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State of Minnesota

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# STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

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12	Monday 5 September	Monday 12 September	Monday 19 September
13	Monday 12 September	Monday 19 September	Monday 26 September
14	Monday 19 September	Monday 26 September	Monday 3 October

\*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.

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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.

## Bureau of Mediation Services

### Proposed Permanent Rules Relating to Minnesota Area Labor-Management Committee Grant Program

#### Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Bureau of Mediation Services 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 179.82, Subdivision 2.

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:

Paul W. Goldberg, Commissioner  
Bureau of Mediation Services  
1380 Energy Lane, Suite Two  
St. Paul, MN 55108  
(612) 649-5421

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 copy of the proposed rule is attached to this notice.

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 Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form related 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 adopted rule, must submit the written request to Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, Saint Paul, Minnesota, 55108.

Dated: 29 August 1988

Paul W. Goldberg  
Commissioner

**Rules as Proposed (all new material)****5520.0100 APPLICATION.**

Parts 5520.0100 to 5520.0800 apply to the preparation, submission, and approval of applications for grants under the Minnesota Area Labor-Management Committee Grant Program.

**5520.0110 POLICY.**

Parts 5520.0100 to 5520.0800 shall be liberally construed to accomplish the provisions and purposes of the Minnesota Area Labor-Management Committee Grant Program.

**5520.0120 DEFINITIONS.**

Subpart 1. **Scope.** For the purpose of parts 5520.0100 to 5520.0800, the terms defined in this part have the meanings given them.

Subp. 2. **Application.** "Application" means a written request for grant funds completed on a form developed by and available from the bureau.

Subp. 3. **Bureau.** "Bureau" means the Minnesota Bureau of Mediation Services.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the bureau or an authorized agent.

Subp. 5. **Area Labor-Management Committee or committee.** "Area Labor-Management Committee" or "committee" means an organization of representatives from multiple labor organizations and multiple employer enterprises within a geographic area or statewide employment sector which has as its principle purpose the strengthening of union-management relations within the area or sector.

Subp. 6. **Grant program.** "Grant program" means the Minnesota Area Labor-Management Committee Grant Program, as created in Minnesota Statutes, sections 179.81 to 179.85.

Subp. 7. **Office of Cooperative Labor-Management Programs.** "Office of Cooperative Labor-Management Programs" means the office within the bureau created to administer the grant program.

Subp. 8. **Technical assistance delivery area (TADA).** "Technical assistance delivery area (TADA)" means a geographical area or a statewide employment sector outside of the jurisdiction of an established Area Labor-Management Committee that has been designated by the commissioner to receive technical assistance from a grant recipient.

**5520.0200 GRANT APPLICATIONS.**

Subpart 1. **Scope.** The procedures in this part will be used by the commissioner in receiving and considering grant program applications.

Subp. 2. **Notice and deadline.** On or before September 1 of each calendar year, the commissioner shall publish a notice of the availability of funds under the grant program in the State Register. An application for a grant must be submitted to the bureau by October 15 of the previous year.

Subp. 3. **Application form and purpose.** Each application must be on forms available from the bureau and must include a statement of purpose and a description of the Area Labor-Management Committee requesting grant funds. All current committee members and officers must be identified in the application and a brief description of the committee's existing or proposed operating procedures must be included. A copy of the committee bylaws, if adopted, must also accompany the application.

Subp. 4. **Statement of goals.** The application must include a descriptive statement of the labor-management climate and major issues or problems existing in the committee's area of jurisdiction, as well as the major purpose or goal of the committee in the context of the problems. The goal statement must describe specific changes or outcomes the committee seeks to accomplish through use of grant program funds. Quantifiable, specific goal and problem statements are encouraged. Applicants should avoid broad, generic, overly-generalized statements.

Subp. 5. **Methodology.** The application must include a description of the approach and methodology to be used by the committee in solving the problems and achieving the goals identified in subpart 4. The application must include an implementation plan setting forth specific and measurable goals and objectives to be accomplished during the grant period, the major action steps to be taken, a timetable indicating when those action steps will be taken, and when goals and objectives will be accomplished.

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

# Proposed Rules

Subp. 6. **Financial plan.** The application must include a four-year financial plan detailing the revenues and expenditures anticipated over a four-year period, commencing with the year for which the grant is being requested. The plan must identify the total amount of state funding necessary to carry out the committee's goals and objectives and the money to be raised from other sources to meet the guidelines of the grant program. The plan must be accompanied by a proposed committee budget over the four-year period detailing how all money, including state grant money, is to be expended. Existing committees must also submit copies of actual financial statements for the four-year period preceding the proposed grant period.

## 5520.0250 GRANT RESTRICTIONS.

Subpart 1. **Labor negotiations, grievances, or disputes.** No committee funded, in whole or in part, through the grant program may engage in activities directly or indirectly related to labor negotiations, contract disputes, or grievance procedures. Violation of this subpart is grounds for termination of the grant.

Subp. 2. **Prior obligations.** No grant money may be used directly or indirectly to cover costs incurred before the effective date of the grant nor to cover costs that are not specifically related to the goals in the application. No finder's fee or other form of payment for successful application shall be permitted in conjunction with the grant program.

Subp. 3. **TADA set-aside.** An amount equal to ten percent of the total amount of every grant shall be designated and may only be used to provide technical assistance to the technical assistance delivery area designated by the commissioner, pursuant to a technical assistance work plan approved by the commissioner.

Subp. 4. **Delegation or transfer.** A successful applicant may not, in whole or in part, delegate or transfer responsibility for the management of the grant or control and use of its funds to any other organization or entity.

## 5520.0300 GRANT PERIOD AND AMOUNT.

Subpart 1. **Grant period.** All grants are awarded for a 12-month period commencing January 1.

Subp. 2. **Amount.** The amount of each grant will be determined by the commissioner after considering the merits and reasonableness of each application, the total funds available in relationship to the total amounts requested, prior awards and experiences with individual applicants, the usual and customary costs of operating a committee, and the overall purposes and goals of the program.

Subp. 3. **Ratio of state and nonstate funds.** Regardless of the funds available, no grant will be awarded that would be inconsistent with the following ratio of state and nonstate revenues for the committee: (Year 1 is the first year state funds are received under this program, Year 2 is the second, etc.)

	<u>% Nonstate Revenues</u>	<u>% State Revenues</u>
YEAR 1	10	90
YEAR 2	20	80
YEAR 3 & Beyond	50	50

## 5520.0400 TECHNICAL ASSISTANCE DELIVERY AREA.

Subpart 1. **Designation.** Based upon an assessment of overall needs and potential, as well as the recommendations of grant applicants, the commissioner shall designate an external geographic area or statewide employment sector as a technical assistance delivery area for each grant recipient.

Subp. 2. **Work plan.** In consultation with the Office of Cooperative Labor-Management Programs, each grant recipient shall prepare and submit a plan for using the TADA portion of its grant to foster the growth and development of an Area Labor-Management Committee within the area or sector designated by the commissioner in subpart 1. The plans are subject to the approval of the commissioner and may be amended with advance written consent of the commissioner. Failure to submit or adhere to a TADA work plan may be grounds for termination of a grant.

Subp. 3. **Reports.** Each grant recipient shall provide written quarterly reports to the commissioner concerning progress on its TADA work plan and expenditures of its TADA portion of the grant.

## 5520.0500 APPLICATION REVIEW PROCEDURES.

Subpart 1. **Competitive basis.** All timely and complete applications will be reviewed on a competitive basis. Grants will be awarded by the commissioner in amounts and to parties as deemed consistent with the overall purposes of the grant program. In evaluating applications and awarding grants, the factors described in this part will be considered.

Subp. 2. **Appropriateness.** The appropriateness of the proposal must be evaluated. Appropriateness includes:

- A. consistency of the proposal's purpose with the public policy objectives of the grant program;
- B. the extent and history of labor-management activity within the area to be served by the proposed grant;



- C. other past or present cooperative labor-management activities within the designated area;
- D. the need for public funding of the endeavor; and
- E. the reasonableness of proposed expenditures in relationship to benefits to be derived.

Subp. 3. **Attainability of goals.** The attainability of the goals in the proposal must be evaluated. Attainability includes:

- A. ability of the applicant to articulate quantifiable and meaningful goals and activities;
- B. evaluation of the applicant's ability and capacity to implement program activities necessary to achieve stated goals;
- C. prior success of the applicant in achieving previous program goals;
- D. other labor-management activities in the area; and
- E. the relationship of the proposed goals with the overall objectives of the grant program.

Subp. 4. **Support for the proposal.** Evidence of support for the proposal from multiple labor-management representatives within the area will be reviewed. The evidence may be submitted in the form of letters of endorsement, resolutions of support adopted by ad hoc groups, or other form that permits consultation and verification with individual representatives by the bureau. Established committees must attach a copy of the minutes of the meeting at which the proposal was approved and the minutes should reflect the names and organizations of all persons present for the meeting.

Subp. 5. **Financial plans.** The thoroughness of the four-year financial plan submitted as a part of the proposal, including an analysis of the overall reasonableness of revenue and expense projections; the detail and reasonableness of projected funding sources and amounts; and the detail and reasonableness of projected expenditures will be considered. Established committees must attach copies of actual financial operating statements that reflect annual revenue sources and amounts and expense categories and amounts for each year of the three-year period preceding the current year, as well as for the current year-to-date.

Subp. 6. **Work plans.** The thoroughness of detailed plans for achieving the major goals and objectives of the committee will be evaluated to determine the ability of the committee to identify key tasks and action steps necessary to the attainment of goals; the designation of appropriate time frames; relevance of work plans to objectives of the grant program; and the extent of planning undertaken by the applicant with regard to its goals.

Subp. 7. **TADA plans.** Demonstrated understanding, capacity, and willingness to develop a meaningful technical assistant work plan for an external and independent technical assistance delivery area designated by the commissioner, including an expression of preferred technical assistance area and narrative discussion of potential work plan, will also be considered when evaluating an application.

#### **5520.0520 WORK PLAN.**

Each grant application must include a work plan that describes the major work steps to be undertaken by the committee during the grant period in achieving its individual goals and objectives. Work plans should describe each area of substantial program activity contemplated by the committee, the key steps necessary to achieving each program activity, and a time frame for determining progress in each activity area. Grantees are responsible for compliance with their work plans and for advising the Office of Cooperative Labor-Management Programs of any significant alterations in the goals, objectives, or work plans of the committee. Written quarterly reports, describing the progress and problems in adhering to the work plan, must accompany financial reports in conformance to the provisions of part 5520.0560.

#### **5520.0540 BUDGET ADJUSTMENTS.**

Grant recipients must consult, in writing, with the Office of Cooperative Labor-Management Programs before making budget adjustments that:

- A. result in changes in the scope or objectives of the program in the approved application;
- B. result in more grant money available than is necessary to meet the needs of the program;
- C. result in a change in the percent of state funds available to the grantee that would be inconsistent with part 5520.0300, subpart 3, or Minnesota Statutes, section 179.85; or
- D. amount to ten percent or more of the total grant awarded.

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## Proposed Rules

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### 5520.0560 QUARTERLY REPORTS.

Each grant recipient must file detailed financial and activity reports on a quarterly basis in accordance with the following schedule:

- A. Period covered: January 1 to March 31, date due: April 20;
- B. Period covered: April 1 to June 30, date due: July 20;
- C. Period covered: July 1 to September 30, date due: October 20; and
- D. Period covered: October 1 to December 31, date due: January 20.

A failure to file timely reports will cause a suspension of the grant and may cause reductions in the amount of or termination of the grant.

### 5520.0600 ACCOUNTING SYSTEM.

Each grant recipient must establish and maintain a system of financial management of the grant that complies with accepted accounting practices. The system must provide accurate, current, and complete information on the financial status of each grant-supported activity and must include the generation of periodic reports indicating the allocation of funds by activity, the amount expended, and the amount obligated. Each dollar of Area Labor-Management Committee Grant Program money must be traceable through the accounting system.

All accounting documents must be supported by source documentation such as payroll records, invoices, and purchase vouchers. All employees paid in whole or in part from grant funds must prepare time sheets reflecting the number of hours worked on grant activities during the pay period and the payroll must be based on these time sheets. Any purchase of services agreement entered into by the committee must specify the amount and nature of services to be provided in a manner that facilitates determination of an hourly or per-unit rate for those services.

### 5520.0620 AUDITS.

Subpart 1. **Financial and compliance audits.** All grant recipients must arrange for and undergo a financial and compliance audit at least once every two years. The audits must be performed by qualified individuals who are independent of those persons who authorize, manage, and carry out the expenditure of funds to ensure unbiased opinions, conclusions, or judgments. Grant recipients are responsible for arranging and paying for these audits. The purpose of the audit is to report on whether:

- A. the financial operations have been conducted properly;
- B. financial and other reports submitted as a part of the program have been presented fairly and accurately;
- C. the grantee has complied with applicable laws, regulations, and policies;
- D. resources are used and managed in an economic and efficient manner; and
- E. program objectives and results are being effectively and economically achieved.

Normal accepted auditing methods and standards must be applied in the performance of this audit. Should an auditor become aware of irregularities in financial or programmatic performance, the auditor must promptly notify the commissioner of those irregularities and, if appropriate, higher grantee management officials than the level at which irregularities appear to lie.

Subp. 2. **Audit reports.** A written audit report shall be prepared and include:

- A. a statement of the standards used in the performance of the audit;
- B. financial statements and audit comments on the statements for the period;
- C. audit comments regarding compliance and internal control; and
- D. comments regarding the accuracy and completeness of financial and program reports filed by the grantee.

Three copies of the written audit report must be provided to the commissioner and a copy shall be made available to each member of the committee.

### 5520.0700 INITIAL PAYMENTS.

No grant payments will be issued until the grant application and required work plans have received final approval by the commissioner and a written grant contract has been executed and approved.

### 5520.0710 SUBSEQUENT PAYMENTS.

Subsequent grant payments will be made on a quarterly basis based on submission of a payment request form and other required reports. When computing requests for payment, the recipient should first apply any unused portions of a previous grant payment toward the next month's anticipated expenditures.

**5520.0800 TERMINATION OF GRANTS.**

Subpart 1. **General.** Grants may be suspended, terminated, or withdrawn, in whole or in part, by the commissioner if funds provided are used in a manner inconsistent with the policies of parts 5520.0100 to 5520.0800, or if it appears that funds are being used in a manner inconsistent with the stated goals and purpose of the grant application or approved amendments. Grants may also be withdrawn if it appears that the applicant is unable or unwilling to fulfill responsibilities set forth in the application.

Subp. 2. **Notice.** In the event the commissioner believes that there is reason to suspend, terminate, or withdraw a grant, the commissioner shall provide written notice to the grant recipient stating the nature of the contemplated action, the anticipated effective date, and the reasons for the action. The grant recipient may submit a written response to the notice within five working days of receipt of the notice from the commissioner. After investigating the situation, including any information provided by the committee in response to the commissioner's notice, the commissioner shall determine final action with regard to suspension, termination, or withdrawal of the grant. The commissioner shall provide written notice of the final determination to all interested parties.

## Waste Management Board

### Proposed Permanent Rules Relating to Grants for Waste Tire Collection Sites

#### Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Waste Management Board (Board) 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* § 14.22 to 14.28 (1986). The Board's authority to adopt the rule is set forth in *Minnesota Statutes* § 115.914, subd. 1 (as amended by *Minnesota Laws 1988*, ch. 685, sec. 45).

All persons have until 4:30 p.m. on Wednesday, October 12, 1988, to submit comments 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 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 addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* § 14.131 to 14.20 (1986).

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

Mr. Don Lindstrom  
Waste Management Board  
1350 Energy Lane  
St. Paul, MN 55108  
(612) 649-5780

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

The proposed rule, if adopted, will govern the waste tire collection site grant program established in *Minnesota Statutes* § 115A.913 subd. 2 (*Minnesota Laws 1988* ch. 685, sec. 15) by establishing the substantive criteria and procedural conditions under which the Board will award grants for waste tire collection sites. The proposed rule is enclosed with this notice. One free copy of the rules is available from Mr. Don Lindstrom upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule will have no negative affect on small businesses because the program will create opportunities for private businesses that desire to operate collection sites for counties, or that seek to transport waste tires to permitted collection sites.

If no hearing is required, upon adoption of the rule, the rule 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

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## Proposed Rules

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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 as adopted, must submit a written request to Mr. Don Lindstrom.

Dated: 12 September 1988

Joseph M. Pavelich, Chair  
Waste Management Board

### Rules as Proposed (all new material)

#### 9220.0900 SCOPE AND AUTHORITY.

Parts 9220.0900 to 9220.0935 govern the administration of grants for establishing waste tire collection sites under Minnesota Statutes, section 115A.913, subdivision 2.

