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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 8			
20	Monday Oct 31	Monday Nov 7	Monday Nov 14
21	Monday Nov 7	Monday Nov 14	Monday Nov 21
22	Monday Nov 14	Monday Nov 21	Monday Nov 28
23	Monday Nov 21	Monday Nov 28	Monday Dec 5

*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*.

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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* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the MCAR AMENDMENT AND ADDITIONS listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

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

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

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

**Department of Administration
Cable Communications Board****Proposed Rules Governing the Provision by Cable Companies Granted Access to
Multiple Dwelling Complexes of Equipment with Sufficient Channel Capacity so as to
Allow for Service by Alternative Providers****Notice of Intent to Adopt Rules without a Public Hearing**

Notice is hereby given that the Minnesota Cable Communications Board proposes to adopt the above-entitled rules without a public hearing. The Cable Communications Board has determined that the adoption of these rules will not be controversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.26 (1982).

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 substantial change in the proposed language.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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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 Minnesota Statutes sections 14.13 to 14.20 (1982).

It is requested, but not required, that if a person wishes to object to a rule, they state in their objection the rule and the number which corresponds to the rule.

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

W. D. Donaldson, Executive Director
Cable Communications Board
500 Rice Street
Saint Paul, Minnesota
(612) 296-2545

Authority for the adoption of these rules is contained in Minnesota Statutes sections 238.05 and 238.06 (1982) and in subdivision 10, section 5, chapter 329, Laws 1983. Additionally, 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 W. D. Donaldson, Executive Director, Cable Communications Board, 500 Rice Street, Saint Paul, Minnesota 55103, upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, 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 W. D. Donaldson, Executive Director, Cable Communications Board, 500 Rice Street, Saint Paul, Minnesota 55103.

A copy of the proposed rules is attached to this notice.

Comments are due not later than 4:30 p.m. December 7, 1983.

Copies of this notice and the proposed rules are available and may be obtained by contacting W. D. Donaldson, Executive Director, Cable Communications Board, 500 Rice Street, Saint Paul, Minnesota 55103.

W. D. Donaldson
Executive Director
Cable Communications Board

Rules as Proposed (all new material)

4 MCAR § 4.240 Definitions.

A. Scope. The terms used in 4 MCAR §§ 4.240-4.243 have the meanings given them in this rule.

B. Alternative providers. "Alternative providers" means other providers of television programming or cable communications services.

C. Association member. "Association member" means an individual owner of a cooperatively owned multiple dwelling complex.

D. Other providers of television programming or cable communications services. "Other providers of television programming or cable communications services" means operators of master antenna television systems (MATV), satellite master antenna television systems (SMATV), multipoint distributions systems (MDS), and direct broadcast satellite systems (DBS).

4 MCAR § 4.241 Conditions for access by alternative providers.

A. Channel capacity. Cable companies granted access to a multiple dwelling complex shall provide equipment with sufficient channel capacity to be used by alternative providers of television programming or cable communications services.

B. Technical plan approval. The cable communications company shall determine the technical plan best suited for providing the necessary channel capacity sufficient to allow access to other providers. The plan must be submitted to the property owner for approval. The owner's approval may not be unreasonably withheld. No additional compensation for evaluation of the plan may be paid or given to the property owner over and above that permitted under Laws of Minnesota 1983, chapter 329, section 5, subdivision 8.

C. Duplicate connections. The cable communications company is not required to provide equipment for connecting more than one television receiver in one dwelling unit within the multiple dwelling complex. However, the company may provide duplicate connections at its discretion.

4 MCAR § 4.242 Reimbursement.

A. Providing for alternative service. Other providers of television programming or cable communications services shall notify the cable communications company when a resident or association member occupying a dwelling unit in a multiple dwelling complex requests the services provided for by 4 MCAR §§ 4.240-4.243. After reaching agreement with the alternative service provider for reimbursement to be paid for use of the equipment, the cable communications company shall make available the equipment necessary to provide the alternative service without unreasonable delay.

B. Reimbursement determination. The amount to be reimbursed must be determined under Laws of Minnesota 1983, chapter 329, section 5, subdivision 10. The reimbursed amount must be paid in one installment for each instance of requested use. The payment may not be refunded upon subscriber cancellation of the alternative service.

C. Financial records made available. The cable communications company, upon written request, shall make available to the alternative provider financial records supporting the reimbursement cost requested.

4 MCAR § 4.243 Appeals to the board.

An interested or affected person may appeal an action taken by another person under 4 MCAR §§ 4.241-4.242 to the board using the procedure in 4 MCAR §§ 4.003-4.016.

Pollution Control Agency

Proposed Rules 6 MCAR §§ 4.9701-4.9706, Hazardous Waste Facility and Generator Fee Rules

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency intends to adopt the above-entitled rules without a public hearing in accordance with the provisions of Minn. Stat. § 16A.128, as amended by Laws 1983, ch. 301, § 91. In accordance with that statute, the procedure for noncontroversial rules set out in Minn. Stat. §§ 14.21 to 14.28 (1982) will be followed, with the exception that no public hearing will be held in the event that seven or more requests for hearing are received.

Persons interested in these rules shall have 30 days, until December 7, 1983, 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.

Persons who wish to submit comments on the proposed rules should submit such comments to:

Melba Hensel
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113
Telephone: (612) 296-7774

Authority for the adoption of these rules is contained in Laws 1983, ch. 121, § 25. Additionally, 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 upon request from Ms. Melba Hensel at the address and telephone number set forth above.

The proposed rules are published below. Copies of this notice and the proposed rules may be obtained from Ms. Melba Hensel at the address and telephone number set forth above.

Any person may request notification of the date on which the rule has been submitted by the agency to the Attorney General for review. If you desire to be so notified, please make your request to Ms. Melba Hensel at the address and telephone number set forth above.

