

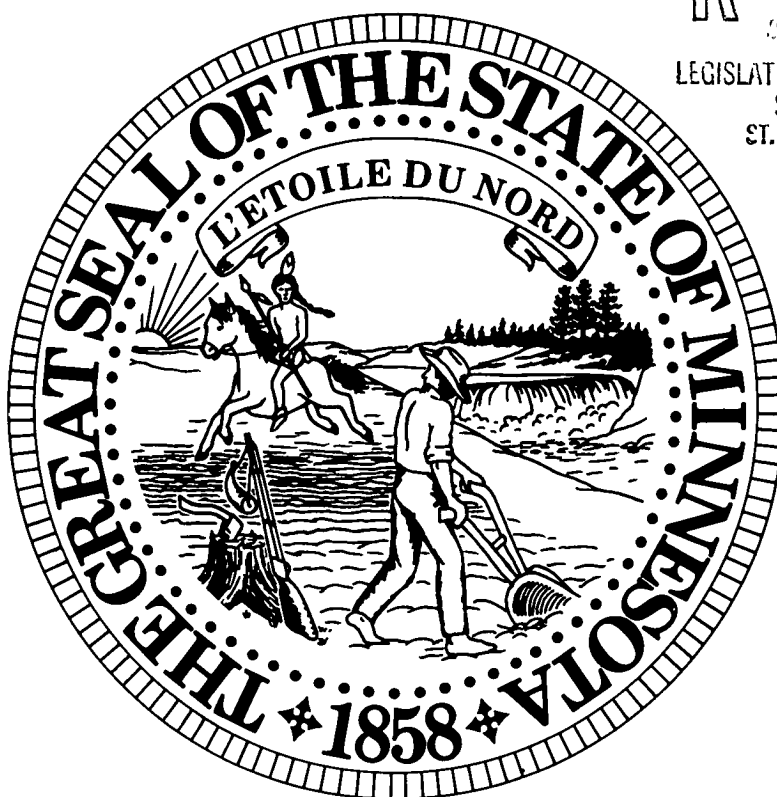
STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

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Monday 20 April 1987

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STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the State Register

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, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
42	Monday 6 April	Monday 13 April	Monday 20 April
43	Monday 13 April	Monday 20 April	Monday 27 April
44	Monday 20 April	Monday 27 April	Monday 4 May
45	Monday 27 April	Monday 4 May	Monday 11 May

*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 *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55155, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

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

Rudy Perpich, Governor

**Sandra J. Hale, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Minnesota Documents Division**

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

CONTENTS

MINNESOTA RULES:

Amendments & Additions

Issues 40-42 inclusive 1912

PROPOSED RULES

Labor and Industry Department

Boiler Operators, Pipefitters, and High Pressure
Piping 1913

Pollution Control Agency

Waste Tires Management 1918

ADOPTED RULES

Pollution Control Agency

Small Quantity Waste Generators 1950

OFFICIAL NOTICES

Administration Department

Agriculture Department

Energy & Economic Development Department

Finance Department

Human Services Department

Natural Resources Department

Transportation Department

Metropolitan Council

Request for Resumes from Fee Appraisers 1951

Corrections Department

Opinion Sought Regarding Proposed Rules
Governing Municipal Jail Facilities 1953

Ethical Practices Board

Advisory Opinion # 95 Regarding: Lobbyist
Disbursement Report 1953

Minnesota Historical Society

State Review Board Regular Meeting 1953

Human Services Department

Notice of Surgical Procedures Performed on
Inpatients Which Require a Second Opinion 1953

Secretary of State

Vacancies in Multi-Member State Agencies 1954

Transportation Department

Order and Notice of Street and Highway Routes
Designated and Permitted to Carry the Gross
Weights Allowed Under Minnesota Statutes 1955

Transportation Department

List of Rights-of-Way Proposed for Acquisition 1962

STATE CONTRACTS AND ADVERTISED BIDS

Administration Department

Contracts and Requisitions Open for Bid 1963

Administration Department

Request for Proposals for Food Service Vendor for
Capitol Complex Area 1963

Corrections Department

Minnesota Correctional Facility—Oak Park Heights

Notice of Request for Proposals for Providing
Employee Physicals 1963

Human Services Department

Brainerd Regional Human Services Center

Request for Proposal for Medical Services and
Behavior Modification Services 1964

Human Services Department

Brainerd Regional Human Services Center

Request for Services of a Psychiatrist 1964

Natural Resources Department

Waters Division

Notice of Request for Proposals for Professional
Engineering Services 1964

NON-STATE PUBLIC CONTRACTS

Ramsey County

Request for Proposals for Analysis of Proposed
Renovation of American Center Building 1965

SUPREME COURT DECISIONS

Decisions Filed Friday 10 April, 1987 1966

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** also.

The **PROPOSED RULES** section contains:

- 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 Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless requested by an agency.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The **OFFICIAL NOTICES** section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the MINNESOTA RULES 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
Issues 27-38, inclusive	

MINNESOTA RULES

Amendments and Additions

VOCATIONAL TECHNICAL EDUCATION BOARD

3515.5051-.5066 (adopted emergency) 1834

ENERGY & ECONOMIC DEVELOPMENT DEPARTMENT

4300.1100; .1200; .2000; .3100; .3200 (correction) 1951

HEALTH DEPARTMENT

4615.0200 (repealed) 1887

4700.2600-.4000 (adopted) 1887

NURSING BOARD

6301.0100; 6310.2600; .2700; .2800; .2900;
.3100; .3300; .3400; .3500; .3600; .3700; .6330.0600;
.0700 (proposed) 1817

6310.2800, s.3; .7600; .7700; .7800; .7900; .8000;

.8100 (proposed repealer 7/31/87) 1817

6310.3100, s.3,4 (proposed repealer 3/31/88) 1817

6310.2900, s.6a (proposed repealer 12/31/93) 1817

LABOR & INDUSTRY DEPARTMENT

5226.0010, .0020, .0030, .0040, .0050, .0060,
.0070, .0080, .0090, .0100, .0110, .0120,
.0130, (proposed) 1913

5225.0100, .0200, .0300, .0400, .0500, .0600, .0700,
.0900, 5230.0050, .0060, .0070, .0080, .0090,
.0100 (proposed repealer) 1913

POLLUTION CONTROL AGENCY

7001.0020, .0040, .0050, .0190, .4000, .4010,

.4020, .4030, .4035, .4040, .4050, .4060, .4070,
.4080, .4090, .4110, .4120, .4130, .4140, .4150,
7035.8200, .8205, .8210, .8220, .8230, .8240, .8250, .8260, .8270,
.8280, .8290, .8300, .8400,
.8410, .8420, .8430, .8440, .8450, .8460, .8470,
.8480, .8490, .8500, .8510, .8520, .8530, .8540,
.8550, .8560, .8570, .8580, .8590, .8700,
.8710, (proposed) 1918

.7001.0150; .0520; .0590; .0600; .0620; .0650;
.0712; .0720; 7045.0200; .0075; .0080; .0102;
.0120; .0125; .0135; .0139; .0140; .0214; .0261;
.0275; .0296; .0302; .0395; .0458; .0460; .0468;
.0476; .0478; .0482; .0484; .0485; .0538; .0552;
.0556; .0584; .0588; .0638 (adopted) 1832
7045.0075, .0219, .0261, .0292, .0381 (adopted) 1950
7045.0534 s.4,5 (repealed) 1832

PUBLIC SAFETY DEPARTMENT

7406.0100; .0300; .0500; .0700 (withdrawn) 1886

TEACHING BOARD

8700.0210; .4710; .5900; .7800 (correction) 1793

HUMAN SERVICES DEPARTMENT

9525.1500-.1690 (proposed) 1862

9553.0050; .0060; .0061; .0075 (proposed) 1857

PROPOSED RULES

Pursuant to Minn. Stat. of 1984, §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Labor and Industry

Proposed Permanent Rules Relating to Occupations and Professions, Boiler Operators, High Pressure Pipefitters, Boiler Operations, High Pressure Piping Operations, Fees

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Labor and Industry, Code Enforcement Division, proposes to adopt the above-captioned rules without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 14.22-14.28 (1986).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed rules are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. 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 rules as proposed.

A public hearing will not be held regarding the adjustment of fees unless 20 percent or more of the persons who are required to pay fees under the proposed rules submit written requests for a public hearing on the proposed rules within the 30 day comment period. A public hearing will not be held regarding the rest of these rules, unless twenty-five or more persons submit written requests for public hearing on the proposed rules within the 30-day comment period. If a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes § 14.131-14.20 (1986). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes proposed.

Comments or written requests for a public hearing should be submitted to:

Ray Bohn
Commissioner, Department of Labor and Industry
5th Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

Authority for the adoption of these rules is contained in Minnesota Statutes § 183.44 (1986), § 183.545 (1986), § 326.46-50 (1986), and § 16A.128. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, identifies the data and information relied upon to support the proposed rules, and assesses the impact of the proposed rules on small businesses and local public bodies has been prepared and is available from the Commissioner, upon request, by contacting Debra Caswell at the above address, telephone number (612) 296-8184.

Upon adoption of the final rules without a public hearing, all jurisdictional documents, 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 legality and

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PROPOSED RULES

form as it relates to 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 requests to the Commissioner at the above address.

These rules are designed to consolidate Minnesota Rules 5225.0100-.0700, 5225.0900, and 5230.0050-.0100, thereby providing a single and uniform code section, setting forth fees and licensing requirements for Occupational Professions, boiler operations, boat pilots, High Pressure pipefitters, boiler operators, and High Pressure Piping Operations. The rules propose certain fee increases necessary to meet the requirements of Minnesota Statutes § 16A.128, that the fees collected be approximately equal to the amount appropriated to the agency plus support and indirect costs of the agency which are attributed to Division operations.

The Department has considered the affect upon small businesses, as required by Minnesota Statutes § 176.115 (1986), and has determined that the affect will be minimal, as the license fees apply to individuals, and the permit and inspection fees are based upon the size of hte project and amount of time required. Small businesses typically have only a few items to inspect and thus would incur a total increase of less than \$50.00 per year in most instances. The Department's position in this regard is set forth more fully in the Statement of Need and Reasonableness.

The text of the proposed rules follows this notice in the *State Register*.

One free copy of the proposed rules may be obtained by contacting Debra Caswell at the Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101.

Ray Bohn
Commissioner

Rules as Proposed (all new material)

5226.0010 APPLICATION FOR STEAM ENGINEER OR PILOT LICENSE.

A person desiring a license as a steam engineer or pilot shall make written application for it under oath, on forms prescribed by the commissioner of the Department of Labor and Industry and shall successfully complete the necessary license examination. The application must be accompanied by a corroborating affidavit of at least one employer or a steam engineer possessing not less than a first class engineer's license, or pilot, or hobby boiler operator certifying the applicant's experience as stated in the application. If affidavits are not obtainable, satisfactory evidence of the applicant's experience must be furnished. Satisfactory evidence shall include, but not be limited to, payroll data, affidavits signed by owners, and affidavits signed by coworkers possessing not less than a first class engineer's license. All affidavits required under this part must be notarized.

5226.0020 ENGINEER LICENSE AND RENEWAL FEES.

Subpart 1. **Scope.** The fees in this part apply to all classes and the related subclasses of licenses named in Minnesota Statutes, section 183.51, subdivision 1, clause (1), which come within the classes described in this part.

Subp. 2. **Engineer's license.** Examination and license fees for an engineer's license are:

- A. chief engineer, \$50;
- B. first class, \$40;
- C. second class, \$30;
- D. special, \$20;
- E. hobby, \$50; and
- F. pilot, \$50.

Subp. 3. **Renewal.** The fee for renewal of an engineer's license is:

- A. chief engineer, \$30;
- B. first class, \$25;
- C. second class, \$20;
- D. special, \$15; and
- E. pilot, \$30.

Subp. 4. **Expired license renewal.** The fee for renewal of an engineer's license that has expired is:

- A. chief engineer, \$50;
- B. first class, \$40;

- C. second class, \$30;
- D. special, \$20; and
- E. pilot, \$50.

Subp. 5. **Replacement.** The fee for replacing a lost license of any class is \$5.

Subp. 6. **Endorsement and national board examination fees.** The fees for endorsement and national board examinations are:

- A. "N" endorsement, \$50;
- B. "B" and "C" endorsements, \$50 each;
- C. Minnesota certificate of competency, \$50; and
- D. national board examination, \$100.

5226.0030 BOILER OPERATOR LICENSE: EXPIRATION AND RENEWALS.

Subpart 1. **Timing.** All licenses for engineers and pilots, unless revoked, shall be valid for one year from the date of issuance, with the privilege of renewal without examination upon application to the Code Enforcement Division and payment of a renewal fee within ten calendar days of the expiration date. The renewal license shall be given a consecutive issue number and the same monthly date as the original issue. Applications for renewal may not be presented before 30 days of the expiration date of the license. Engineers who fail to renew their licenses before the expiration of the ten days of grace provided for are subject to subparts 2 and 3.

Subp. 2. **Applications for renewal within one year of expiration date.** Licenses which expired within one year of application for renewal may be renewed without the necessity of an examination upon filing an application for renewal, accompanied by the fee required in part 5226.0020.

Subp. 3. **Applications for renewal beyond one year of expiration date.** If a license holder failed to submit an application for renewal within one year of the date of expiration of the license, renewal will not be allowed unless the applicant files the application, pays the fee required by part 5226.0020, and passes the examination required by part 5226.0010.

5226.0040 BASIC LICENSE REQUIREMENT.

No person shall have charge of or operate any steam boiler plant without a license of the class required to operate the steam boiler plant.

5226.0050 EXAMINATIONS.

Subpart 1. **Preparation of written examination.** The examination questions shall be prepared under the direction of the boiler division chief inspector. All examinations shall be written unless the applicant is unable to write, in which case the examination may be oral, provided a written record of the examination is made. Examination papers must be kept on file for at least one year.

Subp. 2. **Minimum grade.** No license of any class shall be granted to an applicant who fails to score 75 percent or better in the examination.

Subp. 3. **Effect of failure.** Applicants who fail to pass an examination are not eligible to take another examination for the same class of license within the following periods:

- A. special 30-horsepower engineer's, hobby, or pilot's license, 30 days;
- B. first or second class license, 60 days; and
- C. chief's license, 90 days.

Failure of an applicant to obtain a passing mark in an examination does not affect the status of any license previously granted, but the fee paid for the examination is not refundable.

5226.0060 PROHIBITION AGAINST FALSE STATEMENT IN APPLICATION.

A deliberately false statement in an application, or in any affidavit presented in connection with it, voids the license issued.

5226.0070 LOSS OR DESTRUCTION OF LICENSE.

Upon presentation of a sworn affidavit showing that a license has been lost, destroyed, or not received, and upon payment of a lost license fee, a substitute license may be issued.

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PROPOSED RULES

5226.0080 DISPLAY OF LICENSE.

Licenses granted shall be framed, covered by glass, and displayed in a conspicuous place in the engine or boiler room, or the pilot's station, or in a conspicuous location near the hobby or traction boiler while it is in operation.

5226.0090 INSPECTION FEES; BOILERS, PRESSURE VESSELS, AND SHOP INSPECTIONS.

Subpart 1. **Boilers.** The inspection fees for boilers are as follows:

- A. external inspection only, \$25;
- B. internal inspection, \$35;
- C. over 2,000 square feet of heating surface, \$50;
- D. over 4,000 square feet of heating surface, \$60;
- E. over 10,000 square feet of heating surface, \$80; and
- F. requiring up to one-half day to inspect, \$150.

Subp. 2. **Pressure vessels.** The inspection fees for pressure vessels are as follows:

- A. inaccessible for internal inspection, \$10; and
- B. accessible for internal inspection, \$20.

Subp. 3. **Boats.** The inspection fees for boats are as follows:

- A. under 30 feet in length, \$50;
- B. over 30 feet, but less than 40 feet, \$60;
- C. over 40 feet, but less than 50 feet, \$70; and
- D. over 50 feet, \$80.

Subp. 4. **Shop inspections.** The fees for shop inspections are as follows:

- A. inspector, one day, \$250;
- B. supervisor, one day, \$350;
- C. inspector, half day, \$150;
- D. supervisor, half day, \$200;
- E. inspector, two-hour minimum, \$75;
- F. supervisor, two-hour minimum, \$100;
- G. inspector, overtime rate, \$50 an hour; and
- H. supervisor, overtime rate, \$75 an hour.

Subp. 5. **Hobby boilers.** The inspection fee for hobby boilers or traction boilers is \$75.

Subp. 6. **Exemption certificates.** The fee for each object is \$10.

5226.0100 LICENSING AND REGISTRATION REQUIREMENT: HIGH PRESSURE PIPING.

No person, firm, corporation, or association shall engage in the business or work at the occupation of high pressure piping in Minnesota without first obtaining a license and being registered as a contracting or journeyman pipefitter. No licensed contractor shall employ a journeyman pipefitter to install high pressure piping unless the journeyman is a licensed pipefitter. No person shall work as a pipefitter's apprentice for more than ten days without being registered as such, nor longer than four years without making application for examination and license as a pipefitter.

Licenses shall be granted as contracting or journeyman pipefitters upon proof of qualification. An applicant for a contractor's license to do business in the name of a firm or partnership shall be an owner or employee of the firm or partnership. An applicant for a contractor's license to do business in the name of a corporation shall be a regular employee or member of the corporation.

5226.0110 APPLICATIONS FOR REGISTRATION AND LICENSING.

Subpart 1. **Contractor and journeyman licenses.** Application for a contractor's license and registration shall be made to the Code Enforcement Division at least 30 days before the next scheduled examination on forms provided for that purpose by the division. Application for a journeyman's license shall be filed with the division at least ten days before the next examination. The division may waive this time requirement applying to journeyman and contractor examinations upon presentation of specific facts relative to the urgency of project start-up dates. If the statements made by the applicant in the application form indicate that the applicant possesses

the necessary qualifications to take an examination, the division shall notify the applicant of the time and place of examination. If, after examination, the applicant fully qualifies, the department shall issue a license as a contracting or journeyman pipefitter for a period of one year. If an applicant fails to qualify at an examination, the division shall notify the applicant of the failure to pass.

Subp. 2. **Reexamination.** An applicant who fails to pass the examination may be reexamined upon payment of the application and license fee as provided in part 5226.0140. If an applicant for the contractor's license fails to pass the examination, the applicant shall not be permitted to take the examination again for 90 days. If an applicant for the journeyman's license fails to pass the examination, the applicant shall not be permitted to take the examination again for 60 days. No applicant will be permitted to take the examination for either class of license more than four times in any 12-month period.

5226.0120 PIPEFITTER QUALIFICATIONS.

Subpart 1. **Contractors.** An applicant for a license as a contracting pipefitter shall:

- A. be at least 21 years of age;
- B. possess sufficient education to read and comprehend blueprints, specifications and terms of contracts, and to compute the cost of installing high pressure piping and equipment;
- C. have worked at the trade of pipefitting for at least five years;
- D. be examined as to the applicant's knowledge of high pressure pipefitting, the requirements of the laws and the minimum standards for the installation of high pressure piping in Minnesota, the ability to lay out a plan of high pressure piping, and knowledge of the physics and mechanics applicable to high pressure piping;
- E. generally demonstrate to the division a level of competence and ability to properly carry on the business of a contracting and employing pipefitter in Minnesota by completing all application requirements, submitting all appropriate documentation required by Minnesota statutes, obtaining all appropriate permits as required by statute, and conforming to the requirements of statute and rules regarding use of qualified personnel;
- F. pay an examination fee; and
- G. pass the required examination by scoring at least 75 percent.

Subp. 2. **Journeyman pipefitter qualifications.** An applicant for a license as a journeyman pipefitter shall:

- A. be at least 20 years of age;
- B. possess sufficient education to read and comprehend blueprints and specifications for the installation of high pressure piping, and to lay out a plan of high pressure piping;
- C. have been a registered apprentice or worked at the trade of high pressure piping installation for at least four years. The four-year period must be the accumulation of all work performed on high pressure piping;
- D. pay an examination fee; and
- E. pass the required examination by scoring at least 75 percent.

5226.0130 EXAMINATION OF APPLICANTS FOR LICENSES.

Subpart 1. **Contents.** Examinations shall consist of written or oral questions and drawings of plans and sketches, unless the applicant is unable to write, in which case the examination may be entirely oral. All questions and sketches shall pertain to practical experience and knowledge of high pressure pipefitting and be standard, but may be changed from time to time.

Subp. 2. **Grading.** Examination papers shall be reviewed by at least two employees of the division. An average of at least 75 percent shall constitute a passing mark.

Subp. 3. **Test results.** An applicant shall be notified of the outcome of the examination after the papers have been graded. Those who failed to pass shall be informed of their right to reexamination.

5226.0140 FEES.

Subpart 1. **Timing.** Licenses for high pressure piping contractor or journeyman, unless revoked, shall be valid for one year from the date of issuance, with the privilege of renewal without examination upon application to the Code Enforcement Division and payment of a renewal fee within ten calendar days after the expiration date. The renewal license shall be given a consecutive issue

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PROPOSED RULES

number and the same monthly date as the original issue. Applications for renewal shall not be presented before 30 days of the expiration date of the license. License holders who fail to renew their licenses before the expiration of the ten days of grace are subject to subparts 2 and 3.

Subp. 2. **Applications for renewal within one year of expiration date.** Licenses that have expired within one year of application for renewal may be renewed without the necessity of an examination upon filing an application for renewal, accompanied by the fee required in this part.

Subp. 3. **Applications for renewal beyond one year of expiration date.** If a license holder has failed to submit an application for renewal within one year of the date of expiration of the license, renewal will not be allowed unless the applicant files the application, pays the fee required by this part, and passes the examination required by part 5226.0010.

Subp. 4. **Examination and licensing fees.** The fees for examination and licensure are as follows:

- A. pipefitter journeyman examination and license, \$50;
- B. renewal of journeyman license, \$30;
- C. contracting pipefitter examination and license, \$125;
- D. renewal of contracting pipefitter license, \$100;
- E. contractor bond and insurance processing, \$50; and
- F. late (expired license renewal) fees:
 - (1) contractor, \$125; and
 - (2) journeyman, \$50.

Payment of all examination and license fees must accompany the application. There will be no refund of fees paid. All licenses will expire December 31, but may be renewed upon application made the following January or February. Applications made in February will be processed only upon payment of the late fee in item F.