#### 9220.0905 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9220.0900 to 9220.0935, the following terms have the meanings given them unless the context requires otherwise.

Subp. 2. **Board.** "Board" means the Minnesota Waste Management Board.

Subp. 3. **Chair.** "Chair" means the chair of the board, or staff designated by the chair.

Subp. 4. **Collection site.** "Collection site" means a collection site as defined in Minnesota Statutes, section 115A.90, subdivision 3, from which waste tires will be transported to a waste tire processing facility.

Subp. 5. **Waste tire processing facility.** "Waste tire processing facility" means an area where waste tires or tire-derived products are processed. A waste tire processing facility must meet the requirements of parts 9220.0200 to 9220.0670.

#### 9220.0910 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** Eligible applicants are cities, towns, and counties.

Subp. 2. **Eligible costs.** Eligible costs are limited to the capital costs to be incurred by the applicant for land, structures, and equipment used for the collection site. Capital costs include the following:

- A. buildings;
- B. fencing;
- C. landscaping;
- D. appropriate and necessary on-site utilities;
- E. trailers;
- F. on-site material handling equipment; and
- G. equipment used to pre-process tires.

Subp. 3. **Ineligible costs.** Ineligible costs include the cost of design and engineering/architectural plans; consulting on the preparation of permit applications; and operation, maintenance, and other administrative costs.

#### 9220.0915 GRANT APPLICATION.

An applicant shall submit an application in the form specified by the chair. An application must include the following information:

- A. the name of each applicant making the grant application;
- B. the name of the person or persons constructing or procuring the facility and equipment;
- C. the name, qualifications, and address of the facility operator, if available;
- D. the total cost that the applicant will incur in the development of the collection site;
- E. the total grant-eligible cost of the collection site;
- F. the total amount of grant funding requested; and
- G. the amount and sources of all other funding contributions, including the amount of funds to be contributed by the applicant.

#### 9220.0920 SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION.

Applications for waste tire collection site grants must include the following supporting documentation:

- A. a detailed description of the proposed collection site, showing the location of the structures, buildings, and equipment;
- B. the specifications and design of equipment that will be used at the collection site and for waste tire collection;

C. a detailed description of the operation of the collection site, including the methods of waste tire collection, storage, and shipment to the processing facility;

D. the date the collection site will be operational;

E. the number of tires that will be handled by the collection site annually, where those tires will be collected, and where those tires will be brought for processing;

F. a description of the state and local permits required for the construction and operation of the site, and an estimate of the time when the applications for those permits will be filed;

G. an explanation of how the operation, maintenance, and administrative costs of the collection site will be paid; and

H. what the cost to users of the collection site will be in costs per ton, if applicable.

#### **9220.0925 REVIEW AND EVALUATION OF APPLICATIONS.**

Subpart 1. **Determination of eligibility and completeness.** Upon receipt of an application, the chair shall determine the eligibility of the applicant, the eligibility of the costs identified in the application, and the completeness of the application.

Subp. 2. **Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the chair shall notify the applicant of the chair's determinations of eligibility and completeness. If the chair determines that the applicant is ineligible, the chair shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the chair determines that any part of the costs for which funding is sought is ineligible or that the application is incomplete, the chair shall notify the applicant of the ineligible portion of the costs or of the deficiency in the application. The applicant has 14 days after receiving the notice to correct any inadequacies identified by the chair. If the inadequacies are corrected within the time allowed, the application will be further considered.

Subp. 3. **Board approval.** The board shall approve applications and award grants for waste tire collection sites. Applications will be considered by the board in the order they come before the board for decision. In the event that there is not sufficient money to fund fully all approved applications, the board shall give priority to applicants proposing collection sites that will best assist the board in establishing a statewide waste tire collection and transportation system.

#### **9220.0930 GRANT LIMITATIONS.**

Subpart 1. **Maximum grant award.** The maximum grant award for a waste tire collection site under parts 9220.0900 to 9220.0935 is 50 percent of the eligible capital costs. The maximum grant award must not exceed \$25,000.

Subp. 2. **Limitations on disbursement of funds.** No grant funds shall be disbursed for any collection site until the board has estimated the total capital costs of the site and determined that financing of the costs is assured.

#### **9220.0935 GRANT AGREEMENT.**

Subpart 1. **Requirements.** Funds awarded by the board must be disbursed in accordance with a written grant agreement. A grant agreement must:

A. incorporate by reference the final grant application submitted to the board in accordance with part 9220.0920, and require the grantee to complete development of the collection site in accordance with that application;

B. allow the grantee to enter into contracts to complete the work specified in the agreement subject to any board approval that may be required in the agreement;

C. provide that any cost overruns incurred in the development of the proposed collection are the sole responsibility of the grantee; and

D. provide that the board shall not agree to any amendment increasing the amount of funds awarded to the grantee.

Subp. 2. **Rescission of grant.** If the collection site is not completed and operational in accordance with the terms and conditions of the grant agreement, including the time schedules provided in the agreement, the grant must be rescinded, and the grantee shall repay the entire amount of the grant unless the board determines that a variance from the agreement is justified and that the original objectives of the grant will be accomplished.

Subp. 3. **Disbursement.** The board shall disburse grants in accordance with the payment schedule set out in the grant agreement.

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## 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.

## Department of Health

### Adopted Permanent Rules Relating to Asbestos Abatement

The rules proposed and published at *State Register*, Volume 12, Number 47, pages 2547-2565, May 23, 1988 (12 S.R. 2547) are adopted with the following modifications:

#### Rules as Adopted

##### 7005.1611 PURPOSE AND SCOPE.

The purpose of parts 7005.1611 to 7005.1618 is to protect persons from asbestos exposure during and after asbestos-related work, by requiring minimum qualifications for individuals engaged in asbestos-related work and by assuring that prescribed procedures are followed for asbestos-related work.

Parts 7005.1611 to 7005.1618 regulate asbestos-related work involving friable asbestos-containing material that contains greater than one percent asbestos by weight in quantities greater than or equal to 260 linear feet on pipes or 160 square feet on other facility components.

All asbestos-related work must be performed by licensed asbestos abatement contractors employing certified asbestos abatement site supervisors and certified asbestos abatement workers.

##### 7005.1612 DEFINITIONS.

Subp. 8. **Asbestos-related work.** "Asbestos-related work" means the enclosure, removal, or encapsulation of friable asbestos-containing material in quantities greater than or equal to 260 linear feet on pipes or 160 square feet on other facility components in one facility.

A. To determine whether planned enclosure, removal, or encapsulation operations constitute "asbestos-related work," the contracting entity must predict the additive quantity of friable asbestos-containing materials to be enclosed, removed, or encapsulated in the facility over the maximum period of time for which a prediction can be made, not to exceed one year.

B. To determine whether emergency enclosure, removal, or encapsulation operations constitute "asbestos-related work," the contracting entity must estimate the quantity of friable asbestos-containing materials to be enclosed, removed, or encapsulated as a result of the sudden, unexpected event that necessitated the operation.

Subp. 9. ~~Asbestos-related work project.~~ "Asbestos-related work project" means the enclosure, removal, or encapsulation of friable asbestos-containing material in quantities greater than or equal to 260 linear feet on pipes or 160 square feet on other facility components performed in one building during a period of one year or less.

~~Subp. 10. Clearance air level.~~ "Clearance air level" means the maximum permissible concentration of fibers remaining in the air in the abatement area following completion of asbestos-related work which must not exceed 0.01 fibers per cubic centimeter (f/cc) of air as analyzed by phase contrast microscopy, counting fibers with a length-to-width ratio equal to or greater than 3:1 and greater than five microns in length, or the alternative clearance air level established pursuant to part 7005.1616, subpart 3, item D.

Subp. ~~10.~~ **10. Clearance air sampling.** "Clearance air sampling" means the air sampling method used to document the concentration of fibers remaining in the air in the abatement area following completion of asbestos-related work.

Subp. ~~11.~~ **11. Commissioner.** "Commissioner" means the commissioner of health and the commissioner's designees.

Subp. ~~12.~~ **12. Contingent EPA approval.** "Contingent EPA approval" means the Environmental Protection Agency (EPA) has reviewed the training course sponsor's written submission seeking EPA approval, found the materials to be acceptable, but has not yet conducted an on-site audit.

Subp. ~~44~~ 13. **Contracting entity.** "Contracting entity" means a public or private body, board, natural person, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity that contracts with an employer or person to do asbestos-related work for the benefit of the contracting entity.

Subp. ~~45~~ 14. **Critical containment barriers.** "Critical containment barriers" means the barriers constructed to separate and isolate the abatement area from the rest of the building and the outdoors, including the barriers constructed over doors, windows, and air passageways.

Subp. ~~46~~ 15. **Emergency demolition.** "Emergency demolition" means that the facility is being demolished under an order of a state or local governmental agency, because the facility is structurally unsound and in danger of imminent collapse.

Subp. ~~47~~ 16. **Emergency renovation.** "Emergency renovation" means asbestos-related work which was not planned but results from a sudden, unexpected event. This includes work required by nonroutine failures of equipment.

Subp. ~~48~~ 17. **Employee.** "Employee" means a person who works directly or indirectly for an employer.

Subp. ~~49~~ 18. **Employer.** "Employer" means an individual, body, board, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity directly or indirectly employing an employee. This term applies to private employers and to the state, its political subdivisions, and any boards, commissions, schools, institutions, or authorities created or recognized by them.

Subp. ~~20~~ 19. **Encapsulation.** "Encapsulation" refers to a method of asbestos abatement that is sometimes chosen as an alternative to asbestos removal, and means the treatment of asbestos-containing building materials with a sealant material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers. A bridging encapsulant creates a membrane over the surface. A penetrating encapsulant penetrates the material and binds its components together.

Subp. ~~21~~ 20. **Enclosure.** "Enclosure" refers to a method of asbestos abatement that is sometimes chosen as an alternative to asbestos removal, and means construction of permanent, airtight, impermeable walls, ceilings, and floors ~~constructed~~ around asbestos-containing material to prevent the release of asbestos fibers into the air.

Subp. ~~22~~ 21. **Friable asbestos material.** "Friable asbestos material" means any material containing more than one percent asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry.

Subp. ~~23~~ 22. **Full EPA approval.** "Full EPA approval" means the Environmental Protection Agency (EPA) has reviewed and found acceptable the training course sponsor's written submission for EPA approval, conducted an onsite audit and determined that the training course meets or exceeds the training requirements of the EPA Model Accreditation Plan.

Subp. ~~24~~ 23. **Glove bag.** "Glove bag" means a bag, fitted with arms, through which limited types of asbestos-related work may be performed, as allowed in part 7005.1616, subpart 4.

Subp. ~~25~~ 24. **High-efficiency particulate air (HEPA) filter.** "High-efficiency particulate air (HEPA) filter" means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.

Subp. ~~25~~ 25. **Industrial facility.** "Industrial facility" means a facility in an industry classified in the Standard Industrial Classification Manual, 1972 edition, published by the Office of Management and Budget, within Major Groups 20 to 39, 46, and 49. This document is not subject to frequent change and is incorporated by reference and is available at the State Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155.

Subp. 27. **Occupied area immediately adjacent to an abatement area.** "Occupied area immediately adjacent to an abatement area" is a designation used during an asbestos-related work project and means an indoor space which meets all of the following criteria.

B. The space shares a wall, floor, or ceiling with the temporary barriers constructed to enclose the abatement area or shares a window, door, or similar opening to a room temporarily considered the abatement area.

C. ~~During regular building operations, the space is connected by a window, door, or similar opening to the area temporarily considered the abatement area.~~

~~D.~~ The space is occupied by persons not involved in asbestos-related work.

#### **7005.1613 LICENSING REQUIREMENTS FOR ASBESTOS ABATEMENT CONTRACTORS INTENDING TO PERFORM ASBESTOS-RELATED WORK.**

Subp. 7. **Retention of license in event of change in responsible person or contractor ownership.**

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## Adopted Rules

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A. If the responsible individual for the license changes, the asbestos abatement contractor must notify the commissioner within two days of the change by filing and file a properly completed application form, as described under subpart 1, with the commissioner within 30 days of the change. The asbestos abatement contractor will then receive a sticker from the commissioner reflecting the change, and may retain the same numbered license until the expiration date.

B. If the contracting firm licensed by the state is sold in whole or in part, the purchaser must notify the commissioner within two days of the sale by filing and file a properly completed application form with the commissioner within 30 days of the sale. The purchaser will then receive a sticker from the commissioner reflecting any changes, and may retain the same numbered license until the expiration date.

### **7005.1614 CERTIFICATION OF ASBESTOS ABATEMENT SITE SUPERVISORS AND ASBESTOS ABATEMENT WORKERS.**

Subp. 3. **Additional training or experience requirements.** On and after January 1, 1989, to be eligible for certification as a site supervisor or worker, a person applying for certification must submit the information described in subpart 2 and also show evidence of completion of one of the following:

A. two years of attendance in an apprenticeship program within the construction industry which is either approved by the state of Minnesota, Department of Labor and Industry, Division of Voluntary Apprenticeship, or registered with the United States Department of Labor, Bureau of Apprenticeship and Training;

C. work experience of at least 2,000 hours within the commercial or industrial building construction industry, verified in a notarized statement detailing the hours worked, provided by either the employer or the labor organization involved.

Subp. 6. **Procedures for obtaining duplicate site supervisor or worker certificate.** The commissioner may issue a duplicate certificate to replace a lost, destroyed, or mutilated certificate. The certificate holder shall submit a properly completed application for a duplicate certificate on a form provided by the commissioner. A duplicate certificate shall have "duplicate" stamped on the face and shall bear the same number and expiration date as the original certificate.

### **7005.1615 ASBESTOS ABATEMENT CONTRACTOR RESPONSIBILITIES.**

Subpart 1. **Advance notification and payment of one percent project fee before beginning asbestos-related work.**

A. At least 20 calendar days before beginning asbestos-related demolition projects and five calendar days before beginning the asbestos-related work project renovation projects, the licensed asbestos abatement contractor must submit to the commissioner the following:

- (2) a check in the amount of the project fee described under item C, payable to the Treasurer, State of Minnesota; and
- (3) a copy of a signed summary of the costs of the asbestos abatement contract; ~~and~~
- (4) ~~a copy of the completed notification form.~~

Once the asbestos abatement contractor pays the fee required under this subpart, the commissioner shall issue a project permit to the asbestos abatement contractor.

For emergency renovation or demolition projects, notification and fee requirements are described in item E.

C. For each asbestos-related work project, the licensed asbestos abatement contractor shall pay to the department a project fee equal to one percent of the total cost of the asbestos project. The total cost of the asbestos project includes the cost of abatement area preparation, decontamination, installations, enclosures, alterations, removal abatement, and repairs; including, for example, wages, materials, waste disposal, associated environmental monitoring, profit, performance bond, insurance, and administrative overhead. The total cost of the asbestos project does not include the cost of reinsulation.

If the final invoice amount charged to the contracting entity for the asbestos-related work exceeds the total cost of the asbestos project previously reported on the notification form, additional fee payment in the amount of one percent of that difference must be submitted to the department. Within five working days after submission of the final invoice to the contracting entity, the asbestos abatement contractor must submit the additional fee, evidence of the final invoice amount, and an amended notification form. The department shall issue a refund in the event of an overpayment of the project fee.

D. In the special case of a company conducting in-house asbestos-related work, where costs may be difficult to itemize for fee calculation, the total cost of the asbestos-related work project may be estimated and the fee paid as follows:

(1) The responsible individual shall prepare an estimate of the cost of the asbestos-related work project. The estimate must include the cost of work area preparation, decontamination, installations, enclosures, alterations, removal abatement, repairs, wages, materials, waste disposal, associated environmental monitoring, administrative overhead, and a contingency figure that is 20 percent of the total of the above items. The company shall pay a project fee equal to one percent of the estimated total cost. The total cost of the asbestos project does not include the cost of reinsulation.



The initial estimate of the cost of the asbestos-related work must include all planned asbestos-related work performed in one facility during a period of one year or less. After the expiration of the designated project time period, if the final cost of all asbestos-related work completed during that time period exceeds the estimate of the total cost previously reported on the notification form, additional fee payment in the amount of one percent of that difference must be submitted to the department within five working days after the determination of the final asbestos-related work cost. The responsible individual must submit the additional fee, evidence of final cost determination, and an amended notification form. The department shall issue a refund in the event of an overpayment of the project fee.

