88, June 13

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State of Minnesota

STATE REGISTER

Department of Administration—Documents Division

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Published every Monday

13 June 1988

Volume 12, Number 50

Pages 2685-2740

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 12 Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
50	Friday 27 May	Monday 6 June	Monday 13 June
51	Monday 6 June	Monday 13 June	Monday 20 June
52	Monday 13 June	Monday 20 June	Monday 27 June
1 (Vol. 13)	Monday 20 June	Monday 27 June	Monday 4 July

*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 55103, (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.

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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:

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Contact: Senate Public Information Office
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(612) 296-0504

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

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NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register.*** Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers. Every odd-numbered year the ***Minnesota Rules*** are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register.***

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register.*** When rules are first drafted, state agencies publish them as **Proposed Rules,** along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register.*** After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules.** These final adopted rules are not printed in their entirety in the ***State Register,*** only the changes made since their publication as **Proposed Rules.** To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register,*** the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services.***

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the ***State Register,*** a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services,*** contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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Proposed Rules

Pursuant to Minn. Stat. of 1982, §§ 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.

Board of Education

Proposed Permanent Rules Relating to Multischool District Organizations; Elementary, Secondary, and Vocational Computer Centers

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Board of Education intends to adopt the above entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is Section 121.931 Subds. 6, 7 and 8.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request *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 rule addressed, the reason for the request, and any change proposed, if a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Capitol Square Building
Room 850
550 Cedar Street
St. Paul, MN 55101
ATTENTION: Erv Chorn

The proposed rule 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 rule as noticed.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Erv Chorn upon request.

Rules as Proposed (all new material)

CHAPTER 3560 STATE BOARD OF EDUCATION MULTISCHOOL DISTRICT ORGANIZATIONS; ELEMENTARY, SECONDARY, AND VOCATIONAL COMPUTER CENTERS

3560.0010 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of education or the commissioner's designee.

Subp. 3. **DARC.** "DARC" means the data acquisition review committee of the Department of Education.

Subp. 4. **Department.** "Department" means the Department of Education unless otherwise specifically identified.

Subp. 5. **District.** "District" has the meaning given in *Minnesota Statutes*, section 121.93, subdivision 2.

Subp. 6. **ESV computer council.** "ESV computer council" has the meaning given in *Minnesota Statutes*, section 121.93, subdivision 5.

Subp. 7. **ESV regional computer center.** "ESV regional computer center" means a governmental unit formed by a joint powers agreement entered into by school districts to provide computer and related services to its affiliated school districts.

ESV regional computer center, regional management information center, and regional computer center are synonomous terms.

Subp. 8. **ESV-IS.** "ESV-IS" has the meaning given in *Minnesota Statutes*, section 121.93, subdivision 3.

Subp. 9. **SDE-IS.** "SDE-IS" has the meaning given in *Minnesota Statutes*, section 121.93, subdivision 4.

Subp. 10. **State board.** "State board" means the State Board of Education or its designee.

3560.0020 DATA STANDARDS.

Subpart 1. **Criteria.** The data standards referred to in this part cover only data submitted to the commissioner or state board by a district or an ESV computer center on behalf of its affiliated districts or itself. The data must conform to the data standards established in the data element dictionary published by the department. To be included in the data element dictionary, a data element must meet one of the following criteria:

A. The data element is used in the ESV-IS or the SDE-IS data bases, or the list of essential data elements that the department maintains according to *Minnesota Statutes*, section 121.932, subdivision 5.

B. A financial or property data element is established through the Uniform Financial Accounting and Reporting Standards (UFARS).

C. A student, personnel/payroll, curriculum, and other data element is individually defined. The definition also includes the standard name, computer program name, system descriptors, values, and transaction methodology when appropriate.

Subp. 2. **Review criteria.** To be included in the Annual Data Acquisition Calendar (ADAC), data elements must be formatted into a form or another type of data collection instrument used to collect data from districts or regional computer centers. They must then be reviewed by DARC, which recommends approval or disapproval to the commissioner. The recommendation by DARC and the decision of the commissioner must be based on one of the following criteria:

(1) the data element is required by federal or state law or state board rule;

(2) the data element is required to calculate and distribute aids and levies or to distribute other funds;

(3) the data element is used to make program decisions in the management of the department;

(4) the data element is used to monitor compliance to statute or state board rule; or

(5) the data element is used to conduct research or analyze policy as approved by the commissioner.

3560.0030 CREATION OF MANAGEMENT INFORMATION CENTERS.

Subpart 1. **District board resolutions.** Whenever two or more districts decide, by resolution of their respective boards, to establish a regional management information center, the center will come into existence according to *Minnesota Statutes*, section 121.935, subdivision 1.

Subp. 2. **Approval criteria.** After review and recommendation by the ESV computer council, the state board must approve the creation of a new regional computer center and its effective date if:

A. the proposed regional center has submitted an annual and biennial plan and budget to the state board conforming to *Minnesota Statutes*, section 121.935, subdivision 4;

B. the proposed regional center has acquired, or will acquire subject to approval of the proposal by the state board, computer and related equipment that has demonstrated its capability to process the ESV-IS or an approved alternative management information system and has demonstrated it is able to assemble and transmit the essential data elements to the department as required in *Minnesota Statutes*, section 121.932, subdivision 5; if any of the districts include a technical institute, then the ESV-IS must include the fixed assets property management information systems for technical institutes;

C. the proposed regional center has developed a disaster recovery plan;

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.

D. the proposed regional center has established a management plan that includes:

(1) the organizational structure of the board of directors;

(2) the administrative, technical operations, field service, office support, and district training staff necessary to operate the center; and

(3) the type, level, and amount of services provided directly to affiliated districts and provided by other organizations if the regional center does not provide the required ESV-IS service; and

E. the cost of computer systems and staff services received by the districts in the new region, in total, is not greater than the cost for the same or equivalent computer systems and staff services in the region of disaffiliation.

Subp. 3. **Notice.** Notice of intent to establish a new regional management information center must be served on the board of directors of regions with disaffiliating districts, the commissioner, the state board, and the ESV computer council at least one year before July 1 of the proposed effective year of establishment, unless the regions with disaffiliating districts and the state board agree to waive the July 1 date as provided by *Minnesota Statutes*, section 121.935, subdivision 1.

Subp. 4. **Delay.** The state board may delay the effective date of establishment up to two years beyond the intended effective date if the region of disaffiliation protests the disaffiliation and presents evidence that the disaffiliation will cause financial hardship on the remaining districts in the region so that adjustments in the cost of equipment, staff, and administration cannot be implemented before the intended effective date.

Subp. 5. **Allocation formula.** Regional reporting subsidies appropriated by the legislature must be allocated to the new regional computer center applying the same formula used with the other regions.

3560.0040 TRANSFER OF SCHOOL DISTRICT AFFILIATION.

Subpart 1. **Notice.** A notice of intention to disaffiliate from a regional computer center must be served on the boards of directors of both regional computer centers, the commissioner, state board, and the ESV computer council one year before the intended effective date.

Subp. 2. **Effective date.** Upon resolution of the district board to transfer its affiliation from one regional management information center to another, the transfer will become effective on the next July 1, or another date mutually agreed upon, following approval by the state board.

Subp. 3. **Delay.** The state board may delay the effective date of transfer up to two years beyond the intended effective date if the region of disaffiliation protests the disaffiliation and presents evidence that the disaffiliation will cause financial hardship on the remaining districts in the region so that adjustments in the cost of equipment, staff, and administration cannot be implemented before the intended effective date.

Subp. 4. **Funding transfer.** The transferring district's share of regional reporting subsidies authorized by the legislature shall be paid to the new region of affiliation as of the effective date of the transfer.

3560.0050 ALTERNATIVE FINANCIAL MANAGEMENT INFORMATION SYSTEMS.

Subpart 1. **Council review.** An alternative financial management system proposed for use by a district must be reviewed by the ESV computer council and approved by the state board before purchase, lease, or use.

Subp. 2. **Approval criteria.** After review and recommendation by the ESV computer council, the state board must approve the use of an alternative financial management information system if:

A. The vendor of the alternative financial management information system has applied to the department, the UFARS council, and the ESV computer council, and has received approval from the state board to market the alternative financial management system to Minnesota districts. The decision to approve the alternative financial management information system must be given if the alternative system meets the following requirements:

(1) The system must provide an accounting function based on generally accepted accounting principles with a double entry (debit/credit), modified accrual accounting system. It must meet the requirements in Minnesota law and in the Uniform Financial Accounting and Reporting Standards (UFARS).

(2) The system must allow for multidimensional coding.

(3) The system must allow the use of encumbrances.

(4) The system must allow period-end and year-end processing.

(5) The system must allow users to configure the system to the individual district.

(6) The system must produce Government Accounting and Auditing Financial Reports (GAAFR).

B. The district has made application to the department, the ESV computer council, and the ESV regional computer center to use an alternative financial management information system. The application must contain the following information:

(1) vendor name, address, and system identification;

(2) a list of computer and related equipment and software that will be used to operate the system;

(3) purchase cost and annual operational costs of computer equipment, computer software, application software, district staff, and other cost items required to operate the system;

(4) a list of benefits, financial and other, that the district expects to realize as a result of using the alternative system;

(5) continuing cost to the district of services received from the ESV regional computer center to comply with state reporting requirements; and

(6) certification by the vendor that any changes made to the logic or structure of the software are consistent with item A.

C. The ESV computer council has reviewed the application submitted under subpart 2, item A or B, and recommends to the state board that the application conforms to the current "Long Range Plan for the Elementary, Secondary, and Vocational (ESV) Information System" adopted by the state board.

Subp. 3. **Annual report.** Any district using an alternative management information system must annually report to its regional computer center and to the ESV computer council the name of the system, the vendor, and any changes made to the structure or logic of the software.

3560.0060 REGIONAL MANAGEMENT INFORMATION CENTER PLANS AND BUDGETS.

Subpart 1. **Spending report and budget.** By July 1 of each year, each regional management information center must submit for approval by the state board an annual expenditure report and proposed budget. By July 1 of each even-numbered year, each regional management information center must submit a biennial budget and plan to the commissioner for review by the ESV computer council and approval by the state board.

Subp. 2. **No spending until approved.** A regional management information center must not spend money for administrative or computer center activities until the annual budget has been approved.

Subp. 3. **Minimum requirements of reports.** The annual budget and expenditure report and the biennial budget must be in the form and format prescribed by the Uniform Financial Accounting and Reporting Standards (UFARS). The biennial plan must be in the form and format recommended by the ESV computer council and approved by the commissioner. At a minimum, the plan must report:

A. actual and projected usage of each ESV computer system and alternative management information system;

B. the actual and projected cost of computer equipment resources, staff support, and administrative overhead for each affiliated school district;

C. projected or planned changes in affiliation by any school district;

D. projected or planned changes in the amount or cost of computers and related equipment; and

E. projected or planned changes in the amount or cost of services to affiliated school districts.

Subp. 4. **State board criteria.** The criteria used by the state board for approval of the biennial plan and budget are:

A. the computer center complies with the current "Long Range Plan for the Elementary, Secondary, and Vocational (ESV) Information System" approved by the state board;

B. the computer center provides ESV-IS services to each of its affiliates or shows that the center has arranged for services to be provided by another center;

C. the computer center uses cost accounting procedures to account by district for resources consumed at the center for support of each ESV-IS system;

D. the ESV computer council has reviewed the budget, plan, and report and has made a recommendation to the state board; and

E. there is sufficient income and operating capital to pay the amount of expenses identified in the expenditure plan.

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3560.0070 INCORPORATIONS BY REFERENCE.

The documents described in this part are incorporated by reference in chapter 3560 to the extent referred to in chapter 3560.

A. "Data Element Dictionary," published by the Department of Education, is frequently changed and is accessible by computer terminal through the Department of Education library. The publication is continuously updated.

B. Uniform Financial Accounting and Reporting Standards (UFARS), published by the Department of Education, is frequently changed and is available through the Minitex interlibrary loan system. The publication is continuously updated.

C. Reporting Requirements of the Department of Education is published annually in the Annual Data Acquisition Calendar and is available through the Minitex interlibrary loan system.

D. Government Accounting and Auditing Financial Reports (GAAFR) is a series of reports used in the audit of a district. A set of sample reports is available through the Minitex interlibrary loan system.

E. "Long Range Plan for the Elementary, Secondary, and Vocational (ESV) Information System" is published by the Department of Education. The publication is updated at least biennially. The current update is available through the Minitex interlibrary loan system.

Department of Natural Resources

Proposed Permanent Rules Relating to Parks; Daily Group Vehicle Permits

Notice of Intent to Amend Rules Without a Public Hearing

The Department of Natural Resources intends to amend the following rule for the Division of Parks and Recreation without a public hearing.

A Statement of Need and Reasonableness has been prepared to explain the rationale and legal authority for this rule change, and can be obtained from Bill Brinker at the address listed below.

Persons interested in this rule are encouraged to submit comments in support of or in opposition to the proposed rule change, and shall have 30 days to do so. Comments should address the proposed rule change, the reason for the comment, and any change proposed. The proposed rule change may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule change within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the proposed rule change addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes,* Sections 14.11-14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to: Bill Brinker, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4039, (612) 296-2760.

Rules as Proposed

6100.1710 GROUP DAILY VEHICLE PERMITS.

All state park managers will have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of ~~$1.50~~ $2 (tax included) per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally limited, such as weekdays, weekends in some parks, or off-season weekends.

Pollution Control Agency

Proposed Permanent Rules Relating to Capital Cost Component Grant Program

Notice of Intent to Adopt Rules Without a Public 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 without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.18, Subd. 3b(g) (Supp. 1987).

All persons have until 4:30 p.m. on July 13, 1988, 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 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 *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Joan deMeurisse
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7211

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 create a capital cost component (privatization) grants program. The program will make grants available to municipalities for part of the capital cost component of the service fee under a service contract with a private vendor to construct and operate wastewater treatment facilities. The proposed rules are published below. One free copy of the rules is available upon request from Ms. deMeurisse 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 Ms. deMeurisse upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules will have no direct effect on small businesses.

If no hearing is required, upon adoption of the rules, the rules and the 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 as adopted, must submit a written request to Ms. deMeurisse.

Gerald L. Willet
Commissioner

Rules as Proposed (all new material)

CAPITAL COST COMPONENT GRANT PROGRAM

7075.1105 PURPOSE.

Parts 7075.1105 to 7075.1160 provide for the administration of the capital cost component grant program which makes grants available to municipalities for part of the capital cost component of the service fee under a service contract with a private vendor to construct and operate wastewater treatment facilities.

7075.1110 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 7075.1105 to 7075.1160, the following terms have the meanings given them.

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

Subp. 3. **Authority.** "Authority" means the Minnesota Public Facilities Authority.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 5. **Initiation of construction.** "Initiation of construction" means issuance of a notice to proceed under a construction contract for any segment of work on the project.

Subp. 6. **Municipal needs list.** "Municipal needs list" means the priority list prepared by the commissioner under parts 7075.0402 to 7075.0408.

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Subp. 7. **Project.** "Project" means the work for which a grant or grant amendment is awarded under parts 7075.1105 to 7075.1160.

7075.1115 ELIGIBILITY.

To be eligible for a capital cost component grant, a municipality must be listed on the municipal needs list.

7075.1120 GRANT APPLICATIONS.

Subpart 1. **Notice of taking applications.** The commissioner shall request that the authority publish notice in the *State Register* that capital cost component grant applications will be accepted by the authority. The application closing date must be established by the commissioner and must be no less than 90 days after the publication date.