A temporary pipefitter license must be renewed every 12 months. An individual may not hold a temporary license for more than 36 months.

Subp. 5. **Permit to construct or install power piping systems.** A person, firm, or corporation that intends to construct or install power piping systems must file an application for a permit with the department of labor and industry or a municipality that is authorized by law to issue that type of permit. The department's fees for a permit to construct or install power piping systems are:

- A. filing fee (application for permit), \$25; and
- B. inspection fee: 0.010 of the first \$1,000,000, plus 0.0075 of the next \$2,000,000, plus 0.0005 of the next \$47,000,000, plus 0.00025 of the amount over \$50,000,000 of the cost of bids awarded for the construction or installation of the power piping systems as defined in part 5230.0260.

REPEALER. Minnesota Rules, parts 5225.0100; 5225.0200; 5225.0300; 5225.0400; 5225.0500; 5225.0600; 5225.0700; 5225.0900; 5230.0050; 5230.0060; 5230.0070; 5230.0080; 5230.0090; and 5230.0100, are repealed.

Pollution Control Agency

Proposed Permanent Rules Governing the Management of Waste Tires and the Permitting of Waste Tire Facilities

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) will hold a public hearing on the above-entitled matter at the Agency's Board Room, 520 Lafayette Road, St. Paul, commencing at 10:30 a.m. on Monday, June 8, 1987, and continuing in an evening session at the same location starting at 7:00 p.m. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA POLLUTION

PROPOSED RULES

CONTROL AGENCY. To verify whether a hearing will be held, please call Shelly Sporer, Minnesota Pollution Control Agency, between May 25, 1987 and June 5, 1987 at 612/296-7712.

The matter will be heard before Administrative Law Judge Alan Klein, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, 612/341-7609. The rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1986) and by the rules of the Office of Administrative Hearings, Minn. Rules pts. 1400.0200 to 1400.1200 (1985). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing the management of waste tires and the permitting of waste tire facilities, Minn. Rules pts. 7001.0020, 7001.0040, 7001.0050, 7001.0190, 7001.4000 to 7001.4150, and 7035.8200 to 7035.8710. The proposed rules are authorized by Minn. Stat. §§ 115A.914, subd. 1 and 116.07, subd. 4 (1986). The proposed rules are published below. One free copy of the rules is available upon request by contacting:

Shelly Sporer
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7712

The purpose of the proposed rules is to establish a regulatory program for waste tire management. The proposed rules will govern all aspects of waste tire management, including waste tire generation, transportation, collection, processing, and storage, and will provide for the administration of the Agency's waste tire facility permit program. Persons involved in the management of waste tires may be affected by the proposed rules.

The proposed rules include: amendments to the Agency's current permit rules contained in Minn. Rules pts. 7001.0010 to 7001.0210; rules that address information and administrative requirements for a waste tire collector or processor to obtain a facility permit; and technical standards for waste tire transfer, processing, and storage facilities, including emergency procedures, record keeping and reporting requirements, closure procedures, and financial assurance requirements for facility closure. The proposed rules also address the regulation of persons who generate or transport waste tires.

Questions regarding the content of the proposed rules should be directed to Shelly Sporer at the address and telephone number stated above.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Agency offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Copies of the proposed rules and the Statement of Need and Reasonableness may also be viewed at the Agency regional offices at the following locations:

Duluth Region
Duluth Government Service Center
320 West Second Street, #704
Duluth, Minnesota 55802
218/723-4660

Brainerd Region
1601 Minnesota Drive
Brainerd, Minnesota 56401
218/828-2492

Detroit Lakes Region
714 Lake Avenue
Lake Avenue Plaza, #220
Detroit Lakes, Minnesota 56501
218/847-1519

Marshall Region
RLC Building
109 South Fifth Street
Marshall, Minnesota 56258
507/537-7146

Rochester Region
2116 Campus Drive, Southeast
Rochester, Minnesota 55904
507/285-7343

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

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Agency and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The Agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Shelly Sporer at the address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

Any person may request notification of the date on which the Administrative Law Judge'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. If you desire to be so notified, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules are adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules may have an effect on small businesses which engage in the management of waste tires, by imposing requirements on persons who generate, transport, collect, process, or store waste tires. For additional information regarding possible effects, please see part VI of the Statement of Need and Reasonableness.

Please be advised that Minn. Stat. ch. 10A (1986) 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 (1986) 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 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.

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

Thomas J. Kalitowski
Executive Director

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules with a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The Agency's authority to adopt the rules is set forth in Minn. Stat. §§ 115A.914, subd. 1, and 116.07, subd. 4 (1986).

All persons have until 4:30 p.m. on May 20, 1987 to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986).

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON JUNE 8, 1987 UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA POLLUTION

CONTROL AGENCY. To verify whether a hearing will be held, please call Shelly Sporer, Minnesota Pollution Control Agency, between May 25, 1987 and June 5, 1987 at 612/296-7712.

Comments or written requests for a public hearing must be submitted to:

Shelly Sporer
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155
612/296-7712

The proposed rules may be modified if the modifications are supported by data and views submitted to the Agency and do not result in a substantial change in the proposed rules as noticed.

The proposed rules, if adopted, will impose requirements on persons who generate, transport, collect, process, or store waste tires. The proposed rules are published below. One free copy of the rules is available upon request from Shelly Sporer at the address and telephone number stated above.

The purpose of the proposed rules is to establish a regulatory program for waste tire management. The proposed rules will govern all aspects of waste tire management, including waste tire generation, transportation, collection, processing, and storage, and will provide for the administration of the Agency's waste tire facility permit program. Persons involved in the management of waste tires may be affected by the proposed rules.

The proposed rules include: amendments to the Agency's current permit rules contained in Minn. Rules pts. 7001.0010 to 7001.0210; rules that address information and administrative requirements for a waste tire collector or processor to obtain a facility permit; and technical standards for waste tire transfer, processing and storage facilities, including emergency procedures, record keeping and reporting requirements, closure procedures, and financial assurance requirements for facility closure. The proposed rules also address the regulation of persons who generate or transport waste tires.

Questions regarding the content of the proposed rules should be directed to Shelly Sporer at the address and telephone number stated above.

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 Shelly Sporer upon request.

Copies of the proposed rules and the Statement of Need and Reasonableness may also be viewed at the Agency regional offices at the following locations:

Duluth Region
Duluth Government Service Center
320 West Second Street, #704
Duluth, Minnesota 55802
218/723-4660

Brainerd Region
1601 Minnesota Drive
Brainerd, Minnesota 56401
218/828-2492

Detroit Lakes Region
714 Lake Avenue
Lake Avenue Plaza, #220
Detroit Lakes, Minnesota 56501
218/847-1519

Marshall Region
RLC Building
109 South Fifth Street
Marshall, Minnesota 56258
507/537-7146

Rochester Region
2116 Campus Drive, Southeast
Rochester, Minnesota 55904
507/285-7343

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules may have an effect on small businesses which engage in the management of waste tires, by imposing requirements on persons who generate, transport, collect, process, or store waste tires. For additional information regarding possible effects, please see part VI of the Statement of Need and Reasonableness.

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

If no hearing is required, upon adoption of the rules, the rules and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 rules, must submit the written request to Shelly Sporer.

Thomas J. Kalitowski
Executive Director

Rules as Proposed

7001.0020 SCOPE.

Except as otherwise specifically provided, parts 7001.0010 to 7001.0210 apply to the following:

A. to K. [Unchanged.]

L. An agency permit required for the collection, deposit, storage, or processing of waste tires and tire-derived products.

7001.0040 APPLICATION DEADLINES.

Subpart 1. **Application for new permit.** Except as otherwise required by parts 7001.0530 ~~and~~, 7001.1050, and 7001.4060, a permit application for a new facility or activity may be submitted at any time. However, it is recommended that the permit application be submitted at least 180 days before the planned date of the commencement of facility construction or of the activity.

Subp. 2. and 3. [Unchanged.]

7001.0050 WRITTEN APPLICATION.

A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the director a written application. The person shall submit the written application in a form prescribed by the director. The application shall contain the items listed in items A to I unless the director has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the director shall issue the exemption if the director finds that the data is unnecessary to determine whether the permit should be issued or denied. The application must contain:

A. to H. [Unchanged.]

I. other information relevant to the application as required by parts 7001.0550 to 7001.0640, 7001.1050, 7001.1215, 7001.1290, 7001.4000 to 7001.4150, or 7040.0500 and 7040.0600.

7001.0190 PROCEDURE FOR MODIFICATION; REVOCATION AND REISSUANCE; AND REVOCATION WITHOUT REISSUANCE OF PERMITS.

Subpart 1. [Unchanged.]

Subp. 2. **Modification solely as to ownership or control.** Upon obtaining the consent of the permittee, the agency shall consider a request to modify a permit as to the ownership or control of a permitted facility or activity without following the procedures in parts 7001.0100 to 7001.0130 if the agency finds that no other change in the permit is necessary. If the permit is a permit described in part 7001.0020, item A ~~or~~ B, or L, the agency shall also find that the agency has received a binding written agreement between the permittee and the proposed transferee containing a specific date for transfer of permit responsibilities and allocation of liabilities between the permittee and the proposed transferee. Within 60 days of receipt of a complete written application for modification as to ownership and control, the director shall place the matter on the agenda for consideration by the agency. The agency shall not unreasonably withhold or unreasonably delay approval of the proposed permit modification.

Subp. 3. **Minor modification.** Upon obtaining the consent of the permittee, the director may modify a permit to make the following corrections or allowances without following the procedures in parts 7001.0100 to 7001.0130:

A. and B. [Unchanged.]

C. to change a provision in the permit that will not result in allowing an actual or potential increase in the emission or discharge of a pollutant into the environment, or that will not result in a reduction of the agency's ability to monitor the permittee's compliance with applicable statutes and rules; ~~and~~

D. if applicable, to make a change as provided in parts 7001.0730, subpart 3 and 7001.1350; and

E. if applicable, to make a change as provided in part 7001.4130, subpart 2.

Subp. 4. [Unchanged.]

Rules as Proposed (all new material)**7001.4000 SCOPE.**

Except as otherwise provided, parts 7001.0010 to 7001.0210 and 7001.4000 to 7001.4150 govern the application procedures for the issuance of and the conditions relating to waste tire facility permits. Parts 7000.0100 to 7000.1100, 7001.0010 to 7001.0210, and 7001.4000 to 7001.4150 shall be construed to complement each other.

7001.4010 DEFINITIONS.

The definitions in part 7001.0010 of the agency's permitting rules, part 7035.8205 of the agency's waste tire rules, and Minnesota Statutes, section 115A.90, apply to the terms used in parts 7001.4000 to 7001.4150.

7001.4020 PERMITS.

Subpart 1. **Permit required.** Except as provided in subpart 2, no person may do any of the following without obtaining a waste tire facility permit from the agency:

- A. store, process, or dispose of waste tires or tire-derived products; or
- B. establish, construct, modify, own, or operate a waste tire facility.

Subp. 2. **Exclusions.** The following persons are not required to obtain a waste tire facility permit:

- A. a retail tire seller for the retail selling site if no more than 500 waste tires are kept on the business premises;
- B. an owner or operator of a tire retreading business for the business site if no more than 3,000 waste tires are kept on the business premises;
- C. an owner or operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 waste tires are kept on the business premises;
- D. a permitted landfill operator with less than 10,000 waste tires stored above ground at the permitted site;
- E. a person using waste tires for agricultural purposes if the waste tires are kept on the site of use. Agricultural purposes do not include the burning of waste tires; or
- F. a person conducting abatement activities under an abatement order or stipulation agreement entered into under part 7035.8020. This exemption does not exempt the person from the duty to obtain a waste tire facility permit for activities other than the abatement action.

Subp. 3. **Old waste tires.** An owner or operator of a waste tire facility is not eligible to obtain a waste tire facility permit for old waste tires located at the facility.

7001.4030 PERMIT BY RULE.

Subpart 1. **Facilities eligible.** The owner and operator of the following waste tire facilities shall be considered to have obtained a waste tire facility permit without submitting the application described in part 7001.4070 if the director has received the notification described in subpart 2:

- A. a waste tire facility used for the storage of no more than 500 waste tires at any one time if the owner or operator, at least once per year, removes all the waste tires, and the facility is in compliance with the locational requirements of part 7035.8240, subpart 2;
- B. a waste tire facility used for the processing of no more than 500 waste tires during any 30 days if the facility is in compliance with the locational requirements of part 7035.8240, subpart 2; or
- C. a waste tire facility used as a temporary location for mobile shredding or baling equipment if the equipment is located at the facility for 30 days or less, and all tire-derived products and residuals from processing are shipped from the facility within 30 days of completion of the shredding or baling operation.

Subp. 2. **Written notification.** To obtain permit by rule status, the owner and operator of a qualifying waste tire facility must submit the following information to the director. For an existing facility, the notification must be submitted within 90 days of the effective date of parts 7001.4000 to 7001.4150. For a new facility, the notification must be submitted 15 days before the operation begins. The notification must contain:

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PROPOSED RULES

- A. the name, address, and telephone number of the owner and operator of the facility; and the name, address, and telephone number of the facility;
- B. a description of the general operation of the facility, including quantities of waste tires accumulated or processed per month;
- C. a description of arrangements made to acquire fire protection services for the facility;
- D. the township, range, and section numbers of the facility; and
- E. a description of how the waste tires, tire-derived products, and residuals from processing will be disposed.

Subp. 3. **Termination of eligibility for permit by rule.** The agency shall terminate the eligibility of an owner or operator of a facility for permit by rule status after notice and opportunity for a contested case hearing or a public informational meeting if the agency finds that the facility does not qualify for permit by rule status or that the facility should be permitted to protect human health or the environment. When eligibility to be permitted under this part has been terminated, the owner and operator of the facility must apply for a waste tire facility permit under parts 7001.4000 to 7001.4150 within 90 days or close the facility in compliance with part 7035.8250 and the applicable requirements of part 7035.8260.

7001.4035 NOTIFICATION BY EXISTING FACILITIES.

Subpart 1. **Notification.** The owner or operator of an existing waste tire facility must submit a signed, written notification to the director not more than 90 days after the effective date of parts 7001.4000 to 7001.4150. The written notification must include:

- A. the name, address, and telephone number of the owner and operator of the facility; and the name, address, and telephone number of the facility;
- B. a description of the facility and the type of operation, the maximum storage or processing capacity, and where the waste tires and tire-derived products are stored;
- C. the approximate quantity and type of waste tires, designating passenger, truck, heavy equipment, or off-the-road tires, and tire-derived products stored on the site;
- D. the township, range, and section numbers of the facility, and the zoning classification of the land; and
- E. a statement indicating the intent of the owner or operator to continue to accept waste tires at the facility and to apply for a waste tire facility permit or to close the facility in compliance with parts 7035.8250 and 7035.8260.

Subp. 2. **Certification of written notification.** The owner or operator of a waste tire facility must sign the written notification and shall make the following certification: "I certify under penalty of law that this written notification was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

Subp. 3. **Closure.** The owner or operator of an existing waste tire facility who has specified in the written notification an intent to close the facility, or who does not qualify for provisional status under part 7001.4040, must close the facility in accordance with parts 7035.8250 and 7035.8260.

Subp. 4. **Submittal of closure plan.** The owner or operator of an existing waste tire facility required to close under subpart 3 must submit to the director a closure plan in accordance with part 7035.8250 no later than 60 days after the date of receipt of a written request from the director for submission of the closure plan.

Subp. 5. **Compliance with standards.** The owner or operator of an existing waste tire facility must comply with the requirements specified in items A to C during the period from 90 days after the effective date of parts 7001.4000 to 7001.4150 until a permit is issued by the agency or closure is completed in compliance with parts 7035.8250 and 7035.8260, whichever occurs first.

- A. Processes at the facility must be limited to those specified in the written notification.
- B. Any waste tires accepted at the facility after the effective date of parts 7001.4000 to 7001.4150 must be stored in a new storage area according to the locational requirements of part 7035.8240, subpart 2, and the storage requirements of part 7035.8240, subpart 3, items D, F, and G.
- C. Compliance with the financial assurance requirements of parts 7035.8400 to 7035.8590 must be maintained.

7001.4040 PROVISIONAL STATUS.

Subpart 1. **Scope.** The owner or operator of a waste tire facility that qualifies for provisional status shall be considered to have fulfilled the requirement to obtain a permit so long as provisional status is maintained. When requested by the director, the owner and operator of a facility with provisional status shall submit a permit application within the time period specified in part 7001.4060.

Subp. 2. **Qualifying for provisional status.** To qualify for provisional status, an owner or operator of an existing waste tire facility

shall submit the notification required under part 7001.4035. However, the notification must contain the information required by this subpart. During the period after the submission of the written notification to the director and until a permit is issued by the agency or closure is completed in compliance with parts 7035.8250 and 7035.8260, the owner or operator of an existing facility shall be considered to be in compliance with the requirement to obtain a permit and shall be considered to have provisional status. The written notification shall include:

A. the information required under part 7001.4035, subpart 1;

B. documentation that the facility is in compliance with the locational requirements of part 7035.8240, subpart 2. For existing facilities located in a 100-year floodplain, a plan meeting the requirements of part 7001.4070, subpart 6, must be submitted with the notification; and

C. documentation verifying that the owner or operator of the facility has informed the local fire protection agency of the facility's location, and describing the arrangements that have been made to immediately acquire fire protection services for the facility, if needed.

Subp. 3. Termination of provisional status by permitting or closure. Provisional status shall terminate when a permit is issued or when the director verifies that closure is complete.

Subp. 4. Termination of provisional status for cause. The following constitute justification for the director to commence proceedings to terminate provisional status:

A. the director discovers that the owner or operator of the facility has failed to fully disclose all the information required under subpart 2 or has submitted false or misleading information to the agency or the director;

B. the facility is not in compliance with the locational standards of part 7035.8240, subpart 2;

C. the facility is not in compliance with any of the standards established in part 7001.4035, subpart 5;

D. the director has requested that the owner and operator of the facility submit a permit application and the owner and operator of the facility have failed to submit an application within the time period allowed; or

E. the director discovers that the facility threatens human health or the environment due to the activities conducted at the facility.

7001.4050 DESIGNATION OF PERMITTEE.

The agency shall designate all facility owners and operators of the waste tire facility as co-permittees when issuing a waste tire facility permit.

7001.4060 WASTE TIRE FACILITY PERMIT APPLICATION PROCEDURES.

Subpart 1. Form. The application for a waste tire facility permit consists of a general application, which includes the appropriate supporting documents, maps, and additional application information specific to the facility that is the subject of the application. The content requirements of the general permit application are set forth in part 7001.4070. The additional application information requirements specific to the facility type are set forth in parts 7001.4080, 7001.4090, and 7001.4100, and must be submitted with the general permit application.

Subp. 2. Copies required. An applicant for a waste tire facility permit shall submit four copies of the complete permit application to the director.

Subp. 3. Time of submittal. A person shall submit a permit application for a new or existing waste tire facility or for reissuance of an existing permit for a facility in accordance with items A to C.

A. For a new facility, a person shall submit a permit application at least 180 days before the planned date of the beginning of facility construction or the planned activity, whichever is earlier.

B. For an existing facility, the owner or operator may submit a permit application at any time after the effective date of parts 7001.4000 to 7001.4150, except that upon the written request of the director for submission of a permit application, the owner or operator shall submit a permit application no later than 90 days after the date of receipt of the director's request.

C. For the reissuance of an existing permit, part 7001.0040, subpart 3, governs the submittal of an application except that if the applicant receives the written approval of the director, the applicant may submit an application to the agency for reissuance of an existing permit less than 180 days before the expiration of the existing permit.

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PROPOSED RULES

Subp. 4. **Certification of permit applications and permit reports.** A person who signs an application for a waste tire facility permit, or any portion of it, or any report required by a permit to be submitted to the director or to the agency, shall make the certification required by part 7001.0070. If required by Minnesota Statutes, section 326.03, an engineer registered in the state shall certify all technical documents required to be submitted as part of a permit application or by permit conditions.

7001.4070 GENERAL INFORMATION REQUIREMENTS FOR A PERMIT APPLICATION.

Subpart 1. **Scope.** The information required by this part and the applicable provisions of part 7001.4080, 7001.4090, or 7001.4100, must be submitted for both new and existing waste tire facilities. The information in the permit application must address both existing and proposed operations, structures, and conditions. If a provision does not apply to the particular facility, the applicant must note this on the application.

Subp. 2. **General facility information.** The application shall contain the information in part 7001.0050, except item G, and shall indicate whether the facility to be permitted is new or existing, and whether the application is an initial or amended application.

Subp. 3. **Description of facility operation.** The application shall describe the location and operation of the facility. The application shall, at a minimum, include a description of the following:

- A. the type of facility operation, the manner in which waste tires will be collected at the facility, and how those waste tires will be stored, processed, or used;
- B. the maximum quantity and type of waste tires to be stored on the site at any time, specifying the quantity and type of waste tires stored on the site currently and the storage capacity of the facility;
- C. the facility's ability to meet the storage requirements of part 7035.8240, subpart 3, items D, F, and G;
- D. the present use of the land at the site of the facility and of the land within a one-quarter mile radius of the facility, identifying the landowners and their addresses, and zoning designations;
- E. the access to the site by roads, including weight or other use restrictions;
- F. surface water drainage, the slope of the land, and soil composition;
- G. the location of the facility and whether that location complies with the restrictions established in part 7035.8240, subpart 2;
- H. the types, sizes, conditions, and availability of equipment needed for operation and emergency response at the facility, and the functions of each piece of equipment described;
- I. the security procedures and the location of fences, gates, and other access control measures;
- J. the relationship of the facility to the applicable county solid waste management plan, and the area to be served by the facility; and
- K. the expected operating life of the facility and how this number was calculated.

Subp. 4. **Topographic map.** The topographic map submitted as part of the general facility information required by subpart 2 shall show the facility and the area surrounding the facility for a distance of at least 1,320 feet using a scale of one inch equals 200 feet, and shall show, at a minimum, the following:

- A. the date the map was prepared;
- B. the map scale and directions;
- C. wetlands, floodplains, shorelands, and surface waters, including permanent and intermittent streams and wetlands;
- D. legal boundaries and land ownership, including county, township, and municipal boundaries; and township, range, and section numbers; and easements and rights-of-way;
- E. the locations of wells, both operating and abandoned;
- F. occupied dwellings; and
- G. contours that show the pattern of surface water flow in and adjacent to the facility.