(2) At least 20 days before beginning asbestos-related demolition work, and at least five days before beginning the asbestos asbestos-related renovation work, the asbestos abatement contractor must submit the following:

E. For emergency demolition ~~or emergency renovation~~ projects, the asbestos abatement contractor must submit to the commissioner a completed Notification of Intent to Perform Asbestos Abatement Project form ~~and~~, project permit fee ~~within two working days after beginning the project, and the condemnation order as soon as possible before demolition begins. For emergency renovation projects, the asbestos abatement contractor must submit to the commissioner a completed Notification of Intent to Perform Asbestos Abatement Project form and project permit fee as soon as possible before renovation begins. Certain emergency renovation work in industrial facilities must initiate in nonstandard business hours and therefore must be reported during the next day state offices are open.~~

If the final invoice amount charged to the contracting entity for the emergency demolition or emergency renovation project exceeds the total cost of the asbestos project reported on the notification form, additional fee payment is due as described under item C.

Subp. 3. **Records.** The following records must be compiled for each asbestos-related work project and must be readily available for review by the commissioner. These records must be retained by the asbestos abatement contractor for 30 years after completion of the project.

A. A daily sign in and sign out log that identifies individuals at the ~~work site~~ abatement area by name, certificate number, and length of time ~~on the work site in the abatement area.~~

C. Records of all on-site air monitoring required under part 7005.1616, subpart 3 4, ~~items item F and I, subitem (3),~~ including calibrations, sampling methods, volume flow rate, time sampled, and analytical results.

D. A listing of each of the other employers on the site who have been informed of the nature of the asbestos abatement contractor's asbestos-related work, according to Code of Federal Regulations, title 29, section 1926.58(d); ~~as amended through July 1, 1987.~~

Subp. 4. **Information provided to the contracting entity.** At the time a bid for asbestos-related work is submitted, the asbestos abatement contractor shall provide the following information to the contracting entity:

B. a copy of the asbestos abatement plan that meets the requirements of part 7005.1616, subpart 3 4, item A; and

Subp. 5. **Use of qualified personnel.**

B. On and after January 1, 1989, the asbestos abatement contractor shall ensure that a certified site supervisor is ~~always~~ present at the work site during all work shifts of the asbestos abatement workers.

#### **7005.1616 STANDARDS FOR ASBESTOS-RELATED WORK.**

Subpart 1. Applicability. This part applies to all asbestos-related work except certain defined areas of industrial facilities.

A. When the responsible individual of an industrial facility, as defined in part 7005.1612, subpart 25, has demonstrated to the commissioner through reliable environmental sampling data that the background level of dust or nonasbestos fibers in a defined area of that facility in which asbestos-related work is to be performed exceeds 0.01 f/cc and that the establishment of an alternative indoor air standard and an alternative clearance air level under the provisions in subpart 3, items D and E, are not technically feasible, then this defined area of the industrial facility is known as a high dust area and is exempt from the provisions of subparts 2 and 3, and exposure limits shall be controlled by Code of Federal Regulations, title 29, sections 1910.1001 and 1926.58.

B. Asbestos-related work involving the enclosure, removal, or encapsulation of asbestos-containing material that is located outside the foundation, curtain walls, or roof of a facility and is above grade is exempt from the provisions of this part and is instead controlled by Code of Federal Regulations, title 29, sections 1910.1001 and 1926.58.

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.

## Adopted Rules

~~Subpart 4~~ **Subp. 2. Indoor air standards.** The following minimum air standards for asbestos-related work do not replace or supersede more stringent standards or contractual agreements, whenever applicable.

A. Fibers remaining in the air in the abatement area following the completion of an asbestos abatement project must not exceed 0.01 fibers per cubic centimeter (f/cc) of air as analyzed by phase contrast microscopy, counting fibers with a length-to-width ratio equal to or greater than 3:1 and greater than five microns in length or the alternative clearance air level established pursuant to subpart 3, item D. This is referred to as the clearance air level. Sampling and analysis must be conducted according to subpart 2 ~~3~~ and subpart 3 ~~4~~, item F, subitem (3). ~~For glove bag in the mini-enclosure procedures in subpart 4, sampling and analysis must be conducted according to subpart 2 and subpart 4, item C.~~

B. Where asbestos-related work is conducted in a building occupied by persons not involved in asbestos-related work, asbestos levels measured in indoor air outside the abatement area during the asbestos-related work must not exceed ~~0.01 f/cc of air as analyzed by phase contrast microscopy, counting fibers with a length-to-width ratio equal to or greater than 3:1 and greater than five microns in length.~~ Sampling and analysis shall comply with subpart 2 the clearance air level.

Except as provided in item C, if, during the asbestos-related work, the fiber concentration in air measured outside an abatement area exceeds the ~~limit prescribed under this paragraph~~ clearance air level, the asbestos abatement contractor shall evacuate any occupied area immediately adjacent to the abatement area and any other areas outside the abatement area where fiber levels exceed the limit stated in this paragraph, to protect members of the public and nonabatement personnel. However, in an industrial facility where nonabatement personnel are essential for maintaining safe operation of processes located within the evacuation affected area, the procedures in Code of Federal Regulations, title 29, sections 1910.1001 and 1926.58, shall apply. Evacuated areas shall not be reoccupied until corrective measures have been taken and documented, and each of five air samples collected in accordance with subpart 2 ~~3~~ show that fiber levels no longer exceed the ~~0.01 f/cc limit~~ clearance air level.

C. If the asbestos abatement contractor has good reason to believe that elevated fiber levels are the result of nonasbestos dust in the air, the asbestos abatement contractor or employer may delay evacuation of the occupied areas in question, provided that the following actions are taken immediately:

(3) If any of the analysis results by transmission electron microscopy show that the asbestos air concentration exceeds 0.01 f/cc of air, counting fibers with a length-to-width ratio equal to or greater than 3:1 and greater than five microns in length, the asbestos abatement contractor shall evacuate the occupied area in question to protect members of the public and nonabatement personnel. However, in an industrial facility where nonabatement personnel are essential for maintaining safe operation of processes located within the evacuation affected areas, the procedures in Code of Federal Regulations, title 29, sections 1910.1001 and 1926.58, shall apply. Evacuated areas shall not be reoccupied until corrective measures have been taken and documented, and each of five air samples collected in each evacuated area, in accordance with subpart 2 ~~3~~, items A, B, and C, show that fiber levels no longer exceed the 0.01 f/cc limit.

D. Before beginning asbestos-related work, if the asbestos abatement contractor has good reason to believe that asbestos, or fiber, levels in the air entering the abatement area from outdoors or from other parts of the building outside of the abatement area exceed 0.01 f/cc, the asbestos abatement contractor may establish an alternative indoor air standard and an alternative clearance air level, provided that the requirements prescribed under subpart 2 ~~3~~, items A, ~~and D,~~ and E, are met.

**Subp. 2 ~~3~~. General requirements for sampling and analysis.** All air monitoring shall meet the following minimum criteria. These criteria do not replace or supersede more stringent standards or contractual agreements.

A. Air sampling must be conducted by under the direction or control of a certified industrial hygienist or an individual who has successfully completed the National Institute for Occupational Safety and Health (NIOSH), course number 582, entitled Sampling and Identification of Airborne Asbestos, or another suitable course as determined by the commissioner.

B. When air sample analysis is by phase contrast microscopy, the following shall apply:

(1) Sampled air volumes must be sufficient to accurately determine fiber concentrations to 0.01 f/cc.

(2) ~~A minimum air volume of 2,000 liters shall be collected for each sample~~ For each sample, either a minimum volume of 2,000 liters shall be collected, or an alternative volume shall be collected according to the following guidelines.

When a sample with a volume lower than 2,000 liters is collected, it may be necessary to count more fields than the 100 microscope field maximum which is specified in NIOSH method 7400. The maximum number of fields to count is determined by dividing 2,000 liters by the volume filtered and multiplying the result by 100 fields. Additional segments of the filter will need to be used. If the cumulative fiber count reaches 100 fibers before the maximum number of fields have been counted, the analysis stops, and the concentration is calculated based on the number of fibers and the number of fields which have been counted. If the cumulative fiber count has not reached 100 fibers before the calculated maximum number of fields has been counted, the analysis stops and the concentration is calculated based on the number of fibers and the number of fields which have been counted. Adherence to these guidelines ensures that fiber concentrations of 0.01 f/cc will be analyzed with an approximate theoretical precision of plus or minus 16 percent based on the Poisson distribution model.

D. To establish an alternative clearance air level to the 0.01 f/cc limit by phase contrast microscopy under subpart 4 2, item A, analysis shall be by transmission electron microscopy (TEM), and sampling and TEM analysis shall comply with the requirements of "Mandatory Interpretation of Transmission Electron Microscopy Results to Determine Completion of Response Actions," Code of Federal Regulations, title 40, part 763, appendix A, section IV, as provided by the Federal Register, volume 52, pages 41893 to 41897, October 30, 1987; or equivalent methods. In an industrial facility process area, an alternative clearance air level may be established using either phase contrast microscopy or transmission electron microscopy provided that an alternative indoor air standard has been established for the area according to item E.

E. To establish an alternative indoor air standard to the 0.01 f/cc limit by phase contrast microscopy prescribed under subpart 4 2, item B, an average and range of airborne concentration concentrations shall be calculated determined by collecting simultaneously a minimum of five air samples and calculating the upper bound of the range defined by the 95 percent confidence interval from the average before any asbestos-related work begins, using the sampling and phase contrast microscopy analysis methods of items A, B, and C. Sampling locations must be indoors, and within ten feet of the planned abatement area. Sampling locations must be selected to provide suitable data for comparison with air samples collected after the asbestos-related work begins.

In an industrial facility process area, an alternative indoor air standard may be established using either phase contrast microscopy or transmission electron microscopy provided that, at least every three months, a minimum of five simultaneous air samples are collected and analyzed according to the requirements of subpart 2, item C, subitem (2), and the background level of asbestiform fibers versus nonasbestiform fibers is determined. The air samples must be representative of the air in the vicinity of the planned abatement area to which the indoor air standard is applied.

Subp. 3 4. **Required procedures for asbestos-related work.** Asbestos-related work must meet the following minimum criteria. The criteria do not replace or supersede more stringent standards or contractual agreements.

B. Preparation of the work area must meet the following requirements:

(1) Removal, enclosure, or encapsulation of asbestos-containing material is a major operation for purposes of compliance with Code of Federal Regulations, title 29, section 1926.58, as amended through July 1, 1987, and must be done, where feasible in industrial facilities, in a negative-pressure enclosure with a contiguous decontamination enclosure system. However, for the portion of an asbestos-related ~~work~~ project that includes removal of less than ten feet of pipe lagging or less than six square feet of asbestos-containing material per room, the asbestos abatement contractor may use, as an alternative, the glove bag ~~in the~~ or mini-enclosure procedures in subpart 4 5. The commissioner may approve ~~additional~~ exceptions to the procedures specified in this subitem, on a case-by-case basis, where space limitations prohibit the construction of the enclosure, or where the construction of a negative-pressure enclosure would create a greater hazard, for example where toxic gases are present in the area.

(2) All heating, ventilating, and air conditioning intake and exhaust openings in the abatement area and any seams in system components must be sealed with 6-mil polyethylene sheeting or comparable material and tape. All system filters that serve the abatement area must be replaced at the conclusion of the abatement project and disposed of as asbestos waste. The interior surfaces of ventilation system ductwork must be decontaminated whenever necessary.

All openings between the abatement area and uncontaminated areas, including windows, doorways, elevator openings, corridor entrances, drains, ducts, grills, grates, diffusers, and skylights, and all penetrations of the floors, walls, and ceilings, including penetrations around electrical conduits, telephone wires, water supply pipes, and drain pipes must be sealed with 6-mil polyethylene plastic or comparable material and tape.

(3) ~~All~~ Surfaces in the abatement area which are to be in contact with the containment barriers must be precleaned, using HEPA-filtered vacuuming and wet cleaning methods, before ~~abatement begins~~ the barriers are constructed.

(6) A worker decontamination enclosure system must be provided, where feasible in industrial facilities, consisting of, at a minimum, a clean room, shower room, and equipment room, each separated from the other and from the work area by airlocks and accessible through doorways protected with two overlapping sheets. Procedures for using this system must be established. The procedures must prevent contamination of areas outside the abatement area.

(7) Negative pressure within the enclosure must be established as follows:

(c) The air pressure within the enclosure must be established and maintained as follows:

(i) From the time construction of the enclosure is completed through the time acceptable clearance air monitoring results are obtained, a sufficient amount of air must be exhausted to create a pressure of -0.02 inches of water within each enclosure

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with respect to the area outside of the enclosure. The amount of air exhausted must provide at least four air changes per hour, based on no more than 75 percent of the operating maximum cubic feet per minute discharge for the ventilation system. A manometer or pressure gauge equipped with a recording device must be used continuously to establish, monitor, and document negative pressure within the enclosure, and must remain in place until the area passes final clearance air testing. The manometer or pressure gauge must be monitored frequently throughout all abatement work shifts and must be zeroed and calibrated before work begins each day. A nonrecording manometer or pressure gauge may be substituted for a continuously recording instrument provided that hourly pressure readings are documented during all work shifts. Placement of the manometer or pressure gauge must be as far from the intake of the HEPA-filtered ventilation system as practicable and selected to ensure that the reading is of the abatement area.

(8) During asbestos-related work, warning signs in accordance with Code of Federal Regulations, title 29, section 1926.58(k) shall be displayed at all approaches to any location where airborne fiber levels can be expected to exceed the ~~indoor air standard of 0.01 f/cc or background level as established according to subpart 1~~ clearance air level.

C. In addition to the general requirements for all asbestos-related work under items A and B, the following specific abatement procedures apply to removal, encapsulation, or enclosure operations.

(1) Removal operations must proceed as follows:

(a) Components covered with asbestos-containing material that are to be removed must be removed intact or in large sections whenever possible and carefully lowered to the floor.

(c) Prior to the final inspection prescribed under item E, the asbestos abatement contractor must notify the contracting entity of any asbestos-containing material that was contracted to be removed, but was left in place because it was inaccessible. If the contracting entity agrees that the material removal is not feasible, then the asbestos-containing material left in place must be encapsulated or enclosed. If encapsulated, the encapsulating material must be dyed a contrasting color.

The enclosed or encapsulated asbestos-containing material must be specially designated according to Code of Federal Regulations, title 29, section 1926.58(k)(2), ~~as amended through July 1, 1987,~~ to warn individuals who may disturb the area. These inaccessible areas must be recorded on a building plan, sketch, or written description provided to the contracting entity by the asbestos abatement contractor.

(e) Metal or fiber drums with locking ring tops must be used for disposal of asbestos-containing waste material that contains sharp edges, unless the sharp edges can be covered or blunted.

(2) Encapsulation operations must meet the following requirements:

(c) Encapsulants must be applied using only airless spray equipment with ~~nozzle pressure adjustable between 400 and 1,500 pounds per square inch air pressure and nozzle orifice as recommended by the encapsulant manufacturer.~~

(e) Encapsulated asbestos-containing materials must be specially designated according to Code of Federal Regulations, title 29, section 1926.58(k)(2), ~~as amended through July 1, 1987,~~ to warn individuals who may disturb the material.

(3) Enclosure operations must meet the following requirements:

(c) A permanent enclosure constructed as an alternative to removal or encapsulation must consist of a permanent barrier with impermeable sides, designed to minimize air movement across the enclosure boundary. The permanent enclosure must render the area behind it inaccessible and must be specially designated according to Code of Federal Regulations, title 29, section 1926.58 (k)(2), ~~as amended through July 1, 1987,~~ to warn individuals who may disturb the enclosure.

E. The asbestos abatement contractor must conduct a final, visual inspection of the abatement area that meets the following requirements:

(2) A checklist for the visual inspection, comparable to Code of Federal Regulations, title 29, section 1926.58, appendix F, figure F-7, ~~as amended through July 1, 1987,~~ must be used. At a minimum, the visual inspection must consist of the following two tests:

(b) If possible, the asbestos abatement contractor shall reduce the lighting in the abatement area and inspect the area for residue using a flashlight to illuminate any smooth horizontal surface, and running a finger across the illuminated area, noting if a line is left on the surface.

If an alternative clearance air level has been established pursuant to subpart 3, item D, and compliance with this procedure is not feasible, then the asbestos abatement contractor shall conduct a final, visual inspection of the abatement area to ensure that all surfaces are free of visible dust before the final air samples are collected.