You are hereby advised, pursuant to Laws 1983, ch. 188, "Small business considerations in rulemaking," that the proposed

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PROPOSED RULES

rule amendments may have an impact on some small businesses in Minnesota which generate hazardous waste or are hazardous waste facilities. These small businesses will be subject to the fees established in the rules.

Owners and operators of small businesses subject to facility fees should review the fee schedules to determine the impact on them. Small storage facilities which store 550 gallons (10 drums) or less of hazardous waste can expect to pay permit application fees of \$500 or \$1,000 and annual fees of \$100 or \$180, depending on whether the storage containers are located indoors or outdoors.

Initial estimates indicate that average generator fees for all non-metropolitan area generators will average \$265 for the annual fee and surcharge. Because small businesses usually are small volume generators, the fees may be somewhat less. Generators outside the metropolitan area which generate less than 10 gallons or 100 pounds of hazardous waste per year are exempted from the generator fees.

More detailed information concerning the nature of the impact of the rules upon small businesses is set forth in the Agency's Statement of Need and Reasonableness.

Please be advised that 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 (1982) 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 communicating or urging others to communicate with public officials.

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

Sandra S. Gardebring
Executive Director

Rules as Proposed (all new material)

6 MCAR § 4.9701 Definitions.

A. Scope. As used in 6 MCAR §§ 4.9701-4.9706, the following words have the meanings given them.

B. Agency. "Agency" means the Minnesota Pollution Control Agency.

C. Director. "Director" means the executive director of the agency or his or her designee.

D. Facility. "Facility" means all contiguous land, structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units, such as one or more landfills, surface impoundments, or combinations thereof.

E. Generator. "Generator" means any person, by site, whose act or process produces a hazardous waste or whose act first causes a hazardous waste to become subject to regulation. "By site" means by each location that is not on-site in relation to another location owned or controlled by the same person.

F. Hazardous waste. "Hazardous waste" has the meaning given in Minnesota Statutes, section 116.06, subdivision 13.

G. Indoor tank. "Indoor tank" means a tank completely enclosed within a building or sheltered from the elements within a roofed structure with no fewer than three complete solid walls.

H. Injection well. "Injection well" means a shaft or pit generally of a cylindrical form, dug or bored into the earth and often walled with bricks or tubing to prevent the earth from caving in into which fluids are injected.

I. Land treatment facility. "Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface. A land treatment facility is a disposal facility if the waste will remain after closure.

J. Landfill. "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

K. Nonmetropolitan area generator. "Nonmetropolitan area generator" means a generator whose hazardous waste generation site is located in a Minnesota county other than Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

L. Operator. "Operator" means the person responsible for the overall operation of a facility.

M. On-site. "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as

opposed to going along the right-of-way. Noncontiguous property owned by the same person but connected by a right-of-way which he or she controls and to which the public does not have access is also considered on-site property.

N. Outdoor tank. "Outdoor tank" means a tank not enclosed within another structure or which is sheltered within a structure with fewer than three complete walls and which may or may not have a roof.

O. Owner. "Owner" means the owner of a facility or part of a facility.

P. Pile. "Pile" means a noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

Q. Project estimated cost. "Project estimated cost" means the cost of the entire project to complete a hazardous waste facility including the current market value of all the land interests, owned or to be owned by the facility owner, which are included in the boundaries of the project; costs of engineering and architecture for the project; expenditures necessary to begin physical construction or operation of the project; construction required to implement the project including costs of essential public service facilities; and the cost of permanent fixtures.

R. Sewered liquid wastes. "Sewered liquid wastes" means wastes that are discharged to a sewer system which is tributary to a publicly-owned treatment works or to a facility holding a National Pollutant Discharge Elimination System (NPDES) permit or State Disposal System (SDS) permit, and that are hazardous wastes at the point of generation before treatment or commingling with other wastewater which may or may not render them nonhazardous.

S. Storage. "Storage" means the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

T. Surface impoundment or impoundments. "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials which is designed to hold an accumulation of liquid hazardous wastes or hazardous wastes containing free liquids and which is not an injection well or seepage facility. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons. Impoundments may be lined with man-made materials.

U. Tank. "Tank" means a stationary device which is designed to contain an accumulation of hazardous wastes and which is constructed primarily of nonearthen materials such as wood, concrete, steel, and plastic, which provide structural support.

V. Thermal treatment. "Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. "Thermal treatment" includes the processes of incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

W. Treatment. "Treatment" means any method, technique, or process, including neutralization, that is designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, so as to recover energy or material resources from the waste, or so as to render the waste nonhazardous, or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, amenable for storage, or reduced in volume.

X. Unsewered liquid wastes. "Unsewered liquid wastes" means liquid hazardous wastes or hazardous wastes that contain free liquid which are not sewered liquid wastes.

6 MCAR § 4.9702 Hazardous waste facility fees.

A. Fee schedule for five-year permits. A facility owner or operator who seeks a five-year permit shall remit fees as follows:

Table 1: Hazardous Waste Facility Five-Year Permits

	Permit Application Fee	Annual Facility Operator's Fee	Permit Reissuance Fee
a. Storage			
Tanks and containers indoors			
Total capacity greater than 550 gallons	\$ 750	\$ 225	\$ 375
Total capacity 550 gallons or less	500	100	250

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PROPOSED RULES

Tanks and containers outdoors			
Total capacity greater than 550 gallons	1,500	450	750
Total capacity 550 gallons or less	1,000	180	500
Piles	4,500	1,300	2,250
Surface impoundment	7,500	1,300	3,750
b. Disposal and treatment			
Surface impoundment	9,000	1,800	4,500
Treatment (not otherwise specified)	9,000	900	4,500
Thermal treatment	22,500	3,150	11,250
Land treatment	22,500	3,150	11,250
Land disposal (includes surface impoundments in which waste remains after closure)	22,500	3,150	11,250

B. Fee schedule for permits less than five-year term. The following schedule must be used to calculate the application fee for a permit term of less than five years:

Table 2: Application Fees
Permits Less than Five-Year Term

Term of Permit	Permit Application Fee
1 year	35 percent of application fee in table 1 or table 3
2 years	60 percent of application fee in table 1 or table 3
3 years	75 percent of application fee in table 1 or table 3
4 years	90 percent of application fee in table 1 or table 3

The annual facility operator's fee is the applicable fee listed in table 1 in A.

