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STATE REGISTER

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 6		
12	Friday Sept 4	Friday Sept 11	Monday Sept 21
13	Monday Sept 14	Monday Sept 21	Monday Sept 28
14	Monday Sept 21	Monday Sept 28	Monday Oct 5
15	Monday Sept 28	Monday Oct 5	Monday Oct 12

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

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

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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

Cover graphic: *Minnesota State Capitol*, ink drawing by Ric James.

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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:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A 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 lisitngs 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. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Health
Environmental Health Division

Proposed Amendments to Rules Relating to Public Water Supplies

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Commissioner of Health proposes to amend the above-entitled rules without a public hearing. The commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 15.0412, subd. 4h (1980).

The amendments are being proposed in order to make the state rules conform to changes made in the corresponding federal rules. In particular, the amendments will require that public water supplies monitor for and comply with maximum contaminant levels for trihalomethanes and that water supplies monitor for sodium and corrosivity. Other changes allow for less frequent monitoring where a water supply has demonstrated compliance with the state well code. These amendments are authorized by Minn. Stat. § 15.0412, subd. 3 (1980) and Minn. Stat. § 144.383(e) (1980).

Persons interested in these rules shall have until 4:30 p.m., Friday, October 16, 1981, to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on any one or all of the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required for any one or all of the proposed rules, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f (1980).

Persons who wish to submit comments or a written request for a public hearing on a particular rule or rules should submit such comments or request(s) to:

Mr. Richard D. Clark, P.E., Supervisor
Engineering Unit
Minnesota Department of Health
Division of Environmental Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
(612) 296-5227

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Mr. Clark upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Clark.

A copy of the proposed rules accompanies this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Mr. Clark at the above address and number.

Rules as Proposed

7 MCAR § 1.145 General information and definitions.

B. Definitions. The following definitions apply to 7 MCAR §§ 1.145-1.149, unless the context indicates otherwise.

1. Commissioner. "Commissioner" means the commissioner of health, or his or her authorized representative~~;~~.

2. Disinfectant. "Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic micro-organisms.

3. Dose equivalent. "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU)~~;~~.

~~3.~~ 4. Exemption. "Exemption" means a waiver which may be granted by the commissioner to a supply which is in operation on June 24, 1977~~;~~:

a. When a maximum contaminant level or required treatment cannot be complied with because of economic or other compelling factors~~,~~; and

b. If granting the waiver will not result in an unreasonable risk to health.

Such an exemption must be conditioned upon a schedule for compliance with these rules by the dates specified in 7 MCAR § 1.148 B.8. and 9.~~;~~

~~4.~~ 5. Federal act. "Federal act" means the Safe Drinking Water Act of 1974, P.L. 93-523, 42 U.S.C. 300 f, and amendments thereto~~;~~.

~~5.~~ 6. Federal regulations. "Federal regulations" means regulations dealing with public water supplies and drinking water quality, promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the federal act~~;~~.

~~6.~~ 7. Gross alpha particle activity. "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample~~;~~.

~~7.~~ 8. Gross beta particle activity. "Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample~~;~~.

9. Halogen. "Halogen" means one of the chemical elements chlorine, bromine, or iodine.

~~8.~~ 10. Man-made beta particle and photon emitters. "Man-made beta particle and photon emitters" means all radionuclides emitting beta particles ~~and/~~or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238~~;~~.

~~9.~~ 11. Maximum contaminant level. "Maximum contaminant level" means the maximum permissible level of a contaminant (any physical, chemical, biological, or radiological substance or matter) in water which is delivered to the free flowing outlet of the ultimate user of a public water supply; except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except for those resulting from corrosion of piping and plumbing caused by water quality are excluded from this definition~~;~~.

12. Maximum total trihalomethane potential. "Maximum total trihalomethane potential" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven days at a temperature of 25 degrees Celsius or above.

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~~10.~~ 13. Person. "Person" means an individual, partnership, copartnership, cooperative, public or private association or corporation, public subdivision, agency of the state or federal government or any other legal entity or its legal representative, agent or assigns~~;~~.

~~11.~~ 14. Picocurie. "Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute~~;~~.

~~12.~~ 15. Public water supply. "Public water supply" ~~(supply)~~ or "supply" means a system providing piped water for human consumption, and either containing a minimum of 15 service connections or 15 living units, or serving at least 25 persons daily for 60 days of the year. Such term includes:

~~(A)~~ a. Any collection, treatment, storage, and distribution facilities under control of the operator of the supply and used primarily in connection with the supply~~;~~; and

~~(B)~~ b. Any collection or pre-treatment storage facilities used primarily in connection with the supply but not under control of the operator. A public water supply is either a community or a non-community water supply.

~~a.~~ (1) "Community water supply" means a public water supply or system which serves at least 15 service connections or living units used by year-round residents, or regularly serves at least 25 year-round residents~~;~~.

~~b.~~ (2) "Non-community water supply" means any public water supply that is not a community water supply. The following are given as examples of non-community water supplies and are in no way meant to be an exhaustive list: seasonal facilities such as children's camps, recreational camping areas, resorts, or year-round facilities which serve at least 25 persons who are not residents thereof, such as churches, entertainment facilities, factories, gasoline service stations, marinas, migrant labor camps, office buildings, parks, restaurants, schools~~;~~.

~~13.~~ 16. Rem. "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem~~;~~.

~~14.~~ 17. Sanitary survey. "Sanitary survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water supply for the purpose of evaluating the adequacy of the source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water~~;~~.

~~15.~~ 18. Standard sample. "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria~~;~~.

~~16.~~ 19. Supplier. "Supplier" means any person who owns, manages, or operates a public water supply, whether or not he is an operator certified pursuant to Minn. Stat. § 115.71~~,~~ ~~et. seq. (1976);~~ 115.82.

20. Total trihalomethanes. "Total trihalomethanes" means the sum of the concentration in milligrams per liter of the trihalomethane compounds of trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two significant figures.

21. Trihalomethane. "Trihalomethane" means one of the family of organic compounds named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

~~17.~~ 22. Turbidity unit. "Turbidity unit" means an amount of turbidity equivalent to that in a solution composed of .000125 ~~%~~ percent hydrazine sulfate and .00125 ~~%~~ percent hexamethylenetetramine in distilled and filtered (100 m. pore size membrane) water, as measured by a nephelometric turbidimeter~~;~~.

~~18.~~ 23. Variance. "Variance" means a waiver which may be granted by the commissioner to a supply:

a. Which, due to the raw water quality reasonably available, cannot comply with a maximum contaminant level, despite application of the best known and available technology for treatment or other means~~;~~; and

b. If granting the waiver will not result in an unreasonable risk to health.

Such a variance must be conditioned upon a schedule for implementation of control measures, and may specify an indefinite time period for compliance with the maximum contaminant level or required treatment~~;~~.

~~19.~~ 24. Year-round resident. "Year-round resident" means a person who resides in the area served by the public water supply for more than six months of the year.

C. Scope and coverage.

1. These rules prescribe standards for water supply siting and construction, set maximum contaminant levels for turbidity, microbiological constituents, organic and inorganic chemicals, and radioactivity, prescribe a frequency for monitoring the levels of these constituents and sodium and corrosivity, and prescribe the procedures for reporting results, notifying the public and for maintaining records.

2. The standards and procedures adopted in 7 MCAR §§ 1.145-1.149 inclusive shall apply to all public drinking water supplies, pursuant to authority granted by existing statutes and amendments thereto, notwithstanding any other water quality standards or regulations~~, except that these rules shall not be enforced against any federal facility in the state~~.

3. [Unchanged.]

7 MCAR § 1.146 Maximum contaminant levels. The following levels ~~stated below~~ shall be the enforceable maximum contaminant levels for all public water supplies in the state~~, from the date on which these rules take effect~~.

A. Microbiological. The maximum contaminant levels for coliform bacteria, applicable to both community and non-community water supplies, are as follows:

1. When the membrane filter technique pursuant to 7 MCAR § 1.147 B.1.a. is used, the number of coliform bacteria shall not exceed any of the following:

a. One per 100 milliliters as the arithmetic mean of all samples examined per ~~month~~ compliance period pursuant to 7 MCAR § 1.147 B.2. or 7 MCAR § 1.147 B.3, except that systems required to take ten or fewer samples per month may exclude one positive routine sample per month from the monthly calculation if:

(1) The commissioner determines and indicates in writing to the public water supply that no unreasonable risk to health existed, after having considered the following factors:

(a) The system provided and had maintained an active disinfectant residual in the distribution system;

(b) The potential for contamination as indicated by a sanitary survey; and

(c) The history of the water quality at the public water supply;

(2) The supplier initiates a check sample on each of two consecutive days from the same sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and

(3) The original positive routine sample is reported and recorded by the supplier pursuant to 7 MCAR § 1.149 A. and B.

The supplier shall report to the commissioner its compliance with the conditions specified in 1.a. and a summary of the corrective action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

b. [Unchanged.]

2. a. When the fermentation tube method and 10 milliliter standard portions pursuant to 7 MCAR § 1.147 B.1.b. are used, coliform bacteria shall not be present in any of the following:

(1) More than 10 percent of the portions in any month pursuant to 7 MCAR § 1.147 B.2. or 7 MCAR § 1.147 B.3.~~:~~, except that systems required to take ten or fewer samples per month may exclude one positive routine sample resulting in one or more positive tubes per month from the monthly calculaton if:

(a) The commissioner determines that the supply maintains an active disinfectant residual in the distribution system, or the commissioner determines in writing to the public water system that no unreasonable risk to health existed under the circumstances;

(b) The supplier initiates a check sample on each of two consecutive days from the sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and

(c) The original positive routine sample is reported and recorded by the supplier pursuant to 7 MCAR § 1.149 A. and B.

The supplier shall report to the commissioner its compliance with the conditions specified in 2.a.(1) and a summary of the action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation,

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another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

(2) Three or more portions in more than one sample when less than 20 samples are examined per month; or

(3) Three or more portions in more than five percent of the samples when 20 or more samples are examined per month.

b. When the fermentation tube method and 100 milliliter standard portions pursuant to 7 MCAR § 1.147 B.1.b. are used, coliform bacteria shall not be present in any of the following:

(1) More than 60 percent of the portions in any month pursuant to 7 MCAR § 1.147 B.2. or 7 MCAR § 1.147 B.3.; except that systems required to take ten or fewer samples per month may exclude one positive routine sample resulting in one or more positive tubes per month from the monthly calculation if:

(a) The commissioner determines that the supplier maintains an active disinfectant residual in the distribution system, or the commissioner determines in writing to the public water system that no unreasonable risk to health existed under the circumstances;

(b) The supplier initiates two consecutive daily check samples from the same sampling point within 24 hours after notification that the routine sample is positive, and each of these check samples is negative; and

(c) The original positive routine sample is reported and recorded by the supplier pursuant to 7 MCAR § 1.149 A. and B.

The supplier shall report to the state its compliance with the conditions specified in 2.b.(1) and a summary of the corrective action taken to resolve the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample must be analyzed for compliance purposes. This provision may be used only once during two consecutive compliance periods.

(2) Five portions in more than one sample when less than five samples are examined per month; or,

(3) Five portions in more than 20 percent of the samples when five or more samples are examined per month.

3. For community or non-community supplies that are required to sample at a rate of less than 4 four per month, compliance with ~~paragraphs~~ 1. or 2. ~~of part A of this rule~~ shall be based upon sampling during a ~~3~~ three-month period, except that, at the discretion of the commissioner compliance may be based upon sampling during a one-month period.

4. If an average maximum contaminant level violation is caused by a single sample maximum contaminant level violation, then the case shall be treated as one violation with respect to the public notification requirements of 7 MCAR § 1.149 D.

B. [Unchanged.]

C. Inorganics. ~~The maximum contaminant level for nitrate applies to both community and non-community water supplies. The levels for the other inorganic chemicals apply only to community water supplies. Compliance with maximum contaminant levels for inorganic chemicals is calculated pursuant to 7 MCAR § 1.147 D.3., 4., 5., and 6.~~

1. The following are the maximum contaminant levels for inorganic chemicals:

Contaminant	Level, miligrams per liter
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Fluoride	~~2.4~~ 2.2
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	0.95

2. Compliance with maximum contaminant levels for inorganic chemicals shall be calculated in accordance with 7 MCAR § 1.147 D.3.-6.

3. The maximum contaminant level for nitrate listed in 1. also applies to non-community water supplies, except that a

nitrate level not in excess of 20 milligrams per liter may be allowed in a non-community water supply if the supplier demonstrates to the satisfaction of the commissioner that:

a. The water will not be available to children under six months of age;

b. There will be continuous posting of the fact that nitrate levels exceed 10 milligrams per liter and the potential health effects of exposure;

c. Local public health authorities and the commissioner will be notified annually of nitrate levels that exceed 10 milligrams per liter; and

d. No adverse health effects shall result.

D. Organics. The following are the maximum contaminant levels for organic chemicals. They apply only to community water supplies. Compliance with maximum contaminant levels for organic chemicals is calculated pursuant to 7 MCAR § 1.147 E.2., 3., and 4.

1. [Unchanged.]