F The asbestos abatement contractor must comply, except as noted in subpart 1, with the indoor air standards under subpart ~~1~~ 2, and general requirements for sampling and analysis under subpart ~~2~~ 3, and the following specific air sampling requirements:

(3) Clearance air sampling in the abatement area must meet the following requirements:

(a) Clearance air sampling must be conducted within the abatement area after it has been cleaned thoroughly, dried completely, and passed the final, visual inspection under item E. Critical containment barriers, including barriers over all windows, doors, and air passageways, must remain in place until analysis of clearance air samples is completed and the notification of the contracting entity under item C occurs.

The abatement project is not complete until all clearance air samples collected are less than or equal to the ~~indoor air standard of 0.01 f/ce or the established background level, under subpart 2, item E~~ clearance air level. If any of the sampling results exceed this level, the area shall be recleaned according to item E and clearance air sampling must be repeated. Cleaning and resampling must be repeated, at intervals of no less than 24 hours, except within an industrial facility process area, until all samples collected in the abatement area meet ~~indoor air standards or the established background level~~ the clearance air level.

H. Following removal of the critical containment barriers, the asbestos abatement contractor must inspect all surfaces previously in contact with the barriers to ensure that no surface contamination is visible. Whenever contamination is observed, the entire area must be cleaned, using HEPA-vacuuuming and wet cleaning methods, until no contamination is visible. If an alternative clearance air level has been established pursuant to subpart 3, item D, and good cause exists to conclude that the contamination is due to ambient dust not associated with asbestos-containing materials in an industrial facility, further cleaning is not required.

Subp. 4 ~~5~~. Optional glove bag in or mini-enclosure procedures for certain jobs performed during asbestos-related work. When an asbestos abatement work project includes removal of less than ten feet of pipe lagging or less than six square feet of asbestos-containing material per room, for that portion of the project, the asbestos abatement contractor may opt to use the following minimum procedures as alternatives to the procedures in subpart 3 ~~4~~, items B to H. The asbestos abatement contractor shall comply with the indoor air standards under subpart 4 ~~2~~, and general requirements for sampling and analysis under subpart 2 ~~3~~, except as noted in subpart 1.

A. The following minimum procedures must be followed:

(1) ~~A mini-enclosure~~ Glove bags must be constructed of transparent 6-mil polyethylene plastic sheeting or comparable material; ~~and. Glove bags may not be used more than once. Sliding or moving the glove bag during the abatement procedure is not permitted.~~

(2) The glove bag must completely cover the area where asbestos work is to be done. Before abatement begins, all openings in the glove bag, including any openings from insertion of tools, sprayer, or a HEPA filter-equipped vacuum nozzle, must be securely sealed with duct tape or equivalent material.

(3) A mini-enclosure must be constructed of 6-mil polyethylene plastic sheeting or comparable material, and equipped with an HEPA-filtered vacuum or portable ventilation system with HEPA-filtration to create a negative pressure within the mini-enclosure with respect to the area outside the mini-enclosure. Negative pressure within the mini-enclosure must be maintained until acceptable clearance air monitoring results indicate that the glove bag mini-enclosure procedure is complete.

(4) ~~(4)~~ Workers working inside the mini-enclosure must wear at least two layers of protective clothing and, before leaving the mini-enclosure, must remove and properly bag for disposal their outer layer of protective clothing or vacuum their outer protective clothing with a HEPA-filtered vacuum cleaning machine.

(5) ~~(5)~~ A remote worker decontamination enclosure system must be provided for and used by any worker performing abatement work in a glove bag inside or a mini-enclosure during asbestos-related work projects. Procedures for the use of this system must be established which prevent asbestos contamination outside the enclosure glove bag or mini-enclosure system.

(6) ~~(6)~~ Warning signs according to Code of Federal Regulations, title 29, section 1926.58(k), as amended through July 4, 1987, must be displayed at all approaches to any location where airborne fiber levels can be expected to exceed the indoor air standard of 0.01 f/ce or alternative standard established according to subpart 2, item E clearance air level.

(7) ~~(5)~~ Glove bags must be constructed of transparent 6-mil polyethylene plastic or comparable material. Glove bags may not be used more than once. Sliding or moving the glove bag during the abatement procedure is not permitted.

(8) ~~(6)~~ The glove bag must completely cover the area where asbestos work is to be done. Before abatement begins, all openings in the glove bag, including any openings from insertion of tools, sprayer, or a HEPA filter-equipped vacuum nozzle, must be securely sealed with duct tape or equivalent material.

(9) ~~(8)~~ Asbestos-containing material exposed as a result of the abatement activity must be encapsulated so that the edges do not release asbestos fibers to the atmosphere when the glove bag or mini-enclosure is removed. Encapsulated asbestos-containing

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materials must be specially designated according to Code of Federal Regulations, title 29, section 1926.58(k)(2), as amended through July 1, 1987, to warn individuals who may disturb the material.

(10) After the glove bag or mini-enclosure operation is complete, the interior of the enclosure must be cleaned using an HEPA-filtered vacuum and wet wiping techniques, or an encapsulant must be applied to the inside of the mini-enclosure to seal any asbestos fibers or debris.

C. After the glove bag is removed, a minimum of two clearance air samples must be collected within the mini-enclosure. This procedure is not complete until clearance air sampling results show that fibers in the air in the mini-enclosure after removal of the glove bag do not exceed 0.01 f/cc of air, counting fibers with a length-to-width ratio equal to or greater than 3:1, and greater than 5 microns in length. At a minimum, the clearance air sampling shall include the following steps:

(1) the flaps of the air lock must be secured to prevent leakage outside the mini-enclosure during the aggressive clearance air sampling test;

(2) the air within the mini-enclosure must be disturbed with the exhaust of a leaf-blower to suspend any remaining asbestos contamination within the enclosure; During removal operations with a glove bag or mini-enclosure, a minimum of one indoor air sample must be collected within ten feet of the glove bag or mini-enclosure asbestos abatement operation. If three or more previous similar abatement activities have occurred in the preceding year and all samples were below the clearance air level, the one minimum air sample is not required.

(3) (1) Sampling and analysis must be conducted in compliance with subpart 2; and 3.

(4) (2) The asbestos abatement contractor shall report the results of the final, visual inspection and clearance air sampling under aggressive conditions to the contracting entity. The area where the glove bag in or the mini-enclosure procedure was performed shall not be opened to persons not involved in asbestos-related work or until the contracting entity grants permission for the area to be occupied until the indoor air samples collected are less than or equal to the clearance air level. If any of the sampling results exceed this level, the area shall be cleaned using a HEPA-filtered vacuum cleaner and wet methods, and the indoor air sampling must be repeated.

### 7005.1618 REQUIREMENTS FOR MINNESOTA APPROVAL OF ASBESTOS ABATEMENT TRAINING COURSES.

Subp. 3. **Application procedures for Minnesota approval.** Course sponsors seeking Minnesota approval of initial and refresher courses shall apply to the commissioner for approval.

A. Course sponsors must submit a properly completed application on a form provided by the commissioner that includes all application information required under Code of Federal Regulations, title 40, part 763, subpart E, appendix C, as amended through July 1, 1987 section III.

Subp. 4. **Attendance requirements; enrollment limits; course content requirements.** For training courses to be Minnesota-approved, they must meet the requirements in items A to J.

F For initial training courses, course length and content must meet the following requirements:

(1) At a minimum, the initial training course for asbestos abatement contractors and site supervisors must meet the initial training course requirements in Code of Federal Regulations, title 40, part 763, subpart E, appendix C, section I(1)(D), as amended through July 1, 1987, and consist of a course which is at least four days in length. One day equals eight hours minus breaks and lunch.

(2) At a minimum, the initial training course for asbestos abatement workers must meet the initial training course requirements of Code of Federal Regulations, title 40, part 763, subpart E, appendix C, section I(1)(E), as amended through July 1, 1987, and consist of a course which is at least three days in length. One day equals eight hours minus breaks and lunch.

G. Training must include lectures, demonstrations, hands-on training with demonstration testing, individual respirator fit testing, course review, and a closed book examination. The hands-on training must be at least six hours in length, must permit each participant to have actual experience performing the tasks associated with asbestos abatement, and must include simulating asbestos removal by removing asbestos-substitute materials with adherent properties similar to asbestos from ceiling and pipe surfaces, fitting and using demonstrating fit testing and use of suitable respiratory protection with at least six different respirator designs, using glove bags to simulate asbestos removal, donning full-body protective clothing, and constructing a decontamination unit.

H. For a course participant to successfully complete the initial training course, the participant must first demonstrate proficiency to the instructor during the hands-on portion of the course, and then pass a closed-book, written examination, or oral examination for workers as allowed under item E, which meets the requirements of Code of Federal Regulations, title 40, part 763, subpart E, appendix C, section I(2); as amended through July 1, 1987. On and after January 1, 1989, the written examination for Minnesota-approved courses shall be provided by the commissioner.

Any participant who fails to pass the initial training course examinations fails the course and must repeat the course and examinations.

I. At a minimum, the annual refresher courses for asbestos abatement contractors, site supervisors, and workers must meet the refresher course requirements of Code of Federal Regulations, title 40, part 763, subpart E, appendix C, section I(3), ~~as amended through July 1, 1987~~, consisting of at least one eight-hour day of training specifically tailored to asbestos abatement workers or asbestos abatement contractors and site supervisors, which includes changes in federal and state regulations, new developments in the state-of-the-art procedures in asbestos abatement, and review of the key aspects of the initial training course.

## **Department of Labor and Industry**

### **Adopted Permanent Rules Relating to OSHA Update**

#### **Rules as Adopted**

#### **5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.**

The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the Code of Federal Regulations as follows:

Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to June 30, 1988:

*Federal Register*, Vol. 53, No. 66, dated April 6, 1988; "Occupational Exposure to Ethylene Oxide (1910.1047)."

*Federal Register*, Vol. 53, No. 70, dated April 12, 1988; "Safety Testing or Certification of Certain Workplace Equipment and Materials; Deletion of Specific Testing Laboratory Names; Definition of Nationally Recognized Testing Laboratory; Determination of Eligible Testing Organizations (1910.7)."

*Federal Register*, Vol. 53, No. 96, dated May 18, 1988; "Grain Handling Facilities; Notice of Approval of Information Collection Requirements by OMB and Corrections to Appendices as published on December 31, 1987 (1910.272)."

Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979 which incorporates changes, additions, deletions and corrections made up to October 17, 1978 and includes General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as applicable to construction work; and subsequent changes made prior to June 20, 1988:

*Federal Register*, Vol. 53, No. 116, dated June 16, 1988; "Concrete and Masonry Construction Safety Standards (1926.700-1926.706)."

## **Pollution Control Agency**

### **Adopted Permanent Rules Relating to Hazardous Waste; Corrective Action, Guarantees, Interim Status, Groundwater, and Lists**

The rules proposed and published at *State Register*, Volume 12, Number 46, pages 2449-2500, May 16, 1988 (12 S.R. 2449) are adopted with the following modifications:

#### **Rules as Adopted**

#### **7001.0640 ADDITIONAL PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS, WASTE PILES, LAND TREATMENT UNITS, AND LANDFILLS.**

Subp. 2. **Corrective action program.** The owner or operator of a hazardous waste surface impoundment, waste pile, land treatment unit, or landfill shall submit to the commissioner with Part B of the permit application sufficient information, supporting data, and analyses to establish a corrective action program that meets the requirements of part 7045.0484, subpart 14. The submittal must demonstrate that corrective action is feasible if the groundwater protection standard is exceeded. To demonstrate compliance with part 7045.0484, subpart 14, the owner or operator shall address the following items:

A. to F [Unchanged.]

**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.

## Adopted Rules

The permit may contain a schedule for submittal of the information required in items C and D if the owner or operator obtains written authorization from the commissioner before submitting the complete permit application.

### 7045.0135 LISTS OF HAZARDOUS WASTES.

Subp. 4. **Discarded commercial chemical products, off-specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded; when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; or when, in lieu of their original use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

E. the commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in items A to D and listed in subitems (1) to (17), are identified as acute hazardous wastes (H) and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, items B and C. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), and R (reactivity). Absence of a letter indicates that the compound is listed only for acute toxicity. These wastes and their corresponding hazardous waste numbers, Chemical ~~abstracts~~ Abstract Service registry numbers, if ~~known~~ available, and hazard codes are listed in subitems (1) to (17).

(1) Hazardous wastes from commercial chemical products beginning with the letter A:

- (e) ~~P066, 16752-77-5, Acetimidic acid, N-[(methylcarbamoyl)oxy] thio-, methyl ester;~~
- (f) P002, 591-08-2, 1-Acetyl-2-thiourea;
- (g) ~~(f)~~ P003, 107-02-8, Acrolein;
- (h) ~~(g)~~ P070, 116-06-3, Aldicarb;
- (i) ~~(h)~~ P004, 309-00-2, Aldrin;
- (j) ~~(i)~~ P005, 107-18-6, Allyl alcohol;
- (k) ~~(j)~~ P006, 20859-73-8, Aluminum phosphide: (R,T);
- (l) ~~(k)~~ P007, 2763-96-4, 5-(Aminomethyl)-3-isoxazolol;
- (m) ~~(l)~~ P008, 504-24-5, ~~4-alpha-Aminopyridine~~ 4-Aminopyridine;
- (n) ~~(m)~~ P009, 131-74-8, Ammonium picrate: (R);
- (o) ~~(n)~~ P119, 7803-55-6, Ammonium vanadate;
- (p) ~~(o)~~ P099, 506-61-6, Argentate(1-), bis(cyano-C)-, potassium;
- (q) P010, 7778-39-4, Arsenic acid H<sub>3</sub>AsO<sub>4</sub>;
- (r) P038, 692-42-2, Arsine, diethyl-;
- (s) P036, 696-28-6, Arsonous dichloride, phenyl-; ~~and~~
- (t) P054, 151-56-4, Aziridine; ~~and~~
- (u) ~~(t)~~ P067, 75-55-8, Aziridine, 2-methyl-.

(2) Hazardous wastes from commercial chemical products beginning with the letter B:

- (h) P001, 81-81-2, 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent;
- (j) P015, 7440-41-7, Beryllium ~~dust~~;
- (k) ~~P016, 542-88-1, Bis(chloromethyl) ether;~~
- (l) P017, 598-31-2, Bromoacetone; ~~and~~
- (m) ~~(l)~~ P018, 357-57-3, Brucine; ~~and~~
- (n) ~~(m)~~ P045, 39196-18-4, 2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl]oxime.

(3) Hazardous wastes from commercial chemical products beginning with the letter C:

- (b) ~~P022, 75-15-0, Carbon bisulfide~~ P021, 592-01-8, Calcium cyanide Ca(CN)<sub>2</sub>;
- (g) ~~P026, 5344-82-1, 1-(o-Chlorophenyl)thiourea;~~
- (h) ~~P027, 542-76-7, 3-Chloropropionitrile;~~
- (i) ~~P029, 544-92-3, Copper cyanides~~ cyanide;
- (j) ~~P029, 544-92-3, Copper cyanide~~ Cu(CN);



(h) ~~(k)~~ P030, ....., Cyanides (soluble cyanide salts), not otherwise specified;

(i) ~~(l)~~ P031, 460-19-5, Cyanogen;

(j) ~~(m)~~ P033, 506-77-4, Cyanogen chloride; ~~and~~

(n) P033, 506-77-4, Cyanogen chloride (CN)Cl; and

~~(k)~~ ~~(o)~~ P034, 131-89-5, 2-Cyclohexyl-4,6-dinitrophenol.

(4) Hazardous wastes from commercial chemical products beginning with the letter D:

(a) P016, 542-88-1, Dichloromethyl ether;

(b) P036, 696-28-6, Dichlorophenylarsine;

~~(b)~~ (c) P037, 60-57-1, Dieldrin;

~~(e)~~ (d) P038, 692-42-2, Diethylarsine;

~~(d)~~ (e) P041, 311-45-5, Diethyl-p-nitrophenyl phosphate;

~~(e)~~ (f) P040, 297-97-2, O,O-Diethyl O-pyrazinyl phosphorothioate;

~~(f)~~ (g) P043, 55-91-4, Diisopropyl fluorophosphate ~~(DEP)~~ (DFP);

~~(g)~~ (h) P004, 309-00-2, 1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-;

~~(h)~~ (i) P060, 465-73-6, 1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5beta, 8beta, 8beta)-;

~~(i)~~ (j) P037, 60-57-1, 2,7:3,6-dimethanonaphth[2,3-b]oxirane ~~Dimethanonaphth[2,3-b]oxirene~~, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha, 2beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7alpha)-;

~~(j)~~ (k) P051, 72-20-8, 2,7:3,6-dimethanonaphth[2,3-b]oxirane ~~Dimethanonaphth[2,3-b]oxirene~~, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha, 2beta, 2beta, 3alpha, 6alpha, 6beta, 7beta, 7alpha)-, and metabolites;

~~(k)~~ (l) P044, 60-51-5, Dimethoate;

~~(l)~~ P045, 39196-18-4, 3,3-Dimethyl 1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime;

(r) P111, 107-49-3, Diphosphoric acid, tetraethyl ester;

(s) P039, 298-04-4, Disulfoton; and

~~(s)~~ (t) P049, 541-53-7, 2,4 Dithiobiuret.