C. Combination facilities. An application fee for a facility consisting of several treatment, storage, or disposal functions must be calculated according to the following schedule for application fees and annual operator's fees:

Table 3: Combination Facilities

Facility Description	Fee Calculation	Permit Reissuance Fee
a. Thermal treatment + treatment + storage	Thermal treatment + 0.2 × fee for treatment + 0.2 × fee for storage	All facilities 50 percent of application fee as calculated according to schedule
b. Disposal + storage	Disposal + 0.2 × fee for storage	
c. Thermal treatment + storage	Treatment + 0.2 × fee for storage	
d. Disposal + thermal treatment	Disposal + 0.2 × fee for thermal treatment	
e. Thermal treatment + disposal + treatment + storage	Disposal + 0.8 × fee for thermal treatment + 0.2 × fee for treatment + 0.2 × fee for storage	
f. Disposal + land treatment	Disposal + 0.8 × fee for land treatment	
g. Land treatment + storage	Land treatment + 0.2 × fee for storage	

D. Environmental review costs. The following additional fees are required for a hazardous waste facility project that requires an environmental review under Minnesota Statutes, chapter 116D:

1. For projects that require only an environmental assessment worksheet (EAW), the fee is \$200 plus 0.10 percent of the project estimated costs; and
2. For projects with a project estimated cost of less than \$1,000,000, the environmental impact statement (EIS) assessed cost is 0.30 percent of the project estimated cost.

Nothing in this rule precludes the applicability of the EIS cost assessment system as described in chapter 17 of the rules of the Environmental Quality Board, 6 MCAR §§ 3.049-3.054.

E. Payment schedule. Fees must be made payable to the state treasurer and submitted to the director as follows:

1. For facilities which have submitted the Part B application as described in Code of Federal Regulations, title 40, parts 122 and 264 prior to the effective date of 6 MCAR §§ 4.9701-4.9706, the owner or operator shall remit payment of the appropriate fees within 60 days of the effective date of 6 MCAR §§ 4.9701-4.9706, provided permits have not been issued as of the effective date of 6 MCAR §§ 4.9701-4.9706.
2. For facilities which have not submitted the Part B application, the owner or operator shall remit the fee when he or she submits the application or facility plans and specifications for a new facility.
3. The owner or operator shall submit the annual facility operator's fee not later than June 30 of each year.
4. Permit reissuance fees must be submitted with the application for permit reissuance.

F. Failure to submit fees. Failure to submit fees by the required date results in the following penalties:

1. A facility application submitted without the facility application fee is incomplete. The director shall suspend further processing of the permit application until the appropriate fee is received by the director.
2. The facility owner or operator shall pay a late fee of 20 percent of the annual facility fee for failure to submit the appropriate fees within 30 days of the required date. An additional ten percent of the annual fee must be paid for each 30-day period or fraction thereof that the fee remains unpaid.
3. The director may commence proceedings to suspend or revoke a permit if fees are not paid within 180 days after the required date.

G. Refund of facility permit application fee. If an applicant submits an application fee for a permit and the agency issues a permit with an effective term of less than the term in the permit applied for, the agency shall refund to the applicant the application fee minus the appropriate fee in B.

If a facility operator or owner submits an application fee and then withdraws the application within 60 days of receipt by the director, the agency shall refund to the applicant 75 percent of the application fee.

6 MCAR § 4.9703 Nonmetropolitan area generator fees.

A. Basis of fees. The agency shall charge nonmetropolitan area generator fees that are based on the annual reports submitted by generators, disclosures, or other appropriate information available to the agency.

B. Small generator exemption. Nonmetropolitan area generators that generate less than ten gallons or 100 pounds of hazardous waste per year are exempt from the generator fee requirements of this rule.

C. Initial fees. Initial fees must be paid by a nonmetropolitan generator who is a new generator after the effective date of 6 MCAR §§ 4.9701-4.9706, or who has failed to submit a disclosure prior to July 1, 1983, or who has added a waste not previously listed on a disclosure.

Initial fees for nonmetropolitan area generators are as follows:

For unsewered liquid waste, the initial fee is \$60 plus \$40 for each additional waste stream over one.

For sewerred liquid waste, the initial fee is \$30.

For unsewered solid waste, the initial fee is \$60 plus \$40 for each additional waste stream over one.

D. Fee for previously unreported waste. If a generator adds a waste that has not been previously reported to the agency, the generator shall pay a fee of \$40 to the agency for each new waste stream.

E. Annual fees. Nonmetropolitan area generators shall submit annual fees as follows:

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

PROPOSED RULES

Waste Category	Annual Fee			
	11-55 gallons per year	56-500 gallons per year	501-1000 gallons per year	1000+ gallons per year
Unsewered liquid waste	\$30	\$60 + \$20 for each additional waste stream over one	\$90 + \$20 for each additional waste stream over one	\$90 + \$20 for each additional waste stream over one plus \$12 for each additional 1000 gallons
Sewered liquid waste	All volumes—\$75 per year all waste streams			
	101-550 pounds per year	551-5000 pounds per year		over 5000 pounds per year
Unsewered solid waste	\$30	\$60 + \$20 for each additional waste stream over one	\$90 + \$20 for each additional waste stream over one plus \$5 for each additional 5000 pounds or fraction thereof	

F. Payment schedule. In the fiscal year ending June 30, 1984, a nonmetropolitan area generator shall submit fees within 60 days upon receipt of the notice from the director that the fees are due. Fees submitted later than 30 days after the due date are deemed late.