Subp. 5. **Development map.** A development map shall be submitted with the application. This map shall show the waste tire facility in detail. At a minimum, the development map shall show the following:

- A. the facility design and the location of all waste tire storage areas and fire lanes;
- B. all structures and buildings at the facility, including those used in collection, storage, or processing operations;
- C. loading and unloading areas;
- D. access and internal roads;

E. run-off control measures, ditches, and dikes;

F. the location of the area used for collection, storage, or processing of waste tires, tire-derived products, and residuals from processing; and the total land area in square feet used for storage of waste tires, tire-derived products, and residuals from processing; and

G. the location of water supplies.

Subp. 6. **Floodplains.** If the facility is located within a 100-year floodplain, the application must describe the procedures that the applicant will follow to remove waste tires and tire-derived products to safety before the facility is flooded. The following information must, at a minimum, be included:

A. the timing of the removal relative to flood levels, showing that removal can be completed before floodwaters reach the facility;

B. the location of the facility or facilities to which the waste tires and tire-derived products will be moved and information indicating that these facilities will be able to receive waste tires and tire-derived products in accordance with parts 7001.4000 to 7001.4150, and parts 7035.8200 to 7035.8710; and

C. the planned procedures, equipment, and personnel to be used and how these resources will be made available when needed.

Subp. 7. **Closure.** The application shall include an estimate of the cost of closing the facility. This estimate shall be prepared following the procedures in part 7035.8430. The application shall also include a copy of the financial assurance mechanism required by part 7035.8420, and the closure plan required by part 7035.8250.

7001.4080 ADDITIONAL APPLICATION INFORMATION REQUIRED FOR WASTE TIRE TRANSFER FACILITIES.

The application for a waste tire transfer facility must include the following information in addition to the information required by part 7001.4070:

A. the types of vehicles intended to use the facility;

B. information on how the accumulation of waste tires at the transfer facility will be controlled so that no more than 10,000 passenger tires or the equivalent weight of other waste tires shall be present at the transfer facility at any time;

C. information on the type of storage that will be present at the facility, designating drop boxes, containers, trailers, or stockpiles; and

D. information on size, capacity, and volume of drop boxes, containers, and trailers to be maintained at the facility.

7001.4090 ADDITIONAL APPLICATION INFORMATION REQUIRED FOR WASTE TIRE PROCESSING FACILITIES.

The application for a waste tire processing facility must include the following information in addition to the information required by part 7001.4070:

A. the maximum quantity and type of tire-derived products and residuals from processing to be stored on the site at any time, specifying the quantity and type of tire-derived products and residuals from processing stored on the site currently and how they are being stored;

B. a description of the processes and procedures used at the facility for processing waste tires;

C. the processing capacity of the facility, and the number of tons of waste tires currently being processed;

D. a description of how the facility will comply with the 75 percent annual processing requirement of part 7035.8270, subpart 3, item B;

E. a description of how residuals from processing will be disposed;

F. the existing and proposed markets for the facility's tire-derived products; and

G. a copy of the emergency preparedness manual required by part 7035.8280, subpart 3.

7001.4100 ADDITIONAL APPLICATION INFORMATION REQUIRED FOR WASTE TIRE STORAGE FACILITIES.

Subpart 1. **General information.** The application for a waste tire storage facility must include the following information in addition to the information required by part 7001.4070:

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PROPOSED RULES

A. the procedures that will be used at the facility to minimize or prevent mosquito and rodent breeding in the waste tire stockpiles;

B. a copy of the emergency preparedness manual required by part 7035.8290, subpart 2;

C. a copy of the contingency plan required by part 7035.8290, subpart 5; and

D. information on how the accumulation of waste tires at the waste tire storage facility will be controlled so that no more than 500,000 passenger tires or the equivalent weight of other waste tires are ever stored at the facility.

Subp. 2. Tire pile limitation exemption. The owner or operator of a waste tire storage facility who seeks to obtain an exemption from the waste tire pile size or fire lane requirements established in part 7035.8240, subpart 3, items F and G, must demonstrate that compliance with the standards is not technically feasible and that alternative methods can be successfully used to reduce the danger of fires at the facility. The request for an exemption from either requirement shall accompany the permit application, and shall include the following information:

A. a statement of the reason compliance with the requirement cannot be achieved at the facility;

B. the proposed alternative methods for controlling the spread of fire at the facility; and

C. a statement from the fire marshal that the alternative methods have been approved for use at the facility.

If the director finds, based on the information submitted, that compliance with the standards is not technically feasible and that alternative methods can be successfully employed to reduce the danger of fires at the facility, the director shall issue a permit that specifies waste tire pile size and fire lane requirements that reduce to the maximum extent any danger from fire at the facility.

7001.4110 PUBLIC NOTICE OF PRELIMINARY DETERMINATION AND DRAFT PERMIT; PUBLIC COMMENTS.

In addition to the requirements of part 7001.0100, subpart 5, relating to the distribution of the public notice, the director shall mail a copy of the public notice to the governing body of each county and city or township that has jurisdiction over the waste tire facility.

7001.4120 TERMS AND CONDITIONS OF WASTE TIRE FACILITY PERMITS.

In addition to the terms and conditions in part 7001.0150, each draft and final waste tire facility permit shall require compliance with parts 7035.8200 to 7035.8710, unless an exemption is permitted under part 7001.4100, subpart 2.

7001.4130 MODIFICATION OF PERMITS; REVOCATION AND REISSUANCE OF PERMITS.

Subpart 1. Scope. In addition to the provisions of parts 7001.0170, 7001.0180, and 7001.0190, this part governs the modification, revocation, and reissuance of waste tire facility permits.

Subp. 2. Minor modifications. In addition to the authority to modify a permit under part 7001.0190, subparts 2 and 3, upon obtaining the consent of the permittee, the director shall have the authority, without following the procedures in parts 7001.0100 to 7001.0130:

A. to modify a permit to change an interim compliance date in a schedule of compliance provided the new date does not interfere with the attainment of the final compliance date; and

B. to amend the closure plan, emergency preparedness manual, or contingency plan for a waste tire facility.

7001.4140 INTERACTION OF PERMIT AND ABATEMENT RULES.

If a tire collector wishes to obtain an agency permit for a site that is the subject of an abatement action, the tire collector must notify the director of this intent within 90 days of the effective date of parts 7001.4000 to 7001.4150 or at the time the abatement plan is submitted, whichever is later, and agree to develop a plan for bringing the site into compliance with the technical rules for waste tire transfer, processing, or storage facilities. This shall not exempt the owner or operator of a facility that is the subject of an abatement action from the duty to obtain a permit by following the procedures established in parts 7001.4000 to 7001.4150 for activities other than the abatement action.

7001.4150 TRANSPORTER APPLICATION REQUIREMENTS.

Subpart 1. Scope. A person required to obtain an agency waste tire transporter identification number under part 7035.8710, subpart 3, must follow the procedures established in subpart 2.

Subp. 2. Application. To obtain an agency waste tire transporter identification number and approval to transport waste tires, a transporter shall submit a written application to the director. For a transporter currently transporting waste tires, the application must be submitted not more than 30 days after the effective date of parts 7001.4000 to 7001.4150. For a new transporter, the application must be submitted 15 days before the transporter begins transporting waste tires. The application must contain the following information:

A. the name, address, and telephone number of the person who will be transporting waste tires. If a company will be

transporting waste tires, the name, address, and telephone number of the officers of the company must be submitted, along with an identification of the number of drivers that will be transporting tires for the company;

B. the geographical area that will be served;

C. the type of vehicle(s) or trailer(s) or both vehicle(s) and trailer(s) that will be used, the license number(s), and registered vehicle owner(s);

D. where the waste tires will be collected, and where delivered or deposited; and

E. an estimate of the quantity and type of waste tires that will be collected quarterly.

WASTE TIRE FACILITY STANDARDS

7035.8200 SCOPE.

Parts 7035.8200 to 7035.8590 apply to owners and operators of waste tire facilities except those who are exempt from the requirement to obtain a waste tire facility permit under part 7001.4020 or are permitted by rule under part 7001.4030. Parts 7035.8700 to 7035.8710 apply to persons who generate or transport waste tires.

7035.8205 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7035.8200 to 7035.8710 and parts 7001.4000 to 7001.4150, the terms in subparts 2 to 28 have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Closure.** "Closure" means the removal of all stockpiles of waste tires and other materials from the waste tire facility in compliance with the procedures established by statute, rule, or permit.

Subp. 4. **Director.** "Director" means the executive director of the Minnesota Pollution Control Agency.

Subp. 5. **Existing waste tire facility.** "Existing waste tire facility" means a waste tire facility which has received waste tires after November 21, 1985, and which is in existence on the effective date of parts 7035.8200 to 7035.8710.

Subp. 6. **Floodplain.** "Floodplain" means any land area that is subject to a one percent or greater chance of flooding in any given year from any source.

Subp. 7. **New waste tires.** "New waste tires" means waste tires accumulated at a waste tire facility after November 21, 1985.

Subp. 8. **Old waste tires.** "Old waste tires" means waste tires accumulated at a waste tire facility before November 21, 1985.

Subp. 9. **Operator.** "Operator" means the person responsible for the overall operation of the waste tire facility. An operator is a tire collector or tire processor as defined in Minnesota Statutes, section 115A.90, subdivisions 8 and 10 respectively.

Subp. 10. **Owner.** "Owner" means a person who owns, in whole or in part, a waste tire facility, the waste tires located at a facility, or the land on which the facility is located.

Subp. 11. **Person.** "Person" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 5.

Subp. 12. **Processing.** "Processing" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 6.

Subp. 13. **Ravine.** "Ravine" means a deep, narrow cleft or gorge in the earth's surface. A ravine cannot be smoothed out by ordinary tillage.

Subp. 14. **Residuals from processing.** "Residuals from processing" means the unusable material resulting from any chemical or physical processing of waste tires.

Subp. 15. **Shoreland.** "Shoreland" means land located within 1,000 feet from the normal high water mark of a lake, pond, or flowage, or land within 300 feet of a river or stream, or a floodplain as established by ordinance.

Subp. 16. **Sinkhole.** "Sinkhole" means a closed depression formed by subsidence of the underlying bedrock.

Subp. 17. **Tire.** "Tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 7.

Subp. 18. **Tire collector.** "Tire collector" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 8.

Subp. 19. **Tire-derived products.** "Tire-derived products" means usable materials produced from the chemical or physical processing of a waste tire.

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PROPOSED RULES

Subp. 20. **Tire dump.** "Tire dump" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 9.

Subp. 21. **Tire processor.** "Tire processor" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 10.

Subp. 22. **Transporter.** "Transporter" means a person who removes waste tires from a source of generation, a tire dump, or a waste tire facility, and who has received an agency waste tire transporter identification number.

Subp. 23. **Waste tire.** "Waste tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 11.

Subp. 24. **Waste tire facility or facility.** "Waste tire facility" or "facility" means any area where waste tires, including tire-derived products, are collected, deposited, stored, or processed. The incidental storage of tire-derived products at the site of final utilization or tire-derived oil at a refinery does not make the site a waste tire facility.

Subp. 25. **Waste tire processing facility.** "Waste tire processing facility" means any area where tires or tire-derived products are processed. A waste tire processing facility must meet the qualifications in part 7035.8270.

Subp. 26. **Waste tire storage facility.** "Waste tire storage facility" means any area where waste tires, or tire-derived products, are collected, deposited, or stored. A waste tire storage facility is a facility which does not meet the qualifications for regulation as a waste tire transfer facility or a waste tire processing facility.

Subp. 27. **Waste tire transfer facility.** "Waste tire transfer facility" means any area where waste tires are concentrated for transport to waste tire processing facilities. A waste tire transfer facility must meet the qualifications in part 7035.8270.

Subp. 28. **Wetland.** "Wetland" means any area that is covered by standing water during any portion of a year. Wetland includes, but is not limited to, wetlands as defined in Classification of Wetlands and Deep Water Habitats of the United States, 1979. This publication was issued by the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20402. This publication is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota. This publication is incorporated into this definition by reference and is not subject to frequent change.

7035.8210 LAND DISPOSAL PROHIBITED.

Disposal of waste tires and tire-derived products in landfills is prohibited.

7035.8220 PERMIT REQUIRED.

An agency permit is required to establish, construct, modify, own, or operate a waste tire facility, unless that facility is exempt from the requirement to obtain a permit by statute or rule. The procedures that must be followed to obtain an agency permit, and the facilities that are exempt from the requirement to obtain an agency permit, are set out in parts 7001.4000 to 7001.4150.

7035.8230 RULE CONFLICTS.

Nothing in parts 7035.8200 to 7035.8710 shall relieve any person from obligations or duties imposed by any other laws, statutes, rules, standards, or ordinances of the federal, state, or local governments or any agency thereof now in effect or which become effective in the future. In the event parts 7035.8200 to 7035.8710 conflict with any such laws, statutes, rules, standards, or ordinances, the more stringent provisions shall apply.

7035.8240 GENERAL STANDARDS FOR PERMITTED FACILITIES.

Subpart 1. **Scope.** All permitted waste tire facilities must comply with the technical and operational standards in this part. In addition to the requirements in this part, each permitted facility must comply with requirements specific to the operation conducted at the facility and any special conditions established in a permit. Part 7035.8270 establishes qualifications for regulation as a waste tire transfer or processing facility. Facilities that do not meet the standards for regulation as a waste tire transfer or processing facility are subject to regulation as a waste tire storage facility and must comply with the standards of part 7035.8290.

Subp. 2. **Location of facility.** A waste tire facility shall not be constructed or operated in a wetland, sinkhole, shoreland, ravine, 100-year floodplain, or any area where it may be subjected to immersion in water. An existing facility may be located in a 100-year floodplain if the owner or operator submits to the director a plan meeting the requirements of part 7001.4070, subpart 6, with the permit application.

Subp. 3. **Operation.** A waste tire facility shall be operated in compliance with the following standards:

A. No operations involving the use of open flames, blow torches, or highly flammable substances shall be conducted within 50 feet of a waste tire pile.

B. An approach and access road to the waste tire facility shall be maintained passable for any vehicle at all times. Access to the facility shall be strictly controlled through the use of fences, gates, or other means of controlling access.

C. An attendant shall be present at all times the waste tire facility is open for business.

D. A waste tire storage area shall be designated. Only waste tires and tire-derived products may be stored in the designated waste tire storage area. This area must be maintained free of vegetation.

E. Waste tires stored indoors shall be stored under conditions that meet or exceed those in The Standard for Storage of Rubber Tires, NFPA 231D-1980 edition, written by the NFPA Committee on Standards for Rubber Tires, adopted by the National Fire Protection Association and published by the NFPA Standards Council (Dec. 18, 1980), San Diego, California. This publication is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota; the Office of Public Safety, Fire Marshal Division; or any local fire department. This publication is incorporated by reference and is not subject to frequent change.

F. No waste tire pile shall have an area greater than 10,000 square feet or a vertical height greater than 20 feet, except as established in the permit as provided in part 7001.4100, subpart 2.

G. A 50-foot fire lane shall be placed around the perimeter of each waste tire pile, except as established in the permit as provided in part 7001.4100, subpart 2. Access to the fire lane for emergency vehicles must be unobstructed at all times. The fire lane shall be maintained free of rubbish and vegetation at all times.

H. All tire piles shall be maintained free of mosquitoes, through spraying or removal of water ponded in the waste tires.

I. All tire piles shall be maintained free of rodents.

J. Surface water drainage must be diverted around and away from the waste tire storage area.

Subp. 4. Transfer of ownership or operation. The permittee of a waste tire facility shall notify the director before transferring ownership or operation of a facility during its operating life. The permittee must also notify the new owner or operator in writing of the requirements of parts 7035.8200 to 7035.8710 and existing permit conditions. The requirements of parts 7035.8200 to 7035.8710 are transferred to the new owner or operator immediately upon the transfer of ownership or operation of the facility. A permittee's failure to notify the new owner or operator of these requirements does not relieve the new owner or operator of the obligation to comply with parts 7035.8200 to 7035.8710. No ownership or operation transfer may occur without a permit modification as required in part 7001.0190, subpart 2. The facility must be in compliance with all agency rules before transfer of the permit shall be approved.

Subp. 5. Annual report. A permittee of a waste tire facility shall submit a report containing the following information to the director annually, on March 1 of each year:

A. the facility name, address, and permit number;

B. the year covered by the report;

C. the total quantity and type of waste tires or weight of tire-derived products received at the facility during the year covered by the report;

D. the total quantity and type of waste tires or weight of tire-derived products shipped from the facility during the year covered by the report;

E. the total quantity and type of waste tires and weight of tire-derived products located at the facility on the date of reporting;

F. for all waste tires and tire-derived products shipped from the facility, the name and agency waste tire transporter identification number of the transporter who accepted the waste tires or tire-derived products for transport, and the quantity of waste tires or volume of tire-derived products shipped with that transporter. If the waste tires were shipped with a person who is not a waste tire transporter, the number of tires shipped, the person's name and telephone number, and the place where the tires were deposited should be noted;

G. for all waste tires and tire-derived products received at the facility, the name and agency waste tire transporter identification number of the transporter who delivered the waste tires or tire-derived products to the facility, and the quantity of waste tires or volume of tire-derived products received from that transporter. If the waste tires were delivered by a person who is not a waste tire transporter, the number of tires delivered, and the person's name and telephone number should be noted;

H. for all waste tires removed for recapping, the quantity and type removed, and the name and location of the recapping facility receiving the tires; and

I. the most recent closure cost estimate prepared using the criteria in part 7035.8430.

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PROPOSED RULES

7035.8250 CLOSURE.

Subpart 1. **Closure conditions.** The owner or operator of a waste tire facility must cease to accept waste tires and must immediately close the facility in compliance with any special closure conditions established in the permit, this part, and part 7035.8260, if:

- A. the owner or operator declares the facility closed;
- B. the owner or operator fails to provide alternate financial assurance and obtain written approval of the financial assurance from the director within the specified time period as required by parts 7035.8400 to 7035.8590;
- C. the agency permit for a facility expires and renewal of the permit is not applied for, or is applied for and denied;
- D. the agency permit for the facility is revoked without reissuance;
- E. an agency order to cease operations is issued;
- F. an agency stipulation agreement specifies closure is to begin; or
- G. the owner or operator of a permitted facility has failed to receive and ship waste tires for a continuous six-month period.

Subp. 2. **Submittal of closure plan.** The owner or operator of a waste tire facility shall submit to the director a closure plan with the permit application, upon request of the director, or as required by an order or stipulation agreement. The director shall approve the closure plan as part of the permit issuance procedure or as part of a submittal required by a stipulation agreement, or other enforcement action. Compliance with the approved closure plan shall be made a condition of any permit, order, or stipulation agreement. No closure plan shall be approved unless the closure plan is consistent with this part, and the applicable closure requirements of part 7035.8260.

Subp. 3. **Contents of closure plan.** A copy of the approved closure plan and all revisions to the plan must be kept at the facility until closure is completed and verified by the director. To be approved, a closure plan must identify steps needed to close the facility at any point during its intended operating life and to close the facility completely at the end of its operating life. The closure plan must include:

- A. a description of the facility's operation, including the maximum inventory of waste tires and tire-derived products that will be collected at the facility at any time during the operating life of the facility;
- B. when or under what circumstances the facility will close;
- C. how all waste tires and tire-derived products will be removed from the facility upon closure, and what end-use is planned for the waste tires and tire-derived products;
- D. an estimate of the cost of closing the facility, including an itemized breakdown of the cost of transportation, tipping fees, and labor associated with closure of the facility; and
- E. a schedule for the applicable closure procedures of part 7035.8260, including the time period for completing the closure procedures.

Subp. 4. **Amendment of plan.** The owner or operator may amend the closure plan at any time during the life of the facility. Any amendments to the closure plan must be submitted to and approved by the director before they become effective. The owner or operator must amend the closure plan and submit the amended plan to the director for approval whenever changes in the operating plan or facility design affect the closure procedures required, or whenever the expected year of closure changes.

7035.8260 CLOSURE PROCEDURES.

Subpart 1. **Time for completion of closure.** Within 90 days after closure of the facility must begin under part 7035.8250, the owner or operator of a waste tire facility shall complete the closure activities of this part. Additional procedures shall be completed as specified in the facility's approved closure plan. For waste tire processing or waste tire storage facilities, the director may approve a longer, specified period of time for completing the procedures set out in this part, provided the owner or operator demonstrates that all steps have been and will continue to be taken to minimize threats to human health, natural resources, and the environment, and the activities required by this part will take longer than 90 days to complete.

Subp. 2. **Closure procedures.** If the conditions of part 7035.8250, subpart 1 exist, the owner or operator must:

- A. close public access to the facility;
- B. post a gate notice indicating to the public that the facility is closed and indicating the nearest facility where tires can be deposited;
- C. notify the agency, local units of government, local land use authorities, and fire and health authorities of the closing of the facility;

D. remove all solid waste to a permitted solid waste facility;

E. remove all waste tires to a waste tire processing facility that has a permit or provisional status. If a waste tire processing facility is not available to accept the waste tires, the director shall approve shipment of the waste tires to a waste tire storage or transfer facility willing and able to accept the waste tires;

F. remove all tire-derived products to a market; and

G. notify the director when the closure activities are completed.

Subp. 3. **Certification of closure.** After receiving certification from the owner or operator of the facility that the closure procedures have been completed in accordance with subpart 2, the director shall inspect the facility site. If all procedures have been correctly completed, the director shall verify that the facility has been closed in compliance with parts 7035.8200 to 7035.8710, and that all duties established by parts 7035.8200 to 7035.8710, and by the facility permit, have been discharged.

7035.8270 QUALIFICATIONS FOR REGULATION AS A PERMITTED WASTE TIRE TRANSFER OR WASTE TIRE PROCESSING FACILITY.

Subpart 1. **Scope.** This part sets out the qualifications for regulation as a permitted waste tire transfer facility or waste tire processing facility. Facilities that do not meet the standards for regulation as a waste tire transfer or processing facility shall be subject to regulation as a waste tire storage facility.