(5) Hazardous wastes from commercial chemical products beginning with the letter E:

(b) P088, 145-73-3, Endothal ~~Endothall~~;

(d) P051, 72-20-8, Endrin, and metabolites;

(e) P042, 51-43-4, Epinephrine;

(f) P031, 460-19-5, Ethanedinitrile;

(g) P066, 16752-77-5, Ethanimidothioic acid, N-[(methylamino)carbonyl]oxy-, methyl ester;

~~(e)~~ (h) P101, 107-12-0, Ethyl cyanide; and

~~(f)~~ (i) P054, 151-56-4, Ethyleneimine.

(8) Hazardous wastes from commercial chemical products beginning with the letter I:

(a) P064, 624-83-9, Isoeyanic acid, methyl ester;

~~(b)~~ P060, 465-73-6, Isodrin; and

~~(e)~~ (b) P007, 2763-96-4, 3(2H)-Isoxazolone, 5-(aminomethyl)-.

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## Adopted Rules

(9) Hazardous wastes from commercial chemical products beginning with the letter M:

- (c) P082, 62-75-9, ~~Methamine~~ Methanamine, N-methyl-N-nitroso-;
- (d) P064, 624-83-9, Methane, isocyanato-;
- (e) P016, 542-88-1, Methane, oxybis(chloro)-;
- (~~e~~) (f) P112, 509-14-8, Methane, tetranitro-: (R);
- (~~f~~) (g) P118, 75-70-7, Methanethiol, trichloro-;
- (~~g~~) (h) P050, 115-29-7, 6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro- 1,5,5a,6,9,9a-hexahydro-, 3-oxide;
- (~~h~~) (i) P059, 76-44-8, 4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-;
- (~~i~~) (j) P066, 16752-77-5, Methomyl;
- (~~j~~) P067, 75-55-8, 2-Methylaziridine;

(10) Hazardous wastes from commercial chemical products beginning with the letter N:

- (c) P073, 13463-39-3, Nickel carbonyl Ni(CO)<sub>4</sub>, (T-4)-;
- (e) P074, 557-19-7, Nickel cyanide Ni(CN)<sub>2</sub>;
- (f) P075, 54-11-5, Nicotine and salts;
- (~~f~~) (g) P076, 10102-43-9, Nitric oxide;
- (~~g~~) (h) P077, 100-01-6, p-Nitroaniline;
- (~~h~~) (i) P078, 10102-44-0, Nitrogen dioxide;
- (~~i~~) (j) P076, 10102-43-9, Nitrogen oxide NO;
- (~~j~~) (k) P078, 10102-44-0, Nitrogen oxide NO<sub>2</sub>;
- (~~k~~) (l) P081, 55-63-0, Nirtoglycerine: (R);
- (~~l~~) (m) P082, 62-75-9, N-Nitrosodimethylamine; and
- (~~m~~) (n) P084, 4549-40-0, N-Nitrosomethylvinylamine.

(11) Hazardous wastes from commercial chemical products beginning with the letter O:

- (b) P087, 20816-12-0, Osmium oxide OsO<sub>4</sub>, (T-4)-;

(12) Hazardous wastes from commercial chemical products beginning with the letter P:

- (o) P044, 60-51-5, Phosphorodithioic acid, O,O-dimethyl S<sub>2</sub>-[2-(methylamino)-2-oxoethyl]ester;
- (p) P043, 55-91-4, ~~Phosphorofluorie~~ Phosphorofluoridic acid, bis(1-methylethyl) ester;
- (w) P098, 151-50-8, Potassium cyanide K(CN);
- (x) P099, 506-61-6, Potassium silver cyanide;
- (~~x~~) (y) P070, 116-06-3, Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime;
- (~~y~~) (z) P101, 107-12-0, Propanenitrile;
- (~~z~~) (aa) P027, 542-76-7, Propanenitrile, 3-chloro-;
- (~~aa~~) (bb) P069, 75-86-5, Propanenitrile, 2-hydroxy-2-methyl-;
- (~~bb~~) (cc) P081, 55-63-0, 1,2,3-Propanetriol, trinitrate: (R);
- (~~cc~~) (dd) P017, 598-31-2, 2-Propanone, 1-bromo-;
- (~~dd~~) (ee) P102, 107-19-7, Propargyl alcohol;
- (~~ee~~) (ff) P003, 107-02-8, 2-Propenal;
- (~~ff~~) (gg) P005, 107-18-6, 2-Propen-1-ol;
- (~~gg~~) (hh) P067, 75-55-8, 1,2-Propylenimine;
- (~~hh~~) (ii) P102, ~~591-08-2~~ 107-19-7, 2-Propyn-1-ol;
- (~~ii~~) (jj) P008, 504-24-5, 4-Pyridinamine; and

~~(jj)~~ (kk) P075, 54-11-5, Pyridine, ~~(S)~~ 3-(1-methyl-2-pyrrolidinyl)-, (S), and salts; ~~and~~  
~~(kk)~~ P111, 107-49-3, ~~Pyrophosphoric acid, tetraethyl ester.~~

(13) Hazardous wastes from commercial chemical products beginning with the letter S:

(a) P114, 12039-52-0, Selenious acid, dithallium(I + ) salt;

(b) P103, 630-10-4, Selenourea;

~~(b)~~ (c) P104, 506-64-9, Silver cyanide;

(d) P104, 506-64-9, Silver cyanide Ag(CN);

~~(e)~~ (e) P105, 26628-22-8, Sodium azide;

~~(d)~~ (f) P106, 143-33-9, Sodium cyanide;

(g) P106, 143-33-9, Sodium cyanide Na(CN);

~~(e)~~ (h) P107, 1314-96-1, Strontium sulfide;

(i) P107, 1314-96-1, Strontium sulfide SrS;

~~(f)~~ (j) P108, 57-24-9, Strychnidin-10-one, and salts;

~~(g)~~ (k) P018, 357-57-3, Strychnidin-10-one, 2,3-dimethoxy-;

~~(h)~~ (l) P108, 57-24-9, Strychnine and salts; and

~~(i)~~ (m) P115, ~~10031-59-1~~ 7446-18-6, Sulfuric acid, ~~thallium(I)~~ dithallium(I + ) salt.

(14) Hazardous wastes from commercial chemical products beginning with the letter T:

(g) P113, 1314-32-5, Thallium~~(III)~~ Tl, O;

(i) P115, ~~10031-59-1~~ 7446-18-6, Thallium(I) sulfate;

(l) P049, 541-53-7, Thioimidodicarbonic diamide [(H,N)C(S)]<sub>2</sub>NH;

(15) Hazardous wastes from commercial chemical products beginning with the letter V:

(b) P120, 1314-62-1, Vanadium~~(V)~~ V<sub>2</sub>O<sub>5</sub>; ~~and~~

(c) P120, 1314-62-1, Vanadium pentoxide; and

(d) P084, 4549-40-0, Vinylamine, N-methyl-N-nitroso-.

(16) Hazardous wastes from commercial chemical products beginning with the letter W: P001, 81-81-2, Warfarin, and salts, when present at concentrations greater than 0.3 percent.

(17) Hazardous wastes from commercial chemical products beginning with the letter Z:

(a) P121, 557-21-1, Zinc cyanide; ~~and~~

(b) P121, 557-21-1, Zinc cyanide Zn(CN)<sub>2</sub>; and

(c) P122, 1314-84-7, Zinc phosphide Zn<sub>3</sub>P<sub>2</sub>, when present at concentrations greater than ten percent: (R,T).

F The commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products referred to in items A to D, and listed in subitems (1) to (24) are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, item A. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), R (reactivity), I (ignitability), and C (corrosivity). Absence of a letter indicates that the compound is listed only for toxicity. These wastes and their corresponding hazardous waste numbers, Chemical ~~abstracts~~ Abstract Service registry numbers, if ~~known~~ available, and hazard codes are listed as follows:

(1) Hazardous wastes from commercial chemical products beginning with the letter A:

(e) U240, 94-75-7, Acetic acid, (2,4-dichlorophenoxy)-, salts and esters;

(f) U112, 141-78-6, Acetic acid, ethyl ester: (I);

**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.

## Adopted Rules

- (g) U144, 301-04-2, Acetic acid, lead (2+) salt;
- (h) U214, 563-68-8, Acetic acid, thallium(1+) salt;
- (i) ~~U232~~ (i) see F027, 93-76-5, Acetic acid, (2,4,5-trichlorophenoxy)-;
- (j) U002, 67-64-1, Acetone: (I);
- (k) U003, 75-05-8, Acetonitrile: (I,T);
- (l) U004, 98-86-2, Acetophenone;
- (m) U005, 53-96-3, 2-Acetylaminofluorene;
- (n) U006, 75-36-5, Acetyl chloride: (C,R,T);
- (o) U007, 79-06-1, Acrylamide;
- (p) U008, 79-10-7, Acrylic acid: (I);
- (q) U009, 107-13-1, Acrylonitrile;
- (r) U011, 61-82-5, Amitrole;
- (s) U012, 62-53-3, Aniline: (I,T);
- (t) U136, 75-60-5, Arsinic acid, dimethyl-;
- (u) U014, 492-80-8, Auramine;
- (v) U015, 115-02-6, Azaserine; and
- (w) U010, 50-07-7, Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl) oxy)methyl)-1,1a,2,8,8a,8b-hexahydro- 8a-methoxy-5-methyl-, [1aS-(1aalpha, 8beta, 8aalpha, 8balpha)]-.
- (2) Hazardous wastes from commercial chemical products beginning with the letter B:
- (a) U157, ~~50-49-5~~ 56-49-5, Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-;
- (b) U016, 225-51-4, ~~3,4-Benzazepidine~~ Benz[c]acridine;
- (h) U014, 492-80-8, Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl)-;
- (i) U049, 3165-93-3, Benzenamine, 4-chloro-2-methyl-, hydrochloride;
- (m) U158, 101-14-4, Benzenamine, 4,4'-methylenebis(2-chloro)-;
- (p) U019, 71-43-2, Benzene: (I,T);
- (v) U028, 117-81-7, 1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl 2-ethylhexyl) ester;
- (z) U107, 117-84-0, 1,2-Benzenedicarboxylic acid, di-n-octyl dioctyl ester;
- (dd) U060, 72-54-8, Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-];
- (ee) U017, 98-87-3, Benzene, (dichloromethyl)-;
- (ff) U223, 26471-62-5, Benzene, 1,3-diisocyanatomethyl-: (R,T);
- (gg) U239, 1330-20-7, Benzene, dimethyl-: (I,T);
- (hh) U201, 108-46-3, 1,3-Benzenediol;
- (ii) U127, 118-74-1, Benzene, hexachloro-;
- (jj) U056, 110-82-7, Benzene, hexahydro-: (I);
- (jj) U060, 72-54-8, Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro]-;
- (uu) U061, 50-29-3, Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro]-;
- (vv) U247, 72-43-5, Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy]-;
- (ww) U023, 98-07-7, Benzene, (trichloromethyl)- (C,R,T);
- (xx) U234, 99-35-4, Benzene, 1,3,5-trinitro- (R,T);
- (eee) U248, 81-81-2, 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, and salts, when present at concentrations of 0.3 percent or less;
- (fff) U022, 50-32-8, Benzo[a]pyrene;
- (ggg) U197, 106-51-4, p-Benzoquinone;

- ~~(ggg)~~ (hhh) U023, 98-07-7, Benzotrichloride: (C,R,T);  
~~(hhh)~~ (iii) U085, 1464-53-5, 2,2'-Bioxirane: ~~(I,T)~~;  
~~(iii)~~ (jii) U021, 92-87-5, (1,1'-Biphenyl)-4,4'-diamine;  
~~(jjj)~~ (kkk) U073, 91-94-1, (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-;  
~~(kkk)~~ (lll) U091, 119-90-4, (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-;  
~~(lll)~~ (mmm) U095, 119-93-7, (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-;  
~~(mmm)~~ U027, ~~39638-32-9~~, Bis(2-chloroisopropyl) ether;  
~~(nnn)~~ U024, ~~111-91-1~~, Bis(2-chloromethoxy) ethane;  
~~(ooo)~~ U028, ~~117-81-7~~, Bis(2-ethylhexyl) phthalate;  
~~(ppp)~~ (nnn) U225, 75-25-2, Bromoform;  
~~(qqq)~~ (ooo) U030, 101-55-3, 4-Bromophenyl phenyl ether;  
~~(rrr)~~ (ppp) U128, 87-68-3, 1,3-Butadiene, 1,1,2,3,4,4-hexachloro-;  
~~(sss)~~ (qqq) U172, 924-16-3, 1-Butanamine, N-butyl-N-nitroso-;  
~~(ttt)~~ (rrr) U031, 71-36-3, 1-Butanol: (I);  
~~(uuu)~~ (sss) U159, 78-93-3, 2-Butanone: (I,T);  
~~(vvv)~~ (ttt) U160, 1338-23-4, 2-Butanone peroxide: (R,T);  
~~(www)~~ (uuu) U053, 4170-30-3, 2-Butenal;  
~~(xxx)~~ (vvv) U074, 764-41-0, 2-Butene, 1,4-dichloro-: (I,T);  
~~(yyy)~~ (www) U143, 303-34-4, 2-Butenoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S,3R),7aalpha]]-; and  
~~(zzz)~~ (xxx) U031, 71-36-3, n-Butyl alcohol: (I).
- (3) Hazardous wastes from commercial chemical compounds beginning with the letter C:
- (g) U062, 2303-16-4, Carbamothioic acid, bis(1-methylethyl)-2 S-(2,3-dichloro-2-propenyl) ester;  
(o) U036, ~~12789-03-6~~ 57-74-9, Chlordane, alpha and gamma isomers;  
(p) U026, 494-03-1, ~~Chlornaphazine~~ Chlornaphazin;  
(r) U038, 510-15-6, Chlorobenzilate;  
(s) U039, 59-50-7, p-Chloro-m-cresol;  
~~(s)~~ ~~U041, 106-89-8, 1-Chloro-2,3-epoxypropane~~;  
(z) U032, 13765-19-0, Chromic acid H<sub>2</sub>CrO<sub>4</sub>, calcium salt;  
(bb) U051, ~~8021-39-4~~ ....., Creosote;  
(cc) U052, 1319-77-3, ~~Cresols~~ Cresol (Cresylic acid);  
(ff) U246, 506-68-3, Cyanogen bromide (CN)Br;  
(ii) U129, 58-89-9, Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha, 2alpha, 3beta, 4alpha, 5alpha, 6beta)-;  
~~(jj)~~ (kk) U057, 108-94-1, Cyclohexanone: (I);  
~~(jj)~~ (kk) U130, 77-47-4, 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-; and  
~~(kk)~~ (ll) U058, 50-18-0, Cyclophosphamide.
- (4) Hazardous wastes from commercial chemical products beginning with the letter D:
- (r) U025, ~~111-44-1~~ 111-44-4, Dichloroethyl ether;