Subp. 2. **Application requirements.** The municipality shall apply for a capital cost component grant on an application form provided by the commissioner. The municipality shall submit the following information with the application:

A. a copy of the municipality's request for proposals for construction and operation of the wastewater treatment facility;

B. an engineering report containing:

(1) a description of the geographic planning area and the population to be served by the wastewater treatment facility;

(2) the effluent limitations for which the wastewater treatment facility is being designed;

(3) the municipality's existing wastewater flows and loadings data; and

(4) the municipality's estimated future wastewater flows and loadings data;

C. a copy of all proposals received in response to the municipality's request for proposals; and

D. a design summary of the wastewater treatment facility with all components listed and sized.

Subp. 3. **Other information.** After the application is received, the applicant shall submit other information requested by the commissioner necessary to clarify the application.

Subp. 4. **Application closing date.** The application must be submitted to the authority or postmarked by the noticed application closing date.

Subp. 5. **Incomplete applications.** Municipalities that submit applications that do not include the information required in subpart 2 or that are not submitted by the application closing date are ineligible for funding. The municipalities may reapply in a later application period.

7075.1125 SELECTION OF ELIGIBLE GRANTEES.

Subpart 1. **Ranking of applicants.** Within 30 days of the close of the application period, the commissioner shall rank those applicants who have submitted a complete and timely application according to their priority ranking on the municipal needs list.

Subp. 2. **Determination of grantees.** Within 90 days of the close of the application period, the agency shall determine how many of the eligible applicants will receive a capital cost component grant. Grants must be awarded in priority order to as many applicants as the available funding will allow.

7075.1130 AMOUNT OF GRANT AWARD.

Subpart 1. **State and federal construction grants program list.** Each August the commissioner shall prepare a list of all municipal wastewater treatment facilities that have accepted bids under the state and federal construction grants program during the three previous state fiscal years. The municipal wastewater treatment facilities shall be listed in order of the population of the service area.

Subp. 2. **Grant amount.** The grant applicant shall be placed on the state and federal construction grants program list described in subpart 1 based on the population of the grantee's service area. The amount of the grant must be 50 percent of the average total eligible costs of the ten municipalities the closest in population to the grantee's service area.

Subp. 3. **Grant restriction.** No more than 50 percent of the total funds available for the award of capital cost component grants for any fiscal year shall be awarded to a grantee. A grantee that receives only a part of the grant to which it is entitled because of this restriction is entitled to receive a grant amendment in the next year or years, if capital cost component grant money is available, until the full amount of the grant is awarded. The grantee is entitled to priority over new grantees in the next year or years. The amount of the grant must not be recalculated under subparts 1 and 2.

Subp. 4. **Grant limitation.** No grant shall exceed 100 percent of the actual costs of design and construction of the wastewater treatment facility. The cost of acquiring an existing facility must not be included as an eligible cost for the purpose of determining actual costs.

7075.1135 CERTIFICATION OF AWARD.

The commissioner shall certify to the authority the list of projects to be awarded grants and the amount of the grant to be awarded based on the criteria in parts 7075.1125 and 7075.1130.

7075.1140 GRANT CONDITIONS.

Subpart 1. **Statutory and regulatory requirements.** The grantee shall comply with applicable statutory and regulatory requirements for capital cost component grants.

Subp. 2. **General conditions.** The grantee shall comply with the conditions in items A to E during the course of constructing the wastewater treatment facility.

A. Within 90 days after the grant award date, the grantee shall submit to the commissioner for technical review and approval complete plans and specifications for the wastewater treatment facility. The commissioner shall approve or deny approval of the plans and specifications within 90 days after initial submittal. The grantee and the commissioner may agree to one extension of up to an additional 90 days.

B. The grantee shall not initiate construction of the project until:

(1) the environmental review process in chapter 4410 and *Minnesota Statutes*, chapter 116D has been completed;

(2) the grantee has obtained the required permits for the project;

(3) the commissioner has approved the plans and specifications for the project; and

(4) a copy of the executed service contract between the grantee and the private vendor has been submitted to the commissioner along with a certification from the grantee that the service contract satisfies all statutory requirements applicable to the contract.

C. The project must be constructed in accordance with the approved plans and specifications and any approved change orders.

D. A grantee proposing to make changes in the project that alter the type, efficiency, or reliability of the treatment process shall submit to the commissioner information as the commissioner requires to determine the impact of the proposed change on the environment. Changes to the project that alter the type, efficiency, or reliability of the treatment process must not be made without the prior approval of the commissioner. The commissioner shall review a proposed change in the same manner as the original project was reviewed for compliance with applicable pollution control requirements. Change orders for changes not requiring prior approval must be submitted to the commissioner as soon as possible. A change in the type, efficiency, or reliability of the treatment process without prior approval from the commissioner shall constitute grounds for the commissioner to request that the authority terminate the grant of a grantee.

E. Before placing the wastewater treatment facility into operation, the grantee shall submit to the commissioner an operations and maintenance manual for the wastewater treatment facility. The commissioner shall review the manual and provide comments to the grantee.

7075.1145 INSPECTIONS.

The commissioner has the authority to conduct inspections of the grantee's project under the authority of *Minnesota Statutes*, section 115.03, subdivision 1, paragraph (f).

7075.1150 GRANT PAYMENT.

Subpart 1. **Request for payment.** A grantee seeking a grant payment shall submit a payment request to the commissioner on a form provided by the commissioner.

Subp. 2. **Schedule of payment.** Capital cost component grants shall be paid in accordance with the following schedule:

A. 80 percent of the grant upon compliance by the grantee with the following conditions:

(1) submission of a certification that the wastewater treatment facility has been completed in accordance with the approved plans and specifications and approved change orders;

(2) submission of a certification of compliance with all permit conditions for a period of two consecutive calendar months following project completion;

(3) submission of a certification of compliance with all grant conditions in part 7075.1140, subpart 2;

(4) submission of as-built plans and specifications to the commissioner on microfiche; and

(5) submission of written documentation to the commissioner of actual design and construction costs incurred for the wastewater treatment facility.

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B. The remaining 20 percent of the grant upon compliance by the grantee with the following conditions:

(1) submission of a certification of compliance with all permit conditions for a period of 12 consecutive calendar months following project completion;

(2) submission of a certification that the project is capable of accepting hydraulic and organic loadings to the extent designed for in the approved plans and specifications; and

(3) submission of a certification that the project will have no overflows or bypasses under design conditions.

Subp. 3. **Verification of compliance.** Before a grant payment is made, the commissioner shall verify that the grantee has complied with part 7075.1135 and with the grantee's permit conditions.

Subp. 4. **Certification of payment.** Within ten days of receipt of a payment request, the commissioner shall determine whether the grantee qualifies for payment. If the commissioner determines that payment is not appropriate, the commissioner shall advise the grantee of the deficiencies in the request. If the commissioner determines that payment is appropriate, the commissioner shall certify to the authority that payment should be made.

7075.1155 TERMINATION OF GRANT.

Failure of the grantee to comply with part 7075.1140 shall constitute grounds for the commissioner to recommend that the authority terminate the grant of a grantee.

7075.1160 RECOVERY OF FUNDS.

Violation of permit conditions by reason of improper design, improper construction, or improper operation and maintenance shall constitute grounds for the commissioner to recommend that the authority seek to recover grant funds tendered or disbursed to a grantee.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste; Land Disposal Restrictions

Notice of Intent to Adopt Rule Amendments without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* § 116.07, subd. 4 (1986).

The proposed rule amendments, if adopted, will address restrictions on the land disposal of hazardous wastes. These land disposal restrictions are based on federal "Land Ban" regulations and establish treatment standards for specific types of hazardous wastes. The hazardous wastes being addressed by these proposed rule amendments include solvents, dioxin wastes, and certain of the wastes identified as "California List" wastes. The California List wastes include PCB's, halogenated organic compounds and acidic wastes that have a pH of less than 2. The proposed rule amendments establish requirements for restricted waste analysis, record keeping, storage and treatment.

All persons have until 4:30 p.m. on July 13, 1988, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for comment, and any change proposed.

Any person may make a written request for public hearing on the 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 rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

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

The proposed rule amendments follow this notice. One free copy of the proposed rule amendments is available upon request from Carol Nankivel at 612/296-7260 or at the address stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed rule amendments has been prepared and is available from Carol Nankivel upon request.

The amendments correspond to the federal regulations published in the November 7, 1986, June 4, 1987, and July 8, 1987, *Federal Registers* (Federal Registers Vol. 51, No. 216, pgs. 40572-40654, Vol. 52, No. 107, pgs. 21010-21018, Vol. 52, No. 130, pgs. 25760-25792), with the following exception. The federal provisions provide an exemption from the land disposal restrictions for certain types of treatment in surface impoundments. The proposed rule amendments provide the same exemption except that they require the surface impoundment to meet specific design and operation requirements. 40 Code of Federal Regulations § 268.4 (a)(3)(i) to (iii) provides for certain exemptions and waivers from the design and operation requirements that are not provided under the proposed rule amendments.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "small business considerations in rulemaking," that the proposed rule amendments will have an impact on small businesses. The effect of the proposed rule amendments will depend on the type of waste being generated by the small business and the type of treatment that must be provided. However, the requirements of the proposed rule amendments are already in effect in Minnesota under the federal hazardous waste program and their adoption by the MPCA will not create any effect on small businesses.

If no hearing is required, upon adoption of the rule amendments, the rule amendments and the 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 rule amendments as adopted, must submit a written request to Carol Nankivel at the address stated above.

Gerald L. Willet
Commissioner

Rules as Proposed

7001.0150 TERMS AND CONDITIONS OF PERMITS.

Subpart 1. [Unchanged.]

Subp. 2. **Special conditions.** Each draft and final permit must contain conditions necessary for the permittee to achieve compliance with applicable Minnesota or federal statutes or rules, including each of the applicable requirements in parts 7045.0450 to 7045.0642 and 7045.1300 to 7045.1380, and any conditions that the agency determines to be necessary to protect human health and the environment. If applicable to the circumstances, the conditions must include:

A. to D. [Unchanged.]

Subp. 3. [Unchanged.]

7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF APPLICATION.

Part B of the application must contain the following information:

A. to U. [Unchanged.]

V. For land disposal facilities, if a case-by-case extension has been approved under part 7045.0075, subpart 6, or a petition has been granted under part 7045.0075, subpart 7, a copy of the notice of approval for the extension or petition is required.

7001.0650 INTERIM STATUS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Prohibitions.** During the interim status period, an owner or operator shall not:

A. to C. [Unchanged.]

D. alter a hazardous waste facility in a manner that amounts to a reconstruction of the facility. For the purpose of this part, reconstruction occurs when the capital investment in the modification of the facility exceeds 50 percent of the capital cost of a comparable new hazardous waste facility. Reconstruction does not include changes made solely for the purpose of complying with

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the requirements of part 7045.0628, subparts 4 and 5, for tanks and ancillary equipment, or to treat or store in containers or tanks hazardous wastes subject to the land disposal restrictions under parts 7045.1300 to 7045.1380 or RCRA section 3004, if the changes are made solely to comply with parts 7045.1300 to 7045.1380 or RCRA section 3004.

Subp. 5. to 7. [Unchanged.]

7001.0730 MODIFICATION OF PERMITS; REVOCATION AND REISSUANCE OF PERMITS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Minor modifications of permits.** In addition to the corrections or allowances listed in part 7001.0190, subparts 2 and 3, if the permittee consents, the commissioner may modify a permit to make the corrections or allowances listed below without following the procedures in parts 7001.0100 to 7001.0130:

A. to K. [Unchanged.]

L. to allow treatment of hazardous wastes not previously specified in the permit if the following conditions are met:

(1) the hazardous waste has been prohibited from one or more methods of land disposal under parts 7045.1320 to 7045.1330 or RCRA section 3004;

(2) treatment is in accordance with part 7045.1310, if applicable, and part 7045.1305, and applicable standards established under parts 7045.1355 to 7045.1360 and part 7045.0075, subpart 8, or, where no treatment standards have been established, treatment renders the waste no longer subject to the applicable prohibitions of part 7045.1330 or RCRA section 3004;

(3) handling or treatment of the restricted waste will not present risks substantially different from those of wastes listed in the permit; and

(4) federal or state approval of a minor permit modification request is granted. No permit changes can occur except for the addition of new waste codes and administrative or technical changes necessary to handle new wastes. Changes in treatment processes or physical equipment may not be made under this item; and

M. to allow permitted facilities to change their operations to treat or store hazardous wastes subject to land disposal restrictions imposed by parts 7045.1300 to 7045.1380 or RCRA section 3004, provided the treatment or storage occurs in containers or tanks and the permittee:

(1) requests a major permit modification under subparts 1 to 3;

(2) demonstrates in the request for a major permit modification that the treatment or storage is necessary to comply with the land disposal restrictions of parts 7045.1300 to 7045.1380 or RCRA section 3004; and

(3) ensures that the treatment or storage units comply with the applicable standards of parts 7045.0552 to 7045.0642 and 7045.1300 to 7045.1380 pending final administrative disposition of the major modification request. The authorization to make the changes conferred in this item terminates upon final administrative disposition of the permittee's major modification request under subparts 1 to 3 or termination of the permit under part 7001.0180.

Subp. 5. [Unchanged.]

7045.0020 DEFINITIONS.

Subpart 1. to 32. [Unchanged.]

Subp. 32a. **Halogenated organic compounds or HOC's.** "Halogenated organic compounds" or "HOC's" means those compounds having a carbon-halogen bond that are listed under Appendix III of Code of Federal Regulations, title 40, part 268.

Subp. 33. to 47. [Unchanged.]

Subp. 47a. **Land disposal.** "Land disposal" means placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

Subp. 48. to 71. [Unchanged.]

Subp. 71a. **Polychlorinated biphenyls or PCB's.** "Polychlorinated biphenyls" or "PCB's" are halogenated organic compounds defined in accordance with Code of Federal Regulations, title 40, section 761.3.

Subp. 72. to 108. [Unchanged.]

7045.0075 PETITIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Procedures for case-by-case extensions to an effective date.** A person who generates, treats, stores, or disposes of hazardous waste may submit a petition to the EPA for an extension to the effective date of any applicable restriction established

under parts 7045.1320 to 7045.1330. The petition must be submitted in accordance with Code of Federal Regulations, title 40, section 268.5.

Subp. 7. **Petitions to allow land disposal of a prohibited waste.** A person seeking an exemption from a prohibition for the disposal of a restricted hazardous waste in a particular unit or units must submit a petition to the agency and to the EPA demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous. The demonstration to the EPA must include the provisions in Code of Federal Regulations, title 40, section 268.6. The demonstration to the agency must include an identification of the specific waste and the specific unit for which the demonstration will be made, a waste analysis to describe fully the chemical and physical characteristics of the subject waste, and a comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality.

A. The demonstration must meet the following criteria:

(1) all waste and environmental sampling, test, and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow;

(2) all sampling, testing, and estimation techniques for chemical and physical properties of the waste and all environmental parameters must have been approved by the agency;

(3) simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements;

(4) a quality assurance and quality control plan that addresses all aspects of the demonstration must be approved by the agency; and

(5) an analysis must be performed to identify and quantify any aspects of the demonstration that contribute significantly to uncertainty. This analysis must include an evaluation of the consequences of predictable future events, including but not limited to earthquakes, floods, severe storm events, droughts, or other natural phenomena.

B. Each petition must include the following statement signed by the petitioner or an authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

C. After receiving a petition, the commissioner may request additional information that reasonably may be required to evaluate the demonstration.

D. If approved, the petition will apply to land disposal of the specific restricted waste at the individual disposal unit described in the demonstration and will not apply to any other restricted waste at that disposal unit, or to that specific restricted waste at any other disposal unit.

E. The commissioner will give public notice in the *State Register* of the intent to approve or deny a petition and provide an opportunity for public comment. The final decision on a petition will be published in the *State Register*.