Following the first annual payment, a nonmetropolitan area generator shall remit fees according to the following schedule based on the "Standard Industrial Classification" (SIC) as designated in the Standard Industrial Classification Manual (1972), Executive Office of the President, Office of Management and Budget, United States Government Printing Office. If a generator has more than one SIC number, that number which occurs first in the table determines the date fees are due.

Standard Industrial Classification	Type of Activity	Date Due
29	Petroleum and coal	July 1
31	Tanning	July 1
33	Primary Metal	July 1
36	Electric machinery	July 1
49	Electric power generating	July 1
80	Health services	July 1
82	Education services	July 1
91	Government	July 1
26	Paper	October 1
28	Chemicals	October 1
34	Fabricated metal	October 1
35	Machinery (except electrical)	October 1
20	Food	January 1
22	Textiles	January 1
24	Lumber and wood	January 1
27	Printing	January 1
32	Stone, clay, and glass	January 1
40	Railroads	January 1
45	Airlines	January 1
25	Furniture	April 1
30	Rubber and plastic	April 1
37	Transportation equipment	April 1
38	Measuring instruments	April 1
39	Miscellaneous manufacturing	April 1
51	Wholesale nondurables	April 1

PROPOSED RULES

55	Automotive sales	April 1
75	Automotive repair	April 1
	All others not listed above	April 1

A nonmetropolitan area generator shall submit a check for the required amount to the director, made payable to the state treasurer.

G. Failure to submit fees. If a nonmetropolitan area generator fails to submit the required fees within 30 days of the due date, the generator shall pay a late fee of ten percent of the annual fee and the unpaid penalty for each 30-day period or fraction that the fee remains unpaid, up to 90 days. Beyond 90 days, the late fee is 15 percent of the annual fee and the unpaid penalty for each 30-day period or fraction that the fee remains unpaid.

6 MCAR § 4.9704 Generator surcharge.

All generators in Minnesota are subject to an annual surcharge equal to 17.5 percent of the annual fee. Payment must be made as follows:

A. Nonmetropolitan area generators shall pay the surcharge to the director at the time of payment of the annual fee. A nonmetropolitan area generator who fails to pay the annual surcharge is considered delinquent and subject to the late fee penalty provided in 6 MCAR § 4.9703 G.

B. Metropolitan area generators shall pay the surcharge with the license fee to the county in which the generating site is located. The metropolitan area counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) that are responsible for collecting the surcharge shall remit the surcharge to the director not later than the last day of the month following the month of collection.

6 MCAR § 4.9705 Generator fee exemptions.

A. Waste oil exemption. Generators of waste oil are not subject to generator fees for waste oil if the waste oil is beneficially reused and does not contain hazardous wastes listed in Code of Federal Regulations, title 40, part 261, subpart D. If the director has information that the waste oil contains any listed hazardous wastes, the generator shall be subject to the appropriate fees.

B. On-site recovery, reuse, or recycle of waste. A generator who recycles, reuses, or recovers a hazardous waste stream for his own use is exempt from the generator fee for the waste stream that is recycled, reused, or recovered. Any sludges or residues from a recovery process that are hazardous are subject to the generator fee.

C. Wastes generated as a result of response action. A waste that is generated as a result of a response action is exempt from the generator fee.

6 MCAR § 4.9706 Appeal procedure.

A generator who believes that the fee requested by the director is in error may appeal the fee levy. Within ten days of receipt of the fee statement from the director, the generator shall provide written notice of the error in fee calculation, the fee the generator has calculated, and the method used by the generator in calculating the fee. If the director finds, upon reviewing the data, that the new data presented by the generator is correct, no penalty fee will be assessed. However, if the director finds that the original calculated fee was correct, the generator shall be assessed any applicable penalty as provided in 6 MCAR § 4.9703 G. from the date of the director's decision regarding the fee adjustment appeal.

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ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Department of Agriculture Agronomy Services Division

Adopted Temporary Rule Governing Fees for Agricultural Seed Registration and Testing

The rule proposed and published at *State Register*, Volume 8, Number 8, pages 257-260, August 22, 1983 (8 S.R. 257) is adopted with the following modifications:

Temporary Rule as Adopted

3 MCAR § 1.0172 [Temporary] Charges for testing and identifying seed.

C. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with the provisions of Laws of Minnesota 1983, chapter 293, section 48, subdivisions 1 and 2, and the procedures set in 1.-4.

3. The holder of a seed fee permit must pay fees on all seed covered by Laws of Minnesota 1983, chapter 293, sections 39 to 51 and sold during the reporting period.

a. For agricultural seed sold in containers up to 160 pounds net weight, the fees per container are as follows except for those seeds specified in b.:

- (1) Less than 15-pound container, 5 cents each;
- (2) 15- to 30-pound container, 7 cents each;
- (3) 30- to 60-pound container, 8 cents each;
- (4) 60- to 100-pound container, 9 cents each; and
- (5) 100- to 160-pound container, 10 cents each.

b. For the following agricultural seed sold either in bulk or in containers larger than 160 pounds net weight, the fees are as follows:

- (1) Oats, ~~field peas~~, 5 3 cents per cwt.;
- (2) Wheat, ~~barley, field beans~~, 6 3 cents per cwt.;
- (3) Barley, 3 cents per cwt.;
- (4) Rye, ~~soybeans, buckwheat~~, 7 3 cents per cwt.;
- (4) ~~Flax, vegetables grown for processing~~, 8 cents per cwt.;
- (5) ~~Corn, forage grasses, millets~~ Buckwheat, 9 3 cents per cwt.;
- (6) ~~Sorghum, sunflowers, legumes~~ Field beans, 10 7 cents per cwt.;
- (7) ~~All other agricultural seeds~~ Field peas, 10 7 cents per cwt.; and
- (8) ~~Lawn and turf grass seeds~~ Soybeans, 4 cent 7 cents per ~~lb.~~ cwt.;
- (9) Flax, 7 cents per cwt.; and
- (10) Vegetables grown for processing, 7 cents per cwt.