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## Adopted Rules

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- (s) U027, 108-60-1, Dichloroisopropyl ether;  
(t) U024, 111-91-1, Dichloromethoxy ethane;  
(u) U081, 120-83-2, 2,4-Dichlorophenol;  
(v) U082, 87-65-0, 2,6-Dichlorophenol;  
(w) U240, 94-75-7, 2,4-Dichlorophenoxyacetic acid, salts and esters;  
(x) U083, 78-87-5, 1,2-Dichloropropane;  
(z) U028, 117-81-7, Diethylhexyl phthalate;  
(aa) U086, 1615-80-1, N,N'-Diethylhydrazine;  
(ab) U087, 3288-58-2, O,O-Diethyl S-methyl dithiophosphate;  
(ac) U088, 84-66-2, Diethyl phthalate;  
(ad) U089, 56-53-1, Diethylstilbestrol Diethylstilbesterol;  
(ae) U090, 94-58-6, Dihydrosafrole;  
(af) U091, 119-90-4, 3,3'-Dimethoxybenzidine;  
(ag) U092, 124-40-3, Dimethylamine: (I);  
(ah) U093, 60-11-7, p- Dimethylaminoazobenzene;  
(ai) U094, 57-97-6, 7,12-Dimethylbenz[a]anthracene;  
(aj) U095, 119-93-7, 3,3'-Dimethylbenzidine;  
(ak) U096, 80-15-9, alpha,alpha-Dimethylbenzylhydroperoxide: (R);  
(al) U097, 79-44-7, Dimethylcarbamoyl chloride;  
(am) U098, 57-14-7, 1,1-Dimethylhydrazine;  
(an) U099, 540-73-8, 1,2-Dimethylhydrazine;  
(ao) U101, 105-67-9, 2,4-Dimethylphenol;  
(ap) U102, 131-11-3, Dimethyl phthalate;  
(aq) U103, 77-78-1, Dimethyl sulfate;  
(ar) U105, 121-14-2, 2,4-Dinitrotoluene;  
(as) U106, 606-20-2, 2,6-Dinitrotoluene;  
(at) U107, 117-84-0, Di-n-octyl phthalate;  
(au) U108, 123-91-1, 1,4-Dioxane;  
(av) U109, 122-66-7, 1,2-Diphenylhydrazine;  
(aw) U110, 142-84-7, Dipropylamine: (I); and  
(ax) U111, 621-64-7, Di-n-propylnitrosamine.
- (5) Hazardous wastes from commercial chemical products beginning with the letter E:
- (a) U041, 106-89-8, Epichlorohydrin;  
(b) U001, 75-07-0, Ethanal: (I);  
(c) U174, 55-18-5, Ethanamine, N-ethyl-N-nitroso-;  
(d) U155, 91-80-5, 1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-;  
(e) U067, 106-93-4, Ethane, 1,2-dibromo-;  
(f) U076, 75-34-3, Ethane, 1,1-dichloro-;  
(g) U077, 107-06-2, Ethane, 1,2-dichloro-;  
(h) U131, 67-72-1, Ethane, hexachloro-;  
(i) U024, 111-91-1, Ethane, 1,1'- [methylenebis(oxy)]bis[2-chloro]-;  
(j) U117, 60-29-7, Ethane, 1,1'-oxybis-: (I);

- (j) (k) U025, 111-44-4, Ethane, 1,1'-oxybis[2-chloro]-;
  - (~~k~~) (l) U184, 76-01-7, Ethane, pentachloro-;
  - (~~l~~) (m) U208, 630-20-6, Ethane, 1,1,1,2-tetrachloro-;
  - (~~m~~) (n) U209, 79-34-5, Ethane, 1,1,2,2-tetrachloro-;
  - (~~n~~) (o) U218, 62-55-5, Ethanethioamide;
  - (p) U226, 71-55-6, Ethane, 1,1,1-trichloro-;
  - (~~o~~) (q) U227, ~~110-80-5, Ethanol, 2-ethoxy-~~ 79-00-5, Ethane, 1,1,2-trichloro-;
  - (~~p~~) (r) U359, ~~79-00-5, Ethane, 1,1,2-trichloro-~~ 110-80-5, Ethanol, 2-ethoxy-;
  - (~~q~~) (s) U173, 1116-54-7, Ethanol, 2,2'-(nitrosoimino)bis-;
  - (~~r~~) (t) U004, 98-86-2, Ethanone, 1-phenyl-;
  - (~~s~~) (u) U043, 75-01-4, Ethene, chloro-;
  - (~~t~~) (v) U042, 110-75-8, Ethene, (2-chloroethoxy)-;
  - (~~u~~) (w) U078, 75-35-4, Ethene, 1,1-dichloro-;
  - (~~v~~) (x) U079, 156-60-5, Ethene, 1,2-dichloro-,(E)-;
  - (~~w~~) (y) U210, 127-18-4, Ethene, tetrachloro-;
  - (~~x~~) (z) U228, 79-01-6, Ethene, trichloro-;
  - (~~y~~) (aa) U112, 141-78-6, Ethyl acetate: (I);
  - (~~z~~) (bb) U113, 140-88-5, Ethyl acrylate: (I);
  - (~~aa~~) (cc) U238, 51-79-6, Ethyl carbamate (urethane);
  - (~~bb~~) ~~U038, 510-15-6, Ethyl 4,4'-dichlorobenzilate;~~
  - (dd) U117, ~~60-29-7, Ethyl ether:~~ (I);
  - (~~cc~~) (ee) U114, 111-54-6, Ethylenebisdithiocarbamic acid, salts and esters;
  - (~~dd~~) (ff) U067, 106-93-4, Ethylene dibromide;
  - (~~ee~~) (gg) U077, 107-06-2, Ethylene dichloride;
  - (~~ff~~) (hh) U359, 110-80-5, Ethylene glycol monoethyl ether;
  - (~~gg~~) (ii) U115, 75-21-8, Ethylene oxide: (I,T);
  - (~~hh~~) (jj) U116, 96-45-7, Ethylene thiourea;
  - (~~ii~~) ~~U117, 60-29-7, Ethyl ether:~~ (I);
  - (~~jj~~) (kk) U076, 75-34-3, Ethylidene dichloride;
  - (~~kk~~) (ll) U118, 97-63-2, Ethyl methacrylate; and
  - (~~ll~~) (mm) U119, 62-50-0, Ethylmethanesulfonate.
- (7) Hazardous wastes from commercial chemical products beginning with the letter G:
- (a) U206, 18883-66-4, ~~D~~-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-<sub>2</sub> D-;
  - (b) U206, 18883-66-4, D-Glucose, 2-deoxy-2-[[methylnitrosoamino]-carbonylamino]-;
  - (c) U126, 765-34-4, Glycidylaldehyde; and
  - (~~e~~) (d) U163, 70-25-7, Guanidine, N-methyl-N'-nitro-N-nitroso-.
- (8) Hazardous wastes from commercial chemical products beginning with the letter H:
- (c) U129, 58-88-9, Hexachlorocyclohexane (gamma isomer);

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## Adopted Rules

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- ~~(d)~~ U130, 77-47-4, Hexachlorocyclopentadiene;
- ~~(e)~~ (d) U131, 67-72-1, Hexachloroethane;
- ~~(f)~~ (e) U132, 70-30-4, Hexachlorophene;
- ~~(g)~~ (f) U243, 1888-71-7, Hexachloropropene;
- ~~(h)~~ (g) U133, 302-01-2, Hydrazine: (R,T);
- ~~(i)~~ (h) U086, 1615-80-1, Hydrazine, 1,2-diethyl-;
- ~~(j)~~ (i) U098, 57-14-7, Hydrazine, 1,1-dimethyl-;
- ~~(k)~~ (j) U099, 540-73-8, Hydrazine, 1,2-dimethyl-;
- ~~(l)~~ (k) U109, 122-66-7, Hydrazine, 1,2-diphenyl-;
- ~~(m)~~ (l) U134, 7664-39-3, Hydrofluoric acid: (C,T);
- ~~(n)~~ (m) U134, 7664-39-3, Hydrogen fluoride: (C,T);
- ~~(o)~~ (n) U135, 7783-06-4, Hydrogen sulfide;
- (o) U135, 7783-06-4, Hydrogen sulfide H<sub>2</sub>S; and
- ~~(p)~~ U096, 80-15-9, Hydroperoxide, 1-methyl-1-phenylethyl-: (R); and
- ~~(q)~~ U136, 75-60-5, Hydroxydimethylarsine oxide.

(12) Hazardous wastes from commercial chemical products beginning with the letter M:

- (a) U163, 70-25-7, MNNG;
- (b) U147, 108-31-6, Maleic anhydride;
- ~~(c)~~ (c) U148, 123-33-1, Maleic hydrazide;
- ~~(d)~~ (d) U149, 109-77-3, Malononitrile;
- ~~(e)~~ (e) U150, 148-82-3, Melphalan;
- ~~(f)~~ (f) U151, 7439-97-6, Mercury;
- ~~(g)~~ (g) U152, 126-98-7, Methacrylonitrile: (I,T);
- ~~(h)~~ (h) U092, 124-40-3, Methanamine, N-methyl-: (I);
- ~~(i)~~ (i) U029, 74-83-9, Methane, bromo-;
- ~~(j)~~ (j) U045, 74-87-3, Methane, chloro-: (I,T);
- ~~(k)~~ (k) U046, 107-30-2, Methane, chloromethoxy-;
- ~~(l)~~ (l) U068, 74-95-3, Methane, dibromo-;
- ~~(m)~~ (m) U080, 75-09-2, Methane, dichloro-;
- ~~(n)~~ (n) U075, 75-71-8, Methane, dichlorodifluoro-;
- ~~(o)~~ (o) U138, 74-88-4, Methane, iodo-;
- ~~(p)~~ (p) U119, 62-50-0, Methanesulfonic acid, ethyl ester;
- ~~(q)~~ (q) U211, 56-23-5, Methane, tetrachloro-;
- ~~(r)~~ (r) U153, 74-93-1, Methanethiol: (I,T);
- ~~(s)~~ (s) U225, 75-25-2, Methane, tribromo-;
- ~~(t)~~ (t) U044, 67-66-3, Methane, trichloro-;
- ~~(u)~~ (u) U121, 75-69-4, Methane, trichlorofluoro-;
- ~~(v)~~ (v) U123, 64-18-6, Methanoic acid: (C,T);
- (v) U036, 57-74-9, 4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-;
- (w) U154, 67-56-1, Methanol: (I);
- ~~(x)~~ (x) U155, 91-80-5, Methapyrilene;
- ~~(y)~~ (y) U142, 143-50-0, 1,3,4-Metheno- 2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b, 6-decachlorooctahydro-;



- (y) (z) U247, 72-43-5, Methoxychlor;
- (z) (aa) U154, 67-56-1, Methyl alcohol: (I);
- ~~(aa)~~ (bb) U029, 74-83-9, Methyl bromide;
- ~~(bb)~~ (cc) U186, 504-60-9, 1-Methylbutadiene: (I);
- ~~(cc)~~ (dd) U045, 74-87-3, Methyl chloride: (I,T);
- ~~(dd)~~ (ee) U156, 79-22-1, Methyl chlorocarbonate: (I,T);
- ~~(ee)~~ (ff) U226, 71-55-6, Methyl chloroform;
- ~~(ff)~~ (gg) U157, 56-49-5, 3-Methylcholanthrene;
- ~~(gg)~~ (hh) U158, 101-14-4, 4,4'-Methylenebis (2-chloroaniline);
- ~~(hh)~~ (ii) U068, 74-95-3, Methylene bromide;
- ~~(ii)~~ (jj) U080, 75-09-2, Methylene chloride;
- ~~(jj)~~ (kk) U159, 78-93-3, Methyl ethyl ketone (MEK): (I,T);
- ~~(kk)~~ (ll) U160, 1338-23-4, Methyl ethyl ketone peroxide: (R,T);
- ~~(ll)~~ (mm) U138, 74-88-4, Methyl iodide;
- ~~(mm)~~ (nn) U161, 108-10-1, Methyl isobutyl ketone: (I);
- ~~(nn)~~ (oo) U162, 80-62-6, Methyl methacrylate: (I,T);
- ~~(oo)~~ U163, 70-25-7, N-Methyl-N'-nitro-N-nitrosoguanidine;

(13) Hazardous wastes from commercial chemical compounds beginning with the letter N:

- (a) U059, 20830-81-3, 5,12-Naphthacenedione, ~~(8S-cis)~~-8-acetyl-10- [(3-amino-2,3,6-trideoxy)-alpha-L-lyxohexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-(8S-cis)-;
- (b) U167, 134-32-7, 1-Naphthalenamine;
- (c) U168, 91-59-8, 2-Naphthalenamine;
- (d) U026, 494-03-1, Naphthalenamine,N,N'-bis(2-chloroethyl)-;
- (e) U165, 91-20-3, Naphthalene;
- ~~(e)~~ (f) U047, 91-58-7, Naphthalene, 2-chloro-;
- ~~(d)~~ (g) U166, 130-15-4, 1,4-Naphthalenedione;
- ~~(e)~~ (h) U236, 72-57-1, 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)}bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt;
- ~~(f)~~ (i) U166, 130-15-4, 1,4-Naphthoquinone;
- ~~(g)~~ (j) U167, 134-32-7, alpha-Naphthylamine;
- ~~(h)~~ (k) U168, 91-59-8, beta-Naphthylamine;
- ~~(i)~~ U026, 494-03-1, 2-Naphthylamine, N,N'-bis(2-chloromethyl)-;
- ~~(j)~~ U167, 134-32-7, 1-Naphthylamine;
- ~~(k)~~ U168, 91-59-8, 2-Naphthylamine;
- (l) U217, 10102-45-1, Nitric acid, ~~thellium~~(tt) thallium(I + ) salt;

(15) Hazardous wastes from commercial chemical products beginning with the letter P:

- (e) ~~U242~~ see F027, 87-86-5, Pentachlorophenol;
- (f) U161, 108-10-1, Pentanol, 4-methyl-;

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## Adopted Rules

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- (g) U186, 504-60-9, 1,3-Pentadiene: (I);  
(~~g~~) (h) U187, 62-44-2, Phenacetin;  
(~~h~~) (i) U188, 108-95-2, Phenol;  
(~~i~~) (j) U048, 95-57-8, Phenol, 2-chloro-;  
(~~j~~) (k) U039, 59-50-7, Phenol, 4-chloro-3-methyl-;  
(~~k~~) (l) U081, 120-83-2, Phenol, 2,4-dichloro-;  
(~~l~~) (m) U082, 87-65-0, Phenol, 2,6-dichloro-;  
(~~m~~) (n) U089, 56-53-1, Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-,(E)-;  
(~~n~~) (o) U101, 105-67-9, Phenol, 2,4-dimethyl-;  
(~~o~~) (p) U052, 1319-77-3, Phenol, methyl-;  
(~~p~~) (q) U132, 70-30-4, Phenol,2,2'-methylenebis[3,4,6-trichloro]-;  
(~~q~~) (r) U170, 100-02-7, Phenol, 4-nitro-;  
(~~r~~) ~~U242~~ (s) see F027, 87-86-5, Phenol, pentachloro-;  
(~~s~~) ~~U212~~ (t) see F027, 58-90-2, Phenol, 2,3,4,6-tetrachloro-;  
(~~t~~) ~~U230~~, ~~95-94-4~~ (u) see F027, 95-95-4, Phenol, 2,4,5-trichloro-;  
(~~u~~) ~~U231~~ (v) see F027, 88-06-2, Phenol, 2,4,6-trichloro-;  
(~~v~~) (w) U150, 148-82-3, L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-;  
(~~w~~) (x) U145, 7446-27-7, Phosphoric acid, lead(2+) salt(2:3);  
(~~x~~) (y) U087, 3288-58-2, Phosphorodithioic acid, O,O-diethyl-, S-methyl ester;  
(~~y~~) (z) U189, ~~108-95-2~~ 1314-80-3, Phosphorous Phosphorus sulfide: (R);  
(~~z~~) (aa) U190, 85-44-9, Phthalic anhydride;  
(~~aa~~) (bb) U191, 109-06-8, 2-Picoline;  
(~~bb~~) (cc) U179, 100-75-4, ~~Piperdine~~ Piperidine, 1-nitroso-;  
(~~cc~~) (dd) U192, 23950-58-5, Pronamide;  
(~~dd~~) (ee) U194, 107-10-8, 1-Propanamine: (I,T);  
(~~ee~~) (ff) U111, 621-64-7, 1-Propanamine,N-nitroso-N-propyl-;  
(~~ff~~) (gg) U110, 142-84-7, 1-Propanamine, N-propyl-: (I);  
(~~gg~~) (hh) U066, 96-12-8, Propane, 1,2-dibromo-3-chloro-;  
(ii) U083, 78-87-5, Propane, 1,2-dichloro-;  
(~~hh~~) (jj) U149, 109-77-3, Propanedinitrile;  
(~~ii~~) (kk) U171, 79-46-9, Propane, 2-nitro-: (I,T);  
(~~jj~~) (ll) U027, ~~39638-32-9~~ 108-60-1, Propane, 2,2'-oxybis[2-chloro]-;  
(~~kk~~) (mm) U193, 1120-71-4, 1,3-Propane sultone;  
(nn) see F027, 93-72-1, Propanoic acid, 2-(2,4,5-trichlorophenoxy)-;  
(~~ll~~) (oo) U235, 126-72-7, 1-Propanol, 2,3-dibromo-, phosphate (3:1);  
(~~mm~~) (pp) U140, 78-83-1, 1-Propanol, 2-methyl-: (I,T);  
(~~nn~~) (qq) U002, 67-64-1, 2-Propanone: (I);  
(rr) U007, 79-06-1, 2-Propenamide;  
(~~oo~~) (ss) U084, 542-75-6, ~~1-Propane~~ 1-Propene, 1,3-dichloro-;  
(~~pp~~) ~~U152, 126-98-7, 2-Propanenitrile,2-methyl-~~ (I,T);  
(~~qq~~) ~~U007, 79-06-1, 2-Propenamide~~;  
(~~rr~~) (tt) U243, 1888-71-7, 1-Propene, 1,1,2,3,3,3-hexachloro-;

- ~~(ss)~~ (uu) U009, 107-13-1, 2-Propenenitrile;
- ~~(vv)~~ U152, 126-98-7, 2-Propenenitrile, 2-methyl-: (I,T);
- ~~(tt)~~ (ww) U008, 79-10-7, 2-Propenoic acid: (I);
- ~~(uu)~~ (xx) U113, 140-88-5, 2-Propenoic acid, ethyl ester: (I);
- ~~(vv)~~ (yy) U118, 97-63-2, 2-Propenoic acid, 2-methyl-, ethyl ester;
- ~~(ww)~~ (zz) U162, ~~80-66-2~~ 80-62-6, 2-Propenoic acid, 2-methyl-, methyl ester,: (I,T);
- ~~(xx)~~ U233, 93-72-1, Propionic acid, 2-(2,4,5-trichlorophenoxy)-;
- ~~(yy)~~ (aaa) U194, 107-10-8, n-Propylamine: (I,T);
- ~~(zz)~~ (bbb) U083, 78-87-5, Propylene dichloride;
- ~~(aaa)~~ (ccc) U148, 123-33-1, 3,6-Pyridazinedione, 1,2-dihydro-;
- ~~(bbb)~~ (ddd) U196, 110-86-1, Pyridine;
- ~~(eee)~~ (eee) U191, 109-06-8, Pyridine, 2-methyl-;
- ~~(ddd)~~ (fff) U237, 66-75-1, 2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-;
- ~~(eee)~~ (ggg) U164, 56-04-2, 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-; and
- ~~(fff)~~ (hhh) U180, 930-55-2, Pyrrolidine, 1-nitroso-.