F. The term of a petition granted under this part must be no longer than the term of the RCRA permit if the disposal unit is operating under an RCRA permit, or up to a maximum of five years from the date of approval provided under item G if the unit is operating under interim status. In either case, the term of the granted petition expires upon the termination or denial of an RCRA permit, or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached.

G. Before the agency's decision, the applicant must comply with all restrictions on land disposal under parts 7045.1300 to 7045.1380 when the effective date for the waste has been reached.

H. The petition granted by the agency does not relieve the petitioner of responsibility for the management of hazardous waste under chapters 7001 and 7045.

I. Liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than or equal to 500 ppm are not eligible for an exemption under this subpart.

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Subp. 8. **Petition for alternate treatment standard or alternate technology.** Where a treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to a specified level, or where the treatment technology is not appropriate to the waste, the generator or the owner or operator of a treatment facility may request a variance from the EPA to provide an alternate treatment standard. The variance request must be submitted in accordance with Code of Federal Regulations, title 40, sections 268.42(b) and 268.44.

7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Management of specific hazardous wastes.** Management of the following wastes when recycled, is not subject to regulation under parts 7045.0205 to 7045.0685 and 7045.1300 to 7045.1380: industrial ethyl alcohol that is reclaimed, except as provided in subpart 12; used batteries or used battery cells returned to a battery manufacturer for regeneration; and scrap metal.

Subp. 5. to 8. [Unchanged.]

Subp. 9. **Facility requirements.** Except as provided in subpart 4, 5, 6, or 10, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

A. If the recyclable hazardous waste is stored before it is recycled, the owners or operators are subject to the requirements of parts 7045.0450 to 7045.0534, 7045.0552 to 7045.0632, and 7045.1300 to 7045.1380, and chapter 7001.

B. If the recyclable hazardous waste is recycled without storing before recycling, the owners or operators are subject to the requirements of parts 7045.0556, subpart 2; 7045.0580; and 7045.0582.

Subp. 10. to 12. [Unchanged.]

7045.0127 RESIDUES IN EMPTY CONTAINERS AND EMPTY INNER LINERS.

Subpart 1. **Scope.** Any hazardous waste remaining in an empty container or an empty inner liner removed from an empty container, as defined in subparts 2 to 4 is not subject to regulation under parts 7045.0100 to 7045.1030 and 7045.1300 to 7045.1380, or a hazardous waste facility permit. Any hazardous waste in a container or an inner liner removed from a container that is not empty, as defined in subparts 2 to 4, is subject to regulation under parts 7045.0100 to 7045.1030 and 7045.1300 to 7045.1380, and the agency's permitting procedures.

Subp. 2. to 4. [Unchanged.]

7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. **General.** A waste is a hazardous waste if it is listed under subparts 2 to 5 unless it has been excluded from the list under part 7045.0075, subpart 2.

The basis for listing the classes or types of wastes listed in subparts 2 to 5 is indicated by employing one or more of the following hazard codes:

A. ignitable waste, (I);

B. corrosive waste, (C);

C. reactive waste, (R);

D. EP toxic waste, (E);

E. acute hazardous waste, (H); and

F. toxic waste, (T).

The constituent which caused the agency to list the waste as an EP toxic waste (E) or toxic waste (T) in subparts 2 and 3 is identified in part 7045.0139.

Each listed hazardous waste is assigned a hazardous waste number which precedes the name of the waste. This number must be used in complying with the disclosure requirements of parts 7045.0205 to 7045.0304 and certain record keeping and reporting requirements under parts 7045.0205 to 7045.1030, 7045.1300 to 7045.1380, and the agency's permitting procedures in chapter 7001.

The following hazardous wastes listed in subparts 2 and 3 are subject to the exclusion limits for acutely hazardous wastes established in part 7045.0219: Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027.

Subp. 2. to 5. [Unchanged.]

7045.0214 EVALUATION OF WASTES.

Subpart 1. **General requirement.** Any person who produces a waste within the state of Minnesota or any person who produces a waste outside the state of Minnesota that is managed within the state of Minnesota, must evaluate the waste to determine if it is

hazardous. A material is determined to be a waste in accordance with the conditions specified under the definition of other waste material in part 7045.0020. Any waste evaluated and exempted under part 7045.0075 or 7045.0120 does not need to be reevaluated under this part. If the waste is determined to be hazardous, the generator must refer to parts 7045.0075, 7045.0450 to 7045.0685, and 7045.1300 to 7045.1380 for possible exclusions or restrictions relating to management of the specific waste.

Subp. 2. and 3. [Unchanged.]

7045.0365 TRANSFER FACILITY REQUIREMENTS.

Subpart 1. **Applicability.** A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4 at a transfer facility for a period of ten days or fewer is not subject to regulation under parts 7045.0450 to 7045.0642 and 7045.1300 to 7045.1380, and a hazardous waste facility permit with respect to the storage of those wastes. The owner or operator must notify the commissioner in writing of his or her activity.

Subp. 2. and 3. [Unchanged.]

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

Subpart 1. **General requirements.** Parts 7045.0450 to 7045.0544 apply to owners and operators of all facilities which treat, store, or dispose of hazardous waste except as specifically provided otherwise in this part or in parts 7045.0100 to 7045.0304.

Parts 7045.0450 to 7045.0544 apply to the owners or operators of publicly owned treatment works which treat, store, or dispose of hazardous waste only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures.

Parts 7045.0450 to 7045.0544 apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act of 1972, United States Code, title 16, sections 1431 to 1434, as amended through December 31, 1982, and United States Code, title 33, section 1401, as amended through December 31, 1982, only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures. Parts 7045.0450 to 7045.0544 apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

Parts 7045.0450 to 7045.0544 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380.

Subp. 2. and 3. [Unchanged.]

7045.0458 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. **Waste analysis.** Waste analysis procedures are as follows:

A. Before an owner or operator treats, stores, or disposes of any hazardous waste, he or she shall obtain a detailed chemical and physical analysis of a representative sample of the waste. This analysis must contain all the information which must be known in order to treat, store, or dispose of the waste in accordance with the requirements of parts 7045.0450 to 7045.0544 and 7045.1300 to 7045.1380, or with the conditions of a permit issued under the agency's permitting procedures.

B. to D. [Unchanged.]

Subp. 2. **Waste analysis plan.** The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which he or she will carry out to comply with subpart 1. The owner or operator shall keep this plan at the facility. The plan must specify:

A. to E. [Unchanged.]

F. where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0456; 7045.0538, subpart 10; ~~and~~ 7045.0542, subpart 2; and 7045.1315;

G. for off-site facilities, the waste analysis plan must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. The plan must describe:

(1) the procedures which will be used to determine the identity of each movement of waste managed at the facility; and

(2) the sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling. The waste analysis plan must be submitted with the permit application; and

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H. for surface impoundments exempted from the land disposal restrictions under part 7045.1310, the procedures and schedules for:

(1) the sampling of impoundment contents;

(2) the analysis of test data; and

(3) the annual removal of residues that are not delisted under part 7045.0075, subpart 2, and do not exhibit a characteristic of hazardous waste under part 7045.0131, and that do not meet the treatment standards of parts 7045.1350 to 7045.1360, or, where no treatment standards have been established, the annual removal of residues that do not meet the applicable prohibition levels in parts 7045.1320 to 7045.1330 or RCRA section 3004(d).

7045.0478 OPERATING RECORD.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Record information.** All of the following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

A. to D. [Unchanged.]

E. Records and results of waste analysis performed as specified in parts 7045.0456, 7045.0458, 7045.0538, subpart 10, ~~and~~ 7045.0542, subpart 2, 7045.1310, and 7045.1315.

F. to L. [Unchanged.]

M. Records of the quantities and date of placement of each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted under part 7045.0075, subpart 6 or 7, and the notice required by a generator under part 7045.1315, subpart 1, item C.

N. For an off-site treatment facility, a copy of the notice required by a generator under part 7045.1315, subpart 1, item A.

O. For an on-site treatment facility, the information contained in the notice required by the generator under part 7045.1315, subpart 1, item A, except for the manifest number required under subitem (3).

P. For an off-site land disposal facility, a copy of the notice and certification required by the owner or operator of a treatment facility under part 7045.1315, subpart 2, items A and B, or a copy of the notice and certification required by the generator under part 7045.1315, subpart 1, item B, whichever is applicable.

Q. For an on-site land disposal facility, the information contained in the notice required under part 7045.1315, subpart 1, item B, except for the manifest number, or the information contained in the notice required by a treater under part 7045.1315, subpart 2, item A, except the manifest number required under subitem (3), whichever is applicable.

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

Subpart 1. **General requirements.** Parts 7045.0552 to 7045.0642 establish minimum standards for the management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled. These standards apply to owners and operators of existing facilities who have fully complied with the requirements for state or federal interim status until a permit is issued or until applicable interim status closure and post-closure responsibilities are fulfilled, and those who have failed to achieve state or federal interim status. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after July 16, 1984, except as specifically provided otherwise.

For existing facilities which were not required to obtain federal interim status under the Resource Conservation and Recovery Act, United States Code, title 42, sections 6901 to 6986, as amended through June 30, 1983, but are required to obtain state interim status, the requirements of parts 7045.0590; 7045.0592; 7045.0632, subpart 4, items A and B; 7045.0634, subpart 2; 7045.0638, subparts 2, 7, and 8, become effective 12 months after July 16, 1984, and the requirements of parts 7045.0608 to 7045.0624 become effective 90 days after July 16, 1984.

Parts 7045.0552 to 7045.0642 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380.

Subp. 1a. to 4. [Unchanged.]

7045.0564 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. **Waste analysis.** The analysis must comply with the following requirements:

A. Before an owner or operator treats, stores, or disposes of any hazardous waste, he or she shall obtain a detailed chemical and physical analysis of a representative sample of the waste. This analysis must contain all the information which must be known in order to treat, store, or dispose of the waste in accordance with the requirements of parts 7045.0552 to 7045.0642 and 7045.1300 to 7045.1380.

B. to D. [Unchanged.]

Subp. 2. **Waste analysis plan.** The owner or operator shall develop and follow a written waste analysis plan which describes the procedures the owner or operator will carry out to comply with subpart 1. The owner or operator shall keep this plan at the facility. The plan must specify:

A. to E. [Unchanged.]

F. Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0628, subpart 3; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; ~~and~~ 7045.0642, subpart 3; and 7045.1315.

G. [Unchanged.]

H. For surface impoundments exempted from the land disposal restrictions under part 7045.1310, the procedures and schedule for:

(1) the sampling of impoundment contents;

(2) the analysis of test data; and

(3) the annual removal of residues that are not delisted under part 7045.0075, subpart 2, and do not exhibit a characteristic of hazardous waste under part 7045.0131, and that do not meet the treatment standards of parts 7045.1350 to 7045.1360, or, where no treatment standards have been established, the annual removal of residues that do not meet the applicable prohibition levels in parts 7045.1320 to 7045.1330 or RCRA section 3004(d).

7045.0584 OPERATING RECORD.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Record information.** The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

A. to D. [Unchanged.]

E. Records and results of waste analysis and trial tests performed as specified in parts 7045.0564; 7045.0628, subpart 3; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; ~~and~~ 7045.0642, subpart 3; 7045.1310; and 7045.1315.

F. to I. [Unchanged.]

J. Records of the quantities and date of placement of each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted under part 7045.0075, subpart 6 or 7, and the notice required by a generator under part 7045.1315, subpart 1, item C.

K. For an off-site treatment facility, the notice required by a generator under part 7045.1315, subpart 1, item A.

L. For an on-site treatment facility, the information contained in the notice required by a generator under part 7045.1315, subpart 1, item A, except for the manifest number required under subitem (3).

M. For an off-site land disposal facility, the notice and certification required by the owner or operator of a treatment facility under part 7045.1315, subpart 2, items A and B, or the certification required by the generator under part 7045.1315, subpart 1, item B, whichever is applicable.

N. For an on-site land disposal facility, the information contained in the notice required by a generator under part 7045.1315, subpart 1, item B, except for the manifest number, or the information contained in the notice required by the treatment facility under part 7045.1315, subpart 2, item A, except the manifest number required under subitem (3), whichever is applicable.

7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.

Subpart 1. **Applicability.** This part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

Except as specifically provided in subpart 2 or parts 7045.0100 to 7045.0141, the requirements of this part apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities.

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Subp. 2. **Exemptions.** Prohibited wastes may continue to be land disposed under the following conditions:

A. if an extension has been granted from the effective date of a prohibition under part 7045.0075, subpart 6, with respect to those wastes covered by the extension;

B. if an exemption has been granted from a prohibition as a result of a petition under part 7045.0075, subpart 7, with respect to those wastes and units covered by the petition;

C. until November 8, 1988, if wastes are contaminated soil or debris resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or a corrective action required under the Resource Conservation and Recovery Act;

D. if small quantity generators of less than 100 kilograms of nonacute hazardous waste per month, or less than one kilogram acute hazardous waste per month, as defined in part 7045.0219; and

E. if a farmer is disposing of waste pesticides in accordance with part 7045.0304.

7045.1305 DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT.

No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with parts 7045.1350 to 7045.1360, to circumvent the effective date or otherwise avoid a prohibition in parts 7045.1320 to 7045.1330, or to circumvent a land disposal prohibition imposed by RCRA section 3004.

7045.1310 TREATMENT SURFACE IMPOUNDMENT EXEMPTION.

Subpart 1. **Conditions.** Wastes that are otherwise prohibited from land disposal under parts 7045.1300 to 7045.1380 may be treated in a surface impoundment or series of impoundments if:

A. treatment of the wastes occurs in the impoundments.

B. the residues of the treatment are analyzed, as provided in part 7045.1315 or 7045.1330 to determine if they meet the applicable treatment standards in parts 7045.1350 to 7045.1360, or, where no treatment standards have been established for the waste, the applicable prohibition levels in parts 7045.1320 to 7045.1330 or RCRA section 3004(d). The sampling method, specified in the waste analysis plan under part 7045.0458 or 7045.0564 must be designed so the representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples. The treatment residues, including any liquid waste, that do not meet the treatment standards adopted under parts 7045.1350 to 7045.1360, or the applicable prohibition levels adopted under parts 7045.1320 to 7045.1330, or imposed by statute where no treatment standards have been established, or that are not delisted under part 7045.0075, subpart 2, and no longer exhibit a characteristic of hazardous waste, must be removed at least annually. These residues may not be placed in any other surface impoundment for later management. If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement. The procedures and schedule for the sampling of impoundment contents, the analysis of test data, and the annual removal of residue that does not meet the treatment standards in parts 7045.1350 to 7045.1360, or, where no treatment standards have been established, the prohibition levels in parts 7045.1320 to 7045.1330 or RCRA section 3004(d), must be specified in the facility's waste analysis plan as required under part 7045.0458 or 7045.0564.

C. the impoundment meets the design requirements of Code of Federal Regulations, title 40, section 264.221(c) or 265.221(a), and be in compliance with applicable groundwater monitoring requirements of part 7045.0484 or 7045.0590.

D. the owner or operator submits to the commissioner a written certification that the requirements of item C, have been met and a copy of the waste analysis plan required under item B. The following certification is required:

"I certify under penalty of law that the requirements of part 7045.1310, subpart 1, item C, have been met for all surface impoundments being used to treat restricted wastes. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Subp. 2. **Prohibition of evaporation.** Evaporation of hazardous constituents as the principal means of treatment is not considered to be treatment for purposes of an exemption under this part.

7045.1315 WASTE ANALYSIS FOR RESTRICTED WASTES.

Subpart 1. **Applicability.** Except as provided in part 7045.1330, the generator must test waste or an extract developed using the test method described in Code of Federal Regulations, title 40, part 268, Appendix I, or use knowledge of the waste, to determine if the waste is restricted from land disposal.