Subp. 2. **Waste tire transfer facility qualifications.** To qualify for regulation as a permitted waste tire transfer facility, the following standards must be met:

A. Waste tires stored at the facility shall be limited to 10,000 passenger tires or the equivalent weight of other waste tires.

B. All waste tires received at the facility shall be transported to a permitted waste tire processing facility at least twice annually or as otherwise provided in the facility's waste tire transfer facility permit as necessary to protect human health, natural resources, or the environment.

Subp. 3. **Waste tire processing facility qualifications.** To qualify for regulation as a permitted waste tire processing facility, the following standards must be met:

A. Waste tires stored shall be limited to one waste tire pile meeting the limits in part 7035.8240, subpart 3, item F, of the general facility standards, which is approximately 70,000 passenger tires.

B. At least 75 percent of the waste tires and tire-derived products must be processed and removed from the waste tire processing facility during a calendar year. This 75 percent annual processing requirement applies to all waste tires and tire-derived products received or produced by the facility during a calendar year. Compliance with the 75 percent annual processing requirement is determined based on the amount of waste tires and tire-derived products that are at the facility at the beginning of the calendar year, that are received or produced at the facility during the calendar year, and that remain at the facility at the end of the calendar year. The volume of waste tires and tire-derived products processed shall be calculated based on weight. This requirement shall not apply to facilities that have a waste tire storage facility permit, or that have received from the director, through the petitioning process established in part 7035.8300, an exemption from the 75 percent annual processing requirement.

7035.8280 WASTE TIRE PROCESSING FACILITY STANDARDS.

Subpart 1. **Scope.** This part sets out the standards that shall be applied to the operation of a permitted waste tire processing facility in addition to the general standards in part 7035.8240. To qualify for regulation as a waste tire processing facility, the standards in part 7035.8270 must be met.

Subp. 2. **Emergency preparedness.** Equipment for communications and the control of fires shall be provided and maintained at the waste tire processing facility at all times. Arrangements to acquire police and fire protection services for the waste tire processing facility shall be made with local police and fire protection authorities.

Subp. 3. **Emergency preparedness manual.** The permittee of the waste tire processing facility shall maintain an emergency preparedness manual at the facility. This manual shall be submitted to the director with the permit application. Once approved, the manual shall become part of the permit. This manual shall be updated if a change in the operations of the waste tire processing facility occurs, or if the director requires an update. This emergency preparedness manual must, at a minimum, contain:

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PROPOSED RULES

A. a list of names and telephone numbers of persons to be contacted in the event of a fire, flood, or other emergency involving the waste tire processing facility;

B. a list of the emergency response equipment present at the waste tire processing facility or available for use at the facility, the location of the equipment, and how it should be used in the event of a fire or other emergency;

C. an assessment of the possible hazards to human health and the environment should an emergency occur;

D. the procedures to be followed by facility personnel from discovery of an emergency until the situation is corrected, including the measures that will be taken to minimize the occurrence, recurrence, or spread of fires, explosions, and releases;

E. the locations of known water supplies, fire hydrants, dry-chemical extinguishers, or other materials that may be used for fire fighting purposes; and

F. additional relevant information.

No emergency preparedness manual shall be approved unless the permittee demonstrates that arrangements to acquire police and fire protection services for the waste tire processing facility have been made.

Subp. 4. Emergency procedures. The permittee of the waste tire processing facility shall implement the emergency procedures of subpart 3, item D, in the event of a fire or other emergency.

Subp. 5. Emergency notification and reports. The permittee of the waste tire processing facility shall immediately notify the director in the event of a fire or other emergency with potential off-site impacts. Within one week of correcting an emergency situation at the waste tire processing facility, the permittee of the facility shall submit to the director a report on the emergency. This report shall set out the type of emergency, the date and time of the emergency, the origins of the emergency, the actions that were taken to respond to the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions.

Subp. 6. Market information. In addition to the information to be included in the annual report required under the general facility standards of part 7035.8240, subpart 5, the permittee of a waste tire processing facility shall include a list of markets for the product of the processing operation, and the form and quantity of the product shipped to the markets. The permittee of a waste tire processing facility shall also report on the quantity of residuals from processing produced at the facility, and how and where those residuals were disposed.

7035.8290 WASTE TIRE STORAGE FACILITY STANDARDS.

Subpart 1. Scope. This part sets out the standards that shall be applied to the operation of a permitted waste tire storage facility in addition to the general standards in part 7035.8240. A waste tire facility that cannot qualify for regulation as a waste tire transfer facility or as a waste tire processing facility shall comply with the standards in this part.

Subp. 2. Emergency preparedness standards. Waste tire storage facilities shall comply with the emergency preparedness standards for waste tire processing facilities in part 7035.8280, subparts 2 to 5.

Subp. 3. Storage limitation. No waste tire storage facility shall store more than 500,000 passenger tires or the equivalent weight of other waste tires or tire-derived products at any time.

Subp. 4. Additional information. In addition to the information required to be submitted in the annual report required under the general facility standards of part 7035.8240, subpart 5, the permittee of the waste tire storage facility shall submit:

A. information on the procedures used at the facility to minimize or prevent mosquito breeding and rodent infestation, including the dates when mosquito or rodent control operations were conducted; and

B. reports that identify all incidents that required implementing the contingency plan of subpart 5. The report must contain a description of the actions that have been taken to minimize hazards to human health and the environment since the emergency occurred, and what actions will be taken to continue to correct the emergency if the emergency has not been corrected.

Subp. 5. Contingency plan. The permittee of a waste tire storage facility that has more than one waste tire pile, shall prepare and maintain a contingency plan at the facility. This contingency plan must identify the procedures to be followed in the event an emergency causes a release of substances or pollutants that threaten human health, natural resources, or the environment. The contingency plan must include:

A. an identification of the events, including vandalism, spills, fires, explosions, or any incident that could cause a release of substances or pollutants that threaten human health, natural resources, or the environment;

B. a detailed description of the procedures that should be followed in the event of a release of substances or pollutants that threaten human health, natural resources, or the environment at the facility including the procedures that should be followed to prevent the contamination of soil and ground water from the release and run-off contaminated with substances discharged from the burning tires;

C. a description of how and where run-off contaminated with substances discharged from the burning tires will be confined and collected;

D. a description of how and where the contaminated run-off will be stored before it is treated, used, or disposed of; and

E. a description of the emergency equipment available on- or off-site to implement the contingency plan, the response time for any emergency equipment available off-site, and the function and capacity of the equipment.

Subp. 6. Contingency plan submittal. The contingency plan shall be submitted to the director with the permit application. Once approved, the plan shall become part of the permit. This plan shall be updated if a change in the operations at the waste tire storage facility occurs, or if the plan did not provide for an appropriate response to an emergency situation involving a release, or if required by the director to protect human health, natural resources, or the environment.

Subp. 7. Contingency plan implementation. The permittee of the waste tire storage facility shall implement the contingency plan of subpart 5 when needed to prevent, mitigate, or clean up a release of substances or pollutants that threaten human health, natural resources, or the environment.

Subp. 8. Notification of implementation of contingency plan. The permittee of the waste tire storage facility must immediately notify the director when the contingency plan is implemented.

Subp. 9. Removal of contaminated soil. If required by the director to protect human health, natural resources, or the environment, the permittee shall remove soil contaminated by substances released by an event specified in subpart 5. The action shall be taken in accordance with any applicable rules governing the removal, transportation, and disposal of the material.

7035.8300 PETITION PROCEDURES.

Subpart 1. Scope. This part sets out the procedures for submitting a petition for an exemption from the 75 percent annual processing requirement established by part 7035.8270, subpart 3.

Subp. 2. Submission of the petition. The permittee of a waste tire processing facility may petition the director for an exemption from the 75 percent annual processing requirement by submitting to the director a petition containing the information described in subpart 3, as soon as the permittee becomes aware that compliance with the 75 percent annual processing requirement cannot be achieved.

Subp. 3. Information required. The petition for an exemption from the 75 percent annual processing requirement shall contain information sufficient to allow the director to find:

A. that the 75 percent annual processing requirement will be met in the year following the year for which the exemption is obtained;

B. that an exemption from the 75 percent annual processing requirement will not cause the facility to be out of compliance with any other standard applicable to the facility; and

C. that an exemption from the 75 percent annual processing requirement will not cause the facility to become a hazard to human health, natural resources, or the environment.

Subp. 4. Determination by the director. If the director, upon evaluation of the information submitted as part of the petition, makes the findings listed under subpart 3, the director shall grant the petition. The director shall determine whether the petition shall be granted within 60 days of receiving a petition containing information sufficient for the director to make the required findings. An exemption granted under this part shall be valid for one year. The director shall not grant the permittee of a waste tire processing facility an exemption from the 75 percent annual processing requirement for any two consecutive years.

WASTE TIRE FACILITY FINANCIAL ASSURANCE REQUIREMENTS

7035.8400 SCOPE.

Parts 7035.8400 to 7035.8590 apply to owners and operators of waste tire facilities, except those who are exempt from the requirement to obtain a waste tire facility permit under part 7001.4020, or are permitted by rule under part 7001.4030.

7035.8410 DEFINITIONS.

Subpart 1. Scope. When used in parts 7035.8400 to 7035.8590, the terms in subparts 2 and 3 have the meanings given them.

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PROPOSED RULES

Subp. 2. **Closure plan.** "Closure plan" means the plan for closure as required in part 7035.8250, subpart 2, and the applicable requirements of parts 7035.8250 and 7035.8260.

Subp. 3. **Current closure cost estimate.** "Current closure cost estimate" means the most recent of the estimates prepared in accordance with part 7035.8430.

7035.8420 FINANCIAL ASSURANCE REQUIRED.

The owner or operator of a waste tire facility shall establish financial assurance for closure of the facility within the time periods established in part 7035.8450, by obtaining one or more of the financial assurance mechanisms described in parts 7035.8470, 7035.8480, 7035.8490, and 7035.8500, or a county-held financial assurance mechanism that meets the standards in part 7035.8460. The financial assurance mechanism selected must provide the amount of financial assurance required by part 7035.8430. No financial assurance is required for old waste tires.

7035.8430 COST ESTIMATE FOR CLOSURE.

Subpart 1. **Amount.** The amount of financial assurance to be provided by the owner or operator of a waste tire facility shall be based on the estimates prepared under this part, and shall be established according to the time schedule in part 7035.8450.

Subp. 2. **Phase I waste tire collection estimate.** The owner or operator of a waste tire facility shall make a written estimate, in current dollars, of the cost of complying with closure standards in parts 7035.8250 and 7035.8260 for all waste tires that have been collected at the facility at any time since the effective date of parts 7035.8200 to 7035.8710 and that will be collected at the facility at any time during the period from July 1, 1988, to July 1, 1990.

Subp. 3. **Phase II waste tire collection estimate.** The owner or operator of a waste tire facility shall make a written estimate, in current dollars, of the cost of complying with closure standards in parts 7035.8250 and 7035.8260 for the maximum number of new waste tires that will be collected at the facility at any time during the operating life of the facility.

Subp. 4. **Submission to director.** The estimates prepared under subparts 2 and 3 shall be submitted to the director with the permit application or upon the request of the director.

7035.8440 ADJUSTMENTS TO FINANCIAL ASSURANCE LEVEL.

Subpart 1. **Yearly adjustment.** After July 1, 1990, the owner or operator of a waste tire facility shall recalculate annually the cost of closure for new waste tires using an inflation factor. This inflation factor shall be calculated using the Implicit Price Deflator for Gross National Product as found in the Survey of Current Business issued annually by the United States Department of Commerce. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year. Upon request, the director shall provide the inflation factor to the owner or operator. The closure cost estimate shall be recalculated by multiplying the latest closure cost estimate by the latest inflation factor. The financial assurance mechanism used by the owner and operator of the facility shall be adjusted to reflect changes in the cost of closure caused by inflation. The date upon which the owner or operator of a waste tire facility shall adjust the financial assurance mechanism shall be July 1 of each year.

Subp. 2. **Other revisions.** The owner or operator of the waste tire facility shall revise the closure cost estimate whenever a change in the closure plan changes the cost of closure. If the estimate of the cost of closure changes, the owner or operator of a waste tire facility shall increase or decrease the amount of financial assurance by following the procedures in part 7035.8470, 7035.8480, 7035.8490, or 7035.8500.

Subp. 3. **Record keeping.** During the operating life of the facility, the owner or operator of a waste tire facility shall keep a record of the latest adjusted closure cost estimate, and shall submit this record to the agency upon the request of the director.

7035.8450 SCHEDULE FOR ESTABLISHING FINANCIAL ASSURANCE.

Subpart 1. **Scope.** The owner or operator of a waste tire facility shall establish the required level of financial assurance under this part.

Subp. 2. **Phase I.** By July 1, 1988, the owner or operator of a waste tire facility shall establish financial assurance for all waste tires that have been collected since the effective date of parts 7035.8200 to 7035.8710, and for those waste tires that will be collected at the facility at any time during the next two years of operation. By July 1, 1988, the owner or operator of a waste tire facility shall submit to the director evidence that the financial assurance required under this subpart has been obtained.

Subp. 3. **Phase II.** By July 1, 1990, the owner or operator of a waste tire facility shall establish financial assurance for the maximum number of new waste tires that will be collected at the facility at any time during the operating life of the facility. By July 1, 1990, the owner or operator of a waste tire facility shall submit to the director evidence that the financial assurance required under this subpart has been obtained.

7035.8460 COUNTY-HELD FINANCIAL ASSURANCE MECHANISM.

Subpart 1. **Scope.** An owner or operator of a waste tire facility may use a county-held financial assurance mechanism to satisfy

the requirements of parts 7035.8400 to 7035.8590 if the county-held mechanism meets or exceeds the requirements of parts 7035.8400 to 7035.8590. The wording of the instruments used to satisfy parts 7035.8400 to 7035.8590 must be identical to the wording in parts 7035.8550 to 7035.8590, except that the language that appears in double brackets must be used.

Subp. 2. **Action by the county.** A county holding a financial assurance mechanism for a waste tire facility in lieu of the agency must take all actions needed to gain access to the funds available through the financial assurance mechanism when the owner or operator of the waste tire facility has failed to:

A. begin or complete closure as required by the permit or part 7035.8260;

B. provide alternate financial assurance and obtain written approval of the financial assurance from the director and the county within the time period required by parts 7035.8400 to 7035.8590; or

C. fund the standby trust fund within the specified time period as required by part 7035.8480.

Subp. 3. **Action by the director.** In the event that the county has failed to gain access to the funds available through the financial assurance mechanism within 30 days of the owner's or operator's failure to perform as specified in subpart 2, or if the county has failed to use any funds obtained under subpart 2 to close the facility in compliance with the closure plan or part 7035.8260, including time schedules, the director shall be given access to the funds. The county shall take no action that interferes with the director's access to the funds, and shall cooperate with the director if necessary to allow the director to gain access to the funds.

Subp. 4. **Notice.** In the event that the director takes action under subpart 3, the director shall give notice of this action to the county and all other involved parties, including the owner or operator of the waste tire facility, and any trustee, surety, or letter of credit institution. Failure by the director to give notice shall not invalidate the director's actions under subpart 3.

7035.8470 CLOSURE TRUST FUND.

Subpart 1. **Scope.** Subparts 2 to 13 apply to closure trust funds. For trust funds held by a county under part 7035.8460, provisions in this part that refer to the director shall apply to both the director and the county.

Subp. 2. **Establishment of trust fund.** An owner or operator of a waste tire facility may satisfy the requirements of part 7035.8420 by establishing a closure trust fund that conforms to the requirements of subparts 2 to 13 and by submitting an originally-signed duplicate of the trust agreement to the director. The trustee shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The owner or operator of the waste tire facility shall submit the originally-signed duplicate of the trust agreement to the director with the facility permit application, or in accordance with part 7035.8450.

Subp. 3. **Wording of trust agreement.** The wording of the trust agreement must be identical to the wording in part 7035.8550 and must be accompanied by a formal certification of acknowledgment as shown in part 7035.8560. The trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.

Subp. 4. **Pay-in period.** The owner or operator must make annual payments into the trust fund over the period for which the financial assurance is required, hereinafter called the pay-in period. After July 1, 1990, the pay-in period shall equal five years or the remaining operating life of the facility, whichever is shorter.

Subp. 5. **Payments.** For a new facility, the first payment must be made and a receipt submitted to the director before the initial receipt of waste tires. For an existing facility, the first payment must be made no later than 30 days after the originally-signed duplicate of the trust agreement is sent to the director. The first payment must at least be equal to the applicable current closure cost estimate, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The minimum amount of each subsequent payment must be determined by this formula:

$$\text{next payment} = \frac{\text{CE} - \text{CV}}{\text{Y}}$$

Where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

Subp. 6. **Establishment of trust fund as an alternate financial assurance mechanism.** If the owner or operator chooses to establish a closure trust fund after having used one or more alternate financial assurance mechanisms in parts 7035.8470 to 7035.8500, the first payment into the trust fund must be at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this part as applicable.

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PROPOSED RULES

Subp. 7. **Additional payments.** If, after the pay-in period is completed, the sum of the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate and submit a receipt from the trustee for this payment to the director, or establish other financial assurance mechanisms as specified in parts 7035.8470 to 7035.8500 to cover the difference.

Subp. 8. **Request for release of excess funds.** During the operating life of the facility, if the value of the trust fund is greater than the sum of the current closure cost estimate, the owner or operator may submit a written request, together with supporting documents to the director, for release of the amount in excess of the current closure cost estimate covered by the trust fund.

Subp. 9. **Substitution of alternate financial assurance mechanisms.** If an owner or operator substitutes other financial assurance mechanisms as specified in parts 7035.8470 to 7035.8500 in place of all or part of the trust fund, the owner or operator may submit a written request to the director for release of the amount in excess of the current closure cost estimate covered by the trust fund.

Subp. 10. **Release of funds.** Within 60 days after receiving a request from the owner or operator for release of funds specified in subpart 8 or 9, the director shall instruct the trustee to release any funds in excess of the latest closure cost estimate covered by the trust fund to the owner or operator.

Subp. 11. **Notification.** The trust fund instrument shall require the trustee to notify the owner or operator and the director by certified mail within ten days following the expiration of the 30-day period after the anniversary of the establishment of the trust if no payment is received from the owner or operator during the period. Within 60 days after receipt by the director of a notice of nonpayment of any payment required by this part, the owner or operator shall:

- A. make the required payment;
- B. provide alternate financial assurance as specified in this part and obtain the director's written approval of the assurance provided; or
- C. stop accepting waste tires and begin closure of the facility.

Subp. 12. **Reimbursement.** After beginning closure of the waste tire facility, an owner, operator, or other person authorized to perform closure may request reimbursement for completed closure expenditures by submitting itemized bills to the director. Within 60 days after receiving bills for completed closure activities, the director shall determine whether the closure expenditures are in accordance with the closure plan or are needed to ensure proper closure, and if so, the director shall instruct the trustee to make reimbursement in the amount the director specifies in writing. If the director has reason to believe that the cost of closure will be significantly greater than the value of the trust fund, the director may withhold reimbursement of the amount as considered prudent until it is determined, under part 7035.8530, that the owner or operator is no longer required to maintain financial assurance for closure.

Subp. 13. **Termination of trust fund.** The director shall agree to termination of the trust if:

- A. an owner or operator substitutes alternate financial assurance as specified in parts 7035.8470 to 7035.8530; or
- B. the director releases the owner or operator from the requirements of this part under part 7035.8530.

7035.8480 SURETY BOND GUARANTEEING PAYMENT INTO A STANDBY TRUST FUND.

Subpart 1. **Scope.** Subparts 2 to 10 apply to surety bonds that guarantee payment into a standby trust fund. For surety bonds held by a county under part 7035.8460, provisions in this part that refer to the director shall apply to both the director and the county.

Subp. 2. **Surety bond requirements.** An owner or operator may satisfy the requirements of part 7035.8420 by obtaining a surety bond that conforms to the requirements of subparts 2 to 10 and by submitting the bond to the director. The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1. An owner or operator shall submit the bond to the director with the permit application or under part 7035.8450.

Subp. 3. **Wording of surety bond.** The wording of the surety bond must be identical to the wording specified in part 7035.8570.

Subp. 4. **Establishment of standby trust fund.** The owner or operator who uses a surety bond to satisfy the requirements of part 7035.8420 shall also establish a standby trust fund. The bond shall require the surety to deposit all payments made under the bond directly into the standby trust fund in accordance with instructions from the director. An originally-signed duplicate of the trust agreement must be submitted to the director with the surety bond. The standby trust fund must meet the requirements of part 7035.8470, except that compliance with the requirements in items A to D is not required until the standby trust fund is funded under this part:

- A. payments into the trust fund as specified in part 7035.8470;

- B. updating of Schedule A of the trust agreement to show current closure cost estimates;
- C. annual valuations as required by the trust agreement; and
- D. notices of nonpayment as required by the trust agreement.

Subp. 5. **Performance guarantee.** The bond must guarantee that the owner or operator will:

- A. pay into the standby trust fund an amount equal to the penal sum of the bond before the beginning of closure of the facility;
- B. pay into the standby trust fund an amount equal to the penal sum within 15 days after an order to close the facility is issued by the director, the agency, or court of competent jurisdiction; or
- C. provide alternate financial assurance as specified in parts 7035.8470 to 7035.8500 and obtain the director's written approval of the assurance provided, within 90 days after receipt by the director of a notice of cancellation of the bond from the surety.

Subp. 6. **Failure to perform.** Under the terms of the bond, the surety must become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

Subp. 7. **Penal sum.** The penal sum of the bond must be at least equal to the sum of the applicable current closure cost estimate.

Subp. 8. **Changes to penal sum.** Within 60 days of an increase in the sum of the current closure cost estimate to an amount greater than the penal sum, the owner or operator shall either cause the penal sum to be increased to an amount at least equal to the sum of the current closure cost estimate and submit evidence of the increase to the director, or obtain other financial assurance as specified in parts 7035.8470 to 7035.8500 to cover the increase. Whenever the sum of the current closure cost estimate decreases, the penal sum may be reduced to the sum of the current closure cost estimate following written approval by the director.

Subp. 9. **Notification.** The bond must provide that the surety may cancel the bond only by sending notice of cancellation by certified mail to the owner or operator and the director. The bond must also provide that cancellation shall not be effective until 120 days after the director has received the notice of cancellation, as evidenced by the return receipt. For a surety bond held by a county under part 7035.8460, the bond must provide a 150-day cancellation period rather than a 120-day period.