(17) Hazardous wastes from commercial chemical products beginning with the letter S:

- (e) U205, 7488-56-4, Selenium sulfide;
- ~~(f)~~ U205, 7446-34-6 ~~7488-56-4~~, Selenium sulfide SeS<sub>2</sub>: (R,T);
- ~~(g)~~ (g) U015, 115-02-6, L-Serine, diazoacetate (ester);
- ~~(h)~~ (h) ~~see F027, 93-72-1, Silvex~~ (2,4,5-TP);
- ~~(i)~~ (i) U206, 18883-66-4, Streptozotocin;
- ~~(j)~~ (j) U103, 77-78-1, Sulfuric acid, dimethyl ester; and
- ~~(k)~~ (k) U189, 1314-80-3, Sulfur phosphide: (R).

(18) Hazardous wastes from commercial chemical products beginning with the letter T:

- (a) ~~U232~~ see F027, 93-76-5, 2,4,5-T;
- ~~(f)~~ U212 ~~see F027, 58-90-2, 2,3,4,6-Tetrachlorophenol~~;
- (h) U214, ~~15843-14-8~~ 563-68-8, Thallium(I) acetate;
- (j) U216, 7791-12-0, Thallium(I) chloride;
- (k) U216, 7791-12-0, Thallium chloride TlCl;
- ~~(l)~~ (l) U217, 10102-45-1, Thallium(I) nitrate;
- ~~(m)~~ (m) U218, 62-55-5, Thioacetamide;
- ~~(n)~~ (n) U153, 74-93-1, Thiomethanol: (I,T);
- ~~(o)~~ (o) U244, 137-26-8, Thioperoxydicarbonic diamide, tetramethyl-;
- ~~(p)~~ (p) U219, 62-56-6, Thiourea;
- ~~(q)~~ (q) U244, 137-26-8, ~~Thiuram~~ Thiram;
- ~~(r)~~ (r) U220, 108-88-3, Toluene;
- ~~(s)~~ (s) U221, 25376-45-8, Toluenediamine;
- ~~(t)~~ (t) U223, 26471-62-5, Toluene diisocyanate: (R,T);

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## Adopted Rules

- (†) (u) U328, 95-53-4, o-Toluidine;
- (‡) (v) U353, 106-49-0, p-Toluidine;
- (↔) (w) U222, 636-21-5, o-Toluidine hydrochloride;
- (↔) (x) U011, 61-82-5, 1H-1,2,4-Triazol-3-amine;
- (\*) U226, 71-55-6, 1,1,1-Trichloroethane;
- (bb) ~~U230~~ see F027, 95-95-4, 2,4,5-Trichlorophenol;
- (cc) ~~U231~~ see F027, 88-06-2, 2,4,6-Trichlorophenol;
- (dd) U234, 99-35-4, sym 1,3,5-Trinitrobenzene: (R,T);

(21) Hazardous wastes from commercial chemical products beginning with the letter W: U248, 81-81-2, Warfarin, and salts, when present at concentrations of 0.3 percent or less.

(23) Hazardous wastes from commercial chemical products beginning with the letter Y: U200, 50-55-5, Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta, 16beta, 17alpha, 18beta, 20alpha)-.

(24) Hazardous wastes from commercial chemical products beginning with the letter Z: U249, 1314-84-7, Zinc phosphide Zn<sub>3</sub>P<sub>2</sub>, when present at concentrations of 10 percent or less.

### 7045.0141 HAZARDOUS CONSTITUENTS.

Subpart 1. **Scope.** Hazardous constituents and their corresponding Chemical ~~abstracts~~ Abstract Service registry numbers and hazardous waste numbers, if ~~known~~ available, are listed in subparts 2 to 22.

Subp. 2. **"A" constituents.** Hazardous constituents beginning with the letter A are as follows:

- A. Acetonitrile, 75-05-8, U003;
- B. Acetophenone, 98-86-2, U004;
- C. ~~2-Acetylaminofluorene~~ 2-Acetylaminofluarone, 53-96-3, U005;
- D. Acetyl chloride, 75-36-5, U006;
- E. 1-Acetyl-2-thiourea, 591-08-2, P002;
- F. Acrolein, 107-02-8, P003;
- G. Acrylamide, 79-06-1, U007;
- H. Acrylonitrile, 107-13-1, U009;
- I. Aflatoxins, 1402-68-2, ....;
- J. Aldicarb, 116-06-3, P070;
- K. Aldrin, 309-00-2, P004;
- L. Allyl alcohol, 107-18-6, P005;
- M. ~~Allyl chloride~~, 107-05-1;
- ~~N.~~ Aluminum phosphide, 20859-73-8, P006;
- ~~O.~~ N. 4-Aminobiphenyl, 92-67-1, ....;
- ~~P.~~ Q. 5-(Aminomethyl)-3-isoxazolol, 2763-96-4, P007;
- ~~Q.~~ P. 4-Aminopyridine, 504-24-5, P008;
- ~~R.~~ Q. Amitrole, 61-82-5, U011;
- ~~S.~~ R. Ammonium vanadate, 7803-55-6, P119;
- ~~T.~~ S. Aniline, 62-53-3, U012;
- T. Antimony, 7440-36-0, ....;
- U. Antimony ~~and~~ compounds, not otherwise specified in this list, 7440-36-0 ..... ....;
- V. Aramite, 140-57-8, ....;
- W. Arsenic, 7440-38-2, ....;
- X. Arsenic ~~and~~ compounds, not otherwise specified in this list, 7440-38-2 ..... ....;

- ~~X.~~ Y. Arsenic acid, 7778-39-4, P010;
- ~~Y.~~ Z. Arsenic pentoxide, 1303-28-2, P011;
- ~~Z.~~ AA. Arsenic trioxide, 1327-53-3, P012;
- ~~AA.~~ BB. Auramine, 492-80-8, P014; and
- ~~BB.~~ CC. Azaserine, 115-02-6, U015.

Subp. 3. **"B" constituents.** Hazardous constituents beginning with the letter B are as follows:

- A. Barium, 7440-39-3, ....;
- B. Barium ~~and~~ compounds, not otherwise specified in this list, ~~7440-39-3~~ .....
- ~~B.~~ C. Barium cyanide, 542-62-1, P013;
- ~~C.~~ D. Benz[c]acridine, 225-51-4, U016;
- ~~D.~~ E. Benz[a]anthracene, 56-55-3, U018;
- ~~E.~~ F. Benzal chloride, 98-87-3, U017;
- ~~F.~~ G. Benzene, 71-43-2, U019;
- ~~G.~~ H. Benzenearsonic acid, 98-05-5, ....;
- ~~H.~~ I. Benzidine, 92-87-5, U021;
- ~~I.~~ J. Benzo[b]fluoranthene, 205-99-2, ....;
- ~~J.~~ K. Benzo[j]fluoranthene, 205-82-3, ....;
- ~~K.~~ L. Benzo[a]pyrene, 50-32-8, U022;
- ~~L.~~ M. p-Benzoquinone, 106-51-4, U197;
- ~~M.~~ N. Benzotrichloride, 98-07-7, U023;
- ~~N.~~ O. Benzyl chloride, 100-44-7, P028;
- P. Beryllium, 7440-41-7, P015;
- ~~O.~~ Q. Beryllium ~~and~~ compounds, not otherwise specified in this list, ~~7440-41-7~~ .....
- ~~P.~~ Bis(2-chloromethoxy)ethane, 111-91-1;
- ~~Q.~~ Bis(2-chloroethyl) ether, 111-44-4;
- ~~R.~~ Bis(2-chloroisopropyl) ether, 39638-32-9;
- ~~S.~~ Bis(chloromethyl) ether, 542-88-1;
- ~~T.~~ Bis(2-ethylhexyl) phthalate, 117-81-7;
- ~~U.~~ R. Bromoacetone, 598-31-2, P017;
- ~~V.~~ S. Bromoform, 75-25-2, U225;
- ~~W.~~ T. 4-Bromophenyl phenyl ether, 101-55-3, U030;
- ~~X.~~ U. Brucine, 357-57-3, P018; and
- ~~Y.~~ V. Butyl benzyl phthalate, 85-68-7, ....

Subp. 4. **"C" constituents.** Hazardous constituents beginning with the letter C are as follows:

- A. Cacodylic acid, 75-60-5, U136;
- B. Cadmium, 7440-43-9, ....;
- C. Cadmium ~~and~~ compounds, not otherwise specified in this list, ~~7440-43-9~~ .....
- ~~C.~~ D. Calcium chromate, 13765-19-0, U032;

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.

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- ~~D~~- E. Calcium cyanide, 592-01-8, P021;
- ~~E~~- F. Carbon disulfide, 75-15-0, P022;
- ~~F~~- G. Carbon oxyfluoride, 353-50-4, U033;
- ~~G~~- H. Carbon tetrachloride, 56-23-5, U211;
- ~~H~~- I. Chloral, 75-87-6, U034;
- ~~I~~- J. Chlorambucil, 305-03-3, U035;
- ~~K~~- K. Chlordane, 57-74-9, U036;
- ~~J~~- L. Chlordane (alpha and gamma isomers), ~~57-74-9~~ ....., U036;
- ~~K~~- M. Chlorinated benzenes, not otherwise specified in this list, ....., .....
- ~~L~~- N. Chlorinated ethane, not otherwise specified in this list, ....., .....
- ~~M~~- O. Chlorinated fluorocarbons, not otherwise specified in this list, ....., .....
- ~~N~~- P. Chlorinated naphthalene, not otherwise specified in this list, ....., .....
- ~~O~~- Q. Chlorinated phenol, not otherwise specified in this list, ....., .....
- ~~P~~- ~~Chlornaphazine~~ R. Chlornaphazin, 494-03-1, U026;
- ~~Q~~- S. Chloroacetaldehyde, 107-20-0, P023;
- ~~R~~- T. Chloroalkyl ethers, not otherwise specified in this list, ....., .....
- ~~S~~- U. p-Chloroaniline, 106-47-8, P024;
- ~~T~~- V. Chlorobenzene, 108-90-7, U037;
- ~~U~~- W. Chlorobenzilate, 510-15-6, U038;
- ~~V~~- X. p-Chloro-m-cresol, 59-50-7, U039;
- ~~W~~- ~~1-Chloro-2,3-epoxypropane~~, 106-89-8;
- ~~X~~- Y. 2-Chloroethyl vinyl ether, 110-75-8, U042;
- ~~Y~~- Z. Chloroform, 67-66-3, U044;
- ~~Z~~- AA. Chloromethyl methyl ether, 107-30-2, U046;
- ~~AA~~- BB. beta-Chloronaphthalene, 91-58-7, U047;
- ~~BB~~- CC. o-Chlorophenol, 95-57-8, U048;
- ~~CC~~- DD. 1-(o-Chlorophenyl)thiourea, 5344-82-1, P026;
- ~~DD~~- EE. Chloroprene, 126-99-8, .....
- ~~EE~~- FF. 3-Chloropropionitrile, 542-76-7, P027;
- ~~GG~~- GG. Chromium, 7440-47-3, .....
- ~~FF~~- HH. Chromium and compounds, not otherwise specified in this list, ~~7440-47-3~~ ....., .....
- ~~GG~~- II. Chrysene, 218-01-9, U050;
- ~~HH~~- JJ. Citrus red No. 2, 6358-53-8, .....
- ~~I~~- KK. Coal tars tar creosote, ~~8005-45-2~~ 8007-45-2, .....
- ~~JJ~~- LL. Copper cyanide, 544-92-3, P029;
- ~~KK~~- MM. Creosote, ~~8001-58-9~~ ....., U051;
- ~~LL~~- ~~Cresols~~ NN. Cresol (Cresylic acid), 1319-77-3, U052;
- ~~MM~~- OO. Crotonaldehyde, 4170-30-3, U053;
- ~~NN~~- PP. Cyanides (soluble salts and complexes), not otherwise specified in this list, ....., P030;
- ~~OO~~- QQ. Cyanogen, 460-19-5, P031;
- ~~PP~~- RR. Cyanogen bromide, 506-68-3, U246;
- ~~QQ~~- SS. Cyanogen chloride, 506-77-4, P033;

~~RR- TT.~~ Cycasin, 14901-08-7, ....;  
~~SS- UU.~~ 2-Cyclohexyl-4,6-dinitrophenol, 131-89-5, P034; and  
~~FF- VV.~~ Cyclophosphamide, 50-18-0, U058.