A. If a generator determines that the waste being generated is a restricted waste and the waste does not meet the applicable treatment standards, or where the waste does not comply with the applicable prohibitions in part 7045.1330 or RCRA section 3004(d), with each shipment of waste the generator must notify the treatment facility in writing of the appropriate treatment standards

in parts 7045.1350 to 7045.1360 and any applicable prohibitions in part 7045.1330 or RCRA section 3004(d).

The notice must include the following information:

(1) EPA Hazardous Waste Number;

(2) the corresponding treatment standards and all applicable prohibitions in part 7045.1330 or RCRA section 3004(d);

(3) the manifest number associated with the shipment of waste; and

(4) waste analysis data, where available.

B. If a generator determines that the waste being generated is a restricted waste and determines that the waste can be land disposed without further treatment, with each shipment of waste the generator must submit, to the land disposal facility, a notice and a certification stating that the waste meets the applicable treatment standards in parts 7045.1350 to 7045.1360 and the applicable prohibitions in part 7045.1330 or RCRA section 3004(d).

(1) The notice must include the EPA Hazardous Waste Number, the corresponding treatment standards and all applicable prohibitions in part 7045.1330 or RCRA section 3004(d), the manifest number associated with the shipment of waste, and waste analysis data, where available.

(2) The certification must be signed by an authorized representative and must state the following:

"I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in parts 7045.1350 to 7045.1360 and all applicable prohibitions in part 7045.1330 or RCRA section 3004(d). I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment."

C. If a generator's waste is subject to a case-by-case extension under part 7045.0075, subpart 6, an exemption under part 7045.0075, subpart 7, an extension under part 7045.1300, subpart 2, item C, or a nationwide variance under Code of Federal Regulations, title 40, part 268, subpart C, a notice must be forwarded with the waste to the land disposal facility receiving the waste, stating that the waste is exempt from the land disposal restrictions.

D. If a generator's decision that a waste is restricted is based solely on knowledge of the waste, all supporting data used to make this determination must be maintained on-site in the generator's files.

Subp. 2. **Testing of wastes.** For wastes with treatment standards expressed as concentrations in the waste extract in part 7045.1355, the owner or operator of the treatment facility must test the treatment residues or an extract of the residues developed using the test method described in Code of Federal Regulations, title 40, part 268, Appendix I, to assure that the treatment residues or extract meet the applicable treatment standards. For wastes prohibited under part 7045.1330 or RCRA section 3004(d) which are not subject to any treatment standards under parts 7045.1350 to 7045.1360, the owner or operator of the treatment facility must test the treatment residues according to the generator testing requirements in part 7045.1330 to assure that the treatment residues comply with the applicable prohibitions. For both circumstances described above, the testing must be performed according to the frequency specified in the facility's waste analysis plan as required by part 7045.0458 or 7045.0564. Where the treatment residues do not comply with the applicable treatment standards or prohibitions, the treatment facility must comply with the notice requirements applicable to generators in subpart 1, item A, if the treatment residues will be further managed at a different treatment facility.

A. A notice must be sent to the land disposal facility that includes the following information:

(1) EPA Hazardous Waste Number;

(2) the corresponding treatment standards and all applicable prohibitions in part 7045.1330 or RCRA section 3004(d);

(3) the manifest number associated with the shipment of waste; and

(4) waste analysis data, where available.

B. The treatment facility must submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the applicable performance standards in parts 7045.1350 to 7045.1360 and the applicable prohibitions in part 7045.1330 or RCRA section 3004(d).

(1) For wastes with treatment standards expressed as concentrations in the waste extract in part 7045.1355 or in the

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waste, or for wastes prohibited under part 7045.1330 or RCRA section 3004(d) which are not subject to any treatment standards under parts 7045.1350 to 7045.1360, the certification must be signed by an authorized representative and must state the following:

"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operations of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in parts 7045.1350 to 7045.1360 and all applicable prohibitions in part 7045.1330 or RCRA section 3004(d) without dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

(2) For wastes with treatment standards expressed as technologies in part 7045.1360, the certification must be signed by an authorized representative and must state the following:

"I certify under penalty of law that the waste has been treated in accordance with the requirements of part 7045.1360. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

Subp. 3. **Facility requirements.** The owner or operator of any land disposal facility disposing any waste subject to restrictions under parts 7045.1300 to 7045.1380 must have records of the notice and certification required in subpart 1 or 2. The owner or operator of the land disposal facility must test the waste or an extract of the waste or treatment residue developed using the test method described in Code of Federal Regulations, title 40, part 268, Appendix I, or using any methods required by generators under part 7045.1330, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards in parts 7045.1350 to 7045.1360 and all applicable prohibitions in part 7045.1330 or RCRA section 3004(d). The testing must be performed according to the frequency specified in the facility's waste analysis plan as required in part 7045.0458 or 7045.0564.

7045.1320 WASTE SPECIFIC PROHIBITIONS; SOLVENT WASTES.

Subpart 1. **Applicability.** The spent solvent wastes specified in part 7045.0135 as Hazardous Waste Nos. F001, F002, F003, F004, and F005, are prohibited from land disposal unless one or more of the following conditions apply:

A. the generator of the solvent waste is a small quantity generator;

B. the solvent waste is generated from any response action taken under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), or any corrective action taken under the Resource Conservation and Recovery Act (RCRA), except where the waste is contaminated soil or debris not subject to this chapter until November 8, 1988;

C. the initial generator's solvent waste is a solvent-water mixture, solvent-containing sludge, or solvent-contaminated soil (non-CERCLA or RCRA corrective action) containing less than one percent total F001-F005 solvent constituents listed in part 7045.1355, subpart 3; or

D. the solvent waste is a residue from treating a waste described in items A to C; or the solvent waste is a residue from treating a waste not described in items A to C, provided the residue belongs to a different treatability group than the waste as initially generated and wastes belonging to a treatability group are described in item C.

Subp. 2. **Effective date.** Effective November 8, 1988, the F001-F005 solvent wastes listed in subpart 1, items A to C, are prohibited from land disposal. Until November 8, 1988, wastes included in subpart 1, items A to C, may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements of Code of Federal Regulations, title 40, section 268.5(h)(2).

Subp. 3. **Exceptions.** The requirements of subparts 1 and 2 do not apply if:

A. the wastes meet the standards of parts 7045.1350 to 7045.1360;

B. persons have been granted an exemption from a prohibition under part 7045.0075, subpart 7, with respect to those wastes and units covered by repetition; or

C. persons have been granted an extension to an effective date of a prohibition under part 7045.0075, subpart 6 with respect to those wastes covered by the extension.

7045.1325 WASTE SPECIFIC PROHIBITION; DIOXIN-CONTAINING WASTES.

Subpart 1. **Applicability.** Effective November 8, 1988, the dioxin-containing wastes specified in part 7045.0135 as Hazardous Waste Nos. F020, F021, F022, F023, F026, F027, and F028, are prohibited from land disposal.

Subp. 2. **Exceptions.** The requirements of subpart 1 do not apply if:

A. the wastes meet the standards of parts 7045.1350 to 7045.1360;

B. persons have been granted an exemption from a prohibition under part 7045.0075, subpart 7, with respect to those wastes or units covered by the petition; or

C. persons have been granted an extension to an effective date of a prohibition under part 7045.0075, subpart 6, with respect to those wastes covered by the extension.

Subp. 3. **Effective date.** Until November 8, 1988, wastes included in subpart 1 may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements of Code of Federal Regulations, title 40, part 268.5(h)(2) and all other applicable requirements of parts 7045.0450 to 7045.0642.

7045.1330 WASTE SPECIFIC PROHIBITIONS; CALIFORNIA LIST WASTES.

Subpart 1. **Application.** The following hazardous wastes are prohibited from land disposal:

A. liquid hazardous wastes having a pH less than or equal to two;

B. liquid hazardous wastes containing polychlorinated biphenyls (PCB's) at concentrations greater than or equal to 50 ppm; and

C. liquid hazardous wastes that are primarily water and contain halogenated organic compounds (HOC's) in total concentration greater than or equal to 1,000 mg/l and less than 10,000 mg/l HOC's.

Subp. 2. **Exceptions.** The following items are an exception from the prohibitions in subpart 1:

A. The requirements of subpart 1 do not apply until November 8, 1988, where the wastes are contaminated soil or debris resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act or a corrective action required under RCRA, subtitle C.

B. Effective July 8, 1989, the following hazardous wastes are prohibited from land disposal:

(1) liquid hazardous wastes that contain HOC's in total concentration greater than or equal to 1,000 mg/l and are not prohibited under subpart 1, item C; and

(2) nonliquid hazardous wastes containing HOC's in total concentration greater than or equal to 1,000 mg/kg.

C. Until July 8, 1989, the wastes described in item B, may be disposed of in a landfill or surface impoundment only if the facility is in compliance with the requirements of Code of Federal Regulations, title 40, part 268.5(h)(2).

D. The requirements of subparts 1 and 2, items A and B, do not apply if:

(1) an exemption has been granted from a prohibition as a result of a petition under part 7045.0075, subpart 7, with respect to those wastes and units covered by the petition;

(2) an extension to the effective date of a prohibition under part 7045.0075, subpart 7, has been granted with respect to those wastes covered by the extension; or

(3) the wastes meet the applicable standards in parts 7045.1350 to 7045.1360 or, where treatment standards are not specified, the wastes are in compliance with the applicable prohibitions in this part or RCRA section 3004(d).

E. The prohibitions and effective dates in subpart 1, item C, and subpart 2, items A and B, do not apply where the waste is subject to an effective date and prohibition under parts 7045.1320 to 7045.1330 for a specified HOC, such as a hazardous waste chlorinated solvent.

Subp. 3. **Waste analysis.** The following provisions apply to waste analysis:

A. To determine whether or not a waste is a liquid under subparts 1 and 2, item B, and under RCRA section 3004(d), the Paint Filter Liquids Test must be used, method 9095, as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW 846.

B. Except as otherwise provided in this item, the waste analysis and record keeping requirements of part 7045.1315 are applicable to wastes prohibited under this part or RCRA section 3004(d).

(1) The initial generator of a liquid hazardous waste must test the waste, not an extract or filtrate, in accordance with the procedures in part 7045.0131, subpart 4, item A, or use knowledge of the waste, to determine if the waste has a pH less than or equal to two. If the liquid waste has a pH less than or equal to two, it is restricted from land disposal and all requirements of parts 7045.1300 to 7045.1380 are applicable, except as otherwise provided in this part.

(2) The initial generator of either a liquid hazardous waste containing polychlorinated biphenyls (PCB's) or a liquid or

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nonliquid hazardous waste containing halogenated organic compounds (HOC's) must test the waste, not an extract or filtrate, or use knowledge of the waste, to determine whether the concentration levels in the waste equal or exceed the prohibition levels in this part. If the concentration of PCB's or HOC's in the waste is greater than or equal to the prohibition levels in this part, the waste is restricted from land disposal and all requirements of parts 7045.1300 to 7045.1380 are applicable, except as otherwise provided in this part.

7045.1350 TREATMENT STANDARDS.

Subpart 1. **Concentration standard.** A restricted waste identified in this subpart may be land disposed without further treatment only if an extract of the waste or of the treatment residue of the waste developed using the test method in Code of Federal Regulations, title 40, part 268, Appendix I, does not exceed the value shown in part 7045.1355, subpart 3, for any hazardous constituent listed for that waste.

Subp. 2. **Technology standard.** A restricted waste for which a treatment technology is specified under part 7045.1360 may be land disposed after it is treated using that technology or an equivalent treatment method approved under the procedures in part 7045.0075, subpart 8.

7045.1355 TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT.

Subpart 1. **Applicability.** Subpart 3 identifies the restricted wastes and the concentrations of their associated hazardous constituents that may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Appendix I of Code of Federal Regulations, title 40, part 268, for the allowable land disposal of the waste.

Subp. 2. **Combined wastes.** When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

Subp. 3. **Constituents in waste extract.** Constituents in waste extracts are listed with the applicable concentration limits.

	Concentration (in mg/1)	
F001-F005 spent solvents	Wastewaters containing spent solvents	All other spent solvent wastes
Acetone	0.05	0.59
n-Butyl alcohol	5.0	5.0
Carbon disulfide	1.05	4.81
Carbon tetrachloride	0.05	0.96
Chlorobenzene	0.15	0.05
Cresols (and cresylic acid)	2.82	0.75
Cyclohexanone	0.125	0.75
1,2-Dichlorobenzene	0.65	0.125
Ethyl acetate	0.05	0.75
Ethylbenzene	0.05	0.053
Ethyl ether	0.05	0.75
Isobutanol	5.0	5.0
Methanol	0.25	0.75
Methylene chloride	0.20	0.96
Methylene chloride (from the pharmaceutical industry)	12.7	0.96
Methyl ethyl ketone	0.05	0.75
Methyl isobutyl ketone	0.05	0.33
Nitrobenzene	0.66	0.125
Pyridine	1.12	0.33
Tetrachloroethylene	0.079	0.05
Toluene	1.12	0.33
1,1,1-Trichloroethane	1.05	0.41
1,1,2-Trichloro-1,2,2-Trifluoroethane	1.05	0.96
Trichloroethylene	0.062	0.091
Trichlorofluoromethane	0.05	0.96
Xylene	0.05	0.15

F020-F023 and F026-F028 dioxin containing wastes	Concentration
HxCDD - All Hexachlorodibenzo-p-dioxins	< 1 ppb
HxCDF - All Hexachlorodibenzofurans	< 1 ppb
PeCDD - All Pentachlorodibenzo-p-dioxins	< 1 ppb
PeCDF - All Pentachlorodibenzofurans	< 1 ppb
TCDD - All Tetrachlorodibenzo-p-dioxins	< 1 ppb
TCDF - All Tetrachlorodibenzofurans	< 1 ppb
2,4,5-Trichlorophenol	< 0.05 ppm
2,4,6-Trichlorophenol	< 0.05 ppm
2,3,4,6-Tetrachlorophenol	< 0.10 ppm
Pentachlorophenol	< 0.01 ppm

7045.1360 TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES.

The following wastes must be treated using the identified technology or technologies, or an equivalent method approved under part 7045.0075, subpart 8.

A. Liquid hazardous wastes containing polychlorinated biphenyls (PCB's) at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of Code of Federal Regulations, title 40, section 761.70, or burned in high efficiency boilers in accordance with the technical requirements of Code of Federal Regulations, title 40, section 761.60. Liquid hazardous wastes containing polychlorinated biphenyls (PCB's) at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of Code of Federal Regulations, title 40, section 761.70. Thermal treatment under this section must also be in compliance with applicable regulations in chapter 7045.

B. Nonliquid hazardous wastes containing halogenated organic compounds (HOC's) in total concentrations greater than or equal to 1,000 mg/kg and liquid HOC-containing wastes that are prohibited under part 7045.1330, subpart 2, item B, subitem (1), must be incinerated in accordance with the requirements of part 7045.0542 or 7045.0640. These treatment standards do not apply if the waste is subject to a treatment standard in parts 7045.1320 to 7045.1330 for a specific HOC.

7045.1380 PROHIBITIONS ON STORAGE OF RESTRICTED WASTES.

Subpart 1. **Applicability.** Except as provided in this part, the storage of hazardous wastes restricted from land disposal under parts 7045.1320 to 7045.1330 or RCRA section 3004 is prohibited, unless the following conditions are met:

A. A generator stores the wastes in tanks or containers on-site solely for the purpose of the accumulation of quantities of hazardous waste necessary to facilitate proper recovery, treatment, or disposal and the generator complies with part 7045.0292. A generator who is in existence on the effective date of a restriction under part 7045.0075, subparts 6, 7, and 8, and parts 7045.1300 to 7045.1380 and who must store hazardous wastes for longer than 90 days becomes an owner or operator of a storage facility and must obtain an RCRA permit. The facility may qualify for interim status on compliance with the rules governing interim status under parts 7001.0650 and 7045.0552.

