408 St. Peter Street
St. Paul, Minnesota 55102
(612) 296-8239

# ORDER FORM

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