2. [Unchanged.]

3. The maximum contaminant level for total trihalomethane is 0.10 milligrams per liter. This maximum contaminant level applies only to public water supplies which serve a population of 10,000 or more persons, and which add a disinfectant (oxidant) to the water in any part of the drinking water treatment process. Compliance with the maximum contaminant level for total trihalomethane shall be calculated in accordance with 7 MCAR § 1.147 E.5.

E. [Unchanged.]

7 MCAR § 1.147 Monitoring and analytical requirements.

A. In general.

1. It shall be the responsibility of the supplier of water to monitor the quality of the water in his supply, according to the sampling schedules and testing procedures prescribed in this rule. Where a supplier has the capability for on-site testing for turbidity and/or maintains a laboratory approved to test for coliform bacteria, such supplier shall follow the relevant procedures in the appropriate parts of this rule. If an approved on-site laboratory is not available, the supplier of water shall send his water samples to an appropriate approved testing laboratory, according to procedures prescribed by the commissioner. Such procedures shall be prescribed for each supplier, and shall include a description of the type of container to be used, the manner in which the container shall be handled and delivered to the laboratory, and the date by which a sample must be sent to the approved laboratory for testing.

2. The following terms, which are used in B.-L., shall have the meanings given them.

a. "EPA Chemical" means *"Methods of Chemical Analysis of Water and Wastes,"* United States Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268 (EPA-600/4-79-020) March 1979, available from ORD Publications, CERI, Environmental Protection Agency, Cincinnati, Ohio 45268. For approved analytical procedures for metals, the technique applicable to total metals must be used.

b. "Standard Methods" means *"Standard Methods for the Examination of Water and Wastewater,"* 14th Edition, American Public Health Association, 1015 15th Street N.W., Washington, D.C. 20005.

c. "USGS 1979" means *"Techniques of Water Resources Investigation of the United States Geological Survey."* Chapter A.-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments," Book 5, 1979, (Stock #024-001-03177-9, available from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402).

d. "ASTM" means *Annual Book of ASTM Standards, Part 31 Water, 1979*, American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

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e. "USGS 1972" means *"Techniques of Water Resources Investigation of the United States Geological Survey,"* Chapter A-3, "Methods of Analysis of Organic Substances in Water," Book 5, 1972 (Stock #2401-1227, available from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402).

f. "EPA Microbiological" means *"Microbiological Methods for Monitoring the Environment, Water and Wastes"* United States Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio, 45268—EPA—600/8-78-017, December 1978 (available from ORD Publications, CERI, United States Environmental Protection Agency, Cincinnati, Ohio 45268).

g. "EPA Organochlorine Methods" means *"Methods for Organochlorine Pesticides and Chlorophenoxy Acid Herbicides in Drinking Water and Raw Source Water,"* (available from ORD Publications, CERI, United States Environmental Protection Agency, Cincinnati, Ohio 45268).

B. Microbiological contaminant sampling and analytical requirements.

1. Analyses for coliform bacteria shall be made for the purpose of determining compliance with 7 MCAR § 1.146 A. Analyses shall be conducted in accordance with the analytical recommendations set forth in ~~"~~Standard Methods ~~for the Examination of Water and Wastewater,"~~ ~~American Public Health Association, 13th Edition, pp. 662-688~~, Method 908A, Paragraphs 1, 2 and 3; or Method 908D, Table 908:I; or Method 909A; or EPA Microbiological Methods Part III, Section B 1.0 to 2.6.2, 2.7 to 2.7.2(c); or Part III, Section B 4.0 to 4.6.4(c), except that a standard sample size as referred to ~~below~~ in a. and b. shall be employed~~;~~. See A.2.b. and f. for complete title of reference sources.

a. [Unchanged.]

b. [Unchanged.]

2. [Unchanged.]

3. The supplier of water for a non-community water supply shall sample for coliform bacteria at least once in each calendar quarter during which the supply provides water to the public. Such sampling shall begin before June 24, 1979. If the commissioner determines, on the basis of a sanitary survey which includes a determination of compliance with the Minnesota Water Well Construction Code, 7 MCAR §§ 1.210-1.255, that it is more appropriate for the supply to sample on a frequency other than quarterly, the commissioner shall impose a special sampling frequency. Such special frequency shall then be the frequency required under these rules~~, except that in no case shall sampling be reduced to less than once per year. Such a special sampling frequency~~ and shall be confirmed or changed on the basis of subsequent surveys.

4. [Unchanged.]

5. [Unchanged.]

6. [Unchanged.]

7. [Unchanged.]

8. [Unchanged.]

9. [Unchanged.]

C. Turbidity sampling and analytical requirements.

1. a. All public water supplies, whether community or non-community, which use water obtained in whole or in part from surface sources must be sampled for turbidity. Such samples shall be taken by suppliers at representative points of entry into the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with 7 MCAR § 1.146 B.

b. The commissioner may reduce the sampling frequency for a non-community water supply if he determines that this reduced sampling frequency will not pose a risk to the public health and notifies the non-community water supply of this determination in writing. Such a reduction may be granted only if the non-community water supply practices disinfection and maintains an active disinfectant residual in the distribution system.

c. The measurement shall be made by the Nephelometric Method in accordance with the recommendations set forth in ~~"~~Standard Methods ~~for the Examination of Water and Wastewater,"~~ ~~American Public Health Association, 13th Edition, pp. 350-353, or "Methods for Chemical Analysis of Water and Wastes," pp. 295-298, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~ or EPA Chemical, Nephelometric Method, 180.1.1., as further described in A.2.a. and b.

d. Sampling by community water supplies that begin before the effective date of these rules. Sampling by non-community water supplies shall begin before June 24, 1979.

2. [Unchanged.]

D. Inorganic chemical contaminant sampling and analytical requirements.

1. [Unchanged.]

2. [Unchanged.]

3. Analyses conducted to determine compliance with 7 MCAR § 1.146 C. shall be made in accordance with ~~the following methods:~~ a.-j. See A.2. for complete title of reference sources.

a. Arsenic—~~Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 95-96, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~: EPA Chemical Method 206.2, or Method 206.3, or Method 206.4; or Standard Methods, Method 404-A and 404-B(4), or Method 301.A VII; or USGS 1979, Method I-1062-78; or ASTM, Method D-2972-78A, D-2972-78B.

b. Barium—~~Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, or "Methods for Chemical Analysis of Water and Wastes," pp. 97-98, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~: EPA Chemical Method 208.1, or 208.2; or Standard Methods, Method 301-A IV.

c. Cadmium—~~Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, or "Methods for Chemical Analysis of Water and Wastes," pp. 101-103, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~: EPA Chemical, Method 213.1, or 213.2; or Standard Methods, Method 301-A II or III; or ASTM, Method 3447-78A.

d. Chromium—~~Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, or "Methods for Chemical Analysis of Water and Wastes," pp. 105-106, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~: EPA Chemical, Method 218.1, or 218.2; or Standard Methods, Method 301-A II or III; or ASTM, Method D-1687-77D.

e. Fluoride: EPA Chemical, Method 340.1 or 340.2, or 340.3; or Standard Methods, Method 414-A, or 414-B, or 414-C, or 603; or USGS 1979, Method I-3325-78; or ASTM, Method D-1179-72A, or D-1179-72B; or Industrial Method #129-71W, *Fluoride in Water and Wastewater*, Technicion Industrial Systems, Tarrytown, New York 10591, December 1972; or Industrial Method #380-75WE, Automated Electrode Method, *Fluoride in Water and Wastewater*, Technicon Industrial Systems, Tarrytown, New York, February 1976.

f. Lead—~~Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, or "Methods for Chemical Analysis of Water and Wastes," pp. 112-113, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20469, 1974~~: EPA Chemical, Method 239.1 or 239.2; or Standard Methods, Method 301-A II or III; or ASTM, Method D-3559-79A or B.

~~f.~~g. Mercury—~~Flameless Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 118-126, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~: EPA Chemical, Method 245.1 or 245.2; or Standard Methods, Method 301-A VI; or ASTM, Method D-3223-79.

~~g.~~h. Nitrate—~~Brucine Colorimetric Method, "Methods for the Examination of Water and Wastewater," 13th Edition; pp. 461-464, or Cadmium Reduction Method, "Methods for Chemical Analysis of Water and Wastes," pp. 201-206, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~: EPA Chemical, Method 352.1, or 353.1 or 353.2 or 353.3; or Standard Methods, Method 419-D, or 419-C, or 605; or ASTM, Method D-992-71, or D-3867-79A or D-3867-79B.

~~h.~~ i. Selenium—~~Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," p. 145, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~: EPA Chemical, Method 270.2 or 270.3; or Standard Methods, Method 301-A VII; or USGS 1979, Method I-1667-78; or ASTM, Method D-3859-79.

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~~i.~~ j. Silver—~~Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210-215, or "Methods for Chemical Analysis of Water and Wastes," p. 146, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974~~: EPA Chemical, Method 272.1 or 272.2; or Standard Methods, Method 301-A II.

~~j. Fluoride—Electrode Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 172-174 or "Methods for Chemical Analysis of Water and Wastes," pp. 65-67, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or Colorimetric Method with Preliminary Distillation, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 171-172 and 174-176, or "Methods for Chemical Analysis of Water and Wastes," pp. 59-60, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.~~

4. [Unchanged.]

5. [Unchanged.]

6. [Unchanged.]

E. Organic chemical contaminant sampling and analytical requirements.

1. [Unchanged.]

2. Analytical requirements for compliance with 7 MCAR § 1.146 D.1. and 7 MCAR § 1.146 D.2. shall be as described in a. and b.

a. Analyses made to determine compliance with 7 MCAR § 1.146 D.1. shall be made in accordance with ~~"Method for Organochlorine Pesticides in Industrial Effluents," MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973~~ EPA Organochlorine Methods; or Standard Methods, Method 509-A; or ASTM, Method D-3086-79; or USGS 1972, Gas Chromatographic Methods for Analysis of Organic Substances in Water, Chapter A-3. See 7 MCAR § 1.147 A.2. for complete title of reference sources.

b. Analyses made to determine compliance with 7 MCAR § 1.146 D.2. shall be conducted in accordance with ~~"Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents," MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973~~ EPA Organochlorine Methods; or Standard Methods, Method 509-B; or ASTM, Method D-3478-79; or USGS 1979, Gas Chromatographic Methods for Analysis of Organic Substances in Water, Chapter A-3. See 7 MCAR § 1.147 A.2. for complete title of reference sources.

3. [Unchanged.]

4. [Unchanged.]

5. Total trihalomethanes sampling, analytical and other requirements shall be as described in a.-i.

a. Community water supplies which serve a population of 10,000 or more individuals and which did a disinfectant (oxidant) to the water in any part of the drinking water treatment process shall analyze for total trihalomethanes in accordance with this section. For systems serving 75,000 or more individuals, sampling and analyses shall begin not later than January 1, 1982. For systems serving 10,000 to 74,999 individuals, sampling and analyses shall begin not later than January 1, 1983. For the purpose of this section, the minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer are considered one treatment plant for determining the minimum number of samples. All samples taken within an established frequency shall be collected within a 24-hour period.

b. For all community water supplies utilizing surface water sources in whole or in part, and for all community water supplies utilizing only ground water sources that have not been determined by the commissioner to qualify for the monitoring requirements of e. and f., analyses for total trihalomethanes shall be performed at quarterly intervals on at least four water samples for each treatment plant used by the supply. At least 25 percent of the samples shall be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining 75 percent shall be taken at representative locations in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter shall be arithmetically averaged and reported to the commissioner within 30 days of the supply's receipt of such results. All samples collected shall be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in h.

c. Upon the written request of a community water system, the monitoring frequency required by b. may be reduced by the commissioner to a minimum of one sample analyzed for total trihalomethanes per quarter taken at a point in the

distribution system reflecting the maximum residence time of the water in the system, upon a written determination by the commissioner that the data from at least one year of monitoring in accordance with b. and local conditions demonstrate that total trihalomethane concentrations will be consistently below the maximum contaminant level.

d. If at any time during which the reduced monitoring frequency prescribed under c. applies, the results from any analysis exceed 0.10 milligrams per liter of total trihalomethanes and such results are confirmed by at least one check sample taken promptly after such results are received, or if the supply makes any significant change to its source of water or treatment program, the supply shall immediately begin monitoring in accordance with the requirements of b. and shall continue that monitoring for at least one year before the frequency may be reduced again.

e. Upon written request to the commissioner, a community water supply utilizing only ground water sources may seek to have the monitoring frequency required by b. reduced to a minimum of one sample for maximum total trihalomethane potential per year for each treatment plant used by the supply taken at a point in the distribution system reflecting maximum residence time of the water in the system. The supply shall submit to the commissioner the results of at least one sample analyzed for maximum total trihalomethane potential for each treatment plant used by the supply taken at a point in the distribution system reflecting the maximum residence time of the water in the system. The supply's monitoring frequency may only be reduced upon a written determination by the commissioner that, based upon the data submitted by the supply, the supply has a maximum total trihalomethane potential of less than 0.10 milligrams per liter and that, based upon an assessment of the local conditions of the supply, the supply is not likely to approach or exceed the maximum contaminant level for total trihalomethanes. All samples collected shall be used for determining whether the supply must comply with the monitoring requirements of b.-d., unless the analytical results are invalidated for technical reasons. Sampling and analyses shall be conducted in accordance with the methods listed in h.

f. If at any time during which the reduced monitoring frequency prescribed under e. applies, the results from any analysis taken by the supply for maximum total trihalomethane potential are equal to or greater than 0.10 milligrams per liter, and those results are confirmed by at least one check sample taken promptly after such results are received, the supply shall immediately begin monitoring in accordance with the requirements of b.-d. The monitoring shall continue for at least one year before the frequency may be reduced again. In the event of any significant change to the supply's raw water or treatment program, the supply shall immediately analyze an additional sample for maximum total trihalomethane potential taken at a point in the distribution system reflecting maximum residence time of the water in the system for the purpose of determining whether the supply must comply with the monitoring requirements of b-d.

g. Compliance with 7 MCAR § 1.146 D.3. shall be determined based on a running annual average of quarterly samples collected by the supply as prescribed in b. and c. If the average of samples covering any 12-month period exceeds the maximum contaminant level prescribed in 7 MCAR § 1.146 D.3., the supplier of water shall report to the state pursuant to 7 MCAR § 1.149 B. and notify the public pursuant to 7 MCAR § 1.149 D. Monitoring after public notification shall be at a frequency designated by the commissioner and shall continue until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

h. Sampling and analyses made pursuant to this section shall be conducted by one of the following methods:

(1) "The Analysis of Trihalomethanes in Finished Waters by the Purge and Trap Method," Method 501.1, Environmental Monitoring and Support Laboratory, United States Environmental Protection Agency, Cincinnati, Ohio 45268.