B. An owner or operator of a hazardous waste treatment, storage, or disposal facility stores wastes in tanks or containers solely for the purpose of the accumulation of the quantities of hazardous waste necessary to facilitate proper recovery, treatment, or disposal if (1) each container is clearly marked to identify its contents and the date each period of accumulation begins and (2) each tank is clearly marked with a description of its contents, the quantity of hazardous waste received, and the date each period of accumulation begins. The information for each tank may be recorded and maintained in the operating record at the facility. Regardless of whether the tank is marked, the owner or operator must comply with the operating record requirements in part 7045.0478 or 7045.0584.

C. A transporter stores manifested shipments of the wastes at a transfer facility for ten days or less.

Subp. 2. **Storage at facility.** An owner or operator of a treatment, storage, or disposal facility may store wastes for up to one year unless the agency can demonstrate that the storage was not solely for the purpose of accumulation of quantities of hazardous waste necessary to facilitate proper recovery, treatment, or disposal.

Subp. 3. **Extensions to storage period.** An owner or operator of a treatment, storage, or disposal facility may store wastes

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beyond one year; however, the owner or operator bears the burden of proving that the storage was solely for the purpose of accumulation of quantities of hazardous waste necessary to facilitate proper recovery, treatment, or disposal.

Subp. 4. **Petition exemptions.** The prohibition in subpart 1 does not apply to the wastes that are the subject of an approved petition under part 7045.0075, subparts 7 and 8, or a variance contained in parts 7045.1320 to 7045.1330.

Subp. 5. **Treated waste.** The prohibition in subpart 1 does not apply to hazardous wastes that meet the treatment standards in parts 7045.1355 to 7045.1360, or, if treatment standards are not specified, wastes that are in compliance with the applicable prohibitions in part 7045.1330 or RCRA section 3004.

Subp. 6. **PCB storage.** Liquid hazardous wastes containing polychlorinated biphenyls (PCB's) at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of Code of Federal Regulations, title 40, section 761.65(b) and must be removed from storage and treated or disposed as required by this part within one year of the date when the wastes are first placed into storage. Subpart 3 does not apply to PCB wastes prohibited under part 7045.1330.

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.

Bureau of Mediation Services

Adopted Permanent Rules Relating to Labor; Representation Elections; Appeal Status

The rules proposed and published at *State Register*, Volume 12, Number 35, pages 1798-1799, February 29, 1988 (12 S.R. 1798) are adopted as proposed.

Bureau of Mediation Services

Adopted Permanent Rules Relating to Repeal of Transmittal of Labor Contract Obligation

The rule proposed and published at *State Register*, Volume 12, Number 23, pages 1186-1187, December 7, 1987 (12 S.R. 1186) is 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.

Minnesota State Arts Board

Board Meeting

The Minnesota State Arts Board will hold a regular business meeting on Thursday, June 23. The meeting will be held at the Arts Board offices, 432 Summit Avenue, Saint Paul and will begin at 9:30 a.m.

Agenda items include the selection of grantees for Series Presenters awards, and approval of second-year Operating Support and McKnight Foundation grants to arts institutions.

Department of Commerce

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to *Minnesota Statutes,* section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- **Landfills**
- **Riding Stables**
- **Water Slides**
- **Dam Operators**
- **Insurance Agents Errors and Omissions**
- **Personal Care Attendant**

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on July 21, 1988 at 9:00 A.M. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statutes,* Sections 14.57-14.69 and by Minnesota Rules Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes,* specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on July 14, 1988, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

(1) That members of those classes are unable to obtain insurance through ordinary means;

(2) That the insurance being sought is required by statute, ordinance, or otherwise required by law, or is necessary to earn a livelihood or conduct a business; and

(3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register.*

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, MN 55101. Their phone number is (612) 222-0484.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* Parts 1400.5100-1400.8400).

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Anyone wishing to oppose activation beyond 180-days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Minnesota Statutes, chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes,* Section 10A.01, subdivision 11 as an 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 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 traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota, 55101-2520, telephone (612) 296-5148.

Dated: May 31, 1988

Michael A. Hatch
Commissioner of Commerce

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING.

Subdivision 1. ADMINISTRATIVE LAW JUDGE. The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. NOTICE. The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Subd. 6. CASE PRESENTATION. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Department of Commerce

Notice to Solicit Outside Opinion Relating to the Operation of the Worker's Compensation Security Fund

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparation for the adoption of rules relating to the operation of the Worker's Compensation Security Fund including procedures and other matters regarding the election of members of the Board of Trustees as well as such other matters as are necessary to provide for the operation of the Fund and its Board of Trustees until a plan of operations and bylaws have been adopted and approved and any other matters concerning the Fund that are necessary to carry out the purposes of Chapter 79B. Promulgation of these rules is authorized by *Minnesota Statutes* Chapter 79B and § 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes* § 14.115, subdivision 1.

The Department of Commerce 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 to:

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and comment shall be accepted until July 1, 1988. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Minnesota Historical Society

Notice of Grants Review Committee

A meeting of the Minnesota Historical Society's Grants Review Committee will be held on Monday, June 20, 1988 at 3:00 p.m. in the St. Louis County Arts and Heritage Center, Duluth, MN, to recommend funding for American Association for State and Local History research grant applications. For more information, contact Timothy Glines (612) 726-1171.

Occupational Safety and Health Review Board

Notice of Special Meeting of the Occupational Safety and Health Review Board

A special meeting of the Occupational Safety and Health Review Board will be held on Monday, June 20, 1988 beginning at 9:30 a.m. The meeting will be held in the board room located on the 3rd floor at 443 Lafayette Road, St. Paul, Minnesota. Further information can be obtained by calling (612) 296-8946.

Minnesota State Retirement System

Board of Directors, Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System will be held on Friday, June 17, 1988 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St.

Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is July 5, 1988.

- **MN Council on Productivity and Quality**

  1 member representing or with background in management or labor, small business, engineering, or business management education.

- **MN Sentencing Guidelines Commission**

  1 public member who is a victim of a crime defined as a felony.

- **MN State Arts Board**

  1 member.

- **Planning for Youth Employment Advisory Committee**

  7 members—see description of new agency.

- **State Retirement System**

  1 public member knowledgeable in pension matters.

- **Board of Unlicensed Mental Health Service Providers**

  2 public members.

- **Metropolitan Transit Commission**

  1 member resident of St. Paul, with administrative experience.

- **Telecommunication Access for Communication-Impaired Persons Board**

  1 member Northwestern Bell professional representative.

- **Indian School Council**

  11 members, familiar with current status of American Indian education in Minnesota, especially in urban areas, strategies for improvement of Indian education, and knowledge of legal, political status of tribal government.

- **Office of Administrative Hearings**

  1 chief administrative law judge, learned in the law.

- **MN State High School League**

  4 public members, must be parents, at least one member to be an American Indian, Asian, Black, or Hispanic.

MN Council on Productivity and Quality
900 American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101. 612-297-1935. *Minnesota Statutes* 316.

APPOINTING AUTHORITY: Governor. COMPENSATION: Reimbursed for expenses.

The council helps raise public awareness of quality and productivity as a means to increase the state's industrial competitiveness; disseminate case studies describing successful efforts; work on better labor-management relations. Eight members represent management, labor, small business, engineering or business-management education. Four members are appointed by the governor, two members are appointed by the speaker of the house and two members are appointed by the senate majority leader.

MN Sentencing Guidelines Commission
51 State Office Bldg., St. Paul 55155. 612-296-0144. *Minnesota Statutes* 244.09.

APPOINTING AUTHORITY: Governor. COMPENSATION: $50 per diem plus expenses.

The commission will reduce disparity in sentencing practices throughout the state in terms of length of imprisonment as well as imprisonment versus probation and local incarceration. The commission consists of eleven members: one judge of the court of appeals; two district court judges; one public defender; one county attorney; one peace officer; one probation officer or parole officer; two public members, of whom one must be a crime victim; chief justice of the supreme court and the commissioner of corrections or their designees. The term of any member appointed or reappointed by the governor before the first Monday in January 1991 expires on that date. The term of any member appointed or reappointed after that date is coterminous with the governor. Members, other than judges, must file with the Ethical Practices Board.

MN State Arts Board
432 Summit Ave., St. Paul 55102. 612-296-2603. *Minnesota Statutes* 139.08.

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: $35 per diem plus expenses.

The board supports and encourages the arts by providing grants, publications, consultant services, conferences and workshops. Eleven members include one from each congressional district and three at-large; only four members may serve on boards of other arts organizations. Ten meetings per year. Members must file with the Ethical Practices Board.

Planning for Youth Employment Advisory Committee
Dept. of State Planning, 300 Centennial Office Bldg., St. Paul 55155. 612-296-3985. *Laws of 1988 Chapter* 686.

APPOINTING AUTHORITY: Governor. COMPENSATION: Reimbursed for expenses.

Committee assists state planning commissioner in selection of eligible organizations to receive grants for design of education and training programs for targeted youth; also makes recommendations to legislature. Thirteen members including seven public members to be appointed by the governor; one to represent each of the following: labor organizations, local educators, community groups, consumers, local housing developers, homeless persons, and youth between 16 and 21 years of age. At least three public members must be from outside the seven county metro area. Meeting schedule has not been determined.

State Retirement System
529 Jackson St., St. Paul 55101. 612-296-2761. *Minnesota Statutes* 352.03.

APPOINTING AUTHORITY: Governor. COMPENSATION: $35 per diem.

The system establishes rules and regulations for the administration of the state retirement system; approves agency budget; handles employee appeals. Eleven members include three public members, one of which must be a constitutional officer or appointed state official; one employee member appointed by the metropolitan transit commission-transit operating division (MTC-TOD) union, and six elected members: four elected from the general plan, one elected from state trooper plan, one elected from the correctional employees plan, and one elected retired state employee. Bi-monthly meetings. Members must file with the Ethical Practices Board.

Board of Unlicensed Mental Health Service Providers
Dept. of Health, 717 Delaware St. S.E., Mpls 55440. 612-623-5615. *Minnesota Statutes* 148B.01.

APPOINTING AUTHORITY: Governor. COMPENSATION: $35 per diem plus expenses.

The board adopts and enforces rules relating to the conduct of unlicensed mental health service providers. Seventeen members include two chemical dependency counselors, two professional counselors, two pastoral counselors, five members representing other identifiable specialties and subgroups of providers subject to filing requirements, and six public members.

Metropolitan Transit Commission
560 6th Ave. N., Mpls 55411-4398. 612-349-7400. *Minnesota Statutes* 473.404.

APPOINTING AUTHORITY: Regional Transit Board. COMPENSATION: $50 per diem plus expenses.

The commission provides transit services within the metropolitan area in conformance with the implementation plan of the regional transit board. Three members include one who is a resident of Mpls, one who is a resident of St. Paul, and one who resides in the service area of the commission outside of Mpls and St. Paul. Each must have management experience. Members may not, during term of office, be a member of the metro council, regional transit board, the metro waste control commission, the metro airport commission, the metro sports facilities commission or any other independent regional commission, board or agency or hold any judicial office. Members must file with the Ethical Practices Board.

Telecommunication Access for Communication-impaired Persons Board
Minnesota Public Service Dept., 150 E. Kellogg Blvd., Room 790, St. Paul 55101. 612-296-8295. *Minnesota Statutes* 237.50.

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

The board determines the priority of eligible applicants for initial distribution of communication devices and determines circumstances requiring more than one device per household. Nine members include five communications-impaired persons, one communication disabilities professional, one person representing the state's largest local exchange company, one member of Minnesota telephone association, and one person representing companies providing inter-LATX service. An additional member will represent the organization the board contracts with to provide message relay service and will be appointed when the board contracts with the organization. Monthly meetings until December 1988 and quarterly thereafter until December 1992.

Indian School Council
303 Capitol Square Bldg., 550 Cedar St., St. Paul 55101. 612-296-6458. *Laws of 1988 Chapter* 718.

APPOINTING AUTHORITY: Governor with advice of Indian Affairs Council. COMPENSATION: Per diem plus expenses.

The Council shall make recommendations regarding, but not limited to, specified options for the establishment of opportunities for American Indian education through Indian public schools. Fifteen members: two members of state board of education to be appointed by board of education, one member each from Minneapolis and St. Paul public school boards, appointed by the school boards, and eleven members appointed by the governor with the assistance of the Indian affairs council. Meeting schedule as needed (5-7 times a year) at various locations.

Office of Administrative Hearings
4th Fl. Summit Bank Bldg., 310 4th Ave. S., Mpls 55415. 612-341-7640. *Minnesota Statutes* 14.48.

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: $59,913 per year.

The office of administrative hearings shall conduct all hearings of state agencies as required by *Minnesota Statutes* chapter 14 and all compensation hearings as required by *Minnesota Statutes*, chapter 176. The chief administrative law judge must be learned in the law and is appointed by the governor with the advice and consent of the senate. This is a full time position with a six year term. The chief administrative law judge appoints other administrative law and compensation judges as necessary to fulfill the duties of the office.

MN State High School League
2621 Fairoak Ave., P.O. Box 309, Anoka 55303. 612-427-5250. *Minnesota Statutes* 129.121.

APPOINTING AUTHORITY: Governor. COMPENSATION: $35 per diem.

The league is empowered to exercise control, supervision, regulation of interscholastic athletics, and musical, dramatic and other contests between pupils of Minnesota high schools. Twenty members, including four public members who are parents, at least one must be American Indian, Asian, Black, or Hispanic. Eight regular meetings per year plus special meetings. Meetings take place in the metro area.

Department of Transportation

Petition of the County of Winona for a variance from State Aid Standards for Use of State Aid Funds

Notice is hereby given that the County Board of the County of Winona has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from the requirement that a plan must be approved by the State Aid Engineer prior to the award of contract in order to finance the project with State Aid funds.

The request for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, subpart 2 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the Office of State Aid, Minnesota Department of Transportation, the authority to authorize the use of State Aid monies to finance S.A.P. 85-631-11.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota, 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 2 June 1988

Leonard W. Levine
Commissioner

State Board of Vocational Technical Education

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary Technical Education Personnel

Notice is hereby given that the State Board of Vocational Technical Education is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty Five Fifteen. Rules for Licensure of Vocational Technical Education Personnel and specifically in emergency rules for Productivity Technician, Fire Technology and Administration, Physical Therapy Assistant. The promulgation of these rules is authorized by *Minnesota Statutes* 136C.04, subd.9. and 125.185 subd.4.

The State Board of Vocational Technical Education requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit data or views on the subject matter or concern in writing or orally. Written statements should be addressed to:

Ms. Glenda Moyers
State Board of Vocational
Technical Education
522 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-6517

Ms. Georgia Pomroy
State Board of Vocational
Technical Education
520 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Oral statements will be received during regular business hours over the telephone at (612) 296-0680 and in person at the above address.

All statements of information and comments shall be accepted until 4:30 p.m., Wednesday, July 13, 1988. Any written material received by the State Board of Vocational Technical Education shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rule is adopted.

Helen Henrie, Deputy Director
State Board of Vocational
Technical Education

State Board of Vocational Technical Education

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Licensure of Postsecondary Vocational Technical Teachers in Marketing, Service, Agriculture, and Business and Office Occupations

Notice is hereby given that the State Board of Vocational Technical Education is seeking information or opinions from outside the agency in preparing to amend Chapter Thirty Five Fifteen: Rules for licensure of postsecondary vocational technical education teachers and specifically in Preparation for Small Business Ownership (Marketing occupations), Occupational Skills (Service occupations), Specialty Crop Management and Poultry Production (Agriculture occupations), Microcomputer Specialist and Office Information Processing Specialist and Student Financial Aid Assistant (Business and Office occupations), and Metrology Technology (Technical occupations). The promulgation of these rules is authorized by *Minnesota Statutes* 136C.04, subd.9, and 125.185, subd.4.