Department of Public Welfare Social Services Division

Adopted Rules Governing the Administration and Provision of Protective Services to Children through Local Social Service Agencies

The rule proposed and published at *State Register*, Volume 7, Number 25, pages 944-946, December 20, 1983 (7 S.R. 944) is adopted with the following modifications:

Rule as Adopted

12 MCAR § 2.207 Protective services to children—adopted.

C. Administration and organization of protective service program.

1. Local social service agency responsibility in the delivery of child protective services.

k. Records relating to reports made pursuant to Minnesota Statutes, section 626.556.

(3) If upon initial assessment, a report is determined to be unsubstantiated, the subject of the report shall be notified in writing of the report's classification, the agency's intent to destroy the records relating to the report, and the subject's right to ~~review~~ have the records maintained as private data, except that the name of the reporting party shall remain confidential and shall be disclosed only upon court order. If no request ~~for access~~ to maintain the records is made by the subject within 30 days of the mailing of the notification, the records shall be destroyed.

(4) If upon assessment a report is classified as unable to substantiate by the local social service agency, the records relating to the report may be kept for one year. If, after one year, neither the local social service agency nor the law enforcement agency is able to substantiate the report, the subject shall be notified in writing of the report's classification, the agency's intent to destroy the records, and the subject's right to ~~review~~ have the records maintained as private data, except that the name of the reporting party shall be disclosed only upon court order. If no request ~~for access~~ to maintain the records is made by the subject within 30 days of the mailing of the notification, the records shall be destroyed.

Department of Revenue Income Tax Division

Adopted Repeal of an Income Tax Rule Relating to Individual Housing Accounts

The rule proposed for repeal and published at *State Register*, Volume 8, Number 8, pages 292-293, August 22, 1983 (8 S.R. 292) is repealed as proposed.

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.

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.

Minnesota Job Skills Partnership

Notice of Board of Directors Meeting

Notice is hereby given of a Board of Directors meeting of the Minnesota Job Skills Partnership. The meeting will be held on Monday November 14, 1983 beginning at 1:00 P.M. in Room 130 of the State Capitol, Aurora Avenue, St. Paul, MN.

For further information contact:

Monica Manning
Minnesota Job Skills Partnership
Room 101
Capitol Square Bldg.
550 Cedar St.
St. Paul, MN 55101
612 / 296-1755

Minnesota State Advisory Council for Vocational Education

Notice of Public Hearing on Vocational Education and Notice of Council Meeting

Notice of Public Hearing. The Minnesota State Advisory Council for Vocational Education (MN/SACVE) will conduct a public hearing on Wednesday, November 16, 1983 at 7:00 p.m. at the Central Administration Building Auditorium, 611 West Fifth Street, Willmar, Minnesota. The purpose of the hearing is to obtain testimony from the public on issues related to vocational education in Minnesota. The public is welcomed and encouraged to participate. Inquiries may be directed to the Council Offices at 612/377-6100.

Notice of Council Meeting. The Minnesota State Advisory Council for Vocational Education (MN/SACVE) will meet at 10:00 a.m. on Thursday, November 17, 1983 at the Willmar Area Vocational Technical Institute, Willmar, Minnesota. The public is welcomed. Inquiries regarding the meeting may be directed to the Council Offices at 612/377-6100.

Office of the Secretary of State

Annual Compilation of State Agencies: Notices of Vacancies (Application and Appointment Procedure)

The Secretary of State publishes herewith information about state agencies pursuant to Minn. Stat. 15.0597, subd. 3.

Furthermore, pursuant to Minn. Stat. 15.0597, subd. 4, notice is hereby given to the public that vacancies in this agency now through January, 1984, are indicated by an asterisk (*). Application forms may be obtained at the Office of the Secretary of State, Open Appointments Section, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Application deadline is November 29, 1983.

ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE BOARD: 162 Metro Square Bldg., St. Paul 55101; (612) 296-2388; (M.S.326.04).

Licenses and regulates architects, engineers, land surveyors and landscape architects. Seventeen members, appointed by the Governor, include: 3 licensed architects, 5 licensed engineers, 1 licensed landscape architect, 2 licensed land surveyors and 6 public members. Members must file with EPB; not more than 1 member may be from the same branch of the engineering profession. Each professional member must have 10 years experience in their profession and have been in responsible charge of work for at least 5 years. Meetings four times a year; members receive \$35 per diem plus authorized expenses.

Current members:

G. Leigh Morrow, chr., 5 Saratoga Lane, Plymouth 55441; (612) 544-5587; electrical engineer; (6/83-1/87); Hennepin; CD3; LD45; M; IR; W.