(2) "The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 501.2, Environmental Monitoring and Support Laboratory, United States Environmental Protection Agency, Cincinnati, Ohio 45268.

Samples for total trihalomethane shall be dechlorinated upon collection to prevent further production of trihalomethanes, according to the procedures described in (1) and (2). Samples for maximum total trihalomethane potential should not be dechlorinated, and should be held for seven days at 25 degrees Celsius prior to analysis, according to the procedures described in (1) and (2).

i. Before a community water supply makes any significant modifications to its existing treatment process for the purposes of achieving compliance with 7 MCAR § 1.146 C.3., such supply must submit to the commissioner and obtain the

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commissioner's approval of a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water served by such supply will not be adversely affected by such modification. Each supply shall comply with the provisions set forth in the plan as approved. At a minimum, an approved plan shall require the system modifying its disinfection practice to:

(1) Evaluate the water supply for sanitary defects and evaluate the source water for biological quality;

(2) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system;

(3) Provide baseline water quality survey data of the distribution system. Such data shall include the results from monitoring for coliform and fecal coliform bacteria, standard plate counts at 35 degrees Celsius and 20 degrees Celsius, phosphate, ammonia nitrogen and total organic carbon;

(4) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water, for example, when chloramines are introduced as disinfectants or when pre-chlorination is being discontinued; and

(5) Demonstrate an active disinfectant residual throughout the distribution system at all times during and after the modification.

F. [Unchanged.]

G. [Unchanged.]

H. Approved laboratories. For the purpose of determining compliance with ~~parts A through F of this rule~~ A.-F., samples may be considered only if they have been analyzed by a laboratory approved by the commissioner, except that measurements for temperature, pH, turbidity, and free chlorine residual may be performed by any person acceptable to the commissioner.

I. [Unchanged.]

J. [Unchanged.]

K. Special monitoring for sodium.

1. Community public water supplies shall collect and analyze one sample per treatment plant at the entry point of the distribution system for the determination of sodium concentration levels. Samples must be collected and analyzed annually for supplies utilizing surface water sources in whole or in part, and at least every three years for supplies utilizing solely ground water sources. The minimum number of samples required to be taken by the supply shall be based on the number of treatment plants used by the supply, except that multiple wells drawing raw water from a single aquifer will be considered one treatment plant for determining the minimum number of samples.

2. The supplier of water shall report the results of the analyses for sodium within the first ten days of the month following the month in which the sample results were received or within the first ten days following the end of the required monitoring period as stipulated by the commissioner whichever of these is first. If more than annual sampling is required the supplier shall report the average sodium concentration within ten days of the month following the month in which the analytical results of the last sample used for the annual average was received.

3. Analyses for sodium shall be performed by the flame photometric method in accordance with the procedures described in Standard Methods, Method 320A; or EPA Chemical, Method 273.1 or 273.2; or ASTM, Method D-1428-64A. See 7 MCAR § 1.147 A.2. for complete title of reference sources.

L. Special monitoring for corrosivity characteristics.

1. Community public water supplies shall collect samples from a representative entry point to the water distribution system for the purpose of analysis to determine the corrosivity characteristics of the water.

a. The supplier shall collect for analysis for each treatment plant using surface water sources in whole or in part, one sample during mid-winter and one sample during mid-summer. The supplier of the water shall collect for analysis one sample per treatment plant for each treatment plant using ground water sources. The minimum number of samples requried to be taken by the supply shall be based on the number of treatment plants used by the supply, except that multiple wells drawing raw water from a single aquifer may be considered one treatment plant for determining the minimum number of samples.

b. Determination of the corrosivity characteristics of the water shall include measurement of pH, calcium hardness,

alkalinity, temperature, total dissolved solids or total filterable residue, and calculation of the Langelier Index in accordance with 3. The determination of corrosivity characteristics shall only include one round of sampling. One round of sampling consists of two samples per treatment plant for surface water and one sample per treatment plant for ground water sources.

2. The supplier of wate shall report the results of the analyses for the corrosivity characteristics within the first ten days of the month following the month in which the sample results were received. If more frequent sampling is required the supplier can accumulate the data and report each value within ten days of the month following the month in which the analytical results of the last sample were received.

3. Analyses conducted to determine the corrosivity of the water shall be made in accordance to the methods described in a.-f. See 7 MCAR § 1.147 A.2. for complete title of reference sources.

a. Langelier Index—Standard Methods, Method 203.

b. Total Filterable Residue—Standard Methods, Method 208B; or EPA Chemical, Method 160.1.

c. Temperature—Standard Methods, Method 212.

d. Calcium—Standard Methods, Method 306C; or ASTM, Method D-1126-67B.

e. Alkalinity—Standard Methods, Method 403; or ASTM, Method D-1067-70B; or EPA Chemical, Method 310.1.

f. pH—Standard Methods, Method 424; or EPA Chemical, Method 150.1; or ASTM, Method D-1293-78 A or B.

4. Community water supplies shall identify whether the following construction materials are present in their distribution system and report to the commissioner the existence of any of the following materials:

a. Lead from piping, solder, caulking, interior lining of distribution mains, alloys, and home plumbing;

b. Copper from piping and alloys, service lines, and home plumbing;

c. Galvanized piping, service lines, and home plumbing;

d. Ferrous piping materials such as cast iron and steel;

e. Asbestos cement pipe;

f. Vinyl-lined asbestos cement pipe; or

g. Coal tar lined pipes and tanks.

7 MCAR § 1.149 Record maintenance; reporting; public notification.

A. [Unchanged.]

B. 1. [Unchanged.]

2. Except ~~where~~ when a shorter reporting period is specified, all results of tests, analyses or measurements shall be submitted on prescribed reporting forms to the commissioner within ~~40 days~~ the time period specified in a. or b., whichever is shorter:

a. The first ten days following the month in which the result is received by the supplier; or

b. The first ten days following the end of the required monitoring period as stipulated by the commissioner.

3. [Unchanged.]

4. [Unchanged.]

5. [Unchanged.]

C. [Unchanged.]

D. [Unchanged.]

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Department of Labor and Industry
Occupational Safety and Health Division

Proposed Amendments to and Adoption of Rules Governing Access to Employee Exposure and Medical Records; Discrimination against Employees; and Recording and Reporting Occupational Injuries and Illnesses

Notice of Intent to Amend and Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Labor and Industry proposes to amend and adopt the above-entitled rules without a public hearing. The commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

New Chapter Eighteen (8 MCAR §§ 1.7230-1.7239) "Access to Employee Exposure and Medical Records," proposes to adopt by reference the Federal Occupational Safety and Health Standard published at 29 CFR Part 1910.20, "Access to Employee Exposure and Medical Records." The standard, adopted by Federal OSHA on May 23, 1980 (*Federal Register*, Volume 45, Number 102, dated May 23, 1980), provides for employees, designated employee representatives, and the Minnesota Department of Labor and Industry access to employer-maintained exposure and medical records relevant to employees exposed to toxic substances and harmful physical agents. Access is also assured to analyses or evaluations of this information conducted by the employer or medical professionals. The final standard requires long-term preservation of these records, contains notice provisions informing employees of their rights under the standard, and includes provisions which are protective of trade secret information.

Federal OSHA made appropriate changes to Subpart T and Subpart Z of 29 CFR Part 1910 in order to make the recordkeeping and access to records provisions of these subparts consistent with 29 CFR Part 1910.20. Those changes are proposed for adoption by Minnesota OSHA in 8 MCAR § 1.7232.

Proposed rules implementing the discrimination provisions of Minn. Stat. § 182.669 of the Minnesota Occupational Safety and Health Act of 1973 are included in new Chapter Nineteen (8 MCAR §§ 1.7240-1.7249) "Discrimination Against Employees." The proposed rules are similar to those enforced by Federal OSHA and govern protected and unprotected activities under the Act, claim procedures and enforcement proceedings.

Proposed amendments to Chapter Twenty-Two (8 MCAR §§ 1.7290-1.7309) "Recording and Reporting Occupational Injuries and Illnesses," are necessary to correct several clerical errors, to provide employees an access to Occupational Safety and Health (OSH) summary records, and to make Minnesota Occupational Safety and Health Rules as effective as those enforced by the Federal Occupational Safety and Health Administration (Federal OSHA). Amendments to 8 MCAR §§ 1.7292, 1.7295, and 1.7304 are nonsubstantial changes deleting references to obsolete forms and inserting new form numbers and titles. Section 8 MCAR 1.7297, "Access to Records," is amended to allow employees, former employees, and employee representatives access to the log and summary of occupational injuries and illnesses; Federal OSHA has enforced a similar regulation since August 1978.

Persons interested in these rules shall have 30 days to sbumit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed rules.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f (1980).

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

Ivan W. Russell, Director
Occupational Safety & Health Division
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: (612) 296-4532

Authority for the adoption of these rules is contained in Minn. Stat. § 182.657 (1980). A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from:

Ms. Patricia Lorentz
Occupational Safety & Health Division
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: (612) 297-3254

If no hearing is required, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as proposed for adoption will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Ms. Lorentz at the above address.

Copies of this notice and the proposed rules are available and may be obtained by contacting Ms. Lorentz.

Russell B. Swanson
Commissioner of Labor & Industry

Rules as Proposed

Chapter Eighteen:
Access to Employee Exposure and Medical Records

8 MCAR § 1.7230 Purpose and scope. Federal Occupational Safety and Health Standard 1910.20, "Access to Employee Exposure and Medical Records," 29 Code of Federal Regulations, Section 1910.20 (1980) is adopted by reference.

8 MCAR § 1.7231 Modified definition. The terms "Assistant Secretary of Labor for Occupational Safety and Health" and "assistant secretary" as used in 29 Code of Federal Regulations, Section 1910.20 shall mean the Commissioner of the Department of Labor and Industry for the purpose of 8 MCAR § 1.7230.

8 MCAR § 1.7232 Conforming amendments. Revisions to 29 Code of Federal Regulations, Section 1910, Subpart T (Commercial Diving Operations) and Subpart Z (Toxic and Hazardous Substances) adopted by the Federal Occupational Safety and Health Administration on May 23, 1980 and published at 45 Federal Register, Volume 45, 35281-35284 are adopted by reference.

Chapter Nineteen:
Discrimination Against Employees

8 MCAR § 1.7240 Authority and background. Minn. Stat. §§ 182.654, subd. 9, and 182.669 prohibit discrimination against an employee because the employee exercised any rights granted under the act on the employee's behalf or on behalf of others. Any employee who believes that he or she has been discharged or discriminated against by any person because the employee exercised any right authorized by the act as described in 8 MCAR § 1.7242, may file a discrimination complaint with the Commissioner of the Department of Labor and Industry.

8 MCAR § 1.7241 Purpose and scope. The rules in this chapter implement Minn. Stat. § 182.669 of the act and set forth general policies for enforcement of the discrimination provisions of Minn. Stat. § 182.669.

8 MCAR § 1.7242 Definition. For the purpose of 8 MCAR §§ 1.7240-1.7247 "act" means the Minnesota Occupational Safety and Health Act of 1973.

8 MCAR § 1.7243 Protected activities.

A. Occupational safety and health complaints. An employee or authorized employee representative may file a complaint about unsafe or unhealthful working conditions with an employer and may request personal protective equipment from the employer. An employee or authorized employee representative may also file a written complaint about unsafe or unhealthful working conditions with the Commissioner of the Department of Labor and Industry. Written complaints may be given to an occupational safety and health investigator prior to or during an inspection of the place of employment.