The State Board of Vocational Technical Education requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally.

Written statements should be addressed to:

Ms. Glenda Moyers
State Board of Vocational
Technical Education
522 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-6517

Ms. Georgia Pomroy
State Board of Vocational
Technical Education
520 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
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Oral statements will be received during regular business hours over the telephone at (612) 296-0680 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m., Wednesday, July 13, 1988. Any written material received by the State Board of Vocational Technical Education shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event that the rule is adopted.

Deputy Director
State Board of Vocational
Technical Education

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, 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 $15,000 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: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Contact listed buyer.

Commodity: License plate steel
Contact: Doug Thompson 612-296-3775
Bid due date at 2pm: June 14
Agency: Correction Facility
Deliver to: St. Cloud
Requisition #: 07700-46961

Commodity: Rental of copiers at Willmar Community College
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: June 14
Agency: Community College
Deliver to: Willmar
Requisition #: 27145-07618

Commodity: Rent of Xerox 1065 Copier
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: June 15
Agency: Attorney General
Deliver to: St. Paul
Requisition #: 06000-07007

Commodity: Weather access system
Contact: Don Olson 612-296-3771
Bid due date at 2pm:
Agency: MN Dot/Aeronautics
Deliver to: Various
Requisition #: Price Contract

Commodity: Armor personnel
Contact: Doug Thompson 612-296-3775
Bid due date at 2pm: June 16
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 29000-59191

Commodity: Interactive bathing/lift system
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: June 16
Agency: Human Service Center
Deliver to: Faribault
Requisition #: 55303-12456

Commodity: 35mm cameras
Contact: Pat Anderson 612-296-3777
Bid due date at 2pm: June 16
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 29000-50190

Commodity: Dishwashing detergents—rebid
Contact: Don Olson 612-296-3771
Bid due date at 2pm:
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Rubber footwear schedule #48
Contact: Teresa Hendrickson 612-296-3704
Bid due date at 2pm:
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: DNR uniform clothing
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: June 17
Agency: Natural Resources No. Service
Deliver to: Grand Rapids
Requisition #: 29007-10080

Commodity: Personal computer equipment
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: June 17
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 21200-17866

Commodity: Grates for boilers
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: June 15
Agency: Nursing Home
Deliver to: Ah Gwah Ching
Requisition #: 55510-03210

Commodity: Facsimile machines
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: June 16
Agency: Agriculture/DNR
Deliver to: Various
Requisition #: 04131-84091

Commodity: Bulk potato chips, seconds
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: June 17
Agency: Correctional Facility
Deliver to: Stillwater
Requisition #: 78620-00235

Commodity: Frontend loader
Contact: Brenda Thielen
Bid due date at 2pm: June 17
Agency: MN Veterans Home
Deliver to: MN Veterans Home
Requisition #: 75200-20363-01

Commodity: Sprinkler system
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: June 17
Agency: MN Dept. of Transportation
Deliver to: Morris
Requisition #: 79450-00546-01

Commodity: IBM PS/2 Model 30 printers & accessories
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: June 20
Agency: State University
Deliver to: Winona
Requisition #: 26074-12212

Commodity: Maintenance agreement for IBM 4381 computer
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: June 20
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79-000-90131

Commodity: Zenith Data Systems Z159
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: June 20
Agency: Mpls. Community College
Deliver to: Minneapolis
Requisition #: 27-151-50291

Commodity: Mac II CPU, laserwriter software & scanner—PCA
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: June 21
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32-100-17587

Commodity: Used aircraft
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: June 13
Agency: Natural Resources
Deliver to: Brainerd
Requisition #: 29000-50281

Commodity: Lease/purchase of Epson equipment
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: June 20
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-20401-1

Commodity: Vehicular repeaters
Contact: Pat Anderson 612-296-3777
Bid due date at 2pm: June 22
Agency: Public Safety
Deliver to: Golden Valley
Requisition #: 07500-49160

Commodity: Talaris 1590 laser printer
Contact: Mary Jo Bruski 612-296-9075
Bid due date at 2pm: June 20
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32 300 17579

Commodity: 48″ Riding mower & accessories
Contact: Brenda Theilen 612-296-9075
Bid due date at 2pm: June 9
Agency: Transportation Department
Deliver to: Oakdale
Requisition #: 79 382 01380

Commodity: Lease/purchase of Canon NP3525 copier
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: June 17
Agency: Jobs & Training
Deliver to: Fiscal Services (Mankato)
Requisition #: 21200 18507 01

Commodity: Mini van
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: June 21
Agency: PERA
Deliver to: St. Paul
Requisition #: 63000 81417

Commodity: One-ton truck
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: June 21
Agency: MN Veterans Home
Deliver to: Minneapolis
Requisition #: 75200 20364

Commodity: Bus with wheelchair lift
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: June 21
Agency: MN Veterans Home
Deliver to: Minneapolis
Requisition #: 75200 20366

Commodity: Carryall truck
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: June 21
Agency: MN DOT/Central Shop
Deliver to: St. Paul
Requisition #: 79382 01394

Commodity: 30-foot, 2-inch boom
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: June 21
Agency: Transportation
Deliver to: Willmar
Requisition #: 79382 01397

Commodity: 30-ton hydraulic trailer
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: June 21
Agency: Transportation
Deliver to: Mankato
Requisition #: 79382 01392

Commodity: Weight equipment
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: June 21
Agency: North Hennepin Community College
Deliver to: Minneapolis
Requisition #: 27153 20111

Commodity: Skid loader
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: June 21
Agency: Transportation
Deliver to: Willmar
Requisition #: 79382 01383

Commodity: 23-foot stick to fit Liebherr R912 hydraulic excavator
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: June 22
Agency: Transportation
Deliver to: Willmar
Requisition #: 79382 01398

Commodity: Vehicular repeater
Contact: Pat Anderson 612-296-3777
Bid due date at 2pm: June 22
Agency: Department of Public Safety
Deliver to: Golden Valley
Requisition #: 07500 49160

Contract Awards—Materials Management Division

Item: Services other professional technical
Req.#: 04261-84123-01
Awarded to: Minnesota News Network, St. Paul, MN
Awarded amount: $22,490.00
Awarded date: June 7, 1988
Expir/deliv date: June 7, 1988
Shipped to: Various locations

Item: Spectrometers, Atomic Absorption
Req.#: 07300-48359-01
Awarded to: Hewlett Packard Co., St. Paul, MN
Awarded amount: $126,723.35
Awarded date: June 7, 1988
Expir/deliv date: August 26, 1988
Shipped to: Dept. of Public Safety

Item: Tools, equipment and access for clients
Req.#: 21606-90326-01
Awarded to: Country Med., Shakopee, MN
Awarded amount: $14,912.64
Awarded date: June 7, 1988
Expir/deliv date:
Shipped to: Various locations

Item: Mower attachment and accessories
Req.#: 26072-01409-01
Awarded to: United Power Equipment, Fargo, ND
Awarded amount: $11,250.00
Awarded date: June 7, 1988
Expir/deliv date: June 20, 1988
Shipped to: Moorhead State University

Item: Ion microanalyzers
Req.#: 32300-17443-01
Awarded to: HNU Systems, Inc., Newton, MA
Awarded amount: $10,740.00
Awarded date: June 7, 1988
Expir/deliv date: June 20, 1988
Shipped to: MN Pollution Control Agency

Item: Drafting graphic art equipment
Req.#: 79000-84509-01
Awarded to: Xerox Corp., Edina, MN
Awarded amount: $74,567.00
Awarded date: June 7, 1988
Expir/deliv date: June 16, 1988
Shipped to: MN Department of Transportation

Item: Truck, 1 ton, regular cab, pickup, 8 ft.
Req.#: 79382-01360-01
Awarded to: LZ Mfg. Co. Inc., St. Paul, MN
Awarded amount: $20,020.00
Awarded date: June 7, 1988
Expir/deliv date: July 30, 1988
Shipped to: MN/DOT, Central Shop

Item: Furniture Dorm/Ward
Req.#: 02310-16131-02
Awarded to: MCF—Lino Lakes, Lino Lakes, MN
Awarded amount: $31,817.00
Awarded date: June 6, 1988
Expir/deliv date:
Shipped to: Vermilion Community College

Item: Breath Alcohol Analyzers
Req.#: 07300-49287-01
Awarded to: CMI, Minturn, CO
Awarded amount: $12,938.00
Awarded date: June 6, 1988
Expir/deliv date: June 30, 1988
Shipped to: Department of Public Safety

Item: Auto HD truck & van
Req.#: 55304-07820-01
Awarded to: Dondelinger Chevrolet, Brainerd, MN
Awarded amount: $12,038.00
Awarded date: June 6, 1988
Expir/deliv date: June 20, 1988
Shipped to: Brainerd Regional Human Service

Item: Service other purchased
Req.#: 02310-16122-01
Awarded to: Hibbing Moving & Storage, Hibbing, MN
Awarded amount: $22,450.00
Awarded date: June 2, 1988
Expir/deliv date:
Shipped to: Hibbing Community College

Item: Scale and balance commercial
Req.#: 07500-49164-01
Awarded to: Pat Equipment Corp., Marlboro, MA
Awarded amount: $17,850.00
Awarded date: June 2, 1988
Expir/deliv date: June 24, 1988
Shipped to: Public Safety Department

Item: Repairs, landscaping, road, resurfacing
Req.#: 79900-03622-01
Awarded to: Chemlawn Services Corp., Brooklyn Park, MN
Awarded amount: $5,949.45
Awarded date: June 2, 1988
Expir/deliv date:
Shipped to: MN Department of Transportation

Item: Furniture school
Req.#: 02310-16130-01
Awarded to: Range Office Supply, Virginia, MN
Awarded amount: $11,500.00
Awarded date: June 3, 1988
Expir/deliv date:
Shipped to: Vermilion Community College

Item: Furniture dorm/ward
Req.#: 02310-16131-01
Awarded to: Range Office Supply, Virginia, MN
Awarded amount: $31,817.00
Awarded date: June 3, 1988
Expir/deliv date:
Shipped to: Vermilion Community College

Item: Telephone & telegraph equipment
Req.#: 36000-12001-01
Awarded to: McGraw Hill, Eden Prairie, MN
Awarded amount: $21,847.00
Awarded date: June 3, 1988
Expir/deliv date:
Shipped to: Board of Vocational-Technical Education

Item: Computer equipment
Req.#: 42150-11736-01
Awarded to: Nynex Business Center, Minneapolis,MN
Awarded amount: $32,842.61
Awarded date: June 3, 1988
Expir/deliv date: July 3, 1988
Shipped to: Department of Labor & Industry

Item: Coal coke
Req.#: 55103-05007-01
Awarded to: Newgren Steve, Kettle River, MN
Awarded amount: $107,500.00
Awarded date: June 3, 1988
Expir/deliv date: July 1, 1988
Shipped to: Moose Lake Regional Treatment Center

Item: Physical testing equipment
Req.#: 79000-83954-01
Awarded to: Hottinger baldwin, Framingham, MA
Awarded amount: $11,549.00
Awarded date: June 3, 1988
Expir/deliv date: September 30, 1988
Shipped to: MN Department of Transportation

Item: Drafting graphic art equipment
Req.#: 79000-84421-01
Awarded to: Midwest Sign & Screen, St. Paul, MN
Awarded amount: $22,970.73
Awarded date: June 3, 1988
Expir/deliv date: July 5, 1988
Shipped to: MN Department of Transportation

Item: Aircraft alarm & signal system
Req.#: 79000-84581-01
Awarded to: Aviation Electric of Minnesota, St. Paul, MN
Awarded amount: $10,850.00
Awarded date: June 3, 1988
Expir/deliv date: June 10, 1988
Shipped to: MN/DOT, Aeronautics

Item: Automobile
Req.#: 07800 49177 01
Awarded to: Hawkins Thane Polar Chevrolet, White Bear Lake, MN
Awarded amount: $11,388.00
Awarded date: June 8, 1988
Expir/deliv date: June 20, 1988
Shipped to: Department of Public Safety

Item: Computer equipment
Req.#: 12400 25002 01
Awarded to: Data General Corporation, Minnetonka, MN
Awarded amount: $154,379.00
Awarded date: June 8, 1988
Expir/deliv date: July 1, 1988
Shipped to: MN Department of Health

Item: Computer equipment
Req.#: 24000 81787 01
Awarded to: Prestige Office Systems, Eden Prairie, MN
Awarded amount: $18,184.30
Awarded date: June 8, 1988
Expir/deliv date: June 30, 1988
Shipped to: MN Department of Employee Relations

Item: Controls & repair, industrial heating
Req.#: 26073 20419 01
Awarded to: Trane Co., Mpls., MN
Awarded amount: $10,643,00
Awarded date: June 8, 1988
Shipped to: St. Cloud State University

Item: Hospital furniture equipment & utensil
Req.#: 78830 09229 01
Awarded to: Curtin Matheson Scientific, Eden Prairie, MN
Awarded amount: $86,875.00
Awarded date: June 8, 1988
Expir/deliv date: June 14, 1988
Shipped to: MN Correctional Facility

Item: Photocopy & copy machine expense
Req.#: 79100 08929 01
Awarded to: Xerox Corporation, Edina, MN
Awarded amount: $24,526.80
Awarded date: June 8, 1988
Expir/deliv date: July 1, 1988
Shipped to: MN Department of Transportation

Item: Packaging packing bulk material
Req.#: 79900 03639 01
Awarded to: Applied Power Products, St. Paul, MN
Awarded amount: $27,658.20
Awarded date: June 8, 1988
Expir/deliv date: June 22, 1988
Shipped to: MN Department of Transportation

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity: State Telephone Directory, 22M, 250 pp + cover, 8½″ × 11″, perfect bind, one color text, 4-color cover
Contact: Printing Buyer's Office
Bids are due: June 14
Agency: Administration—Telecommunications
Deliver to: St. Paul
Requisition #: 5198

Commodity: Stickers, 1,000, 3″ × 1¾″, negs furnished, self-adhesive, 3-color gloss enamel on coated paper, roll format
Contact: Printing Buyer's Office
Bids are due: June 14
Agency: Trade & Economic Development
Deliver to: St. Paul
Requisition #: 7629

Commodity: Letterhead, 8½″ × 11″, 2,500 and 47,500, camera ready, one-sided blue ink
Contact: Printing Buyer's Office
Bids are due: June 13
Agency: Labor & Industry
Deliver to: St. Paul
Requisition #: 7263

Commodity: Survey, 10M, 8½" × 11", two-sided, preprinted numbering, 3-part form carbonless
Contact: Printing Buyer's Office
Bids are due: June 13
Agency: Higher Education Coordinating Board
Deliver to: St. Paul
Requisition #: 7596

Commodity: Certificate, 5,000, 9½" × 7", type to set, one-sided, 20#
Contact: Printing Buyer's Office
Bids are due: June 16
Agency: DNR-Enforcement
Deliver to: St. Paul
Requisition #: 7517

Commodity: Labels, 4-parts, carbon interleave, 100 pads, 25 in pad, type to set, one sided, third copy has adhesive backing, 4" × 6"
Contact: Printing Buyer's Office
Bids are due: June 16
Agency: Vo-Tech Education Board
Deliver to: St. Paul
Requisition #: 7503

Commodity: College newspaper, 2,500 each issue, 12 issues, biweekly, 35# newsprint, 16¾" × 11½" page, sheets—16¾" × 23"
Contact: Printing Buyer's Office
Bids are due: June 16
Agency: Community College
Deliver to: Brooklyn Park
Requisition #: 7764

Commodity: Fall Tabloid, 130,000, 11¼" × 15½" page size, 8 halftones, #35 newsprint, 8 pages, ½-fold
Contact: Printing Buyer's Office
Bids are due: June 16
Agency: Community College
Deliver to: Brooklyn Park
Requisition #: 7763

Commodity: Aerial photo, 3,000, 3" × 5" postcards, camera ready, 4-color
Contact: Printing Buyer's Office
Bids are due: June 16
Agency: Community College
Deliver to: Brooklyn Park
Requisition #: 7765

Commodity: Quarterly class brochure, 12,000, 6" × 9⅜" finished size, 3 accordion folds, type to set, 2-sided
Contact: Printing Buyer's Office
Bids are due: June 16
Agency: Community College
Deliver to: Inver Grove Heights
Requisition #: 7772

Commodity: Newsletter, 8,500 per issue, six issues, 6-8 pages, self cover, saddle stitch, type to set, keylines & negs furnished, 17" × 11" folded to 8½" × 11"
Contact: Printing Buyer's Office
Bids are due: June 16
Agency: Council on Disability
Deliver to: St. Paul
Requisition #: 7749

Commodity: Brochures, 12M fall, 12M winter, 12M spring, 17½" × 17, 4-fold to 3½" × 8½" camera ready, 28# Carnival Kraft Ivory
Contact: Printing Buyer's Office
Bids are due: June 16
Agency: Community College
Deliver to: Brooklyn Park
Requisition #: 7767

Commodity: Two brochures: 13M, 12 pgs. + cover, 2-5 color; and 7,500, 8 pgs. + cover, 2-5 color, sides, camera ready, 8½" × 11", saddle stitch
Contact: Printing Buyer's Office
Bids are due: June 20
Agency: Trade & Economic Development
Deliver to: St. Paul
Requisition #: 7835&6

Department of Agriculture

Notice for Request for Proposals for Contract Services

The Minnesota Department of Agriculture desires to retain 23 contractors to provide farm advocacy services for its Farm Advocate Program.