Frederick J. Bentz, 25 Greenway Gables, Mpls. 55403; (612) 332-6811; architect; (7/81-1/85); Hennepin; CD5; LD56A; M; IR; W.
*Elaine M. Fink, 8701 Westmoreland Lane, St. Louis Park 55426; (612) 545-1161; (4/80-1/84); public member; Hennepin; CD3; LD41A; F; W.
Preston C. Haglin, 4383 Wooddale Ave., Mpls. 55424; (612) 922-0436; civil engineer; (3/82-1/86); Hennepin; CD3; LD41D; M; IR; W.
William V. Jokela, 10554 Sheridan Ave. S., Bloomington 55431; (612) 881-1318; metallurgical engineer; (7/81-1/85); Hennepin; CD3; LD38B; M; IR; W.
David A. Kirscht, 224 Oakwood Road, Hopkins 55343; (612) 935-0663; (3/82-1/86); Hennepin; CD3; LD40B; M; IR; W.
*Bernard H. Larson, 1306 W. 20th St., Hastings 55033; (612) 437-2769; (4/80-1/84); land surveyor; Dakota; CD1; LD52; M; W.
John D. Mohn, R.R. 1, Red Wing 55066; (612) 388-6383; public member; (7/81-1/85); Goodhue; CD1; LD25B; M; IR; W.
*John W. Pearson, 201 Crestway Lane, W. St. Paul 55118; (612) 451-0063; chemical engineer; (12/78-1/84); Dakota; CD1; LD67A; M; IR; W.
George Rozsnafszky, 2300 Humboldt Ave. S., Mpls. 55405; (612) 377-2302; public member; (7/81-1/85); Hennepin; CD5; LD56; M; IR; W.
*Donald E. Stanius, 168 W. Austin St., Duluth 55803; (218) 724-0137; (4/80-1/84); architect; St. Louis; CD8; LD8B; M; IR; W.
John F. Sweet, 315 Highland Drive, Hibbing 55746; (218) 262-5955; mechanical engineer; (3/82-1/86); St. Louis; CD8; LD6; M; IR; W.
Anthony Martinez, 11109 Zebulon Pike, Burnsville 55337; (612) 890-0419; public member; (6/83-1/87); Dakota; CD3; LD38A; M; DFL; H.
Maureen A. Keating, 2871 Humboldt Ave. S., #6, Mpls. 55408; (612) 824-6902; public member; (6/83-1/87); Hennepin; CD5; LD59; F; DFL; W.
George Mitchell, 3343 Portland Ave. S., Mpls. 55407; (612) 348-8858; public member; (6/83-1/87); Hennepin; CD5; LD60B; M; AI.
Rudolph W. Monson, 2704 Exhibition Dr., Duluth 55811; (218) 722-9470; land surveyor; (6/83-1/87); St. Louis; CD8; LD7A; M; DFL; W.
Robert Lee Morgan, 4740 12th Ave. S., Mpls. 55407; (612) 224-1358; architect; (6/83-1/87); Hennepin; CD5; LD61B; M; DFL; B.

Minnesota Pollution Control Agency

Notice of Change of Public Meeting Regarding a Revision to Minnesota's State Implementation Plan

Notice is hereby given that the public meeting announced in the *State Register* of October 24, 1983, is changed to December 20, 1983, starting at 9:00 a.m. in the board room of the Minnesota Pollution Control Agency, located at 1935 West County Road B-2, Roseville, Minnesota, 55113. An agenda for the meeting will be available by December 9, 1983, and may be obtained from Jeanine Willenbring at the address noted above or at 612/296-7351.

October 27, 1983

Sandra S. Gardebring, Executive Director

Transportation Regulation Board

Notice of Intent to Solicit Outside Opinion Regarding New Rules to Implement Collective Ratemaking Procedures for Motor Carriers

Notice is hereby given that the Minnesota Transportation Regulation Board (Board) is seeking information or opinion from sources outside the agency in preparing to promulgate new rules to implement the collective ratemaking procedures ordered by Minn. Laws 1983, Ch. 256. Comments are sought on whether and how the rules should address collective ratemaking agreements, jointly-filed tariffs and independent action, and the filing requirements, notice procedures, and standards for approval of such matters.

Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statement should be addressed to:

Jerome Pedersen
Transportation Rate Director
Minnesota Transportation Regulation Board
795 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Oral comments, suggestions or questions will be received during regular business hours over the telephone by Mr. Pedersen at (612) 296-2349 and in person at the above address.

Pursuant to Minn. Laws 1983, Ch. 188, the concerns and opinions of small businesses are particularly solicited since many rate regulated motor carriers as well as shippers and receivers of freight are small businesses.

All statements of information, comment and suggestion will be received until December 15, 1983. Any written material received by the Board will become part of the record in the event that any rules are proposed for adoption.

Roger Laufenburger, 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 Public Safety State Patrol Division

Notice of Request for Proposals for Police Supervision Training

The Minnesota State Patrol is seeking a training institution to conduct a one-week (35-hour) "Development and Supervision of Field Training Officer Program" course for first line supervisory and middle management level officers from state and local police agencies.

This course will address those topics necessary to develop F.T.O. Programs and to improve the effectiveness of existing field training programs conducted by police agencies for new recruits through more effective supervision.

Course content will include, but not be limited to, elements of field training concepts, legal aspects, performance evaluation, adult learning, and the coaching process.

This project will be presented at a location provided by the State Patrol and under contract. It is outlined in the request for proposal (RFP) "Development and Supervision of the Field Training Officer Program". The formal RFP may be obtained by calling or writing:

Captain Roger W. Lenz
Director of Training
Minnesota State Patrol
1900 West County Road I
New Brighton, Minnesota 55112
Telephone: (612) 636-4990

The ceiling price for this course is \$8,000. The deadline for submission of proposals is 4:30 p.m., December 1, 1983.

Revenue Department

Notice of Request for Proposal for Consulting Service for a Management Development Project

The Minnesota Department of Revenue is seeking proposals from qualified management consultants to assist in the development of a Comprehensive Management Improvement Plan to encompass all departmental operations. The Management Plan should include analysis of the present condition, should be supported by research data, and should include recommendations for improvement in the areas of management practices, organizational structure, and staffing.

Work by the consultant will include: 1) a comprehensive Management Improvement Plan which includes recommendations which will lead to improved efficiencies in the activities required to be carried out by the Department of Revenue, dates for accomplishing the changes and designation of the Revenue staff accountable for implementing the recommendations; 2) conducting team building exercises for managers in the Department of Revenue; and 3) coaching managers in the department throughout the process of implementing the recommendations.

It is in the Revenue Department's interest that the entire project be completed in the shortest practical time.

The Management Improvement Plan should be completed within 60 days of the project start date. This period should be referred to as the "Planning Phase".

An "Implementation Phase" will follow and should be in accord with the portion of the plan that specifies "dates for accomplishing". This phase should also include the team building and coaching portions of the work.

Proposal Content

Vendor proposals should be in the following format:

Section I—Statement of understanding of the project scope and objectives.

Section II—Description of the workplan to accomplish the project objectives.

Section III—Description of the work product to be provided from each phase of the work.