B. Refusal to work under unsafe conditions.

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1. Unless provided by 8 MCAR §§ 1.7240-1.7247 there is no right granted by the act for employees to leave the job because of potentially unsafe conditions at the workplace. Initially an employer should be notified of hazardous conditions. If corrections are not accomplished or if a dispute arises about the existence of a hazard, the employee or authorized employee representative may request an occupational safety and health inspection of the workplace by giving notice to the commissioner of the hazardous condition.

2. If an employee has a choice between not performing assigned tasks or subjecting himself to serious injury or death arising from a hazardous condition in the workplace, an employee acting in good faith may refuse to work if there is no reasonable alternative. The condition must be so hazardous that a reasonable person would conclude that there is a real danger of death or serious injury and that there is insufficient time to eliminate the danger through enforcement procedures. The employee must, where possible, request the employer to correct the hazardous condition. An employer may not discharge or discipline an employee who refuses to perform assigned tasks under these conditions. However, an employer is not required to pay employees for tasks not performed.

C. Inspection participation. The authorized employee representative may participate in the opening conference prior to the inspection and the closing conference following the inspection. The employer shall pay the authorized employee representative regular wages for time spent participating in the inspection and opening and closing conferences.

D. Testimony. An employee may not be discriminated against because the employee has testified or is about to testify in proceedings under or related to the act. This protection includes testifying in proceedings instituted by the employee or any statement or testimony given in judicial, quasi-judicial and administrative proceedings.

E. Contestation. An employee or authorized employee representative may file a written notice of contest with the Occupational Safety and Health Review Board contesting a citation, proposed assessment of penalty, type of violation, or the time fixed for abatement in a citation issued to an employer.

F. Informal conferences. An employee or authorized employee representative may participate in informal conferences held between the employee's employer and the Department of Labor and Industry.

8 MCAR § 1.7244 Unprotected activities.

A. Permitted discipline. That certain of an employee's activities are protected by the act does not protect an employee from discipline or discharge for other legitimate reasons including tardiness, unauthorized absences or poor workmanship.

B. Protected and unprotected activities combined. If participation in an activity protected by the act was a substantial reason for discharge or other adverse action by an employer, the employee's rights under the act have been violated. Whether a discharge or other adverse action was because of protected activity will be determined on the facts in each particular case.

8 MCAR § 1.7245 Claim procedures.

A. Who may file. A complaint alleging discrimination under Minn. Stat. § 182.669 may be filed by an employee or an authorized employee representative.

B. Time for filing. The complaint must be filed, either orally or in writing, with the Commissioner of the Minnesota Department of Labor and Industry within 30 days after the alleged discriminatory act occurred.

C. Form of filing. Verbal complaints must be reduced to written form by the Department of Labor and Industry and sent to the complainant for signature. The form must be signed and returned to the department within 15 days of receipt by the complainant. Upon receipt of the signed complaint, the commissioner will make an investigation as he deems appropriate. If the complainant fails to sign and return the written statement within the 15 days, the case shall be closed.

D. Notice of commissioner's determination. The commissioner shall notify the complainant of the commissioner's determination regarding the complaint within 90 days of receipt of a signed complaint.

8 MCAR § 1.7246 Other proceedings.

A. Deferral. The commissioner may defer action on a complaint filed concurrently with the Department of Labor and Industry and another agency until a determination by the other agency has been made if the rights asserted in other proceedings are substantially the same as rights given under the act and the other proceedings will not violate the rights guaranteed by the act.

B. Accepting other decisions. The commissioner may accept the results of other proceedings as a final determination of a complaint if those proceedings dealt adequately with all factual issues; were fair, impartial and valid; and the outcome of the

proceedings is not contradictory to the purpose of the act. If the other action is dismissed without proper hearing, the dismissal is not a final determination of the complaint filed with the commissioner.

8 MCAR § 1.7247 Enforcement proceedings.

A. Court action. Minn. Stat. § 182.669 authorizes the commissioner to bring an action against the employer in the district court in the county where the alleged discrimination occurred or in a county where the employer transacts business if it is determined that a discriminatory act has been committed against an employee.

B. Settlement. Upon completion of an investigation, the commissioner may decide upon a settlement acceptable to all concerned parties rather than proceeding with court action.

C. Complaint withdrawal. An employee may withdraw a discrimination complaint at any point following the initial submission.

D. Independent commissioner action. If an employee voluntarily withdraws a discrimination complaint, the commissioner may decide to proceed with an investigation on his own if he believes a discriminatory act has been committed.

Chapter Twenty-two: Recording and Reporting Occupational Injuries and Illnesses

8 MCAR § 1.7292 Log and summary of occupational injuries and illnesses.

A. Each employer shall maintain in each establishment a log and summary of all recordable occupational injuries and illnesses for that establishment, except that under the circumstances described in paragraph B. of this section an employer may maintain the log and summary of occupational injuries and illnesses at a place other than the establishment. Each employer shall enter each recordable occupational injury and illness on the log as early as practicable but no later than 6 working days after receiving information that a recordable case has occurred. For this purpose OSHA Form No. ~~100~~ 200 or any private equivalent may be used. OSHA Form No. ~~100~~ 200 or its equivalent shall be completed in the detail provided in the form and the instructions contained in OSHA Form No. ~~100~~ 200. If an equivalent to OSHA Form No. ~~100~~ 200 is used, such as a printout from data-processing equipment, the information shall be as readable and comprehensible to a person not familiar with the data processing equipment as the OSHA Form ~~100~~ 200 itself.

8 MCAR § 1.7295 Annual summary.

A. Each employer shall ~~compile~~ post an annual summary of occupational injuries and illnesses for each establishment. Each annual summary shall ~~be based on the information~~ consist of a copy of the year's totals contained in the log and summary of occupational injuries and illnesses for the particular establishment. OSHA Form No. ~~102~~ 200 shall be used for this purpose, and shall be completed in the form and detail as provided in the instructions contained therein.

B. The summary shall be completed no later than one month after the close of each calendar year ~~beginning with calendar year.~~

C. Each employer, or the officer or employee of the employer who supervises the preparation of the ~~annual~~ log and summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employee of the employer, who supervises the preparation of the annual summary of occupational injuries and illnesses, ~~to the lower right hand corner of the annual~~ at the bottom of the last page of the log and summary or by appending a separate statement to the ~~annual~~ log and summary certifying that the annual summary is true and complete.

8 MCAR § 1.7297 Access to records.

A. Access by departments. Records provided for in 8 MCAR § 1.7292, 8 MCAR § 1.7294, and 8 MCAR § 1.7295 shall be available for inspection and copying by authorized representatives of the Department of Labor and Industry and the Department of Health.

B. Access by employees. The log and summary of recordable occupational injuries and illnesses (OSHA Form No. 200) for

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any establishment in which the employee is or was employed provided for in 8 MCAR § 1.7292 shall, upon request, be made available by the employer to any employee, former employee, and their representatives for examination and copying in a reasonable manner and at reasonable times.

C. Bargaining for additional access. Nothing in this rule shall preclude employees and employee representatives from collectively bargaining for access to information relating to occupational injuries and illnesses in addition to the information made available under this rule.

D. Extent of access. Access to the log and summary provided under this rule shall pertain to all logs and summaries retained under the requirements of 8 MCAR § 1.7296.

8 MCAR § 1.7304 Small employers.

A. Exemption. An employer who had no more than ten (10) employees at any one time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this chapter except 8 MCAR § 1.7298 concerning fatalities or multiple hospitalization accidents (i.e., he need not prepare the log, OSHA Form No. ~~100~~ 200; the Supplementary Record, OSHA Form No. 101; nor prepare or post the summary, OSHA Form No. ~~102~~ 200).

B. Limitation of exemption. Paragraph A. ~~of this section~~ shall not apply when an employer has been notified in writing by the Bureau of Labor Statistics that he has been selected to participate in a statistical survey of occupational injuries and illnesses. If selected, an employer will be required to maintain a log of occupational injuries and illnesses (OSHA Form No. ~~100~~ 200) in accordance with 8 MCAR § 1.7292 and to make reports in accordance with 8 MCAR § 1.7306 for the period of time which is specified in the notice.

Department of Labor and Industry
Worker's Compensation Rehabilitation Services

Proposed Amendment of Rules for Rehabilitation of Work Related Injuries and Diseases

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Worker's Compensation Rehabilitation Services proposes to amend the above-entitled rules without a public hearing. Rehabilitation Services has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subs. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

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

Gladys Westberg
Director of Rehabilitation Services
Department of Labor & Industry
444 Lafayette Road, 5th Floor
St. Paul, Mn. 55101
Telephone: (612) 297-2684

Authority for the adoption of these rules is contained in Minn. Stat. § 176.102, subd. 12 (1979).

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive a copy of the final rules as adopted should submit a written statement of such request to Ms. Westberg.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting Ms. Westberg.

Gladys Westberg
Director of Rehabilitation Services

Rules as Proposed

RS 1. Definitions. For the purposes of RS 1.-17., the following terms have the meanings given them.

A. Commissioner. "Commissioner" means Commissioner of the Department of Labor and Industry.

B. Employer. "Employer" means the employer of qualified employees and includes the insurer providing workers' compensation insurance required by ~~Minnesota Statutes Chapter~~ Minn. Stat. ch. 176 to this employer.

C. Suitable gainful employment. "Suitable gainful employment" means employment which is reasonably attainable and which offers an opportunity to restore the injured employee as soon as possible and as nearly as possible to employment ~~consistent with~~ which produces an economic status as close as possible to that employee would have enjoyed without the disability. Consideration shall be given to the employee's former employment and ~~with~~ the employee's qualifications, including, but not limited to, the employee's age, education, previous work history, interests and skills. ~~Consideration shall also be given to the economic status enjoyed by the employee at the time of the injury and to the present and future labor market.~~

D. Qualified employee. "Qualified employee" means an employee who because of the effects of a work-related injury or disease, whether or not combined with the effects of a prior injury or disability~~,~~:

~~(1)~~ 1. Is permanently precluded or is likely to be precluded from engaging in the usual and customary occupation or position in which the individual was engaged at the time of injury~~,~~; and

~~(2)~~ 2. Can reasonably be expected to benefit from rehabilitation services which could significantly reduce or eliminate the decrease in employability.

E. Qualified rehabilitation consultant. "Qualified rehabilitation consultant" means a person who is professionally trained and experienced and who is approved by the commissioner to develop and monitor an appropriate plan for evaluation and provision of physical and vocational rehabilitation services for an employee entitled to rehabilitation benefits under ~~M.S.~~ Minn. Stat. § 176.102.

F. Qualified rehabilitation consultant/independent. "Qualified rehabilitation consultant/independent" means a consultant neither affiliated with an employer, insurer, or adjusting company, nor with a facility or agency engaged in the provision of comprehensive rehabilitation services to qualified employees, and who is approved by the commissioner to develop and monitor rehabilitation plans.

G. Qualified rehabilitation consultant/affiliated. "Qualified rehabilitation consultant/affiliated" means a consultant who is affiliated with an employer, insurer, or adjusting company, and who is approved by the commissioner to develop and monitor rehabilitation plans.

H. Registered rehabilitation vendor. "Registered rehabilitation vendor" means a public or private entity existing wholly or in part for the provision of rehabilitation services to the qualified employee and which has been registered to provide specific rehabilitation services in accord with a rehabilitation plan authorized by the commissioner.

I. Rehabilitation consultation. "Rehabilitation consultation" means an evaluation by a qualified rehabilitation consultant of the likelihood that rehabilitation services will significantly reduce or eliminate the decrease in employability.

J. Rehabilitation plan. "Rehabilitation plan" means a written document completed by a qualified rehabilitation consultant and which describes the manner and means by which it is proposed that a qualified ~~worker~~ employee may be returned to suitable, gainful employment through the use of rehabilitation ~~services~~ service. ~~The plan may include, but is not limited to, physical rehabilitation services preliminary to or in conjunction with vocational rehabilitation, modification of the employee's job at the time of the injury, provision for alternative work with the same employer, on-the-job training, job placement assistance or some combination of the services~~ The plan shall take into consideration the qualified employee's unique disabilities and assets.

K. Rehabilitation service. "Rehabilitation service" means service required to determine an employee's eligibility as a

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qualified employee, and service designed to return an individual to ~~(1)~~ suitable gainful employment by returning the individual to a job with the former employer or to a job related to the individual's former employment, ~~(2)~~ or by placing the individual in a job in another field ~~which produces an economic status as close as possible to that enjoyed before the injury~~, or ~~(3)~~ by placing the individual in a job with higher economic status than would have occurred without the disability if it can be demonstrated that this is necessary to increase the likelihood of reemployment. The service may include, but is not limited to, medical evaluation, medically prescribed physical rehabilitation, work evaluation, counseling, job analysis, job modification, job placement ~~and implementation of~~, on-the-job training, or ~~short-term~~ retraining.

L. Review panel. "Review panel" means the panel created by ~~Minnesota Statutes, Section~~ Minn. Stat. § 176.102, ~~Subdivision~~ subd. 3.