The contractors' duties shall include: 1) Provide peer support to financially distressed farmers in Minnesota; 2) Participate in Department-sponsored training; 3) Accept referrals; 4) Help farmers prepare debt restructuring packages, including cashflows and financial statements; 5) Attend meetings and mediation sessions between farmers and their lenders as requested by farmers; 6) Provide monthly report to the Department.

Contract terms include: 1) Effective dates from July 1, 1988 to June 30, 1989; 2) Compensation up to 85 hours per month plus expenses. Annual compensation will range between $9,500 to 14,700 depending on contractors' experience and location.

All proposals must be submitted to the following address no later than 4:30 p.m. on Friday, June 24, 1988:

Anne DeMeurisse
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107
612/296-1484

Department of Agriculture

Program & Management Support

Notice of Request for Proposals for Program Evaluation

The Minnesota Department of Agriculture is seeking proposals from qualified firms or individuals to conduct an evaluation of the department's pilot program that provides coupons for free produce from farmers' markets to participants in the Women, Infants and Children (WIC) program in St. Paul and Mankato.

The final report will include an evaluation of the program based on interviews with the program's clients and sellers at the farmers' market and review of the program's administration. The evaluation must be done from October, 1988 to January, 1989.

This contract may not exceed $7,500. All proposals must be received by the department by 4:30 p.m., July 18, 1988. The Request for Proposals may be obtained by contacting:

Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107
(612) 296-6906

Department of Health

Division of Maternal and Child Health Services for Children with Handicaps

Contracts Available for Medical and Related Services for Children with Special Health Care Needs

Openings exist for:

1. Board certified or approved physicians to provide medical examinations;
2. Registered public health or pediatric nurses to provide nursing services;
3. Licensed psychologists to provide psychological assessments;
4. Certified audiologists to provide audiological examinations;
5. Certified speech pathologists to provide speech assessments.
6. Experienced social workers to provide social work services at diabetes clinics in Willmar.

Qualified, interested persons should contact Alpha Adkins, Services for Children with Handicaps, 717 Delaware Street, S.E., Minneapolis, Minnesota 55440. Phone (612) 623-5165 by June 27, 1988.

A total of $178,637 has been budgeted to fund these positions. Funding for individual positions varies by category and position.

Department of Health

Division of Maternal and Child Health

Availability of Contract for Development of Video Training Tapes

Notice is hereby given that the Minnesota Department of Health (MDH), Division of Maternal and Child Health (MCH), intends to accept bids and issue a contract for the development of video training tapes for hearing and vision screening of children. The tapes will be approximately thirty (30) minutes in length and will display hearing and vision screening instruments and forms, describe and demonstrate MDH screening procedures and pass/fail criteria.

The contract will be awarded to the bidder best demonstrating the needed skills, knowledge and experience to develop these tapes. The MDH will make the final selection and issue a contract not to exceed $4,000.00.

Please submit qualifications and bid by July 8, 1988 to:

Don Newman, Hearing and Vision Conservation
Minnesota Department of Health
717 Delaware Street South
P.O. Box 9441
Minneapolis, Minnesota 55440

Minnesota Higher Education Coordinating Board

Notice of Request for Proposal for Contractual Services

The Minnesota Higher Education Coordinating Board (HECB) is requesting proposals from consultants for a study of the implementation of alternative governance arrangements for Minnesota's community colleges and technical institutes.

Scope of the Project

The project is a study of the necessary procedures, fiscal implications, and other effects related to the implementation of alternative governance arrangements.

Project Start and Completion Dates

The contract will become effective July 18, 1988, and will end January 1, 1989, subject to satisfactory completion.

Project Costs

It is anticipated that the cost of the project will not exceed $25,000 for professional services and expenses.

Those interested in receiving requests for proposals should contact:

Administrative Services
Minnesota Higher Education Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-9685

Proposals will be accepted until 4:00 p.m. July 1, 1988.

Minnesota Historical Society

Notice of Availability of Contract for Museum Exhibition Design Services

The Minnesota Historical Society is seeking individuals and firms with experience in museum exhibitions to submit proposals for Phase 1 of exhibit design for new Minnesota History Center scheduled to open in fall 1991.

These services, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP may be requested and inquiries directed to: Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155. The deadline for submitting completed proposals is the close of the business day (5:00 p.m. CDT) July 15, 1988. Late proposals will not be accepted.

Department of Human Services

Notice of Request for Proposals to Develop and Implement a Supplemental Third Party Liability Program

The Department of Human Service is seeking proposals from qualified organizations to identify and collect third party liability (TPL) available for payment of the cost of medical care rendered to Medical Assistance and General Assistance Medical Care recipients. Sources of TPL to be examined simultaneously include CHAMPUS, private health insurance, and Medicare. Contractor reimbursement will be based on a percentage of actual TPL collections only.

Interested organizations will be required to respond to all of the specifications contained in the Request for Proposals and will be required to submit a single fixed percentage bid for the identification and collection of TPL.

The Commissioner of Human Services will appoint an evaluation committee to review each proposal. The evaluation committee will examine the technical content of each proposal and will submit their findings to a selection committee, comprised of DHS management. The selection committee will review the findings and will recommend to the Commissioner of Human Services their choice for a contractor.

The Request for Proposals containing detailed specifications may be requested from the Department of Human Services. The deadline for submitting proposals is 4:30 p.m., July 29, 1988. Please direct all proposals and inquiries to:

Jan Taylor
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3850
Phone: (612) 296-6964

Department of Jobs and Training

Notice of Request for Proposal for the Detailed Design and Implementation of an Unemployment Insurance Benefits System under an IDMS Database

The Minnesota Department of Jobs and Training (MDJT) is requesting proposals from highly qualified firms to assist in the detailed design and implementation under an IDMS database of a new Unemployment Insurance Benefits System based on quarterly wage detail records.

Project Scope

The scope of work for this project includes the detailed design, programming and overall implementation of a new Unemployment Insurance Benefits System. Six of the major benefits sub-systems will be rewritten, including: Wage Detail Processing, Initial Claims/Monetary, Benefit Payment, Benefit Charge, Overpayment, and Special Payments. In addition, the project includes the design and implementation of appropriate interfaces to the sixteen other benefits sub-systems that are dependent on the six major sub-systems.

Project Schedule

MDJT has already completed phases 1 and 2 of the overall Wage Detail Conversion Effort. These phases consisted of the preparation of a Multi-year Plan for the U.S. Department of Labor to secure funding for the effort, preparation of a User Requirements Report, User Design Report and Technical Design Report (the User and Technical Designs are currently in progress and will be completed during the month of June). Phase 3 of the project, which is the subject of this RFP, is scheduled to begin on August 1, 1988, with full installation of the new Benefits System required, by law, on July 3, 1989, and completion of Phase 3 on September 29, 1989. The size of this project, coupled with the legal requirement that the new Benefits System be in full operation on July 3, 1989 and the fact that DOL funding is only available through fiscal year 1989, makes it absolutely essential that this project schedule be met. Any significant slippage will put the entire project in jeopardy; therefore, timely completion of the project is of prime importance to MDJT.

Project Tasks/Deliverable Products

Project Name

1. Plan & Organize Phase 3
2. Develop Implementation Standards
3. Confirm User/Technical Design
4. Complete Detailed Design
5. Establish Development Environment
6. Prepare and Conduct Employer Outreach Program
7. Develop User Procedures
8. Complete Programming & Unit Testing
9. Perform Conversion Preparation
10. Prepare and Conduct User Training
11. Perform User/System Testing
12. Convert to Live Operations
13. Pilot Intake/Payment Technology
14. Provide Technical Support
15. Provide Post-Conversion Support
16. Manage the Work Effort

Project #	Project Deliverable Product(s)
1.	A. Administrative Procedures Memo (includes Organization Chart and Project Work Plan)
2.	A. System Implementation Standards
3.	None
4.	A. Program Work Unit Specifications
5.	A. Installed and Tested Development Environment
6.	A. Employer Education Plan & Materials B. Employer Outreach Training Sessions
7.	A. User Procedure Manuals
8.	A. Unit Tested Program Modules
9.	A. System Test and Conversion Plan B. System Operations Documentation C. Conversion Program and Procedures
10.	A. User Training Plan B. User Training Materials C. User Training Sessions
11.	A. Approved System Test Cycles
12.	A. Fully Implemented New Benefits System Meeting Predetermined Operating Criteria
13.	A. Intake/Payment Technology Pilot Plan Memorandum B. Intake/Payment Technology Pilot Evaluation Memorandum
14.	None
15.	A. Post-conversion Review Memorandum
16.	A. Weekly Status Reports

General Instructions

All selection criteria are described in a Request for Proposal available from the Minnesota Department of Jobs and Training. Selection will follow the review of all proposals received by the deadline. Responders will be expected to demonstrate ability to

initiate services on August 1, 1988, assuming a contract has been negotiated by that time. Total funding for this contract is dependent upon the specifications and provisions of the final contract. This notice does not obligate the State to complete this project. The State reserves the right to cancel this solicitation if it is considered to be in the best interest of the State. A bidders' conference is scheduled for Tuesday, June 7, 1988 at 2:00 p.m. in the 4th Floor Conference Room, 390 North Robert Street, St. Paul, MN 55101. If you have any questions or particular requests for information, please contact the Project Manager, Kenneth Niemi, prior to the conference. Copies of the RFP will be available at the conference or by contacting:

Kenneth F. Niemi
Project Manager
Wage Detail Project
135 Metro Square
7th and Robert Streets
Saint Paul, MN 55101
Telephone # 612/296-8334

All proposals must be submitted to the Project Manager at 135 Metro Square no later than 4:00 p.m. on Friday, July 8, 1988.

Minnesota State University Board for Metropolitan State University

Request for Proposals for Contract Services for Advertising Campaign

The Minnesota State University Board on behalf of Metropolitan State University wishes to retain a contractor to provide an advertising campaign for its Adult Learner Services Network. Contractor shall work with the Network staff in developing a comprehensive plan which will include the following: prepare news releases and public service announcements; plans, write and distribute brochures, flyers, etc.; provide generic ads; distribute student recruitment videotape; and develop a plan for radio advertising.

Project Start and Completion Dates:

This project will begin on July 11, 1988 and will be completed by May 31, 1989. The advertising plan should be completed by August 5, 1988 and the advertising begun by August 15, 1988.

Project Costs:

It is anticipated that the cost of this project will not exceed $34,000 for professional services and expenses.

Copies of the Request For Proposal for Contractual Services including the detailed project tasks are available from:

Adult Learner Services Network
Metropolitan State University
Suite 121, Metro Square Building
St. Paul, MN 55101-2189
Telephone (612) 296-6536

All proposals must be submitted to Metropolitan State University no later than 3:00 pm, Tuesday, July 5, 1988.

Department of Trade and Economic Development

Communications Office, Administration Division

Request for Proposals for Specialized Writing Services

The Department of Trade and Economic Development wishes to retain a contractor to provide specialized writing services for major literature pieces published by the Department. The services of the contractor will begin on July 1, 1988, and end on June 30, 1989. It is estimated that the cost of this project will not exceed $20,000.00.

Proposals must be received by 4:30 p.m. June 20, 1988. To obtain a complete Request for Proposals that offers details, please contact the:

Communications Office
Minnesota Department of Trade and Economic Development
900 American Center Building
150 East Kellogg Blvd.
St. Paul, Minnesota 55101
Phone: (612) 297-1300

Department of Trade and Economic Development

Communications Office, Administration Division

Request for Proposals for Typesetting

The Department of Trade and Economic Development wishes to retain a contractor to provide typesetting for literature pieces and related projects including, but not limited to, presentation boards, posters, invitations and advertisements published by the department. The services of the contractor will begin on July 1, 1988, and end on June 30, 1989. It is estimated that the cost of this project will not exceed $20,000.00.

Proposals must be received by 4:30 p.m. June 20, 1988. To obtain a complete Request for Proposals that offers details, please contact the:

Communications Office
Minnesota Department of Trade and Economic Development
900 American Center Building
150 East Kellogg Blvd.
St. Paul, Minnesota 55101
Phone: (612) 297-1300

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Jobs & Training

Notice of Availability of Funds for Vocational Services

501(c)(3) Tax-exempt (non-profit) organizations which provide Vocational Services leading to employment for individuals with handicaps may apply for funds granted by the Division of Rehabilitation Services under the authority of *Minnesota Statutes* Section 129A.03, and the Rehabilitation Act of 1973, P.L. 93-112, as amended.

Interested parties must submit an application (concept paper) describing service programs which expand or improve vocational services to persons with disabilities meeting one or more of the following priority areas:

- to strengthen the ability to provide time-limited training leading to supported employment
- innovative vocational services for people with severe handicaps currently underserved. Examples include persons with serious and persistent mental illness; traumatic head injury or other neurological impairments; deafness; or a combination of disabling conditions; or persons needing rehabilitation technology interventions; etc.
- programs which serve school-aged youth transitioning from school to work and the community
- community based programs leading to competitive employment for hard to place individuals
- programs designed to meet existing gaps in services to groups of persons with specific disabilities or to meet general service gaps in geographic areas of the state

A total of $375,000 will be awarded, with individual grants ranging from $25,000 to $50,000. A 10% cash match from the applicant is required. Federal funds cannot be used as match.

The $375,000.00 total to be awarded includes a 10% contribution of State funds by DRS. If additional Federal funds become available before September 30, 1988, additional grants may be awarded to applicants who were not previously funded.

Applications in the form of a concept paper outline are available from Marv McNeff, Supervisor, General and Administrative Support Unit, Division of Rehabilitation Services, 5th Floor, 390 North Robert Street, St. Paul, MN 55101, phone (612) 296-9981.

Completed concept papers shall be postmarked by Monday, June 27, 1988, or delivered to the Division of Rehabilitation Services Administrative Office, 5th Floor, 390 North Robert St., St. Paul, MN 55101, by 4 p.m. on that date.