Subp. 10. **Cancellation of surety bond.** The owner or operator may cancel the bond if the director has given prior written consent. The director shall provide written consent if:

- A. an owner or operator substitutes alternate financial assurance as specified in parts 7035.8470 to 7035.8500; or
- B. the director releases the owner or operator from the requirements of this part in accordance with part 7035.8530.

7035.8490 LETTER OF CREDIT.

Subpart 1. **Scope.** Subparts 2 to 11 apply to closure letters of credit. For letters of credit held by a county under part 7035.8460, provisions in this part that refer to the director shall apply to both the director and the county.

Subp. 2. **Letter of credit requirements.** An owner or operator may satisfy the requirements of part 7035.8420 by obtaining an irrevocable letter of credit that conforms to the requirements of subparts 2 to 11, and by submitting the letter to the director. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. An owner or operator of a waste tire facility shall submit the letter of credit to the director with the facility permit application or under part 7035.8450.

Subp. 3. **Wording of letter of credit.** The wording of the letter of credit must be identical to the wording in part 7035.8490.

Subp. 4. **Establishment of standby trust fund.** An owner or operator who uses a letter of credit to satisfy the requirements of part 7035.8420 shall also establish a standby trust fund. Under the terms of the letter of credit, the issuing institution will deposit all amounts paid directly into the standby trust fund in accordance with instructions from the director. An originally-signed duplicate of the standby trust fund agreement must be submitted to the director with the letter of credit. The standby trust fund agreement must meet the requirements in part 7035.8470, except that compliance with the requirements in items A to D is not required until the standby trust fund is funded under this part:

- A. payments into the trust fund as specified in part 7035.8470;
- B. updating of Schedule A of the trust agreement to show current closure cost estimates;
- C. annual valuations as required by the trust agreement; and

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PROPOSED RULES

D. notices of nonpayment as required by the trust agreement.

Subp. 5. **Submittal.** The letter of credit submitted to the director must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, date of issuance, the name and address of the waste tire facility, and the amount of funds assured for closure of the facility by the letter of credit.

Subp. 6. **Notification.** The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be extended automatically for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the director by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days must begin on the date when the director received the notice, as evidenced by the return receipt. For a letter of credit held by a county under part 7035.8460, the letter of credit must provide a 150-day expiration period rather than a 120-day period.

Subp. 7. **Amount of credit.** The letter of credit must be issued in an amount at least equal to the sum of the applicable current closure cost estimate.

Subp. 8. **Changes to amount of credit.** Within 60 days of an increase in the sum of the current closure cost estimate to an amount greater than the amount of the credit, the owner or operator shall either cause the amount of the credit to be increased to an amount at least equal to the sum of the current closure cost estimate and submit evidence of the increase to the director, or obtain other financial assurance as specified in parts 7035.8470 to 7035.8500 to cover the increase. Whenever the sum of the current closure cost estimate decreases, the amount of the credit may be reduced to the sum of the current closure cost estimate following written approval by the director.

Subp. 9. **Failure to perform.** The letter of credit must provide that the director may draw on the letter of credit, when the director has determined that the owner or operator has failed to perform closure when required to do so in accordance with the closure plan or part 7035.8260.

Subp. 10. **Failure to establish alternate financial assurance.** The director shall draw on the letter of credit if the owner or operator does not establish alternate financial assurance as specified in parts 7035.8470 to 7035.8500 and obtain written approval of alternate assurance from the director within 90 days after the director receives notice that the issuing institution has decided not to extend the letter of credit beyond the current expiration date. The director may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any extension, the director shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in parts 7035.8470 to 7035.8500 and obtain written approval of the assurance from the director.

Subp. 11. **Termination of letter of credit.** The director shall return the letter of credit to the issuing institution for termination if:

- A. an owner or operator substitutes alternate financial assurance as specified in parts 7035.8470 to 7035.8500; or
- B. the director releases the owner or operator from the requirements of this part in accordance with part 7035.8530.

7035.8500 SURETY BOND GUARANTEEING PERFORMANCE OF CLOSURE FOR PERMITTED FACILITIES.

Subpart 1. **Scope.** Subparts 2 to 11 apply to surety bonds that guarantee performance of closure. Surety bonds that guarantee performance of closure can only be used for permitted facilities with approved closure plans. For surety bonds held by a county under part 7035.8460, provisions in this part that refer to the director shall apply to both the director and the county.

Subp. 2. **Surety bond requirements.** An owner or operator may satisfy the requirements of part 7035.8420 by obtaining a surety bond that conforms to the requirements of subparts 2 to 11 and by submitting the bond to the director. The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1. An owner or operator of a waste tire facility shall submit the bond to the director with the permit application or in accordance with part 7035.8450.

Subp. 3. **Wording of surety bond.** The wording of the surety bond must be identical to the wording specified in part 7035.8590.

Subp. 4. **Establishment of standby trust fund.** The owner or operator who uses a surety bond to satisfy the requirements of part 7035.8420 shall also establish a standby trust fund. The bond shall require the surety to deposit all payments made under the bond directly into the standby trust fund in accordance with instructions from the director. An originally-signed duplicate of the standby trust fund agreement must be submitted to the director with the surety bond. The standby trust must meet the requirements of part 7035.8470, except that compliance with the requirements in items A to D is not required until the standby trust fund is funded under this part:

- A. payments into the trust fund as specified in part 7035.8470;
- B. updating of Schedule A of the trust agreement to show current closure cost estimates;
- C. annual valuations as required by the trust agreement; and

D. notices of nonpayment as required by the trust agreement.

Subp. 5. **Performance guarantee.** The bond must guarantee that the owner or operator will:

A. perform closure in accordance with the closure plan, and other requirements of the permit for the facility whenever required to do so; or

B. provide alternate financial assurance as specified in parts 7035.8470 to 7035.8500 and obtain the director's written approval of the assurance provided, within 90 days after receipt by the director of a notice of cancellation of the bond from the surety.

Subp. 6. **Failure to perform.** Under the terms of the bond, the surety must become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination by the director that the owner or operator has failed to perform closure in accordance with the closure plan, and other permit requirements, under the terms of the bond the surety shall deposit the amount of the penal sum into the standby trust fund.

Subp. 7. **Penal sum.** The penal sum of the bond must be at least equal to the sum of the applicable current closure cost estimate.

Subp. 8. **Changes to penal sum.** Within 60 days of an increase in the sum of the current closure cost estimate to an amount greater than the penal sum, the owner or operator shall either cause the penal sum to be increased to an amount at least equal to the sum of the current closure cost estimate and submit evidence of the increase to the director, or obtain other financial assurance specified in parts 7035.8470 to 7035.8500. Whenever the sum of the current closure cost estimate decreases, the penal sum may be reduced to the sum of the current closure cost estimate following written approval by the director.

Subp. 9. **Notification.** The bond must provide that the surety may cancel the bond only by sending notice of cancellation by certified mail to the owner or operator and to the director. The bond must also provide that cancellation shall not be effective until 120 days after the director has received the notice of cancellation as evidenced by the return receipt. For a surety bond held by a county under part 7035.8460, the bond must provide a 150-day cancellation period rather than a 120-day period.

Subp. 10. **Cancellation of surety bond.** The owner or operator may cancel the bond if the director has given prior written consent. The director shall provide written consent if:

A. an owner or operator substitutes alternate financial assurance as specified in parts 7035.8470 to 7035.8500; or

B. the director releases the owner or operator from the requirements of this part in accordance with part 7035.8530.

Subp. 11. **Limitation on liability.** The surety will not be liable for deficiencies in the owner's or operator's performance of closure after the director releases the owner or operator from the requirements of this part in accordance with part 7035.8530.

7035.8510 USE OF MULTIPLE FINANCIAL ASSURANCE MECHANISMS.

An owner or operator may satisfy the requirements of part 7035.8420 by establishing more than one financial assurance mechanism per waste tire facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, and letters of credit. The mechanisms must be established as specified in parts 7035.8470, 7035.8480, and 7035.8490, except that it is the combination of mechanisms, rather than a single mechanism, that must provide financial assurance at least equal to the sum of the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The director may use any or all of the financial assurance mechanisms to provide for closure of the facility.

7035.8520 USE OF FINANCIAL ASSURANCE MECHANISM FOR MULTIPLE WASTE TIRE FACILITIES.

An owner or operator may use a financial assurance mechanism specified in parts 7035.8470 to 7035.8500 to meet the requirements of part 7035.8420 for more than one waste tire facility. Evidence of financial assurance submitted to the director must include a list showing, for each facility, the name, address, and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. When directing disbursement of funds for closure at any of the facilities covered by the mechanism, the director shall direct that only the amount of funds designated for that facility be disbursed unless otherwise agreed to by the owner or operator.

7035.8530 RELEASE OF OWNER OR OPERATOR FROM FINANCIAL ASSURANCE REQUIREMENTS.

When an owner or operator has completed, to the satisfaction of the director, all closure requirements in accordance with the

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PROPOSED RULES

closure plan or other closure requirements, the director shall notify the owner or operator in writing that financial assurance for closure of the waste tire facility is no longer required.

7035.8540 INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS.

Subpart 1. **Notification of bankruptcy.** An owner or operator shall notify the director by certified mail of the commencement of a voluntary or involuntary proceeding under United States Code, title 11, Bankruptcy, naming the owner or operator as a debtor, within ten days after commencement of the proceeding.

Subp. 2. **Incapacity of financial institutions.** An owner or operator who fulfills the requirements of part 7035.8420 by obtaining a trust fund, surety bond, or letter of credit will be considered to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution; or in the event that the authority of the trustee to act as trustee is revoked or suspended; or in the event that the institution's authority to issue the surety bond or letter of credit is revoked or suspended. The owner or operator shall establish other financial assurance within 60 days after such an event.

7035.8550 LANGUAGE REQUIRED FOR TRUST AGREEMENT.

A trust agreement for a trust fund as specified in part 7035.8470 must be worded as specified in this part. Instructions in brackets must be replaced with the relevant information and the brackets deleted. Instructions or language in double brackets shall be used when the instrument is to serve as a county-held financial assurance mechanism.

TRUST AGREEMENT

Trust Agreement, the "Agreement," entered into on [date] by [name of the owner or operator], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the state of"] or "a national bank"], the "Trustee."

RECITALS:

- The Minnesota Pollution Control Agency (Agency), an agency of the state of Minnesota, has established rules applicable to the Grantor, requiring that an owner or operator of a waste tire facility shall provide assurance that funds will be available when needed for closure for the facility.
- The Grantor has chosen to establish a trust to provide the financial assurance for the facilities identified in this Agreement.
- The Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this Agreement, and the Trustee is willing to act as trustee.

AGREEMENT:

The Grantor and the Trustee agree as follows:

Section 1. **Definitions.** As used in this Agreement:

- a. The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.
- b. The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.
- c. The term "beneficiary" means the Minnesota Pollution Control Agency [[substitute "The term "1st beneficiary" means the [name of county]; the term "2nd beneficiary" means the Minnesota Pollution Control Agency" for the entire definition]].

Section 2. **Identification of Facilities and Cost Estimates.** This Agreement pertains to the facilities and cost estimates, if any, identified on attached Schedule A [on Schedule A, for each facility list the name, address, and the current closure cost estimate for which financial assurance is demonstrated by this Agreement].

Section 3. **Establishment of Fund.** The Grantor and the Trustee establish a trust fund, the "Fund," for the benefit of the Agency [[substitute "1st and 2nd beneficiaries" for "Agency"]]. The Grantor and the Trustee intend that no third party have access to the Fund except as provided in this Agreement. The Fund is established initially as the property, which is acceptable to the Trustee and described in Schedule B attached to this Agreement. This property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits, less any payments or distributions made by the Trustee under this Agreement. The Fund shall be held by the Trustee, IN TRUST, as provided in this Agreement. The Trustee shall not be responsible or undertake any responsibility for the amount or adequacy of, or any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the Agency.

Section 4. **Payment for Closure.** The Trustee shall make payments from the Fund as the Agency Director [[substitute "1st or 2nd beneficiary" for "Agency Director"]] shall direct, in writing, to provide for the payment of the costs of closure of the facilities covered by this Agreement. [[Add the following sentence "Direction to the Trustee shall be given by the 1st or 2nd beneficiary in accordance with Section 14."]] The Trustee shall reimburse the Grantor or other persons as specified by the Agency Director [[substitute "1st or 2nd beneficiary" for "Agency Director"]] shall direct in writing. In addition, the Trustee shall refund to the

Grantor the amounts the Agency Director [[substitute "1st or 2nd beneficiary" for "Agency Director"]] specifies in writing. Upon refund, these funds shall no longer constitute part of the Fund.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal income of the Fund as a single fund in accordance with general investment policies and guidelines. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee's duties with respect to the trust fund shall be discharged solely in the interest of the beneficiary [[substitute "1st and 2nd beneficiaries" for "beneficiary"]] and with the care, skill, prudence, and diligence under the circumstances then prevailing that persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

a. securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, United States Code, title 15, section 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or state government;

b. the Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

c. the Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

a. to transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

b. to purchase shares in any investment company registered under the Investment Company Act of 1940, United States Code, title 15, sections 80a-1 et seq., including one that may be created, managed, underwritten, or to which investment advice is rendered or the shares are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

a. to sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee may be bound to see to the application of the purchase money or to inquire into the validity or expediency of a sale or other disposition;

b. to make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers granted in this Agreement;

c. to register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing the securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of the securities in a qualified central depository even though, when so deposited, the securities may be merged and held in bulk in the name of the nominee of the depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a federal reserve bank, but the books and records of the Trustee shall at all times show that all these securities are part of the Fund;

d. to deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

e. to compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

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

Section 10. **Annual Valuation.** The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the Agency Director [[substitute "1st and 2nd beneficiaries" for "Agency Director"]] a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the Agency Director [[substitute "1st and 2nd beneficiaries" for "Agency Director"]] shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. **Advice of Counsel.** The Trustee may from time to time consult with counsel with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. **Trustee Compensation.** The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. **Successor Trustee.** The Trustee may resign or the Grantor may replace the Trustee, but the resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date that it assumes administration of the trust in a writing sent to the Grantor, the Agency Director [[substitute "1st and 2nd beneficiaries" for "Agency Director"]] and the present Trustee by certified mail ten days before the change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. **Instructions to the Trustee.** All orders, requests, and instructions by the Agency Director [[substitute "1st or 2nd beneficiary" for "Agency Director"]] to the Trustee shall be in writing, signed by the Agency Director [[substitute "a designee of the 1st or 2nd beneficiary" for "the Agency Director"]]; and the Trustee shall act and shall be fully protected in acting in accordance with the orders, requests, and instructions [[add, "except that the Trustee shall not act in accordance with the orders, requests, and instructions of the 1st beneficiary if the 2nd beneficiary notifies the Trustee, in writing, that the Trustee shall only act in accordance with the orders, requests, and instructions of the 2nd beneficiary. In the event that the Trustee has received such notice from the 2nd beneficiary, the Trustee shall only act in accordance with the orders, requests, and instructions from the 2nd beneficiary"]]. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Agency [[substitute "1st or 2nd beneficiary" for "Agency"]] under this Agreement has occurred. The Trustee shall have no duty to act in the absence of orders, requests, and instructions from the Agency Director, [[substitute "a designee of the 1st or 2nd beneficiary" for "the Agency Director"]] except as provided in this Agreement.

Section 15. **Notice of Nonpayment.** The Trustee shall notify the Grantor and the Agency Director [[substitute "1st and 2nd beneficiaries" for "Agency Director"]] by certified mail within ten days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. **Amendment of Agreement.** This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the Agency Director or by the Trustee and the Agency Director, if the Grantor ceases to exist.

Section 17. **Irrevocability and Termination.** Subject to the right of the parties to amend this Agreement as provided in Sections 13 and 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the Agency Director [[substitute "1st and 2nd beneficiaries" for "Agency Director"]] or by the Trustee and the Agency Director [[substitute "1st and 2nd beneficiaries" for "Agency Director"]] if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor or any successors or assigns of the Grantor.

Section 18. **Immunity and Indemnification.** The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Agency Director [[substitute "1st or 2nd beneficiary" for "Agency Director"]] issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide a defense.

Section 19. **Choice of Law.** This Agreement shall be administered, construed, and enforced according to the laws of the state of Minnesota.

Section 20. **Interpretation.** As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

The parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be affixed and attested on the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in Minnesota Rules, part 7035.8550, as the rules were constituted on the date of signing.

[SIGNATURE OF GRANTOR]

[TITLE]

Attest:

[TITLE]

[SEAL]

[SIGNATURE OF TRUSTEE]

Attest:

[TITLE]

[SEAL]

7035.8560 LANGUAGE REQUIRED FOR CERTIFICATE OF ACKNOWLEDGMENT.

This part contains an example of the certification of acknowledgment that must accompany the trust agreement for a trust fund as specified in part 7035.8470.

CERTIFICATION OF ACKNOWLEDGMENT

State of _____

County of _____

On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation, proprietorship, local government entity], the entity described in and that executed the above instrument; that she/he knows the seal of said [corporation, local government entity]; that the seal affixed to the instrument is the [corporate, local government entity's] seal; that it was so affixed by order of the [Board of Directors, Board of Commissioners, City Council] of said [corporation, local government entity] and that she/he signed her/his name thereto by like order:

(signature of Notary Public)

7035.8570 LANGUAGE REQUIRED FOR SURETY BOND GUARANTEEING PAYMENT INTO A STANDBY TRUST FUND.

A surety bond guaranteeing payment into a trust fund as specified in part 7035.8480 must be worded as in this part. The instructions in brackets must be replaced with the relevant information and the brackets deleted. Instructions or language in double brackets must be used when the instrument is to serve as a county-held financial assurance mechanism.

FINANCIAL GUARANTEE BOND

Date bond executed: _____

Effective Date: _____

Principal: [Legal name and business address of owner or operator]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: _____

Surety(ies): [name(s) and business address(es)]

Name, address, and closure amount(s) for each

facility guaranteed by this bond:

Total penal sum of bond: \$_____

Surety's bond number: _____

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

Know All Persons By These Presents, That we, the Principal and Surety(ies) are firmly bound to the Minnesota Pollution Control Agency (hereinafter called Agency) [[and the [name of county] (hereinafter county)]] in the penal sum for the payment we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in the sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of the sum only as is set forth opposite the name of the Surety; but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required to have a permit or provisional status in order to own or operate each waste tire facility identified above, and

Whereas said Principal is required to provide financial assurance for closure as a condition of the permit or provisional status, and

Whereas said Principal shall establish a standby trust fund as required when a surety bond is used to provide financial assurance;

Now, Therefore, the conditions of the obligation are such that if the Principal faithfully, before the beginning of closure of each facility identified above, funds the standby trust fund in the amount(s) identified above for the closure of the facility,

Or, if the Principal funds the standby trust fund in the amount(s) identified above for closure of the facility within 15 days after an order to begin closure is issued by the Agency Director, the Agency, [[county,]] or court of competent jurisdiction,

Or, if the Principal provides alternate financial assurance, as specified in parts 7035.8470 to 7035.8500 as applicable and obtains the Agency Director's [[and the county's]] written approval of assurance, within 90 days after the date the notice of cancellation is received by the Agency Director from the Surety(ies),

Then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the Agency Director [[or the county]] that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the Agency Director [[or the county]].

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Agency Director [[and to the county]]; provided, however, that cancellation shall not occur during the 120 [[substitute "150" for "120"]] days beginning on the date of receipt of the notice of cancellation by the Agency Director, as evidenced by the return receipt.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Agency Director [[and the county]].

(The following paragraph is an optional rider that may be included but is not required.)

The Principal and Surety(ies) agree to adjust the penal sum of the bond yearly so that it guarantees a new closure amount, provided that the penal sum does not increase by more than 20 percent in any year, and no decrease in the penal sum takes place without the written permission of the Agency Director [[and the county]].

The Principal and Surety(ies) have signed this Financial Guarantee Bond on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to sign this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Minnesota Rules, part 7035.8570, as the rules were constituted on the date this bond was signed.

Principal

[SIGNATURE(S)]

[NAME(S)]

[TITLE(S)]

Corporate Surety(ies)

[NAME AND ADDRESS]

State of incorporation: _____

Liability limit: \$ _____

[SIGNATURE(S)]
[NAME(S) AND TITLE(S)]

[For every co-surety, provide signature(s), and other information in the same manner as for Surety above.]

Bond premium: \$ _____

7035.8580 LANGUAGE REQUIRED FOR LETTER OF CREDIT.

A letter of credit, as specified in part 7035.8490, must be worded as specified in this part. The instructions in brackets must be replaced with the relevant information and the brackets deleted. The instructions or language in double brackets must be used when the instrument is to serve as a county-held financial assurance mechanism.

IRREVOCABLE STANDBY LETTER OF CREDIT

[Agency Director]
Minnesota Pollution Control Agency

[[county designee]]
[[name of county]]

Dear Director [[and county designee]]:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of [owner's or operator's name and address] up to the aggregate amount of [in words] U.S. dollars \$ _____, available upon presentation of:

1. your sight draft, bearing reference to this Letter of Credit No. _____, and
2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to the State of Minnesota's rules regarding the management of waste tires."

This letter of credit is effective as of [date] and shall expire on [date at least one year later], but the expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify you by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by you, as shown on the signed return receipt.

Whenever this letter of credit is drawn on and under and in compliance with the terms of this credit, we shall duly honor the draft upon presentation to us and we shall deposit the amount of the draft directly into the standby trust fund of [owner's or operator's name] in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Minnesota Rules, part 7035.8580, on the date shown immediately below.

[SIGNATURE(S) AND TITLE(S) OF OFFICIAL(S) OF ISSUING INSTITUTION]
[DATE]

This credit subject to (insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code published in Minnesota Statutes, chapter 336").

7035.8590 LANGUAGE REQUIRED FOR SURETY BOND GUARANTEEING PERFORMANCE OF CLOSURE.

A surety bond guaranteeing performance of closure as specified in part 7035.8500, must be worded as specified in this part. The instructions in brackets must be replaced with the relevant information and the brackets deleted. The instructions and language in double brackets must be used if the instrument is to serve as a county-held financial assurance mechanism.