Section IV—Description of qualifications and relevant experience of the firm and those specific consultants that will be assigned to the project. Resumes should also be furnished.

Section V—Staffing plan for the completion of each phase of work, including the roles and time commitment of each participant. If a subcontractor is to be used to perform any portion of the work, a complete statement as to the role and qualifications of the subcontractor firm or individual must be included. There should be a statement as to the necessary resource commitment of the Revenue Department in the development each phase of the project.

Section VI—A schedule of fees and reimbursement for expenses by key individuals assigned to each phase of the project (support staff may be grouped into classes) with a maximum total cost for each phase.

Evaluation Criteria

Proposals will be evaluated by the department based on:

- 1) The degree of understanding of the department's situation and needs as shown in the proposal Section I.
- 2) The experience and success that the consultant has demonstrated in developing similar organizational development interventions.
- 3) Information that has been provided as to the consultant's understanding of, and experience in, the Minnesota State Government environment.
- 4) The responsiveness of the consultant to the department's timing needs, including the estimated completion dates for each phase of the project.
- 5) The consultant's stated requirement for Department of Revenue resource commitment including requirements for Revenue Staff involvement.
- 6) The total estimated cost for each phase of the project.
- 7) Consideration will be given to the consultant firm's strength of resources and experience and to the consultant's strong local base for continued support to the project.

In the event that there are numerous applicants for consideration for this project, there may be an initial reduction of contenders to approximately three who may then be invited for an interview at which time one will be selected. The initial reduction will be based on the collective judgement of a selection committee after reviewing data submitted by the responding consultants.

The department reserves the right to reject any or all bids.

Date of Required Submission

Proposals must be received by the Department of Revenue prior to 4:30 p.m. Friday, November 25, 1983.

Inquiries and proposals should be directed to:

George W. Winter
Deputy Commissioner
Department of Revenue
202 Centennial Building
St. Paul, Minnesota 55145
PHONE—(612) 296-3403

SUPREME COURT

Decisions Filed Wednesday, October 19, 1983

Compiled by Wayne O. Tschimperle, Clerk

C1-83-1284 Michael Escobedo, Petitioner, v. The Honorable Allen Oliesky, Judge of District Court, Respondent.

Juvenile who is certified for prosecution as an adult and then convicted is entitled to credit against his sentence for time spent in the juvenile detention center awaiting certification for prosecution as an adult.

Remanded. Amdahl, C.J.

Decisions Filed Friday, October 28, 1983

C7-83-429, C7-83-432 Patricia Ann (Kelly) Leahy, Respondent, v. St. Mary's Hospital and Fidelity and Casualty Company of New York.

Minn. Stat. § 176.101, subd. 3(45) (1957), in effect when the employee sustained a work-related back injury, governs her entitlement to retraining benefits. Minn. Stat. § 176.102, subd. 11 (1982), governs the duration and amount of the benefits.

Affirmed in part, reversed in part, and remanded. Simonett, J.

C4-83-209 In Re the Marriage of: Sandra R. Gordon, Petitioner, v. Stephen D. Gordon, Respondent.

1. The presumption in favor of the custodial parent's removal decision extends to cases of joint legal custody.
2. The county court properly granted the motion of the custodial parent to remove the parties' minor children from this jurisdiction.

Reversed and remanded. Wahl, J.

Dissenting, Peterson, J., Yetka, J., and Scott, J.

C4-81-1100 In the Matter of the Petition for Disciplinary Action against Walter D. Weyhrich, a Minnesota lawyer.

1. A lawyer's gross neglect of client affairs, failure to communicate with clients and essentially abandoning the handling of client affairs, failure to make scheduled court appearances without excuse, conducting bad faith litigation, and failure to cooperate with the Lawyers Professional Responsibility Board warrant disbarment.

2. A claim of mitigation warranting a lesser sanction than disbarment because of psychological disability must be established by clear and convincing evidence.

Disbarred. Per Curiam.

Errata

At S.R. 813 (October 24, 1983) the Minnesota Pollution Control Agency published proposed amendments to the rules governing hazardous waste treatment, storage and disposal facilities. Please make the following corrections.

- S.R. 813, line 49 of 4.9322: "Behrens" not "Behrns"
- S.R. 814, line 1: "Chapter" not "Chatper"
- S.R. 814, line 2 of 4.9280 B.: "lieu" not "leu"
- S.R. 814, line 1 of 4.9280 C.7.: "combustion" not "combusion"
- S.R. 815, line 1 of 4.9281 D.: "possibility" not "possiblity"
- S.R. 815, line 8 of 4.9281 D.2.: "Unauthorized" not "unauthorized"
- S.R. 821, line 2 of 4.9289 D.: "explosion" not "exploision"
- S.R. 821, line 1 of 4.9289 E.: "facility has had" not "facility had had"
- S.R. 827, line 12 of Exhibit 4.9297 F.2.-1: "octahydro-1, 4-endo," not "octahydro-a, 4-endo,"
- S.R. 827, line 18 of Exhibit 4.9297 F.2.-1: "2,4,5-Trichlorophenoxypropionic acid" not "2,4,5-Trichlorophenoxy-propinoic acid"
- S.R. 833, line 2 of 4.9297 L.8.: "point of compliance" not "point or compliance"