RS 5. Plan modification. Upon request of the employer or employee, the commissioner may suspend, terminate or alter a rehabilitation plan for good cause, including, but not limited to:

~~(a)~~ A. A new or continuing physical limitation that significantly interferes with the implementation of the plan;

~~(b)~~ B. The employee's performance indicates that he is unlikely to complete the plan successfully; or

~~(c)~~ C. The employee is not cooperating with the plan~~, or (d)~~ .

The commissioner may alter a plan on the request of an employee if the employee believes that the occupation for which he is being trained is not suited to him, provided that ~~a request by an employee for the reason indicated in (d) above~~ the employee's request shall be made within 90 days from the plan's implementation date and that no more than one change ~~under (d) above~~ shall be permitted for this reason. Any decision of the commissioner regarding a change in a plan may be appealed to the review panel within 15 days of the filing of and service of the decision on the interested parties.

Department of Public Welfare

Proposed Rule Governing the Administration and Provision of Protective Services to Vulnerable Adults (12 MCAR § 2.221)

Notice of Hearing

A public hearing concerning the above entitled matter will be held in Room A, 4th Floor, Centennial Office Building, St. Paul, Minnesota, 55155 on October 14, 1981 commencing at 12:30 p.m. and continuing until all interested persons have an opportunity to be heard. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, 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 participate by asking questions and making 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 Jon L. Lunde, Office of Administrative Hearings, 1745 University Avenue, Room 300, St. Paul, Minnesota, 55104, either before the hearing or within five working days after the public hearing ends. Mr. Lunde's telephone number is 612/296-5938. The hearing examiner may, at the hearing, order that the comment period be extended for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.041-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

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 Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The purpose of 12 MCAR § 2.221 is to establish the procedures and standards necessary for implementation of Minn. Stat. § 626.557 (1980), subd. 10, governing the administration and provision of protective services to vulnerable adults by county social services agencies.

The rule has eight major sections: A. Applicability; B. Definitions; C. Complaint Investigations by local social services agencies; D. Classification of complaints; E. Relocation of vulnerable adults; F. Social services for vulnerable adults; G. Actions on behalf of a vulnerable adult who refuses services; H. Reports to the state agency.

Section A. "Applicability" cites the state statute upon which the rule is based.

Section B. "Definitions" includes definitions of terms used in the rule.

Section C. "Complaint investigation by local social services agencies" pertains to the county social services agency's responsibility for accepting and investigating complaints about alleged maltreatment of an adult within that agency's county. This section also establishes the time-frames within which a county social services agency must begin its investigation of alleged maltreatment of an adult. The section outlines the components of an investigation of alleged maltreatment of an adult in a facility. The section outlines the components of an investigation of alleged maltreatment of an adult when the allegation is not related to a facility. The section stipulates the responsibilites of the host county and the county of financial responsibility when a complaint involves a vulnerable adult who is receiving services from a facility located in a county other than the adult's county of financial responsibility. The section addresses the issue of consultation with appropriate specialists when the assessment of a complaint of alleged maltreatment requires knowledge which is broader than that of the social services agency investigating the complaint. The section outlines the information to be gathered by the investigating social services agency if upon initial assessment, there appears to be substance to the complaint.

Section D. "Classification of complaints" requires a county social services agency to complete its assessment and classification of all complaints within 90 days of receiving the complaint. It also requires the agency to provide written notification of the classification of the complaint to the alleged victim of maltreatment and the alleged perpetrator.

Section E. "Actions on behalf of a vulnerable adult who refuses services" lists the various legal avenues by which a county social services agency intervenes when a vulnerable adult's safety or welfare is in jeopardy.

Section F. "Reports to the state agency" requires county social services agencies to provide the state agency with data on every complaint of adult maltreatment and provides specific requirements for completing or correcting this information and for privacy of certain data.

The agency's authority to adopt the proposed rule is contained in Minn. Stat. § 626.557, subd. 16(c)(1980).

The department estimates that the cost of implementing 12 MCAR § 2.221 will not exceed $100,000 per year for local public bodies for the two years immediately following its adoption within the meaning of Minn. Stat. §§ 15.0412, subd. 7 (1978).

Copies of the proposed rule are now available and at least one free copy may be obtained by writing to Karen Potter, Department of Public Welfare, Centennial Building, St. Paul, MN 55115, telephone (612) 296-4021. Additional copies will be available at the hearing. If you have any questions on the content of the proposed rule amendment, contact Zetta Feder at (612) 296-4019.

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, 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 612/296-5616.

August 26, 1981

Arthur E. Noot
Commissioner of Public Welfare

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Rule as Proposed (all new material)

12 MCAR § 2.221 Protective services by local social services agencies to vulnerable adults.

A. Applicability. 12 MCAR § 2.221 governs the administration and provision by local social services agencies of the protective services to vulnerable adults which are required by Minn. Stat. § 626.557.

B. Definitions. As used in 12 MCAR § 2.221, the following terms have the meanings given them.

1. Abuse. "Abuse" means:

a. Any act which constitutes a violation of Minn. Stat. § 609.322 related to prostitution;

b. Any act which constitutes a violation of Minn. Stat. §§ 609.342-609.345 related to criminal sexual conduct; or

c. The intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

2. Caretaker. "Caretaker" means an individual or facility which has responsibility for the care of a vulnerable adult as a result of family relationship, or which has assumed responsibility for all or a portion of the care of the vulnerable adult voluntarily, by contract, or by agreement. A person who has assumed only financial responsibility for an adult is not a caretaker.

3. Facility. "Facility" means a hospital or other entity required to be licensed pursuant to Minn. Stat. §§ 144.50-144.58; a nursing home required to be licensed pursuant to Minn. Stat. § 144A.02; an agency, day care facility, or residential facility required to be licensed pursuant to Minn. Stat. §§ 245.781-245.812; a mental health program receiving funds pursuant to Minn. Stat. § 245.61; and any entity required to be certified for participation in Titles XVIII or XIX of the Social Security Act, 42 U.S.C. 1395 et seq.

4. False. "False" means unsubstantiated.

5. Host county. "Host county" means the county in which a facility is located.

6. Impairment of mental or physical function or emotional status. "Impairment of mental or physical function or emotional status" means a condition which includes being substantially unable to carry out one or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working; being unable to protect oneself from hazardous or abusive situations without assistance; a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or ability to cope with the ordinary demands of life; substantial difficulty in engaging in the rational decision-making process and inability to weigh the possible benefits and risks of seeking assistance; a condition in which an individual is so fearful, so ashamed, so confused, or so anxious about the consequences of reporting that that individual would be unable or unlikely to make a responsible decision regarding whether or not to report abuse or neglect.

7. Licensing agency. "Licensing agency" means:

a. The Commissioner of Health, for a facility which is required to be licensed or certified by the Department of Health;

b. The Commissioner of Public Welfare for facilities required by Minn. Stat. §§ 245.781-245.812 to be licensed;

c. Any licensing board which regulates persons pursuant to Minn. Stat. § 214.01; and

d. Any agency responsible for credentialing human services occupations.

8. Local social services agency. "Local social services agency" means the local agency under the authority of the human services board or board of county commissioners which is responsible for social services.

9. Neglect. "Neglect" means failure by a caretaker to supply or to ensure the supply of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult.

10. Report. "Report" means any verbal or written report of abuse or neglect of a vulnerable adult received by the local social services agency, police department, county sheriff, or licensing agency.

11. State agency. "State agency" means the Minnesota Department of Public Welfare.

12. Unsubstantiated. "Unsubstantiated" means able to be disproved to the satisfaction of the investigating agency.

13. Vulnerable adult. "Vulnerable adult" means any person 18 years of age or older:

a. Who is a resident or patient of a facility;

b. Who recieves services at or from a facility required to be licensed pursuant to Minn. Stat. §§ 245.781-245.812; or

c. Who, regardless of residence, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

C. Complaint investigation by local social services agencies.

1. Duty to accept and investigate complaints. The local social services agency shall accept and investigate all complaints alleging that a vulnerable adult has been abused or neglected in that agency's county.

2. Time limits to initiate investigations. The local social services agency shall begin to investigate all complaints within the following time limits.

a. The local social services agency shall conduct an immediate on-site investigation for complaints alleging or from which it can be inferred that a vulnerable adult is in need of immediate care or protection because the adult is life threatened and likely to experience physical injury due to abuse or abandonment.

b. The local social services agency shall begin its investigation within 24 hours for complaints alleging, or from which it can be inferred, that a vulnerable adult is not in need of immediate care or protection but is allegedly abused.

c. The local social services agency shall begin its investigation within 72 hours for complaints alleging, or from which it can be inferred, that a vulnerable adult is not in need of immediate care or protection but is allegedly neglected.

3. Investigations related to a facility. When an investigation involves an alleged incident or situation in a facility, the local social services agency shall make an on-site visit to the facility to assess the validity of the complaint. This investigation shall include the following activities when necessary to make an accurate assessment:

a. Discussion with the reporter;

b. Discussion with the facility administrator or responsible designee;

c. Discussion with the physician or other professionals, or any corroborating contacts as necessary;

d. Contact with the alleged victim;

e. Discussion with the alleged perpetrator;

f. Discussion with other residents of the facility, unless the complaint is unsubstantiated, to determine whether the conditions which resulted in the reported abuse or neglect place other vulnerable adults in jeopardy of being abused or neglected;

g. Examination of the physical conditions or the psychological climate of the facility; and

h. Inspection of the alleged victim's record.

4. Investigations not related to a facility. When an investigation involves an alleged incident or situation which is not related to a facility, the local social services agency shall assess the validity of the complaint. This investigation shall include the following activities where necessary to make an accurate assessment:

a. Discussion with the alleged victim;

b. Discussion with the reporter or any corroborating contacts, as necessary; and

c. Discussion with the alleged perpetrator.

5. Investigations by agencies which are not in the county of financial responsibility. When a complaint involves a vulnerable adult who is receiving services from a facility located in a county other than the adult's county of financial responsibility, the local social services agency of the host county shall:

a. Investigate the complaint and determine whether the complaint is substantiated, unsubstantiated or unable to be substantiated;

b. Notify each relevant licensing agency, the police or sheriff, and the county of financial responsibility;

c. Consult with the county of financial responsibility, if possible;

d. Take whatever measures are necessary to correct the situation or to remove the adult from the facility; and

e. Complete and transmit all required written forms and findings to appropriate agencies.

The local social services agency of the county of financial responsibility shall then resume responsibility for ensuring ongoing planning and services for the vulnerable adult.

6. Use of outside experts. When it is investigating alleged abuse or neglect of a vulnerable adult, the local social services agency shall consult persons with appropriate expertise if the local agency believes that it lacks the expertise necessary for making judgments pertaining to the allegations. This consultation may include matters of physical health, mental health, specialized treatment such as behavior modification, geriatrics, or other matters.

7. Investigations after initial complaint assessment. If upon the initial assessment required by 1.-6. there appears to be substance to a complaint, the local social services agency shall attempt to determine the following:

a. The risk posed if the vulnerable adult remains in the present circumstances;

b. The current physical and emotional condition of the vulnerable adult, including an assessment of prior injuries, if any;

c. The name, address, age, sex, and relationship of the alleged perpetrator to the vulnerable adult; and

d. In a complaint of neglect, the relationship of the caretaker to the vulnerable adult, including the agreed-upon roles and responsibilities of the caretaker and the vulnerable adult.

D. Classification of complaints. Within 90 days of receiving the initial complaint, the local social services agency shall assess, make a finding, and classify all complaints as either substantiated, unsubstantiated, or unable to be substantiated. At the conclusion of the assessment, the alleged victim of maltreatment and the alleged perpetrator shall be notified in writing as to whether the complaint was substantiated, unsubstantiated, or unable to be substantiated.

E. Actions on behalf of a vulnerable adult who refuses services. If a vulnerable adult refuses an offer of services from a local social service agency and in the judgment of that agency the vulnerable adult's safety or welfare is in jeopardy, the agency shall seek the authority to intervene on behalf of that adult. If the agency believes it to be in the adult's best interest, it shall seek or help the family or victim seek any of the following:

a. A restraining order or a court order for removal of the perpetrator from the residence of the vulnerable adult pursuant to Minn. Stat. § 518B.01.

b. Guardianship or conservatorship pursuant to Minn. Stat. §§ 525.539-525.6198, or guardianship or conservatorship pursuant to Minn. Stat. ch. 252A.

c. A hold order or commitment pursuant to the Minnesota Hospitalization and Commitment Act, Minn. Stat. ch. 253A.

d. A referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under Minn. Stat. ch. 609.

F. Reports to the state agency.

1. Initial report. Every incident of abuse or neglect reported to the local social services agency shall be reported to the Social Services Division of the state agency on forms provided by the state agency. The local agency shall send the completed report form to the state agency within 20 days of receiving the complaint, whether or not the classification of the report has been determined according to D.

2. Subsequent report. When the classification of the report has been determined or if the classification has changed subsequent to the time of the initial report to the state agency, the local agency shall advise the state agency in writing of the correct information. The local agency shall do this within 90 days of when the local agency received the complaint.