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: [legal name and business address of owner or operator]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

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

State of incorporation: _____

Surety(ies): [name(s) and business address(es)]

Name, address, and closure amount(s) for each facility guaranteed by this bond: _____

Total penal sum of bond: \$ _____

Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surety(ies) are firmly bound to the Minnesota Pollution Control Agency (hereinafter called Agency) [[and the [name of county] (hereinafter called county)], in the penal sum for the payment we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in the sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of the sum only as is set forth opposite the name of the Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required to have a permit in order to own or operate each waste tire facility identified above, and

Whereas said Principal is required to provide financial assurance for closure; or closure action as a condition of the permit, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide financial assurance;

Now, Therefore, the conditions of this obligation are such that if the Principal faithfully performs closure, whenever required to do so, of each facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit including any amendments, and pursuant to all applicable laws, statutes, rules, and regulations, as currently in force and as may in the future be in force.

Or, if the Principal provides alternate financial assurance as specified in Minnesota Rules, parts 7035.8470 to 7035.8500, and obtains the Agency Director's [[and the county's]] written approval of the assurance, within 90 days after the date the notice of cancellation is received by the Agency Director from the Surety(ies),

Then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Agency Director [[or the county]] that the Principal has been found in violation of the closure requirements for a facility that this bond guarantees performance of closure, the Surety(ies) shall either perform closure in accordance with the closure plan and other permit requirements or place the closure amounts guaranteed for the facility into the standby trust fund, as directed by the Agency Director [[or the county]].

Upon notification by the Agency Director [[or the county]] that the Principal has failed to provide alternate financial assurance as specified in Minnesota Rules, parts 7035.8470 to 7035.8500, and obtain written approval of the assurance from the Agency Director [[and the county]] during the 90 days following receipt by the Agency Director of a notice of cancellation of the bond, the Surety(ies) shall place funds in the amount guaranteed for the waste tire facility(ies) into the standby trust fund as directed by the Agency Director.

The Surety(ies) hereby waive(s) notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations and agrees that no amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until the payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency Director [[add "and the county"]], provided, however, that cancellation shall not occur during the 120 [[substitute "150" for "120"]] days beginning on the date of receipt of the notice of cancellation by the Agency Director, as evidenced by the return receipt.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Agency Director [[add "and the county"]].

(The following paragraph is an optional rider that may be included but is not required.)

The Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new closure amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the Agency Director [[add "and the county"]].

The Principal and Surety(ies) have signed this Performance Bond on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to sign this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording in Minnesota Rules, part 7035.8590, as the rule was constituted on the date this bond was signed.

Principal

[SIGNATURE(S)]

[NAME(S)]

[TITLE(S)]

Corporate Surety(ies)

[NAME AND ADDRESS]

State of incorporation: _____

Liability limit: \$ _____

[SIGNATURE(S)]

[NAME(S) AND TITLE(S)]

[For every co-surety, provide signature(s), and other information in the same manner as for Surety above.]

Bond premium: \$ _____

**REQUIREMENTS FOR WASTE TIRE
GENERATION AND TRANSPORTATION**

7035.8700 WASTE TIRE GENERATION.

Subpart 1. **Scope.** The requirements of subpart 2 apply to all persons who generate waste tires. The requirements of subpart 3 only apply to persons who generate more than 50 waste tires in a calendar year.

Subp. 2. **Waste tire generation.** Within 60 days of the effective date of parts 7035.8200 to 7035.8710, any person who generates waste tires, and who contracts or arranges with a person for their disposal, shall only contract or arrange for disposal of waste tires with a person displaying an agency waste tire transporter identification number, or a person exempt under part 7035.8710, subpart 2.

Subp. 3. **Generator record keeping.** All persons who generate more than 50 waste tires in a calendar year shall maintain a record of the quantity and type of waste tires sent for disposal. For shipments made in accordance with subpart 2, this record shall also note the name of the person transporting the waste tires, the identification number of the waste tire transporter, if applicable, and the date of the transaction. For persons who transport their own waste tires for disposal, this record shall also note the date of shipment, and the name of the waste tire facility where the waste tires were delivered. When requested by the director, this record shall be made available for inspection. This record shall be retained for three years from the date of the transaction.

7035.8710 WASTE TIRE TRANSPORTATION.

Subpart 1. **Scope.** This part sets out the requirements that shall be applied to persons who are in the business of transporting waste tires.

Subp. 2. **Exempt persons.** The requirements of this part shall not apply to:

A. a person who transports household quantities of waste tires incidental to municipal waste collection, and delivers those waste tires to a permitted solid waste facility, a waste tire facility with a permit or provisional status, or a waste tire facility that is exempt from the requirement to obtain a waste tire permit;

B. a person who receives waste tires incidental to the collection of recyclable materials and who delivers those waste tires to a permitted solid waste facility, a waste tire facility with a permit or provisional status, or a waste tire facility that is exempt from the requirement to obtain a waste tire facility permit;

C. a person transporting no more than ten waste tires to a permitted solid waste facility, a waste tire facility with a permit or provisional status, or a waste tire facility that is exempt from the requirement to obtain a waste tire facility permit;

D. a person transporting waste tires that will only be used for agricultural purposes which do not include burning;

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

E. a person transporting tire-derived products to a market; and

F. a person who generates waste tires and removes those waste tires from the waste tire generation site and delivers those waste tires to a waste tire facility.

Subp. 3. **Agency identification number required.** Except as exempt by subpart 2, any person who transports waste tires must obtain and display an agency waste tire transporter identification number when transporting waste tires. The information that must be submitted to the director to obtain an agency waste tire transporter identification number is specified in part 7001.4150.

Subp. 4. **Waste tire transportation.** A transporter who collects waste tires from a person who generates waste tires, a waste tire facility, or a tire dump must deliver the waste tires to a waste tire facility with a permit or provisional status, or a waste tire facility that is exempt from the requirement to obtain a waste tire permit.

Subp. 5. **Record keeping.** Transporters shall record and maintain the following information regarding their activities for each month of operation:

- A. the type and quantity of waste tires collected;
- B. where the waste tires collected were deposited, specifying the number and type deposited at each location; and
- C. where or from whom the waste tires were collected.

Subp. 6. **Submittal of operating record.** Transporters shall submit to the director an operating record that identifies the transporter by name and identification number, and that summarizes the information accumulated under subpart 5 for the three months preceding the month the record is to be submitted. This record shall be submitted ten days after April 1, July 1, October 1, and January 1 of each year.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *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 strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after 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 emergency rule will be published in the manner provided for adopted rules under § 14.18.

Pollution Control Agency

Adopted Permanent Rules Relating to Small Quantity Generators

The rules proposed and published at *State Register*, Volume 11, Number 25, pages 1102-1106, December 22, 1986 (11 S.R. 1102) are adopted as proposed.

OFFICIAL NOTICES

Pursuant to the provisions of Minnesota Statutes § 14.10, 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 Administration Department of Agriculture Department of Energy and Economic Development Department of Finance Department of Human Services Department of Natural Resources Department of Transportation Metropolitan Council

Notice of Request for Resumes from Fee Appraisers

The State of Minnesota and the Metropolitan Council is establishing a list of qualified real estate appraisers to do contract appraisals for the Departments of Administration, Agriculture, Energy and Economic Development, Finance, Human Services, Natural Resources, Transportation and the Metropolitan Council, for the period beginning July 1, 1987. In developing the list of qualified appraisers, the State invites appraisers to submit requests to be on that list, together with their qualifications-resume, reflecting one or more of qualifications listed below:

NOTE: The request and qualifications-resume must be received no later than May 29, 1987.

I. INDIVIDUALS WITH APPRAISAL DESIGNATIONS:

Individuals holding a designation from one or more of the following organizations and furnishing evidence of good standing in that organization shall be qualified to be on the State's List of Qualified Appraisers. Designated appraisers must also comply with continuing education requirements in Paragraph IV.

A. American Institute of Real Estate Appraisers

1. Member of the American Institute (M.A.I.)
2. Residential Member (R.M.)

B. Society of Real Estate Appraisers

1. Senior Residential Appraiser (S.R.A.)
2. Senior Real Property Appraiser (S.R.P.A.)
3. Senior Real Estate Analyst (S.R.E.A.)

C. American Farm Managers and Rural Appraisers

1. Accredited Rural Appraiser (A.R.A.)

D. American Society of Appraisers

1. Senior Member (A.S.A.)
2. Fellow (F.A.S.A.)

E. National Association of Independent Fee Appraisers

1. Member (I.F.A.)
2. Senior Member (I.F.A.S.)
3. Appraiser-Counselor (I.F.A.C.)

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

F Accredited Minnesota Assessor (A.M.A.)

Candidates, Associate members and nondesignated appraisers must show further evidence of training, experience and proficiency, as noted in paragraph II below.

II. INDIVIDUALS WITHOUT APPRAISAL DESIGNATIONS:

Individuals not having one of the designations set forth above, shall be qualified to be on the State's List of Qualified Appraisers provided they meet all the requirements below:

A. Experience:

Appraisers shall have had at least two years full time experience in Real Estate Appraising. A resume should relate the type of appraisal experience along with a listing of clientele.

B. Training:

1. Appraisers holding a Bachelor's degree with a core curriculum in Real Estate or in Valuation Sciences from a nationally accredited university or college shall have met the training requirements, or

2. An appraiser having successfully completed at least 80 hours of appraisal course work offered by those approved training organizations listed below. It is to be noted that only course work completed is applicable, not seminars attended. The applicant is responsible for securing any evidence of successful completion or evidence of "equivalency" from an organization if so requested.

Approved Training Organizations

AIREA
SREA
AFMRA

IFA

Recommended Course Work to be completed

#1A-1, #1A-2, #1B-A, #1B-B, #8-2
101, 102, 201, 202
Principles of Rural Appraisals
Advanced Rural Appraisals
Appraisal Report Writing
1.1, 2.1A, 2.1B, 3.1, 4.1, 4.2, 4.3

C. Sample Appraisal:

The State reserves the right to request a sample appraisal(s) done for a client. The sample appraisal(s) is to be examined for compliance with generally recognized appraisal procedures.

III. STANDARDS OF PROFESSIONAL PRACTICE:

All appraisers must comply with "Uniform Standards of Professional Appraisal Practices" as adopted May 5, 1986, by an Ad Hoc Committee representing nine appraisal organizations in North America. A copy of these basic standards may be obtained upon written request to the address below.

IV. CONTINUING EDUCATION:

An appraiser having completed the above courses or receiving a designation prior to July 1, 1986, shall submit evidence of having completed no less than 15 hours of approved continuing education since that date. Approved continuing education shall consist of attending such courses, or seminars or meetings which would result in an appraiser being adjudged "currently certified" by an approved designating organization, or; which has been approved for continuing education credit for Real Estate Licensure by the State of Minnesota, Department of Commerce.

Appraisers having completed 45 or more hours of continuing education since July 1, 1986, and who are otherwise qualified will be on the State List until June 30th 1990.

Appraisers having completed 30 or more hours of continuing education since July 1, 1986, and who are otherwise qualified will be on the State's List until June 30th 1989.

Appraisers having completed 15 or more hours of continuing education since July 1, 1986, and who are otherwise qualified will be on the State's List until June 30th 1988.

V. ASSIGNMENTS:

Certification to a state list of qualified appraisers is not a guarantee of subsequent assignments. The State of Minnesota reserves the right to assign appraisers at the discretion of the assigning agency, dependent on the qualifications of the appraisers, geographic location, and fee requirements.

NOTE: Appraisers will be entitled to reject any assignment offered.

Mail qualifications-resumes, requests and other material to:

Department of Natural Resources
Bureau of Land—Box 30
Acquisition and Exchange
500 Lafayette Road
St. Paul, Minnesota 55155-4030

Phone calls may be directed to:

Dennis Dailey 297-1657
Russ Gustafson 296-1135

Department of Corrections

Outside Opinion Sought Regarding Proposed Rules Governing Municipal Jail Facilities

Notice is hereby given that the Department of Corrections is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing municipal jail facilities. The promulgation of these rules is authorized by Minnesota Statute 241.021.

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

John McLagan, Director
Standards Development Unit
Minnesota Department of Corrections
300 Bigelow Building
450 North Syndicate Street
St. Paul, MN 55104

Oral statements will be received during regular business hours over the telephone at 612/642-0335 and in person at the above address. Any written material received by the Department of Corrections shall become part of the record in the event that the rules are promulgated.

Ethical Practices Board

Advisory Opinion #95 Regarding: Lobbyist Disbursement Report

Issued 4-10-87 to David L. Sasseville—SUMMARY—95. Because reference to “rate setting, power plant and powerline siting” in Minn. Stat. § 10A.01, subd. 2, is not modified by “Ch. 116J,” a lobbyist’s attempts to influence rate setting by an executive branch agency must be reported under Minn. Stat. § 10A.04.

The full text of the opinion is available upon request from the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520, (612) 296-5148.

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board will be held on May 7, 1987, at 7:00 p.m. in the Auditorium, Fort Snelling History Center, Fort Snelling, Minnesota.

Department of Human Services

Notice of Surgical Procedures Performed on Inpatients Which Require a Second Opinion

Omphalocele repairs (CPT-4 codes 49600 through 49611) have been deleted from the list of surgeries for which a second opinion is required. This deletion applies to surgeries performed on or after April 1, 1987. Pursuant to Minnesota Rules, part 9505.5035, Subpart 1, this is the revised list of surgical procedures performed on inpatients for which a second surgical opinion is a condition of Medical Assistance or General Assistance Medical Care reimbursement.

OFFICIAL NOTICES

<u>Service Name</u>	<u>CPT-4 (1986 Version) Codes</u>
1. Tonsillectomy and/or Adenoidectomy	42820, 42821, 42825, 42826, 42830, 42831, 42835, 42836, 42860, 42870
2. Hysterectomy	58150, 58152, 58180, 58260, 58265, 58267, 58270, 58275, 58280, 58285
3. Hernia Repair	49505, 49510, 49515, 49520, 49525, 49540, 49550, 49552, 49555, 49560, 49565, 49570, 49575, 49581, 49590
4. Cholecystectomy	47600, 47605, 47610, 47610 with 47550, 47612, 47620

The requirements of the Medical Assistance and General Assistance Medical Care second surgical opinion program are outlined in Minnesota Rules, parts 9505.5000 to 9505.5105.

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) 296-2805. Application deadline is May 12, 1987.

JUVENILE JUSTICE ADVISORY COMMITTEE has 1 vacancy open for a youth member who shall be under the age of 24 at the time of appointment. Members must have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. The majority of members shall not be full time employees of the federal, state or local governments. Members are appointed by the Governor. Members are compensated for travel expenses. For specific information contact the Juvenile Justice Advisory Committee, American Center Bldg., 150 E. Kellogg Blvd., 8th Floor, St. Paul 55101; (612) 296-2596.

MINNESOTA PROPERTY INSURANCE PLACEMENT FACILITY (Fair-Plan Governing Committee) has 1 vacancy open for a public member. The facility administers the Fair Plan Act to make property insurance available in urban areas. Members are appointed by the Commissioner of Commerce. Three to four meetings per year; members receive no compensation. For specific information contact the Minnesota Property Insurance Placement Facility (Fair-Plan Governing Committee), Dept. of Commerce, 500 Metro Square Bldg., St. Paul 55101; (612) 297-3238.

MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE has 1 vacancy open for a local health board representative. No members shall be employees of the State Department of Health. The task force shall meet on a regular basis to perform the following duties: review and report on health care needs of mothers and children throughout the state of Minnesota; review and report on the type, frequency and impact of maternal and child health care services provided to mothers and children under existing maternal and child health care programs, including programs administered by the commissioner of health; establish, review and report to the commissioner a list of program guidelines and criteria which the advisory task force considers essential to providing an effective maternal and child health care program to low income-populations and high risk persons. Members are appointed by the Commissioner of Health. Members receive expenses. For specific information contact the Maternal and Child Health Advisory Task Force, Dept. of Health, Community Services Division, 717 Delaware St. S.E., Mpls. 55440; (612) 623-5265.

MINNESOTA JOINT UNDERWRITING ASSOCIATION—LIABILITY INSURANCE has 6 vacancies open for: a) 3 public members; b) 3 members representing groups insured by Association. The association shall provide liability insurance coverage for persons unable to obtain it through ordinary means where coverage is required by law or is necessary for the conduct of business and serves as a public purpose. Members are appointed by the Commissioner of Commerce. For specific information contact the Minnesota Joint Underwriting Association—Liability Insurance, Dept. of Commerce, 500 Metro Square Bldg., St. Paul 55101, (612) 297-3238.

MINNESOTA COUNCIL FOR THE HEARING IMPAIRED has 1 vacancy open for a hearing impaired person. The council shall advise the Commissioner regarding policies, programs, services affecting hearing impaired citizens; create public awareness of needs and potential of hearing impaired people and to provide the Commissioner with a review of programs. Members are appointed by the Commissioner of Human Services. Terms are staggered. Members receive \$35 per diem except for members who are full time state employees or full time employees of political subdivisions of the state shall not receive the \$35 per diem. Quarterly meetings. For specific information contact the Minnesota Council for the Hearing Impaired, Mark Prowatzke, Deaf Services Division, Dept. of Human Services, 4th Floor, Centennial Bldg., 658 Cedar St., St. Paul 55155; (612) 297-1872 V/TDD.

ENVIRONMENTAL EDUCATION BOARD has 1 vacancy open for a member. The board develops and implements environmental

education programs and activities through 13 regional environmental education councils and 5 metro area task forces. Quarterly meetings; members are reimbursed for expenses. Members are appointed by the Commissioners of Natural Resources and Education. For specific information contact the Environmental Education Board, 500 Lafayette Rd., St. Paul 55146; (612) 296-2368.

Department of Transportation

Consolidated Order No. 72156 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 68884, dated May 15, 1984, which order has been amended by Orders Nos. 69226, 69269, 69270, 69344, 69353, 69595, 69770, 69796, 70006, 70031, 70152, 70455, 70520, 70580, 70652, 70698, 70747, 70749, 70765, 71011, 71070, 71172, 71313, and 71388 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the record of said designation has become cumbersome to maintain, and that the existing designations should be consolidated with needed amendments into one order and document,

The Commissioner, as of the date of this Consolidated Order, hereby vacates, rescinds and sets aside Order No. 68884, as amended by Orders Nos. 69226, 69269, 69270, 69344, 69353, 69595, 69770, 69796, 70006, 70031, 70152, 70455, 70520, 70580, 70652, 70698, 70747, 70749, 70765, 71011, 71070, 71172, 71313 and 71388.

The Commissioner of Transportation as of this date orders and gives notice, pursuant to Minnesota Statutes § 169.832 (1986), that the following street and highway routes, or segments of those routes, are designated and permitted to carry the gross weights allowed under Minnesota Statutes, § 169.825. Those routes or their segments are as follows:

DESIGNATED 80,000 POUND ROUTES*

CITY STREETS

- Albert Lea —MARGARETHA AVENUE FROM T.H. 65 SOUTH TO 13TH STREET AND 13TH STREET EAST TO ITS TERMINI (12 MONTH).
- Anoka —(M.S.A.S.) 9th Avenue from T.H. 242 to Hoffman Engineering (effective 5-15).
—(M.S.A.S.) Tyler Street from 7th Avenue to Federal Cartridge (effective 5-15).
- Blaine —85TH AVENUE FROM I-35W TO 3601 (TRUCK TERMINAL IN THE CITY OF BLAINE) (12 MONTH).
- Brainerd —North and South 4th Street from Washington Street to Laurel Street (effective 5-15).
—Laurel Street from South 4th Street to East River Road (effective 5-15).
- Burnsville —122nd Street from Jct. I-35W to Dupont Avenue (effective 5-15).
—Dupont Avenue from 122nd Street to South Jct. Lady Bird Lane (effective 5-15).
—DUPONT AVENUE FROM LADY BIRD LANE TO PROPOSED 126TH STREET. (12 MONTH.)
—PROPOSED 126TH STREET FROM DUPONT AVENUE TO PROPOSED C.S.A.H. 5. (12 MONTH)
- Cyrus —From 2 blocks South of Jct. T.H. 28 and C.S.A.H. 3 on Dahl Street to T.H. 28 (effective 5-15).
- Detroit Lakes —RANDOLPH ROAD FROM GABOR TERMINAL TO ROOSEVELT AVENUE; THEN ROOSEVELT AVENUE SOUTH TO T.H. 10 (12 MONTH).
—WEST MAIN STREET FROM JCT. T.H. 59 TO A POINT 100 FEET EAST OF SOO LINE RAILROAD TRACKS (12 MONTH).
- Farmington —Willow Street
—From Jct. T.H. 3 to 4th Street (effective 5-15).
- Faribault —2nd Avenue N.W. from T.H. 60 north to T.H. 3 (20th Street N.W.) (effective 5-15).
- Fergus Falls —DOUGLAS AVENUE FROM T.H. 59 TO T.H. 210 (12 MONTH).
—SHERIDAN AVENUE FROM T.H. 59 AND 210 NORTH, TO WASHINGTON AVENUE, WEST ON WASHING-

*Explanatory Note: Both the 12 month and seasonal routes are listed together. The 12 month routes are all in capital letters. The seasonal routes are in small letters.