- S.R. 833, line 2 of 4.9297 L.9.: "other" not "other"
- S.R. 837, line 1 of 4.9301 A.3.: "period" not "priod"
- S.R. 839, line 2 of 4.9304 B.3.: "which, consistent" not "which consistent"
- S.R. 839, line 3 of 4.9305 A.: "4.9317 G." not "4.9317 F."
- S.R. 851, line 4 of 4.9308 D.7.: "post-closure cost" not "post-closure"
- S.R. 854, line 2 of 4.9308 F.13.: "owner" not "owners"
- S.R. 857, line 4 of 4.9310 B.3.: "bond;" not "bonds;"
- S.R. 859, line 3 of 4.9310 D.9.: "date, the" not "date. The"
- S.R. 863, line 1 of 4.9312 B.4.a.: "\$10,000,000 or more" not "\$10,000,000 ro more"
- S.R. 866, line 2 of Exhibit 6 MCAR § 4.9314 A.1.-1. Section 6.: "between principal and income" not "between policies and income"
- S.R. 866, line 3 of Exhibit 6 MCAR § 4.9314 A.1.-1. Section 7.b.: "by the Trustee" not "by the Trustees"
- S.R. 869, line 1: "that it was so affixed by order of the Board of Directors of said" not "that it was so affixed to the instrument is the corporate seal; that it was so affixed by order of the Board of Directors of said"
- S.R. 870, line 39: "Bond premium: \$_____ " not "Bond premium: _____ "
- S.R. 875, Exhibit 6 MCAR § 4.9314 F.-7., Alternative II 2., 3., and 4: delete \$.
- S.R. 875, Exhibit 6 MCAR § 4.9314 F.-7., Alternative II 5.: "*5." not "5."
- S.R. 878, line 2 of Exhibit 6 MCAR § 4.9314 G.8. Part B., Alternative II 1.: "above)" not "above"
- S.R. 878, Exhibit 6 MCAR § 4.9314 G.8. Part B., Alternative II 4., 5., and 6.: delete \$.
- S.R. 879, line 3 of Exhibit 6 MCAR § 4.9314 H.-9.: "the state of" not "the state or"
- S.R. 881, line 2 of 4.9314 J.: "worded" not "worked"
- S.R. 902, line 4 of 4.4321 D.1.: "Win-Wout" not "Win=Wout"
- S.R. 904, line 1 of 4.9321 F.6.: "waste feed" not "waste fee"
- S.R. 905, line 7 of Exhibit 4.9322-1.:

$$\bar{x} = \frac{X_1 + X_2 \dots X_n}{n} \quad \text{not} \quad \bar{x} = \frac{X_1 + X_2 \dots X_n}{\quad}$$

- S.R. 905, line 10 of Exhibit 4.9322-1.: "S²" not S₂"
- S.R. 905, line 17 of Exhibit 4.9322-1.:

$$t^* = \frac{X_m - X_B}{\sqrt{\frac{S_m^2}{n_m} + \frac{S_B^2}{n_B}}} \quad \text{not} \quad t^* = \frac{X_m - \bar{X}_B}{\sqrt{\frac{S_m^2}{n_m} + \frac{S_B^2}{n_B}}}$$

- S.R. 905, line 39 of Exhibit 4.9322-1.: "If t* is less than t_c" not "If t* is equal to or larger than t_c"
- S.R. 909, line 2 of 4.9382 E.: "for malfunctions" not "or malfunctions"
- S.R. 909, line 2 of 4.9382 E.3.: "deterioration or" not "deterioration of"
- S.R. 912, line 2 of 4.9386 B.: "release to" not "release of"
- S.R. 917, line 1 of 4.9394 D.: "4.9382 E." not "4.9381 E."
- S.R. 919, line 2 of 4.9397 E.1.: "4.9398 D.3." not "4.9398 D.2."
- S.R. 919, line 4 of 4.9397 F.1.: "chain of custody" not "chain on custody"
- S.R. 946, line 1 of 4.9415 D.: "where possible" not "where present"

SUPREME COURT

At 8 S.R. 734, (October 24, 1983) The Minnesota Pollution Control Agency published proposed amendments to the rules governing generators of, and the identification, transportation and management of hazardous waste. Please make the following corrections.

- S.R. 748, line 2 of 4.9128 B.6.b.: "o-dichlorobenzene" not "o-dichloro-benzene"
- S.R. 764, line 25, P033: "Chlorine cyanide" not "Chlorine Cyanide"
- S.R. 764, line 39, P040: "O,O-Diethyl O-pyrazinyl phosphorothioate" not "O,O-Diethyl 0-pyrazinyl phosphorothioate"
- S.R. 765, line 31, P060: "endo-dimethanonaphthalene" not "endo-dimethano-naphthalene"
- S.R. 766, line 9, P059: "4,7-Methano-1H-indene, 1,4,5,6,7,8,8-hep-tachloro-3a,4,7,7a-tetrahydro-" not "4,7-Methano-1H-indene, 1,4,5,6,7,8,8-hep-tachloro-3a,4,7,7a-tetrahydro-"
- S.R. 766, line 38, P047: "Phenol" not "Pheonl"
- S.R. 766, line 39, P020: "Phenol" not "Pheonl"
- S.R. 767, line 9, P089: "Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester" not "Phosphorothioic acid, O,O-diethyl O-(p-ni-trophenyl) ester"
- S.R. 768, line 36, U187: "Acetamide, N-(4-ethoxyphenyl)" not "Acetamide, N-(r-ethoxyphenyl)"
- S.R. 777, line 15, U111: "N-Nitrosodi-N-propylamine" not "N-Nitrosodi-n-propylamine"
- S.R. 780, line 7, U235: "Tris (2,3-dibromopropyl) phosphate" not "Tris (2,3-dibromopropy) phosphate"
- S.R. 781, line 23, K001: "benz(a)-anthracene" not "benz (a) anthracene"
- S.R. 781, line 25, K002: "Hexavalent chromium" not "Hexavelant chromium"
- S.R. 783, line 10, K073: "Tetrachloroethylene" not "tetrachloro-ethylene"
- S.R. 789, line 36: "Selenious acid" not "Seleious acid"
- S.R. 789, line 37: "Selenium" not "Seleium"
- S.R. 794, line 1 of 4.9210 E.7.a: "accept" not "accpt"
- S.R. 796, line 1 of 4.9211 C.8.b.: "identification" not "identificatoin"
- S.R. 810, line 3 of 4.9560 B.3.: "revision to 6 MCAR . . ." not "revision ty 6 MCAR . . ."

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