3. Data privacy. Reports to the Social Services Division of the state agency are for statistical purposes only. The identity of the vulnerable adult and of the perpetrator shall not be included on the copy of the report sent to the state agency.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

State Board of Education
Department of Education
School Management Services Division

Adopted Rules Governing Educational Aids to Nonpublic School Children

The rules proposed and published at *State Register*, Volume 5, Number 44, pp. 1722-1729, May 4, 1981 (5 S.R. 1722) are now adopted with the following amendments:

Rules as Adopted

Chapter Forty-One: Textbooks, Individualized Instructional Materials, and Standardized Tests for Pupils Attending Nonpublic Schools

5 MCAR § 1.0823 G. Certificate of compliance. Each claim for reimbursement shall include a certificate of compliance from the public school district or intermediary service area indicating that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in 5 MCAR § 1.0821. ~~The public school district shall also include a list of the eligible materials actually purchased, their costs and the names of the publishers of those materials.~~

Chapter Forty-One-B: Health Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0863 B. Annual consultation. On or before ~~May 1~~ June 1 the district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the type, level, and location of health services for nonpublic school pupils. Final decision as to location shall be made by the public school district or intermediary service area, subject to review and approval by the State Department of Education.

Chapter Forty-One-C: Guidance and Counseling Services for Pupils Attending Nonpublic Schools

5 MCAR § 1.0883 B. Annual consultation. On or before ~~May 1~~ June 1 the district or intermediary service area shall hold an annual consultation with the nonpublic school regarding the type, level, and location of guidance and counseling services for nonpublic school pupils. Final decision as to location shall be made by the public school district or intermediary service area, subject to review and approval by the State Department of Education.

Minnesota Energy Agency

Adopted Rules for the Administration and Distribution of Community Energy Planning Grants

The rules proposed and published at *State Register*, Volume 5, Number 36, pp. 1365-1371 March 9, 1981 (5 S.R. 1365) are now adopted with the following amendments:

Rules as Adopted

6 MCAR § 2.2401 Authority and purpose.

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

A. Authority. Rules 6 MCAR §§ 2.2401-2.2409 implementing the Community Energy Planning Grants Program are promulgated by the agency pursuant to Minn. Stat. § 116H.089 ~~(1980)~~.

B. Purpose. It is the purpose of the Community Energy Planning Grants Program to improve the energy planning capabilities of local governments, to conserve traditional energy sources, to develop renewable energy systems and to broaden community involvement in the energy planning process. These rules set forth criteria and procedures for providing state assistance to counties and cities, however organized.

C. Limitation. No more than forty-five precent (45%) of the amount appropriated for Community Energy Planning Grants shall be distributed to counties and cities within the seven-county metropolitan area defined in Minn. Stat. § 473.121, subd. 2 ~~(1980)~~.

6 MCAR § 2.2402 Definitions. The following terms used in ~~these rules~~ 6 MCAR §§ 2.2401-2.2409 shall have the following meanings.

A. "Agency" means the Minnesota Energy Agency.

B. "Local unit of government," for purposes of applying for grants under this program, means a city, a county or a combination of such units. ~~A city of the first class may apply for a grant to assist a neighborhood organization to do energy-related planning and implementation activities~~ "Local unit of government" also includes those organizations which the local unit of government recognizes as capable of, and with which it may enter into a contract for the purpose of, performing the authorized energy-related planning and implementation activities.

C. ~~"Neighborhood organizations" means those organizations recognized by the city government for planning and development purposes in areas whose boundaries are officially determined by the city.~~

~~D.~~ "Clearinghouse" means that governmental unit which has authority to review requests for state and federal aid for local units of government within its jurisdiction.

In the seven-county metropolitan area this review authority is the Metropolitan Council under Minn. Stat. § 473.171, subd. 2 ~~(1980)~~.

The review authority for the remainder of the state is the appropriate Regional Development Commission under Minn. Stat. § 462.391, subd. 3 ~~(1980)~~.

~~E.~~ D. "In-kind" means:

1. Salary and cost of fringe benefits of the grant recipient staff working on activities funded by the grant.
2. Increases in overhead resulting from carrying out activities funded by the grant.

6 MCAR § 2.2403 Types of grants. There shall be two types of grants made to local units of government: Community Energy Planning Grants and Community Energy Plan Implementation Grants.

A. Community Energy Planning Grants. Planning Grants shall be used for developing local energy plans relating to such issues as, but not limited to: citywide or countywide conservation; use of renewable resources through technologies currently available; conservation of energy used in buildings owned by the local unit of government, of energy used for building and street lighting, and of energy used in building space heating and cooling; and energy considerations in traffic management, in land use planning, in capital improvement ~~programming/budgeting~~ programming and budgeting, in municipal operating budgets, and in economic development plans.

B. Community Energy Plan Implementation Grants. Implementation Grants shall be used for purposes of implementing all or portions of a local community energy plan. Local units of government may apply for implementation grants whether or not the community energy plan was prepared under the Community Energy Planning Grant Program, provided the community energy plan has been submitted to and ~~approved~~ reviewed by the agency.

C. The following activities or expenditures are eligible for Planning Grants:

1. ~~Planning staff personnel,~~ Salaries~~,~~ or benefits for planning staff personnel;
2. Data collection or analysis or both;
3. Development of local energy documents including plans;
4. Modification of capital improvement programs for energy-related projects;
5. Development of energy-conscious fleet management systems, transportation plans, intergovernmental plans;
6. Development of budgetary of fiscal systems which significantly address energy costs;

7. Development of zoning, subdivision and ~~building~~ other codes ~~for~~, ordinances, regulations, supplements or amendments relating to energy;

8. ~~Housing code development for energy-related elements;~~

~~9.~~ Any other activities which carry out the purpose of the program as expressed in ~~rule~~ 6 MCAR § 2.2401 B.

D. The following activities or expenditures are ineligible for Planning Grants:

1. Non-energy related issues;

2. ~~Repayment~~ Retroactive payment of revenue to local units of government for energy activities previously undertaken;

3. Out-of-state travel, unless specifically approved in a contract between the grantee and the agency.

E. The following activities or expenditures are eligible for Implementation Grants:

1. Detailed drawings, architectural drawings, site designs, engineering specifications.

2. Equipment purchases directly affecting energy recovery, conservation or production;

3. Construction of energy production or energy recovery systems;

4. Any other activities which carry out the purpose of the program as expressed in ~~rule~~ 6 MCAR § 2.2401 B.

F. The following activities or expenditures are ineligible for Implementation Grants:

1. Non-energy related projects;

2. Property acquisition (real property);

3. Personnel for continued operation of energy conservation, production or recovery facilities beyond the first year of an Implementation Grant.

6 MCAR § 2.2404 Evaluation of preliminary applications.

A. Planning Grants. Preliminary applications which satisfy all eligibility requirements shall be evaluated in a two step process: general ~~criterion~~ criteria and planning function criteria.

1. General ~~criterion~~ criteria. Planning Grant applications which address the greatest number of the following considerations will be given priority over Planning Grant applications which address a lesser number of the following considerations.

a. Programs designed to result in significant savings of traditional energy sources;

b. Programs designed to assist in the development of renewable energy systems;

c. Programs which encourage broad community involvement in addressing and solving energy problems encountered by local citizens and local units of government;

d. Programs that show a significant degree of transferability to similar units of government;

e. Local-unit-of-government programs which include the provision of local ~~resources or other types of~~ support to address energy problems and to undertake energy planning for the local unit of government.

2. Planning function evaluation. Applications achieving similar priority ranking based on the general ~~criterion~~ criteria stated in ~~rule 2.2404~~ A.1. will be evaluated for purposes of funding on the basis of the following criteria:

a. Comprehensiveness of plan elements, such as: potential effects on residential, industrial, municipal and county programs;

b. Ability of the local unit of government's plan to affect energy consumption through the use of tools, such as~~:~~ , but not limited to, codes, ordinances, ~~legal instruments~~ joint powers agreements, property covenants and easements;

c. Use of ~~renewables,~~ renewable energy resources such as: solar, wind, biomass, hydropower;

d. Cost-effectiveness;

e. Public participation efforts, such as: neighborhood energy committees, governmental energy committees;

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

f. Private sector participation such as: ~~financial leverage,~~ van pools, staff, materials of financial contributions;

g. Transferability, as shown by the appropriateness of other units of government utilizing all or parts of a planning process or the results of that plan or process.

B. Implementation Grants. Evaluation of preliminary applications. Preliminary applications which satisfy all eligibility requirements shall be evaluated in a two-step process: general ~~criterion~~ criteria and implementation function criteria.

1. General ~~criterion~~ criteria. Implementation Grant applications which address the greatest number of the following considerations will be given priority over Implementation Grant applications which address a lesser number of the following considerations:

a. Applications with programs designed to result in significant savings of traditional energy sources;

b. Programs designed to assist in the development of renewable energy systems;

c. Programs which encourage broad community involvement in addressing and solving energy problems encountered by local citizens and local units of government;

d. Programs that show a significant degree of transferability to similar units of government;

e. Local-unit-of-government programs which include the provision of local ~~resources or other types of~~ support to address energy problems and to undertake energy production ~~and/or~~ or conservation in the local unit of government.

2. Implementation grant evaluation. ~~Application~~ Applications achieving similar priority ranking based on the general ~~criterion~~ criteria stated in ~~rule 2.2404~~ B.1. will be evaluated for purposes of funding on the basis of the following criteria.

a. The proposed project must be technically feasible. Technically feasible means:

(1) The degree to which the project meets scientifically accepted laws~~.~~; or

(2) The degree to which the project increases or enhances the state of the energy art.

b. The project must be economically viable~~:~~.

~~(1)~~ Economically viable means the budget is adequate to complete the proposed project.

~~(2) The estimated cost of the energy produced or conserved as a result of this project, including all research, development and productoin costs, and excluding research and development costs.~~

c. The applicant must be capable of successfully conducting the project. This will be determined by evaluating:

(1) The level of education, or experience in conducting similar project implementation~~.~~; or

(2) ~~Awareness~~ The existence of other or similar projects or related studies from which the applicant may obtain assistance.

d. The ~~applicant~~ application must show that economic benefits ~~may~~ will result from this project. Economic benefits are:

(1) Monetary or fuel savings resulting from conservation~~.~~, or

(2) Job creation.

e. The proposal must demonstrate a significant degree of trnasferability.

f. The applicant must show that the proposal complies with local, state ~~and/or~~ and federal requirements (environmental, zoning, health).

6 MCAR § 2.2405 General application procedure.

A. The approval process for Planning Grants and Implementation Grants has three stages: preliminary application, final application, and contract execution.

B. Joint applications may be submitted by two or more local units of government which are encountering energy-related problems for which it appears joint consideration of problems is possible, preferable and appropriate. In addition to complying with ~~rule~~ 6 MCAR § 2.2406 regarding application contents, joint applicants shall also designate a lead applicant and include their authority for joint application in the form of resolutions, joint powers agreement, or other such agreements.

C. The preliminary application or a notice of preapplication shall be submitted to the appropriate clearinghouse for review and comment at least 45 days prior to the date applications are due at the agency. The clearinghouse may waive this review requirement. Written evidence of the clearinghouse waiver shall be included in preliminary applications submitted directly to the agency. Failure of the clearinghouse to conduct its review within 45 days shall be considered as approval of the application

by the clearinghouse, unless both the applicant and the clearinghouse agree to extend the review period for an agreed-upon time period. Upon receipt of the clearinghouse review comments the applicant shall submit the preliminary application together with the clearinghouse comments to the agency on or before the due date. Each clearinghouse must submit to the agency a list of all applications reviewed during a particular funding cycle. The timetable in this rule shall apply to all grant cycles after the first cycle. During the first cycle simultaneous submission to both the agency and the clearinghouse shall be permitted.

D. The agency shall have thirty days after the preliminary application due date to review preliminary applications. Incomplete or ineligible applications will be returned to the applicant with a written statement of reasons for rejection.

6 MCAR § 2.2406 Preliminary application.

A. A preliminary application shall be submitted to the agency for purposes of determining eligibility and priority for funding. The preliminary application shall be in a form and manner prescribed by the agency and shall contain the information required by the rules, including ~~but not limited to~~ the following: name of ~~community(s)~~ community, demographic data, previous community planning efforts, descriptions of community services, statement of intended results, identification of amount and source of local share, total estimated program cost, and a copy of a resolution authorizing submission of the application to the agency.

B. Preliminary applications shall be submitted semi-annually not later than February 1 and August 1, except that during calendar year 1981, the due date for preliminary applications shall be 90 days after these rules become effective.

6 MCAR § 2.2407 Final application.

A. A final application may be submitted only by applicants which have received a letter of notification authorizing submission of a final application. Final applications must be received by the agency no later than 45 days after the date of the letter of notification. The format for final applications is set out in ~~rule 6 MCAR § 2.2407~~ B. Final applications will be reviewed for completeness and compliance with the rules of this program. Incomplete applications or applications which differ substantially from preliminary applications will not be granted, and a written statement citing the reasons for rejection will be provided to the applicant. Eligible final applications will be funded based on the priorities of this program and the availability of grant funds. Receipt of a letter of notification is not a guarantee that a grant will be made to the submitter of a final application. A grant award shall be made by contract as set out in ~~rule~~ 6 MCAR § 2.2408.