OFFICIAL NOTICES

- TON AVENUE ONE BLOCK TO SHERMAN STREET, THEN SOUTH ONE BLOCK ON SHERMAN STREET TO JUNIUS AVENUE (12 MONTH).
- FROM T.H. 210 SOUTH ON ST. ANDREWS STREET TO WEST LINCOLN AVENUE, WEST ON WEST LINCOLN AVENUE TO SEWAGE PLANT ROAD, THEN SOUTH ON SEWAGE PLANT ROAD TO CENTRAL BY-PRODUCTS PLANT (12 MONTH).
- Glenwood —JCT. OF T.H. 28 AND MINNESOTA AVENUE TO NORTH LAKESHORE DRIVE, THEN NORTH LAKESHORE DRIVE TO THE WEST CORPORATE LIMITS OF GLENWOOD (12 MONTH).
- Hutchinson —Arch Street between Michigan Street and the Farmers Elevator (effective 5-15).
—Michigan Street from Jct. T.H. 7 to Jct. Arch Street (effective 5-15).
- Inver Grove Heights —Maltby Road From Jct. T.H. 52 east 1700 feet (effective 5-15).
—117th Street from T.H. 52 West to the entrance of the Pine Bend Landfill (effective 5-15).
- Kasson —8th Avenue from Main Street to C.S.A.H. 34 (effective 5-15).
—2nd Avenue from Main Street to C.S.A.H. 34 (effective 5-15).
—C.S.A.H. 34 from 8th Avenue to T.H. 57 (effective 5-15).
- LeSueur —MAIN STREET FROM SOUTH CORPORATE LIMITS TO FERRY STREET. (12 MONTH).
—FERRY STREET FROM MAIN STREET TO SECOND STREET. (12 MONTH).
—SECOND STREET FROM FERRY STREET TO BRIDGE STREET. (12 MONTH).
- Mankato —3rd Avenue from Brooks Street to Jct. T.H. 14 (effective 5-15).
—Minneapolis Road from Woodland Avenue to Blue Earth River (effective 5-15).
—NORTH FRONT STREET FROM MAIN STREET TO LAFAYETTE STREET. (12 MONTH).
- *Minneapolis —ARTHUR STREET N.E. FROM 18TH AVENUE N.E. TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).
—STINSON BOULEVARD FROM 18TH AVENUE N.E. TO BROADWAY STREET N.E. (12 MONTH).
—I-35W NORTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).
—I-35W SOUTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).
—BROADWAY STREET N.E. FROM ARTHUR STREET N.E. TO JCT. T.H. 280 (12 MONTH).
—ARTHUR STREET N.E. FROM SUMMER STREET N.E. TO BROADWAY STREET N.E. (12 MONTH).
—TAFT STREET N.E. FROM KENNEDY STREET N.E. TO BROADWAY STREET N.E. (12 MONTH).
—INDUSTRIAL BOULEVARD N.E. FROM BROADWAY STREET N.E. TO I-35W (12 MONTH).
—NEW BRIGHTON BOULEVARD FROM I-35W NORTH FRONTAGE ROAD TO SOUTH FRONTAGE ROAD (12 MONTH).
—T.H. 55 (HIAWATHA AVENUE) FROM EAST 24TH STREET TO MINNEAPOLIS SOUTH CITY LIMITS (12 MONTH).
—CEDAR HIGHWAY FROM EAST 24TH STREET TO MINNEHAHA AVENUE (12 MONTH).
—CEDAR AVENUE FROM I-94 EXIT RAMP TO MINNEHAHA AVENUE (12 MONTH).
—MINNEHAHA AVENUE FROM I-94 TO EAST 26TH STREET (12 MONTH).
—EAST 26TH STREET FROM MINNEHAHA AVENUE TO 26TH AVENUE SOUTH (12 MONTH).
—26TH AVENUE SOUTH FROM EAST 26TH STREET TO EAST 27TH STREET (12 MONTH).
—EAST 24TH STREET FROM MINNEHAHA AVENUE TO CEDAR AVENUE (12 MONTH).
—WASHINGTON AVENUE SOUTH FROM 42ND AVENUE NORTH TO 10TH AVENUE NORTH, AND FROM 10TH AVENUE SOUTH TO 14TH AVENUE SOUTH (I-35W) (12 MONTH).
—OAK LAKE AVENUE FROM OLSON HIGHWAY TO 10TH AVENUE NORTH (12 MONTH).

*Denotes a 1/4 mile deviation from the following listed routes as long as posted bridges are not utilized.

- 10TH AVENUE NORTH FROM OAK LAKE AVENUE TO WASHINGTON AVENUE NORTH (12 MONTH).
- 10TH AVENUE SOUTH FROM WASHINGTON AVENUE NORTHERLY TO END (12 MONTH).
- DOWLING AVENUE NORTH FROM WASHINGTON AVENUE TO END (12 MONTH).
- LYNDALE AVENUE NORTH FROM 42ND AVENUE NORTH TO NORTH CITY LIMITS (12 MONTH).
- 49TH AVENUE NORTH FROM JAMES AVENUE NORTH TO WEST CITY LIMITS (12 MONTH).
- MARSHALL STREET N.E. FROM BROADWAY STREET N.E. TO EAST RIVER ROAD (12 MONTH).
- EAST RIVER ROAD FROM MARSHALL STREET N.E. TO NORTH CITY LIMITS (12 MONTH).
- UNIVERSITY AVENUE N.E. FROM LOWRY STREET N.E. TO NORTH CITY LIMITS (12 MONTH).
- LOWRY STREET N.E. FROM MARSHALL STREET N.E. TO 6TH STREET N.E. (12 MONTH).
- ELM STREET S.E. FROM KASOTA AVENUE TO 17TH AVENUE S.E. (12 MONTH).
- 17TH AVENUE S.E. FROM ELM STREET TO ROLLINS AVENUE S.E. (12 MONTH).
- ROLLINS AVENUE S.E. FROM 17TH AVENUE TO 15TH AVENUE S.E. (12 MONTH).
- UNIVERSITY AVENUE S.E. FROM 25TH AVENUE S.E. TO EAST CITY LIMITS (12 MONTH).
- Moorhead —1ST AVENUE NORTH FROM 8TH STREET NORTH TO T.H. 10 (12 MONTH).
- Morris —Pacific Avenue from T.H. 59 to Park Avenue (effective 5-15).
- New Ulm —Front Street from 8th Street North to Center Street, then Center Street from Front Street to Valley Street, then South Valley Street from Center Street to First Street South (effective 5-15).
- Owatonna —Park Drive from County Road 75 (24th Avenue N.W.) to Railroad Tracks (effective 5-15).
- Pine City —SEVENTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE WEST, FROM 4TH AVENUE WEST TO 3RD AVENUE WEST, FROM 2ND AVENUE WEST TO RIVER (12 MONTH).
- FOURTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE EAST, 5TH AVENUE EAST TO 3RD AVENUE EAST (12 MONTH).
- THIRD STREET FROM 3RD AVENUE EAST TO RIVER (12 MONTH).
- SECOND STREET FROM 3RD AVENUE EAST TO 2ND AVENUE EAST (12 MONTH).
- FIRST AVENUE EAST FROM C.S.A.H. 61 TO RAILROAD TRACKS (12 MONTH).
- SECOND AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).
- SECOND AVENUE EAST FROM C.S.A.H. 61 TO SECOND STREET (12 MONTH).
- THIRD AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).
- THIRD AVENUE EAST FROM C.S.A.H. 61 TO 2ND STREET (12 MONTH).
- FOURTH AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).
- EIGHTH AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).
- EIGHTH AVENUE EAST FROM C.S.A.H. 61 TO 4TH STREET (12 MONTH).
- HILLSIDE AVENUE FROM C.S.A.H. 61 TO FOURTH STREET (12 MONTH).
- Red Wing —Potter Street from T.H. 61 north to elevator (effective 5-15).
- Plum Street from T.H. 61 to 1/2 block north (effective 5-15).
- Broad Street from T.H. 61 to Levee Road (effective 5-15).
- Levee Road from Broad Street to elevator entrance (effective 5-15).
- Dakota Street from T.H. 61 to elevator entrance. (effective 5-15).
- Rose Creek —3rd Street (effective 5-15).
- Rosemount —Pine Bend Trail from Jct. T.H. 55 to 1.5 miles east (effective 5-15).
- St. Cloud —Roosevelt Road from Jct. T.H. 23 to South city limits (effective 5-15).
- St. James —11th Street from Jct. C.S.A.H. 14 and C.S.A.H. 56 to 8th Avenue North (effective 5-15).

OFFICIAL NOTICES

- St. Paul —DALE STREET FROM GRAND AVENUE TO LARPEN TEUR AVENUE (12 MONTH).
—PLATO BOULEVARD FROM WATER STREET TO FILLMORE AVENUE (12 MONTH).
—CHESTER STREET FROM T.H. 3 TO PLATO BOULEVARD (12 MONTH).
—NORTH CLEVELAND AVENUE FROM UNIVERSITY AVENUE SOUTH TO WABASH AVENUE, THEN WABASH AVENUE ON NORTH CLEVELAND TO VANDALIA STREET, THEN VANDALIA STREET TO I-94 (12 MONTH).
—EAST SEVENTH STREET FROM EAST MINNEHAHA AVENUE TO ATLANTIC STREET, THEN ATLANTIC STREET NORTH TO RAILROAD TRACKS (12 MONTH).
—WACOUTA STREET FROM I-94 TO FIFTH STREET, THEN FIFTH STREET FROM WACOUTA STREET TO BROADWAY (12 MONTH).
—SHEPARD ROAD FROM T.H. 5 TO WARNER ROAD, THEN WARNER ROAD FROM ITS INTERSECTION WITH SHEPARD ROAD TO T.H. 61 (12 MONTH).
—FROM T.H. 5 (WEST 7TH STREET) TO KELLOGG BOULEVARD (12 MONTH).
—CHESTNUT STREET FROM WEST SEVENTH STREET TO SHEPARD ROAD (12 MONTH).
—KELLOGG BOULEVARD FROM WEST SEVENTH STREET TO T.H. 61 (MOUNDS BOULEVARD) (12 MONTH).
—ELWAY STREET FROM SHEPARD ROAD TO MONTREAL AVENUE. THEN MONTREAL AVENUE FROM ELWAY STREET TO STEWART AVENUE. THEN STEWART AVENUE TO TEXACO TERMINAL (12 MONTH).
—MINNEHAHA AVENUE WEST FROM DALE STREET TO ARUNDEL STREET (12 MONTH).
—OTTO AVENUE FROM SHEPARD ROAD TO WEST 7TH STREET (12 MONTH).
—WHITE BEAR AVENUE FROM I-94 TO EAST MINNEHAHA AVENUE (12 MONTH).
—EAST MINNEHAHA AVENUE FROM WHITE BEAR AVENUE TO BIRMINGHAM STREET (12 MONTH).
—CHILDS ROAD FROM WARNER ROAD TO THE SOUTHERLY LIMITS OF CHILDS ROAD (12 MONTH).
—PRIOR AVENUE FROM UNIVERSITY AVENUE TO PIERCE BUTLER ROUTE (12 MONTH).
—PIERCE BUTLER ROUTE FROM PRIOR AVENUE TO SNELLING AVENUE (12 MONTH).
—MOUNDS BOULEVARD FROM I-94 TO EAST SEVENTH STREET (12 MONTH).
—SNELLING AVENUE (T.H. 51) (12 MONTH).
- Sauk Centre —4th Street North from T.H. 71 to 331 North 4th Street (effective 5-15).
- South St. Paul—RICHMOND STREET FROM CONCORD STREET (T.H. 56) EAST TO HARDMAN AVENUE (12 MONTH).
—HARDMAN AVENUE FROM RICHMOND STREET NORTH TO I-94 (12 MONTH).
—JOHN CARROL BOULEVARD FROM T.H. 56 (CONCORD STREET) TO STOCKYARDS ROAD. (12 MONTH).
—STOCKYARDS ROAD FROM JOHN CARROL BOULEVARD SOUTH TO DEAD END. (12 MONTH).
- Windom —16TH STREET FROM JCT. T.H.s. 60 AND 71 TO NORTH LAKEVIEW AVENUE EXTENDED (12 MONTH).
- Winona —PELZER STREET FROM JCT. T.H. 61 TO THEURER BOULEVARD (12 MONTH).
—RIVERVIEW DRIVE FROM THEURER BOULEVARD TO 2900 FEET EAST OF PRAIRIE ISLAND ROAD (12 MONTH).
—Franklin Street from Jct. T.H. 43 to Front Street (effective 5-15).
- Worthington —Oxford Street from T.H. 60 to T.H. 266 (effective 5-15).

COUNTY ROADS

- Anoka —C.S.A.H. 23 (Naples Street) from C.S.A.H. 32 to County Road 105 (effective 5-15).
—County Road 102 (57th Avenue) from T.H. 47 to Main Street (County Road 102) (effective 5-15).
—County Road 102 (Main Street) from 57th Avenue to C.S.A.H. 2 (44th Avenue) (effective 5-15).
—C.S.A.H. 32 (85TH AVENUE) FROM 3601 85TH AVENUE TO 3701 85TH AVENUE (12 MONTH).
—C.S.A.H. 7 (7th Avenue) from T.H. 10 to Tyler Street (in Anoka) (effective 5-15).

- T.H. 242 (Main Street) from T.H. 10 to 9th Avenue (in Anoka) (effective 5-15).
- Becker —C.S.A.H. 10 CONNECTIONS TO T.H. 10 (12 MONTH).
- C.S.A.H. 10 from T.H. 10 west of Frazee to T.H. 10 east of Frazee (effective 5-15).
- C.S.A.H. 7 from T.H. 10 to Front Street in City of Lake Park (effective 5-15).
- C.S.A.H. 10 from T.H. 87 to South County Line (effective 5-15).
- C.S.A.H. 13 from T.H. 10 to Eagle Street in City of Audubon (effective 5-15).
- C.S.A.H. 30 from T.H. 87 to River Drive in City of Frazee (effective 5-15).
- C.S.A.H. 84 from T.H. 59 to Soo Line Railroad in City of Callaway (effective 5-15).
- Blue Earth —C.S.A.H. 5 (3rd Ave.) from Brooks St. (Mankato) to North LeSueur Co. Line (effective 5-15).
- C.S.A.H. 5 (THIRD AVENUE) FROM FRONT STREET TO C.S.A.H. 12 (INDUSTRIAL ROAD). (12 MONTH).
- C.S.A.H. 12 (INDUSTRIAL ROAD) FROM C.S.A.H. 5 (THIRD AVENUE) TO A POINT APPROXIMATELY 2,300 FEET EASTERLY. (RAILROAD TRACKS.) (12 MONTH).
- Carlton —C.S.A.H. 1 FROM JCT. T.H. 210 (CARLTON) TO WRENSHALL REFINERY (12 MONTH).
- Chisago —C.S.A.H. 30 from Jct. T.H. 61 to Jct. T.H. 361 (Rush City) (effective 5-15).
- Clay —C.S.A.H. 11 FROM T.H. 10 TO TRUCK STOP 1/2 MILE SOUTH OF I-94 (12 MONTH).
- C.S.A.H. 18 FROM JCT. C.S.A.H. 3 TO JCT. T.H. 75 (12 MONTH).
- C.S.A.H. 52 FROM JCT. T.H. 9 (BARNESVILLE) TO JCT. I-94 (MOORHEAD) (12 MONTH).
- Dakota —C.S.A.H. 32 from Jct. I-35 east 0.3 miles (effective 5-15).
- C.S.A.H. 5 FROM T.H. 13 TO PROPOSED 126TH STREET (12 MONTH).
- C.S.A.H. 82 FROM C.S.A.H. 41 TO ITS JCT. WITH T.H. 29 IN ALEXANDRIA (12 MONTH).
- Freeborn —C.S.A.H. 26 from Milwaukee Railroad Tracks to Jct. I-90 (effective 7-1).
- C.S.A.H. 31 from Railroad Tracks to Jct. I-35 (effective 7-1).
- C.S.A.H. 46 from Jct. I-90 (Petran) easterly approximately 0.4 miles & northerly approximately 0.7 miles on Hayward Township Road to Pillsbury Elevator (effective 5-15).
- Hennepin —C.S.A.H. 1 (OLD SHAKOPEE ROAD) —FROM NESBITT AVENUE TO I-35W (12 MONTH).
- C.S.A.H. 3 (EXCELSIOR BLVD.) —FROM C.S.A.H. 18 TO T.H. 100 (12 MONTH).
- C.S.A.H. 10 (BASS LAKE ROAD) —FROM I-494 TO C.S.A.H. 156 (12 MONTH).
- C.S.A.H. 15 (SHORELINE BLVD.) —FROM C.S.A.H. 110 TO C.S.A.H. 19 (12 MONTH).
- C.S.A.H. 18 —FROM I-494 TO T.H. 7 (12 MONTH).
- C.S.A.H. 18 —FROM C.S.A.H. 10 TO I-94 (12 MONTH).
- C.S.A.H. 19 —FROM T.H. 7 TO C.S.A.H. 15 (12 MONTH).
- C.S.A.H. 20 (BLAKE ROAD) —FROM C.S.A.H. 3 TO T.H. 7 (12 MONTH).
- C.S.A.H. 34 (NORMANDALE BLVD.) —FROM C.S.A.H. 1 (OLD SHAKOPEE ROAD) TO I-494 (12 MONTH).
- C.S.A.H. 61 —From Jct. I-94 to County Road 130 (effective 5-15).
- C.S.A.H. 109 (85TH AVENUE NORTH)—FROM C.S.A.H. 18 TO T.H. 52 (12 MONTH).
- C.S.A.H. 156 (WINNETKA AVENUE) —FROM C.S.A.H. 9 TO C.S.A.H. 10 (12 MONTH).
- County Road 130 —From C.S.A.H. 61 to 0.45 miles northwest (effective 5-15).
- Lake —C.S.A.H. 2 from Jct. T.H. 61 to Jct. County Road 200N (effective 5-15).
- County Road 200N from Jct. C.S.A.H. 2 to Jct. County Road 200E (effective 5-15).
- County Road 200E from Jct. County Road 200N to Jct. County Road 200S (effective 5-15).
- County Road 200S from Jct. C.S.A.H. 2 to County Road 200W (effective 5-15).

OFFICIAL NOTICES

- Lyon —C.S.A.H. 33 FROM T.H. 59 TO T.H. 23 IN MARSHALL (12 MONTH).
—C.S.A.H. 9 FROM T.H. 23 TO C.S.A.H. 32 IN COTTONWOOD (12 MONTH).
—C.S.A.H. 14 FROM T.H. 59 TO SHERMAN ST. IN GARVIN (12 MONTH).
—C.S.A.H. 28 FROM T.H. 14 TO C.S.A.H. 29 IN TRACY (12 MONTH).
—C.S.A.H. 29 FROM T.H. 14 TO C.S.A.H. 28 IN TRACY (12 MONTH).
—C.S.A.H. 2 from T.H. 59 to C.S.A.H. 9 (5-15).
—C.S.A.H. 9 from C.S.A.H. 2 to Twp. Rd. T-32 in Amiret (5-15).
—C.S.A.H. 7 from T.H. 23 to T.H. 19 in Marshall (5-15).
—C.S.A.H. 27 from T.H. 14 to Lake Ave. in Balatan (5-15).
—C.S.A.H. 30 from T.H. 23 to T.H. 23 in Lynd (5-15).
—C.S.A.H. 31 from T.H. 23 to T.H. 23 in Russel (5-15).
- Martin —C.S.A.H. 50 from C.S.A.H. 52 to Jct. T.H. 16 (effective 5-15).
—C.S.A.H. 52 from 2nd Street West in Truman to C.S.A.H. 50 (effective 5-15).
—C.S.A.H. 39 from C.S.A.H. 26 To Jct. I-90 (effective 5-15).
—County Road 145 from C.S.A.H. 38 to T.H. 15 (effective 5-15).
- McLeod —C.S.A.H. 9 from Plato to T.H. 212 (effective 5-15).
—C.S.A.H. 21 from North County Line to Winsted (effective 5-15).
—C.S.A.H. 32 from West Jct. T.H. 212 to East Jct. T.H. 212 (effective 5-15).
—County Road 81 in Glencoe (effective 5-15).
- Murray —C.S.A.H. 29 from the City of Hadley to Jct. T.H. 30 (effective 5-15).
- Nobles —C.S.A.H. 33 FROM SOUTH JCT. T.H. 60 TO NORTH JCT. T.H. 60 (12 MONTH).
- Otter Tail —C.S.A.H. 8 from T.H. 10 to North City Limits of Perham (effective 5-15).
—C.S.A.H. 10 (Old T.H. 10) from Jct. T.H. 10 to North Otter Tail County Line near Frazee (effective 5-15).
—C.S.A.H. 67 from Jct. C.S.A.H. 84 to South Limits of New York Mills (effective 5-15).
—C.S.A.H. 80 from Southeast Jct. T.H. 10 to Northwest Jct. T.H. 10 (effective 5-15).
—C.S.A.H. 84 from Southeast Jct. T.H. 10 to Northwest Jct. T.H. 10 (effective 5-15).
- Pine —C.S.A.H. 61 FROM JCT. OF T.H. 361 AND T.H. 324 TO ITS JCT. WITH C.S.A.H. 11 IN PINE CITY (12 MONTH).
—COUNTY ROAD 55 FROM C.S.A.H. 61 TO INDUSTRIAL PARK—PINE CITY (12 MONTH).
—C.S.A.H. 8 FROM C.S.A.H. 61 TO EAST 2ND STREET (12 MONTH).
- Ramsey —COUNTY ROAD D (C.S.A.H. 19) FROM OLD T.H. 8 TO I-35W (12 MONTH).
—OLD HIGHWAY 8 (C.S.A.H. 77) FROM COUNTY ROAD D TO FIRST STREET SOUTHWEST (12 MONTH).
—CLEVELAND AVENUE (C.S.A.H. 46) FROM COUNTY ROAD C TO COUNTY ROAD C-2 (12 MONTH).
—COUNTY ROAD C (C.S.A.H. 23) FROM WEST COUNTY LINE TO PRIOR AVENUE (12 MONTH).
—COUNTY ROAD J (C.S.A.H. 1) (OR 85TH AVENUE N.E.) IN ANOKA (12 MONTH).
—COUNTY C.S.A.H. 32 FROM I-35 TO 3701 85TH AVENUE N.E. (12 MONTH).
- *Redwood —C.S.A.H. 7 from Seaforth to Jct. T.H. 19 (effective 7-15).
—C.S.A.H. 1 and 16 from Clements to Jct. T.H. 71 (effective 7-15).
—C.S.A.H. 4 and 17 from Wanda to Jct. T.H. 71 (effective 7-15).
—C.S.A.H. 6 from Jct. T.H. 14 to Jct. T.H. 68 (effective 7-15).
—C.S.A.H. 25 and 100 from West Jct. C. & N.W. Ry. in North Redwood to South Jct. C. & N.W. Ry. (effective 7-15).

*These are seasonally restricted 10 ton routes. Effective period to carry the increased weights is from July 15th each year until the following springload restrictions go into effect.