For additional information contact Marv McNeff, (612) 296-9981. Technical assistance will be provided by appropriate area staff for any party interested in pursuing an application.

Tax Court

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

Tax Court—Regular Division

Docket No. 4923—Dated: May 31, 1988

William E. & Heidi G. Hottinger, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for trial before the Honorable M. Jean Stepan, Judge of the Minneota Tax Court, on May 23, 1988 by telephone conference call.

Heidi Hottinger, one of the appellants, appeared *pro se.*

Jerilyn K. Aune, Special Assistant Attorney General, appeared on behalf of the appellee.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. During the entire 1986 calendar year, William Hottinger was a resident of the State of Minnesota, although at that time he had not lived in Minnesota for several years.

2. William Hottinger's wife, Heidi Hottinger, is and during all of 1986 was a resident of the State of Washington. She has never been a resident of Minnesota. She has never been in the State of Minnesota.

3. The appellants, William and Heidi Hottinger, were on active duty in the United States Navy during all of 1986, residing in California.

4. Neither Mr. nor Mrs. Hottinger earned any income in the State of Minnesota during 1986.

5. Neither Mr. nor Mrs. Hottinger owned any property in the State of Minnesota during 1986.

6. Mr. and Mrs. Hottinger filed a joint federal income tax return for 1986.

7. William Hottinger filed a married, filing separately Minnesota return for 1986 to report his income to the State of Minnesota.

8. Upon audit the Department of Revenue assessed additional income taxes against appellants based on a joint Minnesota return using the Hottingers' combined income to determine appellants' Minnesota tax rate pursuant to *Minnesota Statutes* § 290.06, subd. 2c(a).

9. Appellants claim that this law should not be applied to them to factor in Mrs. Hottinger's income because she has no contact with the State of Minnesota other than being married to a Minnesota resident who neither lived in, worked in, nor owned property in Minnesota.

10. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The Commissioner of Revenue correctly calculated appellants' 1986 Minnesota income tax.

2. The Order of the Commissioner of Revenue dated August 6, 1987, assessing additional income tax against appellants for the 1986 tax year, is hereby affirmed with regard to the tax assessed, but is reversed with regard to interest assessed and all interest is to be abated.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
M. Jean Stepan, Judge
Minnesota Tax Court

Tax Court—Regular Division

Docket No. 4733—Dated: May 25, 1988
Otto F. Ringle, Appellant, vs. Commissioner of Revenue, Appellee.

A motion for a new trial or for amended findings of fact and conclusions of law was filed by the appellant in this matter. A hearing

on that motion was held before the Honorable Arthur C. Roemer, Judge of the Minnesota Tax Court, on March 3, 1988 at the Cass County District Courthouse in Walker, Minnesota.

The appellant, Otto F. Ringle, appeared pro se.

The appellee was represented by James W. Neher, Special Assistant Attorney General.

The Court, having heard and considered the arguments of the parties and upon all of the files and records herein, NOW MAKES THE FOLLOWING ORDER amending its decision of January 6, 1988:

1. The Findings of Fact are hereby amended as follows:

A. Finding of Fact No. 6 is amended to read:

6. The eight commercial units were all occupied for the major portion of 1986 (seven units were occupied all year, the basement unit being occupied commencing February, 1986).

B. Finding of Fact No. 7 is amended to read:

7. Several of the residential units were occupied by relatives of the appellant with no rent being charged and/or collected.

C. Finding of Fact No. 9 is amended to read:

9. The property is for sale, the appellant indicating that he will accept $450,000 to $500,000.

2. The Conclusions of Law in the Court's decision of January 6, 1988 shall remain unchanged.

3. The appellant's motion for a new trial is hereby denied.

IT IS SO ORDERED.

BY THE COURT,
Arthur C. Roemer, Judge
Minnesota Tax Court

Supreme Court Decisions

Decisions Filed 10 June 1988

C3-87-1795 Jeffry Scott Merritt, petitioner v. Commissioner of Public Safety, Appellant. Court of Appeals.

Trial court's rescission of Commissioner of Public Safety's revocation of driver's license under implied consent law, which trial court based on commissioner's failure to comply with request for production of certain documents, was unjustified; driver could have compelled discovery by moving for relief before hearing.

Reversed and remanded for hearing. Amdahl, C.J.

C6-87-2228 In re Objections to Real Property Taxes: Southdale Circle Partnership v. County of Hennepin, Relator. Minnesota Tax Court.

The 1986 amendments to Minnesota Statutes § 278.05, subd. 1, which permit the tax court to increase valuation for the first time with the 1986 assessments, do not create an implied counterclaim in the taxing authority which precludes voluntary dismissal of the petition prior to hearing.

Affirmed. Amdahl, C.J.

CX-87-949 L. K., et al., petitioners, Appellants v. William Gregg, in his capacity as Commissioner of Veterans Affairs, et al. Court of Appeals.

Allegation that actions of state officials, acting in their official capacities, threatened violation of plaintiffs' federal due process rights was sufficient to notify the state that it was defending a claim under 42 *United States Code* § 1983 (1982) even though the statute was not specifically mentioned in the pleadings.

Attorney fees award is available pursuant to 42 *United States Code* § 1988 (1982) under law of the case holding that plaintiffs were entitled, under due process clause of the federal Constitution, to contested case hearings prior to any deprivation of state created property right, *i.e.*, residence at state veterans home.

Reversed. Yetka, J.

C1-88-302 Phillip P. Schmidt, Relator v. Modern Metals Foundry, Inc., and Western National Insurance Company and Commissioner of Department of Labor and Industry, intervenor. Workers' Compensation Court of Appeals.

The rules adopted by the Commissioner of Labor and Industry establishing degrees of disability for different kinds of injuries under the 1983 revision of the Workers' Compensation Act do not violate art. 1, § 8 of the Minnesota Constitution.

Affirmed. Simonett, J.

Concurring specially, Yetka, J.

CX-86-2206 Gerald Holmquist v. State of Minnesota, petitioner, Appellant. Court of Appeals.

It is the evaluation and weighing of social, political, and economic considerations underlying public policy decisions, not the application of scientific and technical skills in carrying out established policy, which invokes the discretionary function exception affording governmental immunity.

Although the record contains insufficient evidence to determine whether the discretionary function exception was applicable to the decision not to post the sign warning of a change in the width of a highway's shoulders, the trial court properly granted summary judgment in favor of the State because of the lack of any causal connection between the State's alleged lack of reasonable care and the plaintiff's injury.

Reversed. Coyne, J.

Took no part, Popovich, J.

Announcements

Environmental Quality Board (EQB): Comments are due June 29 for the following projects at the regional governing unit listed Schmidt Lake Road-Plymouth, City of Plymouth; Churchill Store, City of Little Falls; Harrison Hills Ponds, City of Plymouth; and the St. Paul Companies Office Bldg., City of St. Paul. A draft EIS (environmental impact statement) is being prepared on the Winona County Resource Recovery Facility (Solid Waste Incinerator) and a public meeting will be held June 20, 7 p.m. in the auditorium of the Winona Area Technical Institute with comments accepted until July 5. Contact Gregg Downing at the editor of the *EQB Monitor*, (612) 296-8253 for more information.

Art Registry Deadline: The Minnesota State Arts Board has issued a call for entries to the slide registry for the state's Percent for Art in Public Places program. The deadline to enter the Slide Registry or to update materials already on file is June 15, 1988. The Percent for Art Registry is a collection of slides and information on visual artists interested in having their work purchased or commissioned for placement in newly-constructed or renovated state building sites across Minnesota. The Percent for Art in Public Places Program is administered by the Arts Board for the Department of Administration under delegation of authority. Current state law stipulates that up to one percent of the construction budget for all new or renovated state buildings may be used for the commission or purchase of original art works. Sites in Minnesota which have regular public access and are undergoing construction or renovation of $500,000 or more are considered for the program. For application forms, contact the Minnesota State Arts Board office at (612) 297-2603. Slides, application forms, and resumes must be postmarked no later than June 15, 1988 and sent to: Minnesota State Arts Board, Percent for Art in Public Places Program, 432 Summit Avenue, Saint Paul, MN 55102. Artists on file in the Registry by this date will be considered for upcoming projects. The next deadline for submissions to the Registry will be February 1, 1989. Questions about the program or current and upcoming projects on the schedule should be directed to Regina M. Flanagan, (612) 297-2603 or toll-free in Minnesota at (800) 652-9747.

Assistant Commissioner Named at Agriculture: Commissioner of Agriculture Jim Nichols announced the appointment of Herbert Halvorson to the position of Assistant Commissioner for the Minnesota Department of Agriculture. Halvorson, a Hanska, Minn. farmer, will be charged with oversight of the department's Marketing Division along with other duties assigned by the Commissioner. He fills the Assistant Commissioner post vacated by the appointment of Anne Kanten to the position of Deputy Commissioner.

Commodity Council Election Results: Winners in the recent Wild Rice, Potato and Dry Edible Bean Research and Promotion Council elections were announced today by the Minnesota Department of Agriculture. The races were conducted by mail ballot between May 2 and May 18. A total of five directors were elected for the three councils. Each director will serve a three-year term. The winners are: George Shetka and Thomas Godward both of Aitkin were elected to the Paddy Wild Rice Research and Promotion Council. Daniel Carlson of Fosston was re-elected to the Area One Potato Research and Promotion Council. Charles Neitzel of Redwood Falls was re-elected to the Dry Edible Bean Research and Promotion Council from Districts 7, 8 and 9. Curt Thureen of East Grand Forks was also re-elected to the Dry Edible Bean Research and Promotion Council from District 1.

New Minnesota Income Tax Law Helps Insolvent Farmers: St. Paul, Minn.—Debt-plagued farmers who sold their land and machinery to pay their creditors in 1987 may owe lower Minnesota income taxes for the year as the result of a new state tax law, and should file amended tax returns according to the Minnesota Department of Revenue. Under the law, insolvent farmers who sold farm property to pay off debts, and included the proceeds from the sale as part of their income last year, can file amended 1987 Minnesota income tax returns to get a refund of a portion of the tax they paid on that income. Before the law change, Minnesota farmers whose debt was greater than the value of their property, had to pay taxes on all the money they made from selling their land, buildings, and machinery used in farming, even if they used the money to pay their bills. Now, as a result of the law, farmers do not have to include such gains as income to the extent they were insolvent. Farmers are considered insolvent if their debts exceed the value of all their assets. To determine if they are qualified, farmers should subtract the value of their assets in 1987 from the amount of their debts and compare the result to money they received from the forced sale of their farm that was included in their federal taxable income. They should subtract on their state income tax return the lower of the two amounts from the income on which they were taxed by Minnesota for 1987. If the value of a farmer's assets is more than the amount of his or her debts, the farmer is not allowed to subtract the money earned from the sale. The law also applies to insolvent farmers who are forced to sell off property to pay debts in 1988 and subsequent years. A similar law was in effect for the tax years 1985 and 1986.

Foreign Language Expertise: If you are fluent in a foreign language, and can help with out-of-state travelers, especially Japanese, German or the Scandinavian languages, please write the Travel Trade Services Unit, Minnesota Office of Tourism, 375 Jackson St., 250 Skyway Level, St. Paul, MN 55101.

NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. $4.00.

Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. $3.00.
Small Business Finance	Code No. 16-42. $2.00.
Starting and Managing a Small Business of Your Own	Code No. 16-40. $4.75.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Catching criminals is only one part of law enforcement. Here's the rest of it.

Police Report Writing Style Manual 1986–A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. $12.50.

Background Investigation Manual 1986–A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. $10.00.

Motor Vehicle Traffic Laws 1987–Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. $13.00.

Criminal Code & Selected Statutes 1987–Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. $15.00.

Blue Binder–3 ring. 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. $4.25.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

MAILING LISTS GALORE

Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

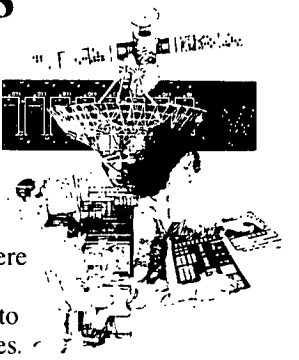
What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

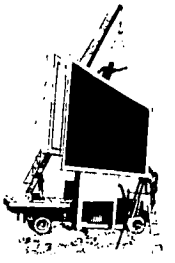
Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota Manufacturer's Directory 1987-88

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



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, $73.00.



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

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Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

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 #19-54, $15.95.

Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, $6.95.

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

Loon Windsock, 56 inches long in full color. Code #15-29, $19.95.

Loon Nature Print, full-color poster 16″ × 22″, Code #15-18, $3.00.

Loon with baby–poster, 16″ × 20″. Code #15-48d. $3.00.

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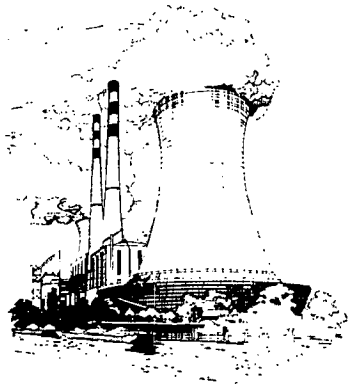
Minnesota's future environment



The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1987 Pollution Control Laws
Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. $15.00.

1987 Hazardous Waste Rules
Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. $15.00.

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Human Services Bulletin List	$ 30.00	90-7
PERB (Public Employee Relations Board) Awards	$285.00	90-9
PERB (Public Employee Relations Board) Decisions	$ 60.00	90-10
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	[Out of Stock]	18-8

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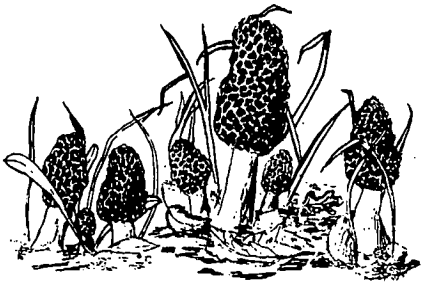

Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, $12.00.

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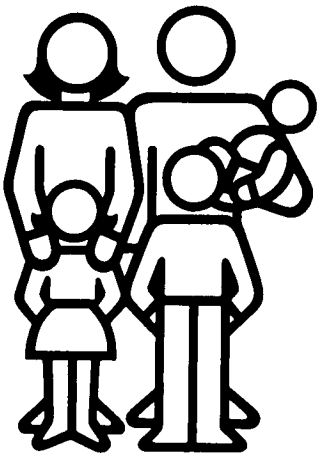
Human Services Laws and Rules



Human Services Laws 1987
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. $21.00

Human Services Rules as in effect July 7, 1986
Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. $24.95.

Human Services Rules Supplement 1987. Includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, $14.00.

3 ring binder. 2" capacity. 1 required for each of above listed publications. Code No. 10-21. $4.25.

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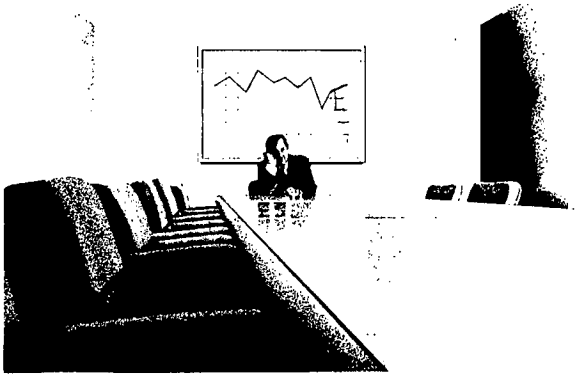
Business and NonProfit Corporation Act



Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Contains Minnesota Statutes Chapters 80B. 302A, and 317. Paperbound, 102 papers, Code # 2-87, $10.00.

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