B. The final application shall contain at least the following elements:

1. A work ~~program/schedule~~ program and schedule which contains the following:

a. A statement of the existing or emerging energy ~~problem(s)~~ problems which are to be investigated with the grant. This statement should identify how the ~~problem(s)~~ problems are affecting or will affect the applicant and the means the recipient is planning to use to alleviate the ~~problem(s)~~ problems.

b. A description of the activities which the grant makes possible. The description of activities should identify the expected results ~~and/or~~ and products and should be in sufficient detail to enable the agency to measure progress and to identify the person responsible for the completion of each activity. The description should include expected completion dates, by particular activity. Each work element should be assigned to a specific staff member or consultant.

c. A statement identifying the way in which the grant will improve the governing body's capability to address local energy problems and a schedule indicating when and how this will be accomplished.

2. Designation of a lead applicant. The grant applicant shall designate a lead applicant~~,~~. Lead applicant means an agency, organization or individual who will be responsible for completion of the agreed-upon work program.

3. Local share. A detailed statement identifying the ~~source(s)~~ source and amount of the local share. The local share may be in cash or in-kind or a combination of cash and in-kind.

4. Signature/resolution. The application shall be submitted to the agency only if accompanied by a resolution passed at an official meeting of the governing body and signed by the authorized person.

6 MCAR § 2.2408 Grant contract.

A. The final step in the awarding of a Planning Grant or an Implementation Grant is execution of a grant contract. The grant contract shall be based upon the final application. The contract shall specify the amount of the grant to the recipient and the

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duration of the grant. The contract shall include assurance that the local share will be provided and that the agreed-upon work program will be carried out. A grant contract based upon a joint application will be executed by the lead applicant. Amendments may only be made in writing signed by both parties. Extensions must be justified in writing. Planning grant extensions shall not exceed 90 days. Implementation Grant extensions will be based on the scope of work remaining and a reasonable period in which to complete all work.

B. Funding period. Grants will be funded for the following periods.

1. Planning Grants will be approved for a period of up to one year.

2. Implementation Grants will be approved for a period to be agreed upon by the grantee and the agency and specified in the contract, based upon the scope of the implementation activities funded and a reasonable work schedule~~, or timetable~~.

C. Grant ratios.

1. Planning Grants shall not exceed 75% of the total first year proposed planning budget;

2. The agency may award an Implementation Grant up to 50% of the ~~project~~ project's implementation cost, but not to exceed $50,000.00;

3. No single grant shall exceed $50,000.00.

D. Disbursement schedule. Grant funds will be disbursed to the grantee according to invoices submitted on the following schedule:

1. 50% during the first month of the grant contract funding period;

2. 40% upon completion of half of the agreed-upon work program;

3. 10% upon completion of a satisfactory evaluation according to 6 MCAR § 2.2409.

E. Required reports. The grantee shall submit to the agency quarterly work progress reports in a format prescribed by the agency. Reporting requirements will vary depending upon the scope of work proposed and approved by the agency for funding. In addition, the grantee shall provide the agency with three copies and a camera-ready copy of a grantee's final community energy plan.

F. Records. The grantee shall maintain for a period of not less than three years from the date of the execution of the contract all records relating to the receipt and expenditure of grant monies.

G. Monitoring grant results. As a condition of accepting a grant a grantee ~~will~~ shall be expected to:

1. Document on an annual basis the results of the grant program for a period of up to 3 years from the date of the execution of the contract (for example, energy savings, financial savings, or any other documentation related to the results of the grant); and

2. Participate in at least one agency workshop at which the grantee will present the results of the grant program.

H. Contract deviations.

1. No grant funds shall be used to finance activities by consultants or local staff not included in the grant contract, unless agreed upon in writing by the agency.

2. Unless agreed upon by the grantee and the agency it will not be permissible for 100% of all energy-related activities to be contracted out to consultants.

6 MCAR § 2.2409 Evaluation. The agency shall conduct a final evaluation ~~of grant work performance~~ within 60 days of the submission by the grantee to the agency of ~~a~~ the final community energy plan ~~or~~ and all the required reports and financial documents. The evaluation shall assess:

A. ~~Whether the local share contributed was equal to or greater than 25% of the total cost of a first year Planning Grant;~~

~~B. Whether the local share contributed was equal to or greater than 50% of an Implementation Grant;~~

~~C.~~ Whether the agreed-upon work program was completed;

~~D.~~ B. Whether the governing body has formally reviewed the completed energy plan.

Upon completion of a satisfactory evaluation the remaining 10% of the grant shall be disbursed to the grant recipient. If the results of the evaluation are unfavorable to the grantee and the grantee does not agree with the findings of the evaluation, the grantee may request a ~~hearing~~ review before the agency.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota
County of Anoka

Tax Court
Regular Division

Roy Peterson Farms, Inc.

Appellant,

v.

Commissioner of Revenue,

Appellee.

Findings of Fact,
Conclusions of Law, and
Order for Judgment

Docket No. 3125

Order dated September 1, 1981.

The above-entitled matter came on for hearing on August 25, 1981, at the Courthouse in the City of Anoka before the Minnesota Tax Court, Judge Carl A. Jensen presiding.

Mr. John Giblin of Smith, Juster, Feikeman, Malmon and Haskvitz appeared for Appellant.

Mr. Neil F. Scott, Special Assistant Attorney General, appeared for Appellee.

Syllabus

An Order of the Commissioner of Revenue assessing additional tax is presumed to be correct and the taxpayer has the burden of proof to show that the Commissioner's Order is in error. In this case the Appellant established to the satisfaction of the Court that the Order of the Commissioner is in error and the Order is reversed.

Findings of Fact

1. Appellant is engaged in truck farming and has been so engaged since 1942.

2. In 1974 Appellant purchased a truck to haul produce to various markets, including Madison, Wisconsin; Milwaukee, Wisconsin; Chicago, Illinois; and LaCrosse, Wisconsin. In 1976 Appellant purchased another truck which was principally used to haul farm machinery from one farm location to another farm location some distance away.

3. The Commissioner of Revenue issued an Order dated June 9, 1980, assessing additional road use fuel tax for the period April 1, 1974, to February 21, 1980, in the total amount of $1,565.09, on the basis that Appellant had purchased bulk fuel oil delivered to his farm and had used a portion of this fuel oil in the trucks without paying the road use fuel tax.

4. Appellant furnished a number of receipts from various sellers of fuel oil to Appellant indicating that the road use fuel taxes had been paid. Some of these receipts were for sellers in Minnesota, Wisconsin, and Illinois.

5. On the basis of these receipts, the commissioner had determined that they indicated purchases of 8,301 gallons of fuel on which road use fuel tax had been paid.

6. The commissioner was provided information from the Appellant that the two trucks had a total mileage of 100,415 miles during the period in question. The commissioner determined that the trucks probably averaged five miles per gallon and on this basis would have used 20,083 gallons of fuel. The commissioner then determined that fuel tax had not been paid on 11,782 gallons that had been used on roads and on which fuel tax should have been paid.

7. Appellant contended that fuel tax had been paid on all fuel used in the trucks.

8. Appellant stated that the trucks had been fueled up on the farm only on rare occasions, and Appellant offered four receipts showing that the fuel tax had been paid for fuel delivered to the farm which was used in the trucks.

9. Appellant claimed that road use tax had been paid on all fuel used in the trucks. Appellant also stated that he believed that the trucks got more than five miles per gallon, which would have reduced the gallonage calculated by the commissioner. Appellant also stated that because of the type of operation of the business many receipts might very well not have been retained by Appellant.

10. Appellant was the sole witness. Appellant testified with frankness and candor and the evidence considered as a whole supported the contentions of Appellant and the Commissioner's Order should be reversed.

Conclusions of Law

1. The Commissioner's Order of June 9, 1980, assessing additional fuel tax against the Appellant in the amount of $1,565.09 is reversed and judgment is rendered for Appellant together with its costs and disbursements.

IT IS SO ORDERED. A STAY OF 15 DAYS IS HEREBY ORDERED.

By the Court,

Carl A. Jensen, Judge
Minnesota Tax Court

Memorandum

The Order of the Commissioner assessing additional tax is presumed to be correct, but it can be rebutted by proper evidence. The evidence submitted by the Appellant leads this Court to believe that Appellant had paid fuel tax on all of the fuel used in the trucks involved herein.

It appears to the Court that the trucks probably used less gallonage than the amount claimed by the commissioner, and it also appeared to the Court that some of the receipts had not been retained by the Appellant.

Appellant stated its method of doing business, that is providing cash to the drivers of the truck who purchased fuel along the route and were supposed to turn in the receipts. From the testimony it would appear that some of these receipts were never turned in.

Appellant attempted to offer some testimony to indicate that an Order assessing additional tax was issued several years ago and subsequently withdrawn by the commissioner. Objection was made to this evidence and the objection was sustained. On further reflection this Court has concluded that the evidence probably should have been received as it may have had some probative value. If the prior Order had been pursued, the Appellant would have been put on notice that it should be more careful in keeping receipts in its situation where it did in fact purchase fuel in bulk for farm use and operate trucks.

Appellant is put on notice that in the future it will have the burden of establishing that it purchased a sufficient amount of fuel on which tax has been paid to operate the trucks for the miles indicated.

SUPREME COURT

Decisions Filed Friday, September 4, 1981

Compiled by John McCarthy, Clerk

81-66/Sp. State of Minnesota, by Warren Spannaus, its Attorney General, petitioner, v. B. J. Carney, *et al.*, Defendants, State of Minnesota, petitioner, v. Howe, Inc., Appellant. Hennepin County.

Interest on a condemnation verdict from the time of the state's possession until the time of payment is an element of just compensation and as such the court has the authority to determine the rate of interest necessary to give the landowner just compensation.

Reversed and remanded. Otis, J.

49786/7 State of Minnesota v. Kling Emmett Berry, Jr., Appellant. Hennepin County.

The trial court did not abuse its discretion in permitting a prosecution witness to testify at trial.

Testimony regarding certain out-of-court statements by a prosecution witness was properly admitted. Minn. R. Evid. 803(2).

There was sufficient evidence to sustain the jury's verdict finding defendant guilty of first-degree murder. Minn. Stat. § 609.185(2) (1980).

Certain evidence was not so prejudicial as to compel the conclusion that defendant was denied a fair trial.

The trial court did not err in failing to instruct the jury regarding lesser included offenses.

Defendant received effective assistance of counsel in the course of the proceedings below.

Affirmed. Peterson, J. Took no part, Scott, J.

51227/384 In the Matter of Arbitration between Ramsey County v. American Federation of State, County and Municipal Employees, Council 91, Local 8, Appellant. Ramsey County.

An arbitrator does not exceed his powers within the meaning of Minn. Stat. § 572.19 subd. 1(3) (1980) if the award draws its essence from the collective bargaining agreement, viewed in light of its language, its context and any other indicia of the parties' intent, including past practice.

A broad "no additions or modifications" provision contained in a written collective bargaining agreement does not prevent enforcement of an arbitrator's award based on factors outside of the written agreement so long as the essence test is met.

If the award meets the standards enunciated herein, the fact that we may or may not agree with the arbitrator's decision is of no consequence.

Reversed and remanded. Amdahl, J. Dissenting, Peterson, J., and Otis, J.

51213/138 Bankers Standard Insurance Company, Appellant, v. Wanda Olwell, *et al.*, Jenny Lesjcher, Larry E. Walters, *et al.*, defendants and third party plaintiffs, Holmbeck & Associates, Inc., third party defendant. Hennepin County.

The care and supervision of children in the home for compensation are activities which are ordinarily incident to non-business pursuits.

Affirmed. Amdahl, J. Dissenting, Otis, J., and Peterson, J.

50717/182 Lindsay Carter Page, Appellant, v. Phyllis M. Blake, *et al.* Hennepin County.

Reversed. Per Curiam.

OFFICIAL NOTICES

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

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

Department of Economic Development Office of the Commissioner

Notice of Intent to Solicit Outside Opinion Regarding Rules for Administration of Small Cities Community Development Block Grant

Notice is hereby given that the Minnesota Department of Economic Development is seeking information or opinions from sources outside the agency in preparing to propose rules governing administration of the Small Cities Community Development Block Grant under Omnibus Reconciliation Bill P.L. 97.35. The promulgation of these rules is authorized by Minnesota Statutes, § 4.13, which permit the commissioner to apply for, receive, and expend money made available from federal sources for the purpose of carrying out the duties and responsibilities of the commissioner relating to local and urban affairs, and by Minnesota Statutes, § 4.17, which requires the commissioner to promulgate rules prescribing the criteria, standards, and procedures to govern the expenditure of such money.

The Department of Economic Development requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit statements of information in writing. Written statements should be addressed to:

Wes Cochrane
Commissioner, Department of Economic Development
480 Cedar Street
St. Paul, Minnesota 55101
(612) 296-4039

All statements of information and comment shall be accepted until November 1, 1981. Any written material received by the Department of Economic Development shall become part of the record in the event the Rules are promulgated.