- C.S.A.H. 10 and 30 from Lucan to Jct. T.H. 19 (effective 7-15).
- C.S.A.H. 33 from Jct. T.H. 68 to Jct. C.S.A.H. 133 (effective 7-15).
- C.S.A.H. 101 from North Redwood to Jct. T.H. 19 (effective 7-15).
- C.S.A.H. 133 from Jct. C.S.A.H. 33 to Front St. (Wabasso) (effective 7-15).
- C.R. 70 from Rowena to Jct. T.H. 71 (effective 7-15).
- C.R. 80—entire segment (effective 7-15).
- St. Louis** —C.S.A.H. 102 from T.H. 53 to Minntac Ent. (effective 5-15).
- C.S.A.H. 3 (BECKS ROAD) FROM T.H. 23 TO C.S.A.H. 13 (MIDWAY ROAD). (12 MONTH).
- C.S.A.H. 13 (MIDWAY ROAD) FROM C.S.A.H. 3 TO T.H. 53 (MILLER TRUNK HIGHWAY). (12 MONTH).
- C.S.A.H. 53 FROM T.H. 169 TO T.H. 135 (VIRGINIA). (12 MONTH).
- C.S.A.H. 102 from Jct. T.H. 53 to Minntac Ent. (effective 5-15).
- Sherburne** —C.S.A.H. 11 from T.H. 25 to T.H. 10 (effective 5-15).
- Stearns** —C.S.A.H. 75 from west Jct. I-94 to Jct. T.H. 23 in Waite Park (effective 5-15).
- C.S.A.H. 75 from South City Limits of St. Cloud to Jct. I-94 near St. Augusta (effective 5-15).
- Steele** —C.S.A.H. 45 from the Rice County Line South to the State Highway 14-218 interchange in Owatonna (effective 5-15).
- C.S.A.H. 12 from the I-35 interchange East to the East City Limits of Medford (effective 5-15).
- C.S.A.H. 9 from the I-35 interchange East to C.S.A.H. 45 (effective 5-15).
- C.S.A.H. 35 from the I-35 interchange East to C.S.A.H. 45 (effective 5-15).
- C.S.A.H. 25 (Bridge Street) from the I-35 interchange west to C.R. 75 (24th Avenue N.W.) and C.R. 75 (24th Avenue N.W.) from C.S.A.H. 25 North to T.H. 14 (effective 5-15).
- C.S.A.H. 14 from the I-35 interchange west to C.S.A.H. 4 and C.S.A.H. 4 from C.S.A.H. 14 North to the North Limits of Hope (effective 5-15).
- C.S.A.H. 1 (North Street) from C.S.A.H. 45 (Hoffman Drive) east to No. Cedar Street and C.S.A.H. 1 (N. Cedar Street) from North Street North to 11th Street (effective 5-15).
- C.S.A.H. 19 (Rose Street) from C.S.A.H. 45 (Hoffman Drive) east to C.S.A.H. 8 (Grove Ave. and Mineral Springs Road) and C.S.A.H. 8 North and East to Cherry Street (effective 5-15).
- Stevens** —C.S.A.H. 13 Chokio only (effective 5-15).
- C.S.A.H. 9 Alberta only (effective 5-15).
- C.S.A.H. 8 from C.S.A.H. 1 to Jct. T.H. 9 (Hancock) (effective 5-15).
- Traverse** —C.S.A.H. 4 Browns Valley only (effective 5-15).
- C.S.A.H. 100 from 12th Street to Jct. T.H. 75 (effective 5-15).
- Wabasha** —C.S.A.H. 9 (Lakewood Avenue) from Jct. T.H. 61 South to South 10th Street (Lake City) (effective 5-15).
- C.S.A.H. 62 (South 10th Street) from Lakewood Avenue West to Jct. T.H. 63 (Lake City) (effective 5-15).
- Waseca** —C.S.A.H. 2 from C.S.A.H. 3 to C.S.A.H. 27 (effective 5-15).
- C.S.A.H. 3 from Waldorf to Jct. T.H. 14 (effective 5-15).
- C.S.A.H. 4 from C.S.A.H. 23 to T.H. 14 (effective 5-15).
- C.S.A.H. 9 from west county line to C.S.A.H. 3 (effective 5-15).
- C.S.A.H. 12 from C.S.A.H. 1 to T.H. 13 (effective 5-15).
- C.S.A.H. 27 from C.S.A.H. 9 to C.S.A.H. 2 (effective 5-15).
- C.S.A.H. 2 from C.S.A.H. 27 to T.H. 14 (effective 5-15).
- C.S.A.H. 27 from C.S.A.H. 2 to C.S.A.H. 5 (effective 5-15).
- C.S.A.H. 5 from C.S.A.H. 27 to C.S.A.H. 30 (effective 5-15).
- C.S.A.H. 30 from C.S.A.H. 5 to T.H. 13 (effective 5-15).

OFFICIAL NOTICES

- C.R. 57 from C.S.A.H. 27 to C.S.A.H. 4 (effective 5-15).
- Washington—C.S.A.H. 16 from the west ramps of I-494 to Woodlane Drive in Woodbury (effective 5-15).
- C.S.A.H. 19A FROM JCT. T.H. 61 TO MILWAUKEE RAILROAD IN COTTAGE GROVE (12 MONTH).
- C.S.A.H. 21 from C.S.A.H. 28 to C.S.A.H. 23 (effective 5-15).
- C.S.A.H. 22 FROM T.H. 61 TO JCT. WITH C.S.A.H. 38 (12 MONTH).
- C.S.A.H. 23 from C.S.A.H. 21 to Lookout Trail North (T.H. 36) (effective 5-15).
- C.S.A.H. 38 FROM JCT. WITH C.S.A.H. 22 TO JCT. WITH I-494 (12 MONTH).
- COUNTY ROAD 66 (GREELY STREET) FROM T.H. 36 TO CURVE CREST BOULEVARD IN STILLWATER (12 MONTH).
- C.S.A.H. 28 FROM STATE PRISON ENTRANCE ROAD TO C.S.A.H. 21 (12 MONTH).
- Watonwan —C.S.A.H. 10 from Jct. C.S.A.H. 23 to Jct. T.H. 15 (effective 5-15).
- C.S.A.H. 12 from Jct. T.H. 60 to Jct. T.H. 4 and C.S.A.H. 14 in St. James (effective 5-15).
- C.S.A.H. 14 (11th Street South in St. James) from Jct. T.H. 4 to Jct. C.S.A.H. 56 (1st Avenue South) (effective 5-15).
- C.S.A.H. 56 (1st Avenue South in St. James) from C.S.A.H. 14 to Jct. T.H. 4 (effective 5-15).
- County Road 117 from Jct. C.S.A.H. 10, one mile west of T.H. 15, to Jct. T.H. 60 (effective 5-15).
- Winona —C.S.A.H. 32 from C.S.A.H. 54 (Goodview) to Pelzer Street in Winona (12 month).

Dated: 8 April 1987

Leonard W. Levine
Commissioner of Transportation

Department of Transportation

List of Rights-of-way Proposed for Acquisition

The Commissioner of the Minnesota Department of Transportation is publishing this notice to list the right-of-way or several abandoned rail lines proposed for acquisition through the State Rail Bank program. This notice is published pursuant to Minnesota Statutes, Section 222.63, Subdivision 3, and in accordance with the rules governing the State Rail Bank, Minnesota Rules 1985, Part 8830.5800. Information about the railroad right-of-way proposed for acquisition is as follows:

1. The rail lines are under the joint ownership of the Soo Line Railroad Company and the Burlington Northern Inc. They are—
 - Spur Line No. 327 Deerwood to Trommald, 9.83 miles;
 - Spur Line No. 329 of Spur No. 327, Huntington Jct to Riverton, 2.31 miles; and
 - Spur Line No. 326 off Spur No. 327, Ironton to Cuyuna, 4.77 miles.
2. The lines are in Crow Wing County.
3. The identified future use for the right-of-way is for the re-establishment of rail freight service.
4. This right-of-way constitutes the major portion of the Cuyuna Range Lines. Abandonment became effective for these lines on February 28, 1987.

Written comments about the proposed acquisition should be sent to the Minnesota Department of Transportation within 30 days of the publication of this Notice. Comments should be mailed to the following address:

Isaac McCrary, Jr., Manager
State Rail Bank Program
Office of Railroads & Waterways
Minnesota Department of Transportation
810 Transportation Building
St. Paul, MN 55155

Dated: 3 March 1987

Leonard W. Levine
Commissioner of Transportation

STATE CONTRACTS AND ADVERTISED BIDS

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any 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. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Repair of air conditioner—Rebid (EFS)	April 27	Ironrange Resources	Iron World USA Chisholm	43000 07780
Carpet & install contract—Rebid (JPK)	April 27	Various	Various	Price Contract
Printer & print bands (PA)	April 27	Information Mgmt Br	St. Paul	02410 51475 76
Folder/crossfolder (DRT)	April 27	Regional Treatment Ctr	Willmar	55106 06501
Self propelled sweeper (DM)	April 23	Transportation	Various	79382 01216
Telephone answering devices (PA)	April 23	Various	Various	Price Contract
Mini computers	April 23	Various	Various	Price Contract
Compaq computer (PA)	April 24	Commerce Dept	St. Paul	13225 09783
Purchase of used copier (JPK)	April 24	Governor's Residence	St. Paul	39000 76692
Photo copy machine rental con- tract (metro area) (BJ)	April 24	Various	Various	Price Contract
Computer software & equipment (MJB)	April 22	State University	Mankato	26071 17274
Forklift (DM)	April 22	Transportation	Owatonna	79382 01215
New wheel loader tractor (DM)	April 22	State University	Mankato	26071 17280

Department of Administration

Request for Proposals for Food Service Vendor for the Capitol Complex Area

The Department of Administration desires proposals for a Food Service Vendor to Operate five (5) food service locations in the Capitol complex area, St. Paul, Minnesota. The Capitol complex area has approximately 5,000 State employees and has experienced a yearly average of \$1,000,000 Total Net Cash Sales from an average of 750,000 sales. Contact the Department of Administration, Plant Management Division, 625 N. Robert St., St. Paul, Minnesota 55155, (612) 296-6171. Proposals must be submitted by 4:30 p.m. (CST) on Tuesday, May 26, 1987.

Department of Corrections

Minnesota Correctional Facility-Oak Park Heights

Notice of Request for Proposals for Providing Employee Physicals

Notice is hereby given that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for providing employee physical examinations to potential Correctional Counselor employees. The contract period will run from July 1, 1987 through June 30, 1989 at an estimated cost of \$10,000 for the two years. Specific details on the purpose and scope of these preemployment physical examinations can be obtained by calling Leanne Phinney, MCF-Oak Park Heights Personnel Director at (612) 779-1480. The proposals must be submitted by 4:30 p.m., May 22, 1987 to: Leanne Phinney, MCF-Oak Park Heights, Box 10, Stillwater, Minnesota 55082.

STATE CONTRACTS & ADVERTISED BIDS

Department of Human Services Brainerd Regional Human Services Center

Request for Proposal for Medical Services and Behavior Modification Services

Notice is hereby given that the Brainerd Regional Human Services Center, Mental Health Bureau, Department of Human Services, is seeking the following services for the period July 1, 1987 through June 30, 1988. These services are to be performed as requested by the Administration of the Brainerd Regional Human Services Center.

This request for proposals does not obligate the state to complete the projects, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

1. Services of a physician to provide "on call" service for an acute ward, physical examinations, make hospital rounds, and conduct clinics. The estimated amount of the contract will not exceed \$50,004.00.
2. Services of a radiologist to interpret X-rays taken at Brainerd Regional Human Services Center or special X-rays done under his/her direction at St. Joseph's Medical Center, Brainerd, MN. The estimated amount of the contract will not exceed \$16,000.00.
3. Services of a Licensed Psychologist to provide objective technical review of aversive treatment programs, and research proposals submitted to the Research Committee for approval. Attend monthly Research Committee meetings and participate in decisions of the Committee. Provide technical assistance in improvement of individual treatment programs submitted to the Research Committee. The estimated amount of the contract will not exceed \$5,400.00.

Responses must be received by 11 a.m., May 11, 1987. Direct inquiries to:

Elmer O. Davis
Assistant Administrator (218) 828-2399
Brainerd Regional Human Services Center
1777 Highway 18 East
Brainerd, MN 56401

For publication Monday, April 20, 1987.

Department of Human Services Brainerd Regional Human Services Center

Request for Services of a Psychiatrist

Services of a psychiatrist with interest in adolescent psychiatry to provide services for residents of the Minnesota Learning Center which is a residential treatment program for emotionally disturbed adolescents. Duties to include assessments to determine organically involved impairments; diagnosis and treatment recommendations; evaluation of appropriateness of medications and prescribing appropriate medications; consultation in treatment of clients such as those experiencing psychotic episodes; monthly consultation to the interdisciplinary team; and individual appointments with designated clients.

The total cost of the contract is estimated not to exceed \$31,200.00 for the period July 1, 1987 through June 30, 1988.

Direct inquiries to:

Leonard T. Fielding, M.D. (218) 828-2414
Medical Director
Brainerd Regional Human Services Center
1777 Highway 18 East
Brainerd, MN 56401

Department of Natural Resources Waters Division

Notice of Request for Proposal for Professional Engineering Services

Notice is hereby given that the Department of Natural Resources is seeking proposals for professional engineering services for the

NON-STATE PUBLIC CONTRACTS

preparation of an operation/maintenance plan and an emergency action plans for the Lake Bronson Dam. Four months will be allowed for completion of the plans.

Contact Person:

Craig A. Regalia, Dam Safety Supervisor
Minnesota Department of Natural Resources
Division of Waters
Third Floor, DNR Building
500 Lafayette Road
St. Paul, Minnesota 55155-4032
Phone (612) 296-0525

Estimated Cost: Not to exceed \$23,000.00

Submission Deadline: 4:30 p.m. May 26, 1987

Interested persons may obtain a request for proposal and submit proposals to the above stated contact person.

The engineering consultant contractor must have extensive experience in dam safety matters and in preparing these plans for high hazard dams. This experience should be documented in the consultant's proposal.

NON-STATE PUBLIC CONTRACTS

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Ramsey County

Request for Proposals

Ramsey County is seeking proposals to prepare a detailed analysis of the scope of work and costs associated with these activities with respect to the renovation of the existing structure known as the American Center Building, located at 150-160 E. Kellogg Blvd., St. Paul, Minnesota.

The request for proposals may be obtained from the Office of the Executive Director, Ramsey County, Room 286, City Hall/Court House, 15 W. Kellogg Blvd., St. Paul, Minnesota, 612-298-5980.

A proposers conference will be held on Friday, May 1, 1987, at 9:30 a.m., in the third floor conference room of the American Center Building.

Proposals shall be submitted to the Office of the Executive Director no later than 4:30 p.m., CDT, Friday, May 15, 1987. Late proposals will not be accepted.

SUPREME COURT DECISIONS

Decisions Filed Friday, 10 April 1987

Compiled by Wayne O. Tschimperle, Clerk

C1-86-540 Young Men's Christian Association-Camp Olson, Relator v. County of Cass. Tax Court.

The Tax Court's reinstatement of the taxpayer's petition objecting to a real estate tax assessment, originally automatically dismissed by operation of Minn. Stat. § 278.03 (1984), was proper. The court thereby retained jurisdiction and should have decided the petition on its substantive merits.

Reversed and remanded. Amdahl, C.J.

Took no part, Kelley, J.

C3-86-1527 State of Minnesota v. John Allen Krech, petitioner, Appellant. Court of Appeals.

Police did not violate defendant's Fourth Amendment rights in seizing and searching garbage which defendant had put in cans for collection outside of duplex where he resided.

Affirmed as modified. Amdahl, C.J.

C1-86-1607 State of Minnesota, petitioner, Appellant v. Walter C. Muhlenhardt. Court of Appeals.

The Court of Appeals erroneously substituted its findings for those of trial court in probation revocation proceeding.

Reversed and revocation of probation reinstated. Amdahl, C.J.

C3-86-1611 State of Minnesota, petitioner, Appellant, v. Patrick Vincent Paradee. Court of Appeals.

When a criminal defendant seeks discovery of privileged material and it is not clear to the trial court that the material is discoverable, the trial court should examine the material in camera to determine if it is discoverable.

Reversed and remanded to trial court for further proceedings. Amdahl, C.J.

CX-86-410 Agatha Kaess, as trustee for the heirs of Arthur Kaess v. Armstrong Cork Company, et al., MacArthur Company, Appellant. Court of Appeals.

Minnesota Statutes § 176.031 bars a products liability suit by an employee against the employer under the facts and circumstances of this case.

Certified question answered in the affirmative.

Reversed. Wahl, J.

C4-85-2126 Robert Kallio v. Ford Motor Company, petitioner, Appellant, Tomahawk Ford, Inc. Court of Appeals.

Although ordinarily in a products liability tort case based upon alleged defect in design existence of an alternative feasible safer design is a factor to be considered in determining whether the product was unreasonably dangerous, it is not a separate element necessarily to be proved in each case. In the instant case, sufficient evidence existed to prima facie establish existence of a feasible alternative safer design.

Normally in a products liability case based upon an alleged design defect, evidence of subsequent remedial actions taken by the manufacturer is inadmissible under Rule 407, Minn. R. Evid., if the defendant manufacturer concedes the feasibility of the alternate design at the time the product was manufactured.

Whether the manufacturer of an automatic transmission on a motor vehicle breached its duty to warn operators of the dangers of vehicular movement if the shift lever was not completely in the "park" position, and whether the breach was a cause of the accident and injury was for jury resolution.

Affirmed. Kelley, J.

Concurring specially, Simonett, J.

CX-86-679 Mark A. Lucas, petitioner, Appellant v. American Family Mutual Insurance Company. Court of Appeals.

Though parties to a contract have agreed to arbitrate contractual disputes, the contract may be modified by subsequent mutual agreement of the parties to reserve issues of law to be determined in later judicial proceedings.

Pearbitration award interest is not recoverable under Minn. Stat. § 549.09 (1986).

Affirmed. Kelley, J.

C1-86-1493 In Re the Arbitration of: Judith Wisniewski, et al, Appellants v. State Farm Mutual Automobile Insurance Company, Ramsey County.

Interest on prearbitration awards is not recoverable under Minn. Stat. § 549.09 (1986).

Merely because it has agreed to defer resolution of the issue whether preaward interest is recoverable in arbitration under Minn. Stat. § 549.09 (1986), a party is not estopped from later challenging in district court lack of subject matter jurisdiction.

Affirmed. Kelley, J.

Orders

C0-85-2205, C5-84-2139, C2-84-2163, C9-81-1206 Order Prescribing and Promulgating Rules of the Minnesota Client Security Board, Imposing A Special Assessment, And Amending the Rules of the Supreme Court for Registration of Attorneys Supreme Court.

Rules of the Minnesota Client Security Board are adopted. Amdahl, C.J.

Minnesota: national leader in education

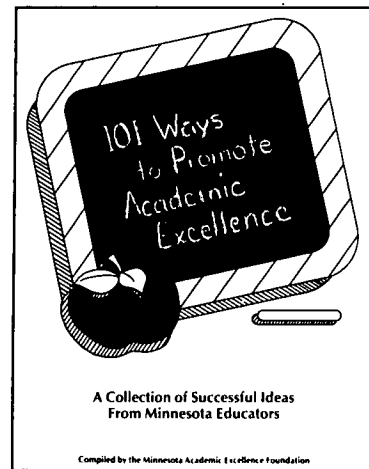
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Names and addresses of licensed chiropractors, doctors of medicine, and osteopaths, optometrists, podiatrists and registered physical therapists in alphabetical order by discipline. Includes members of all the state medical profession boards. Code #1-1, \$15.00.

Medical Alley Directory 1986

A guide to more than 300 high-tech medical, bio-tech and health care companies, institutions and organizations and their products and services. Code #40-7, \$49.95.

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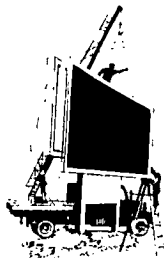
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Minnesota Manufacturer's Directory 1986-87

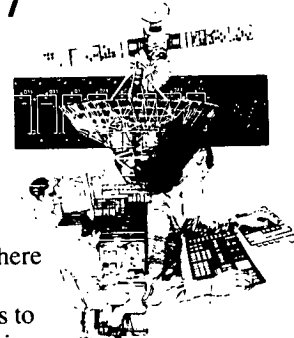


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code # 40-2, \$68.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



REVISED: There are more than 7,000 changes to the 7,068 entries.



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Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #9-14, \$6.00.

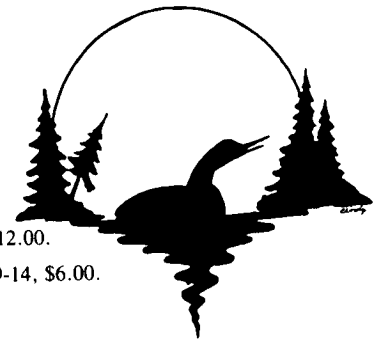
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Loon Lapel Pin. Code #15-30, \$2.49.

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Minnesota's future environment

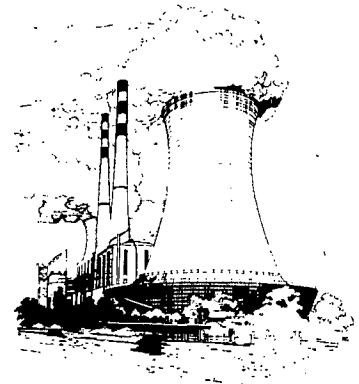
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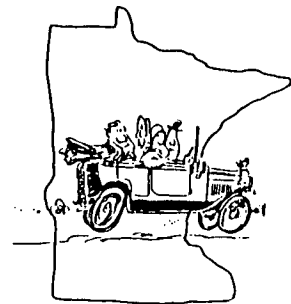
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Room at the Inn: Guide to Historic Bed and Breakfasts, Hotels and Country Inns Close to the Twin Cities, by Laura Zahn. 127 pp., Code #19-72, \$7.95.



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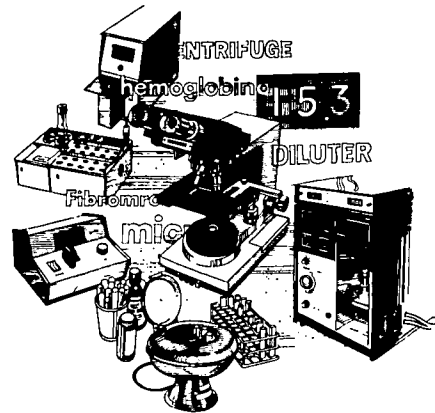
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