September 4, 1981

W. Wesley Cochrane
Commissioner

Governor's Council on Employment and Training

Notice of Meeting

Notice is hereby given that a meeting of the Governor's Council on Employment and Training will be held on Friday, September 18, 1981, from 10:00 to 12:00 p.m., Room 15, State Capitol Building, St. Paul, Minnesota.

Metropolitan Council

Public Hearing on the Proposed Amendment to the Capital Improvement Program for Regional Parks and Recreation Open Space

The Metropolitan Council will hold a public hearing on Thursday, October 1, 1981 at 7:30 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, St. Paul, Minnesota 55101 on the proposed amendments to the Regional Parks and Open Space Capital Improvement Program. All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the council's public hearing coordinator at 291-6421. Those requesting first will be scheduled first. Written comments may also be submitted until October 8, 1981 to Robert E. Nethercut, Director, Parks and Open Space Division, Metropolitan Council. Copies of the proposed changes and of the council's Recreation Open Space Development Guide and Policy Plan may be obtained from the council's Public Information Office at 291-6464.

Department of Natural Resources Soil and Water Conservation Board

Meeting Notice (change of date)

The Minnesota Soil and Water Conservation Board has changed the date of their regular monthly meeting from October 13, 1981 to October 6, 1981. The board has also changed the meeting place for their October meeting from the 6th floor, Space Center Building, St. Paul, Minnesota, to the Holiday Inn, Winona, Minnesota. The board will resume their regular schedule on November 10, 1981.

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-7876. **Application deadline is October 6, 1981.**

COUNCIL FOR THE HANDICAPPED has 3 vacancies, one for a public/parent member, and two provider/consumer members. The council advises the Governor, Legislature, service providing agencies, and the public on the needs and potentials of people with physical, mental, or emotional disabilities. Members are appointed by Governor; at least 15 shall be handicapped, or parents or guardians of handicapped persons (service consumers). Meetings are bi-monthly; members receive $35 per diem plus expenses. For specific information contact Council for the Handicapped, Suite 208, Metro Square Bldg., St. Paul 55101; (612) 296-6785.

HEALTH FACILITIES ADVISORY COUNCIL has 1 vacancy for a public member. The council advises the Commissioner of Health on rules and standards for hospitals and other health care facilities. Nine members include 4 appointed by MN Hospital Assn., 2 appointed by MN Medical Assn., 2 appointed by Commissioner of Public Welfare and 1 appointed by the Governor. The council is currently inactive but will be reactivated within the coming year. For specific information contact the Health Facilities Advisory Council, Daniel J. McInerney, Jr., 717 Delaware St. S.E., Minneapolis 55440; (612) 296-5511.

APPRENTICESHIP ADVISORY COUNCIL has 2 vacancies, 1 for an employer member and 1 for an employee member. The council proposes occupational classifications and minimum standards for apprenticeship programs and agreements and advises the Commissioner of Labor and Industry. Members are appointed by the commissioner. Meetings are quarterly. Members receive $35 per diem plus expenses. For specific information contact Apprenticeship Advisory Council, 500 Space Center Bldg., 444 Lafayette Rd., St. Paul 55101; (612) 296-2371.

BUILDING CODE STANDARDS COMMITTEE has 3 vacancies open, 1 representing local government, 1 representing electrical contractor, and 1 representing contractor housing. The committee advises the Commissioner of Administration on

Building Code matters. Members are appointed by the commissioner. Meetings are called by the commissioner and held at Metro Square Bldg. Members receive $35 compensation. For specific information contact Building Code Standards Committee, 408 Metro Square Bldg., 7th & Robert Streets, St. Paul 55101; (612) 296-4639.

Department of Transportation Technical Services Division

Appointment and Scheduled Meeting of a State Aid Standards Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Tuesday, September 29, 1981, at 10:00 a.m. in Room 419, State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute, § 471.705.

The purpose of the open meeting is to investigate and determine recommendation(s) for variances from minimum State Aid roadway standards as governed by 14 MCAR § 1.5032 M.4.b., Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 162 (1978), as amended.

The agenda will be limited to these questions:

1. Petition of City of Richfield for a variance from Standards for Street Width along Lyndale Avenue between South Lakeshore Drive and 74th Street.

2. Petition of the City of Fairmont for a variance from Standards for Street Width along Woodland Avenue between Fairlakes Avenue and Lake Park Boulevard.

3. Petition of Hennepin County for a variance from Standards for Street Width along Douglas Drive (CSAH 102) between 42nd Avenue North and 51st Place North in the City of Crystal.

4. Petition of City of St. Paul for a variance from Standards for Street Width on Johnson Parkway between Minnehaha and East Seventh Street.

The cities and counties listed above are requested to follow the following time schedule when appearing before the Variance Committee:

10:00 A.M.	Hennepin County
10:30 A.M.	City of Richfield
11:00 A.M.	City of St. Paul
11:30 A.M.	City of Fairmont

Dated this second day of September, 1981.

Richard P. Braun
Commissioner of Transportation

Minnesota Waste Management Board

Notice of Procedures for Hazardous Waste Processing Facility Inventory Hearings

The Waste Management Board (WMB) is a statutory agency of the State of Minnesota with responsibility for identifying areas which may be used for the establishment of commercial hazardous waste processing facilities. The nine member board includes eight citizen members, one from each of the state's Congressional districts, and a full-time chairman who is a state employee. The board is the final decision making authority of the agency. The chairman, in addition to being a member of the board, is also the executive and operating officer of the board and as such is authorized by statute to carry out the executive and administrative functions of the board. The WMB staff is supervised by the chairman.

Pursuant to Minn. Stat. § 115A.09 and Minn. Laws of 1981, ch. 352, § 10, the WMB is required to prepare an inventory of areas of up to ten square miles in size for commercial hazardous waste processing facilities. The inventory must include at least three areas for each of the following categories of processing facilities: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste. The Minnesota Pollution Control Agency is required to prepare a report on the suitability of each proposed area for the use intended.

Sites within areas that are on the WMB processings facility inventory may qualify for supplementary review by the WMB. If a facility developer obtains a Pollution Control Agency permit for a facility within an inventoried area but a political subdivision refuses to approve the establishment or operation of the facility, a petition may be filed with the WMB requesting review of the decision of the political subdivision. If, on the basis of review criteria adopted by the WMB, the WMB approves the facility, the WMB approval supercedes the decision of the political subdivision. Minn. Stat. §§ 115A.32-.39 (1980).

The procedure for selecting areas for the final inventory is as follows:

1. The Waste Management Board develops criteria for selecting proposed areas including those criteria required to be considered by Minn. Stat. § 115A.09, subd. 2;

2. The board adopts a proposed hazardous waste processing facility inventory;

3. Public hearings are held for each area listed on the proposed inventory;

4. The hearing examiner's report is submitted to the WMB;

5. The WMB reviews the hearing examiner's findings and recommendations and the record of the hearing; and

6. The WMB makes its final decision on the areas to be included in the processing facility inventory.

The board's final decision on the inventory will be based on the data developed by the WMB staff and submitted as part of the hearing record, testimony of witnesses at the hearing, exhibits submitted at the hearing and any other material included in the record of the hearing.

Copies of the criteria the WMB utilized to select the proposed inventory for hazardous waste processing facilities will be available at the time the hearing is noticed. In addition, a report containing the basis for the board's decision to include an area in the proposed inventory will be available prior to the hearing. To the extent feasible, these documents may be copied. PLEASE BE ADVISED that it may not be possible to copy certain documents such as large maps.

The purpose of the hearing is to gather information relevant to the decision on the inventory of processing facilities. The subject of the hearing is limited to information submitted by the WMB staff and additional information submitted by the public on the appropriateness of the area for hazardous waste processing facilities.

Information related to the criteria utilized by the WMB, as well as any other information which may assist the WMB in determining whether an area should be included in the final inventory of processing areas, may be submitted at the hearing.

PLEASE BE ADVISED that this hearing is neither a contested case hearing nor a rule making hearing. Therefore, the procedural rules applicable to contested case and rule making hearings are inapplicable. Pursuant to Minn. Laws of 1981, ch. 352, the hearing is to be conducted in a manner consistent with the completion of the proceedings and hearing examiner's report to the board in the time allowed by the statute. Therefore, the following procedures shall be followed:

1. The hearing will be opened by the hearing examiner who will explain the hearing procedures.

2. The WMB staff will introduce the jurisdictional documents, the WMB criteria, and the report containing the basis for including the area in the proposed inventory.

3. The WMB staff will briefly summarize the basis for including the area in the proposed inventory.

4. Members of the public will be given an opportunity to make oral statements, to offer written documents into the record and to direct questions to the WMB staff. Representatives of the WMB staff may address questions to any person who presents evidence at the hearing.

5. The hearing examiner may exclude testimony which is irrelevant, immaterial, or unduly repetitious. In addition, the hearing examiner may disallow questioning which is irrelevant, immaterial, unduly repetitious, argumentative, harassing, or adversarial in nature.

6. Pursuant to Minn. Stat. § 624.72 (1980), no person shall interfere with the conduct of, or disrupt or threaten interference with or disruption of the hearing. In the event of any interference or disruption or threat thereof, the hearing examiner may take appropriate action.

7. Following the end of the hearing, members of the public will have seven working days in which to submit additional documents and comments for the hearing record. Copies of these documents and comments must be submitted to both the hearing examiner and the WMB staff.

8. Following the seven day period discussed above, the WMB staff will have seven working days in which to respond to both public testimony presented at the hearing and subsequent documents submitted into the hearing record. The WMB staff response will be submitted to both the hearing examiner and the person to whom the response is made.

9. Copies of additional documents submitted by members of the public and the WMB staff responses will be available for inspection at the WMB offices.

10. No factual information or evidence which is not a part of the hearing record will be considered by the hearing examiner or the WMB in the determination of this matter.

11. The hearing examiner will prepare a report approximately 14—21 days after the date of submittal of the WMB staff response, depending upon the complexity of the hearing. The report will contain findings of facts, conclusions, and recommendations on whether the area should be included in the final inventory.

12. The WMB staff will make final recommendation to the WMB regarding the proposed areas.

13. The WMB will make a determination as to which sites should be included in the final inventory based on the hearing record.

14. Persons wishing to be notified of the availability of the hearing examiner's report, the staff recommendation, or the board's determination on the final inventory of proposed areas may so indicate at the hearing.

PLEASE BE FURTHER ADVISED that, while persons may submit documents or other information at the hearing or up to seven working days after the hearing, it would be very helpful to have documents submitted to the WMB staff in advance of the hearing. Therefore, persons wishing to submit documents or other information are encouraged to do so at the earliest possible time so that the WMB staff has sufficient time to review the documents and information.

September 1, 1981

Robert G. Dunn, Chairman

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 Natural Resources Forestry Division

Notice of Availability of Contracts for Incentives Programs (Forestry)

The Department of Natural Resources is seeking self-employed foresters to perform special technical forestry contractual services. These services will be directly related to both the forestry Incentives Program and the Agricultural Conservation Program.

Technical services will include:

1. Privately owned woodland inventory and analysis.

2. Management plan preparation.

3. Incentive programs needs and compliance determinations.

The estimated amount of the contracts is expected to be $10,000 each. Contracts will be awarded throughout the 1982 Federal Fiscal Year.

Qualified self-employed foresters should contact the Minnesota Department of Natural Resources Forestry Office for a resume outlined by phone at (612) 297-3508 or in writing to:

Raymond Hitchcock, Director
Department of Natural Resources
Box 44
Centennial Office Building
St. Paul, MN 55155

All inquiries should be made no later than October 10, 1981.

State Treasurer's Office
Unclaimed Property Division

Notice of Request for Legal Services

The Unclaimed Property Division of the State Treasurer's Office is requesting the services and technical advice of an attorney with respect to administration and enforcement of Minnesota's Unclaimed Property Act. The individual shall provide assistance for the internal auditors in connection with audits of property holders, for in-office compliance program, and in obtaining compliance by the federal government with the Unclaimed Property Act. A thorough knowledge of the unclaimed property act and related court cases is essential.

Estimated cost of the contract is $9,000.00.

For further information contact:

Faith E. Woodman
Director of Unclaimed Property
G-21 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Telephone (612) 296-2568

Requests for information will be answered until Oct. 2, 1981.

State Treasurer's Office
Unclaimed Property Division

Notice of Request for Services Related to Unclaimed Property

The Unclaimed Property Division of the State Treasurer's Office is requesting the services of a consultant to assist in locating owners of unclaimed property and to inform businesses of their obligation to report unclaimed property.

Estimated cost of the contract is $6,000.00.

For further information contact:

Faith E. Woodman
Director of Unclaimed Property
G-21 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Telephone (612) 296-2568

Requests for information will be taken until Oct. 2, 1981.

Errata

At State Register, Volume 6, Number 8, August 24, 1981, page 218, the Pollution Control Agency, Air Quality Division published notice of intent to withdraw the previously proposed rule 6 MCAR § 4.0041 and to subsequently adopt a revised version of that rule without a public hearing. At page 224 of that issue, reference was made to subdivisions C.13. through D.5.b.(2) of the proposed rule. Printing of the reference to these subdivisions was an oversight, and does not indicate additional proposed language.

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