Subp. 5. **“D” constituents.** Hazardous constituents beginning with the letter D are as follows:

- A. 2,4-D, 94-75-7, U240;
- ~~B.~~ 2,4-D, salts and esters, ~~94-75-7~~ ....., U240;
- ~~B-~~ C. Daunomycin, 20830-81-3, U059;
- ~~C-~~ D. DDD, 72-54-8, U060;
- ~~D-~~ E. DDE, 72-55-9, ....;
- ~~E-~~ F. DDT, 50-29-3, U061;
- ~~F-~~ G. Diallylate, 2303-16-4, U062;
- ~~G-~~ H. Dibenz[a,h]acridine, 226-36-8, ....;
- ~~H-~~ I. Dibenz[a,j]acridine, 224-42-0, ....;
- ~~I-~~ J. Dibenz[a,h]anthracene, 53-70-3, U063;
- ~~J-~~ K. 7H-Dibenzo[c,g]carbazole, 194-59-2, ....;
- ~~K-~~ L. Dibenzo[a,e]pyrene, 192-65-4, ....;
- ~~L-~~ M. Dibenzo[a,h]pyrene, 189-64-0, ....;
- ~~M-~~ N. Dibenzo[a,i]pyrene, 189-55-9, U064;
- ~~N-~~ O. 1,2-Dibromo-3-chloropropane, 96-12-8, U066;
- ~~O-~~ P. Dibutylphthalate, 84-74-2, U069;
- ~~P-~~ Q. o-Dichlorobenzene, 95-50-1, U070;
- ~~Q-~~ R. m-Dichlorobenzene, 541-73-1, U071;
- ~~R-~~ S. p-Dichlorobenzene, 106-46-7, U072;
- ~~S-~~ T. Dichlorobenzene, not otherwise specified in this list, 25321-22-6, ....;
- ~~T-~~ U. 3,3'-Dichlorobenzidine, 91-94-1, U073;
- ~~U-~~ V. 1,4-Dichloro-2-butene, 764-41-0, U074;
- ~~V-~~ W. Dichlorodifluoromethane, 75-71-8, U075;
- ~~W-~~ 1,2-Dichloroethylene, ~~156-60-5~~;
- X. Dichloroethylene, not otherwise specified in this list, 25323-30-2, ....;
- Y. 1,1-Dichloroethylene, 75-35-4, U078;
- Z. ~~2,4-Dichlorophenol~~, ~~120-83-2~~ 1,2-Dichloroethylene, ~~156-60-5~~, U079;
- AA. Dichloroethyl ether, 111-44-4, U025;
- BB. Dichloroisopropyl ether, 108-60-1, U027;
- CC. Dichloromethoxy ethane, 111-91-1, U024;
- DD. Dichloromethyl ether, 542-88-1, P016;
- EE. 2,4-Dichlorophenol, 120-83-2, U081;
- FF. 2,6-Dichlorophenol, 87-65-0, U082;
- ~~BB-~~ GG. Dichlorophenylarsine, 696-28-6, P036;

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~~CC-~~ HH. Dichloropropane, not otherwise specified in this list, 26638-19-7, ....;  
~~DD-~~ II. Dichloropropanol, not otherwise specified in this list, 26545-73-3, ....;  
~~EE-~~ JJ. Dichloropropene, not otherwise specified in this list, 26952-23-8, ....;  
~~FF-~~ KK. 1,3-Dichloropropene, 542-75-6, U084;  
~~GG-~~ LL. Dieldrin, 60-57-1, P037;  
~~HH-~~ MM. 1,2:3,4-Diepoxybutane, 1464-53-5, U085;  
~~II-~~ NN. Diethylarsine, 692-42-2, P038;  
~~JJ-~~ OO. 1,4-Diethyleneoxide, 123-91-1, U108;  
~~KK-~~ PP. Diethylhexyl phthalate, 117-81-7, U028;  
~~LL-~~ QQ. N,N'-Diethylhydrazine, 1615-80-1, U086;  
~~MM-~~ RR. O,O-Diethyl S-methyl dithiophosphate, 3288-58-2, U087;  
~~NN-~~ SS. Diethyl-p-nitrophenyl phosphate, 311-45-5, P041;  
~~OO-~~ TT. Diethyl phthalate, 84-66-2, U088;  
~~PP-~~ UU. O,O-Diethyl O-pyrazinyl phosphorothioate, 297-97-2, P040;  
~~QQ-~~ VV. Diethylstilbesterol, 56-53-1, U089;  
~~RR-~~ WW. Dihydrosafrole, 94-58-6, U090;  
~~SS-~~ XX. 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol, 329-65-7;  
~~TT-~~ YY. Diisopropylfluorophosphate (DFP), 55-91-4, P043;  
~~UU-~~ ZZ. Dimethoate, 60-51-5, P044;  
~~VV-~~ AAA. 3,3'-Dimethoxybenzidine, 119-90-4, U091;  
~~WW-~~ BBB. p-Dimethylaminoazobenzene, 60-11-7, U093;  
~~XX-~~ CCC. 7,12-Dimethylbenz[a]anthracene, 57-97-6, U094;  
~~YY-~~ DDD. 3,3'-Dimethylbenzidine, 119-93-7, U095;  
~~ZZ-~~ EEE. Dimethylcarbamoyl chloride, 79-44-7, U097;  
~~AAA-~~ FFF. 1,1-Dimethylhydrazine, 57-14-7, U098;  
~~BBB-~~ GGG. 1,2-Dimethylhydrazine, 540-73-8, U099;  
~~CCC-~~ HHH. alpha, alpha-Dimethylphenethylamine, 122-09-8, P046;  
~~DDD-~~ III. 2,4-Dimethylphenol, 105-67-9, U101;  
~~EEE-~~ JJJ. Dimethyl phthalate, 131-11-3, U102;  
~~FFF-~~ KKK. Dimethyl sulfate, 77-78-1, U103;  
~~LLL-~~ MMM. Dinitrobenzene, not otherwise specified in this list, 25154-54-5, ....;  
~~GGG-~~ LLL. 4,6-Dinitro-o-cresol, 534-52-1, P047;  
~~HHH-~~ MMM. 4,6-Dinitro-o-cresol and salts, 534-52-4, ....., P047;  
~~III-~~ NNN. 2,4-Dinitrophenol, 51-28-5, P048;  
~~JJJ-~~ OOO. 2,4-Dinitrotoluene, 121-14-2, U105;  
~~KKK-~~ PPP. 2,6-Dinitro toluene, 606-20-2, U106;  
~~LLL-~~ QQQ. Dinoseb, 88-85-7, P020;  
~~MMM-~~ RRR. Di-n-octylphthalate, 117-84-0, U017;  
~~NNN-~~ SSS. Diphenylamine, 122-39-4, ....;  
~~OOO-~~ TTT. 1,2-Diphenylhydrazine, 122-66-7, U109;  
~~PPP-~~ UUU. Di-n-propylnitrosamine, 621-64-7, U111;  
~~QQQ-~~ VVV. Disulfoton, 298-04-4, P039; and



~~QQQ~~ WWW. Dithiobiuret, 541-53-7, P049.

Subp. 6. "E" constituents. Hazardous constituents beginning with the letter E are as follows:

- A. Endosulfan, 115-29-7, P050;
- B. ~~Endothal~~ Endothall, 145-73-3, P088;
- C. Endrin, 72-20-8, P051;
- D. Endrin metabolites, ..... P051;
- E. Epichlorohydrin, 106-89-8, U041;
- F. Epinephrine, 51-43-4, P042;
- G. Ethyl carbamate (urethane), 51-79-6, U238;
- ~~E~~ H. Ethyl cyanide, 107-12-0, P101;
- I. Ethylenebisdithiocarbamic acid, 111-54-6, U114;
- ~~F~~ J. Ethylenebisdithiocarbamic acid, salts and esters, 441-54-6 ..... U114;
- ~~G~~ K. Ethylene dibromide, 106-93-4, U067;
- ~~H~~ L. Ethylene dichloride, 107-06-2, U077;
- ~~I~~ M. Ethylene glycol monoethyl ether (~~Ethanol, 2-ethoxy~~), 110-80-5, U359;
- ~~J~~ N. Ethyleneimine, 151-56-4, P054;
- ~~K~~ O. Ethylene oxide, 75-21-8, U115;
- ~~L~~ P. Ethylenethiourea, 96-45-7, U116;
- ~~M~~ Q. Ethylidene dichloride, 75-34-3, U076;
- ~~N~~ R. Ethyl methacrylate, 97-63-2, U118; and
- ~~O~~ S. Ethyl methanesulfonate, 62-50-0, U119.

Subp. 7. "F" constituents. Hazardous constituents beginning with the letter F are as follows:

- A. Famphur, 52-85-7, P097;
- B. Fluoranthene, 206-44-0, U120;
- C. Fluorine, 7782-41-4, P056;
- D. Fluoroacetamide, 640-19-7, P057;
- E. Fluoroacetic acid, sodium salt, 62-74-8, P058; and
- F. Formaldehyde, 50-00-0, U122; and
- G. Formic acid, 64-18-6, U123.

Subp. 8. "G" constituents. Hazardous constituents beginning with the letter G are as follows: Glycidylaldehyde, 765-34-4, U126.

Subp. 9. "H" constituents. Hazardous constituents beginning with the letter H are as follows:

- A. ~~Halomethane~~ Halomethanes, not otherwise specified in this list, ..... ....;
- B. Heptachlor, 76-44-8, P059;
- C. Heptachlor epoxide, 1024-57-3, .....;
- ~~D~~ D. Heptachlor epoxide (alpha, beta, and gamma isomers), 4024-57-3 .....;
- ~~E~~ E. Hexachlorobenzene, 118-74-1, U127;
- ~~E~~ F. Hexachlorobutadiene, 87-68-3, U128;
- F. G. Hexachlorocyclopentadiene, 77-47-4, U130;

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- ~~G.~~ H. Hexachlorodibenzo-p-dioxins, .....<sub>2</sub> ....;
- ~~H.~~ I. Hexachlorodibenzofurans, .....<sub>2</sub> ....;
- ~~I.~~ J. Hexachloroethane, 67-72-1, U131;
- ~~J.~~ K. Hexachlorophene, 70-30-4, U132;
- ~~K.~~ L. Hexachloropropene, 1888-71-7, U243;
- ~~L.~~ M. Hexaethyltetraphosphate, 757-58-4, P062;
- ~~M.~~ N. Hydrazine, 302-01-2, U133;
- ~~N.~~ O. Hydrogen cyanide (~~Hydrocyanic acid~~), 74-90-8, P063;
- ~~O.~~ P. Hydrogen fluoride (~~Hydrofluoric acid~~), 7664-39-3, U134; and
- ~~P.~~ Q. Hydrogen sulfide, 7783-06-4, U135.

Subp. 10. **“I” constituents.** Hazardous constituents beginning with the letter I are as follows:

- A. Indeno(1,2,3cd)pyrene, 193-39-5, U137;
- B. Iron dextran, 9004-66-4, U139;
- C. Isobutyl alcohol, 78-83-1, U140;
- D. Isodrin, ..... 465-73-6, P060; and
- E. Isosafrole, 120-58-1, U141.

Subp. 11. **“K” constituents.** Hazardous constituents beginning with the letter K are as follows: Kepone, 143-50-0, U142.

Subp. 12. **“L” constituents.** Hazardous constituents beginning with the letter L are as follows:

- A. Lasiocarpine, ~~303-34-4~~ 303-34-1, U143;
- B. Lead, 7439-92-1, .....;
- ~~C.~~ C. ~~Lead and compounds, not otherwise specified in this list, 7439-92-1~~ .....<sub>2</sub> ....;
- ~~C.~~ D. Lead acetate, 301-04-2, U144;
- ~~D.~~ E. Lead phosphate, 7446-27-7, U145;
- ~~E.~~ F. Lead subacetate, 1335-32-6, U146; and
- ~~F.~~ G. Lindane, 58-89-9, U129.

Subp. 13. **“M” constituents.** Hazardous constituents beginning with the letter M are as follows:

- A. Maleic anhydride, 108-31-6, U147;
- B. Maleic hydrazide, 123-33-1, U148;
- C. Malononitrile, 109-77-3, U149;
- D. Melphalan, 148-82-3, U150;
- E. Mercury, 7439-97-6, U151;
- ~~F.~~ F. ~~Mercury compounds, not otherwise specified in this list, .....<sub>2</sub> ....~~;
- ~~G.~~ G. Mercury fulminate, 628-86-4, P065;
- ~~F.~~ F. ~~Mercury and compounds not otherwise specified in this list, 7439-97-6~~;
- ~~G.~~ H. Methacrylonitrile, 126-98-7, U152;
- ~~H.~~ I. Methapyrilene, 91-80-5, U155;
- ~~I.~~ J. Methomyl, 16752-77-5, P066;
- ~~J.~~ K. Methoxychlor, 72-43-5, U247;
- ~~K.~~ L. Methyl bromide, 74-83-9, U029;
- ~~L.~~ M. Methyl chloride, 74-87-3, U045;
- ~~M.~~ N. Methyl chlorocarbonate, 79-22-1, U156;
- ~~N.~~ O. Methyl chloroform, 71-55-6, U226;

- ~~Q~~. P. 3-Methylcholanthrene, 56-49-5, U157;
- ~~P~~. Q. 4,4'-Methylenebis(2-chloroaniline), 101-14-4, U158;
- ~~Q~~. R. Methylene bromide, 74-95-3, U068;
- ~~R~~. S. Methylene chloride, 75-09-2, U080;
- ~~S~~. T. Methyl ethyl ketone (MEK), 78-93-3, U159;
- ~~T~~. U. Methyl ethyl ketone peroxide, 1338-23-4, U160;
- ~~U~~. V. Methyl hydrazine, 60-34-4, P068;
- ~~V~~. W. Methyl iodide, 74-88-4, U138;
- ~~W~~. X. Methyl isocyanate, 624-83-9, P064;
- ~~X~~. Y. 2-Methylactonitrile, 75-86-5, P069;
- ~~Y~~. Z. Methyl methacrylate, 80-62-6, U162;
- ~~Z~~. AA. Methyl methanesulfonate, 66-27-3, ....;
- ~~AA~~. BB. Methyl parathion, 298-00-0, P071;
- ~~BB~~. CC. Methylthiouracil, 56-04-2, U164;
- ~~CC~~. DD. Mitomycin C, 50-07-7, U010;
- ~~DD~~. EE. MNNG, 70-25-7, U163; and
- ~~EE~~. FF. Mustard gas, 505-60-2, ....

Subp. 14. "N" constituents. Hazardous constituents beginning with the letter N are as follows:

- A. Naphthalene, 91-20-3, U165;
- B. 1,4-Naphthoquinone, 130-15-4, U166;
- C. alpha-Naphthylamine, 134-32-7, U167;
- D. beta-Naphthylamine, 91-59-8, U168;
- E. alpha-Naphthylthiourea, 86-88-4, P072;
- F. Nickel, 7440-02-0, ....;
- G. Nickel and compounds, not otherwise specified in this list, 7440-02-0 .....;
- ~~G~~. H. Nickel carbonyl, 13463-39-3, P073;
- ~~H~~. I. Nickel cyanide, 557-19-7, P074;
- J. Nicotine, 54-11-5, P075;
- ~~I~~. K. Nicotine and salts, 54-11-5 ..... P075;
- J. L. Nitric oxide, 10102-43-9, P076;
- ~~K~~. M. p-Nitroaniline, 100-01-6, P077;
- L. N. Nitrobenzene, 98-95-3, U169;
- ~~M~~. O. Nitrogen dioxide, 10102-44-0, P078;
- P. Nitrogen mustard, 51-75-2, ....;
- ~~N~~. Q. Nitrogen mustard and hydrochloride salt, 51-75-2 .....;
- R. Nitrogen mustard, N-oxide, 126-85-2, ....;
- ~~Q~~. S. Nitrogen mustard, N-oxide and hydrochloride salt, 126-85-2 .....;
- ~~P~~. T. Nitroglycerin, 55-63-0, P081;

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- ~~Q.~~ U. p-Nitrophenol, 100-02-7, U170;  
~~R.~~ V. 2-Nitropropane (~~Propane, 2-nitro~~), 79-46-9, U171;  
~~S.~~ 4-Nitroquinoline 1-oxide, 56-57-5;  
~~T.~~ ~~Nitrosamine~~ W. Nitrosamines, not otherwise specified in this list, 35576-91-1D, ....;  
~~U.~~ X. N-Nitrosodi-n-butylamine, 924-16-3, U172;  
~~V.~~ Y. N-Nitrosodiethanolamine, 1116-54-7, U173;  
~~W.~~ Z. N-Nitrosodiethylamine, 55-18-5, U174;  
~~X.~~ AA. N-Nitrosodimethylamine, 62-75-9, P082;  
~~Y.~~ BB. N-Nitroso-N-ethylurea, 759-73-9, U176;  
~~Z.~~ CC. N-Nitrosomethylethylamine, 10595-95-6, ....;  
~~AA.~~ DD. N-Nitroso-N-methylurea, 684-93-5, U177;  
~~BB.~~ EE. N-Nitroso-N-methylurethane, 615-53-2, U178;  
~~CC.~~ FF. N-Nitrosomethylvinylamine, 4549-40-0, P084;  
~~DD.~~ GG. N-Nitrosomorpholine, 59-89-2, ....;  
~~EE.~~ HH. N-Nitrosornicotine, 16543-55-8, ....;  
~~FF.~~ II. N-Nitrosopiperidine, 100-75-4, U179;  
~~GG.~~ JJ. N-Nitrosopyrrolidine, 930-55-2, U180;  
~~HH.~~ KK. N-Nitrososarcosine, 13256-22-9, ....; and  
~~I.~~ LL. 5-Nitro-o-toluidine, 99-55-8, U181.

Subp. 15. **“O” constituents.** Hazardous constituents beginning with the letter O are as follows:

- A. Octamethylpyrophosphoramidate, 152-16-9, P085; and
- B. Osmium tetroxide, 20816-12-0, P087.

Subp. 16. **“P” constituents.** Hazardous constituents beginning with the letter P are as follows:

- A. Paraldehyde, 123-63-7, U182;
- B. Parathion, 56-38-2, P089;
- C. Pentachlorobenzene, 608-93-5, U183;
- D. Pentachlorodibenzo-p-dioxins, .....U184;
- E. Pentachlorodibenzofurans, .....U185;
- F. Pentachloroethane, 76-01-7, U184;
- G. Pentachloronitrobenzene (PCNB), 82-68-8, U185;
- H. Pentachlorophenol, 87-86-5, F027;
- I. Phenacetin, 62-44-2, U187;
- J. Phenol, 108-95-2, U188;
- K. Phenylenediamine, 25265-76-3, ....;
- L. Phenylmercury acetate, 62-38-4, P092;
- M. Phenylthiourea, 103-85-5, P093;
- N. Phorate, 298-02-2, P094;
- O. Phosgene, 75-44-5, P095;
- P. Phosphine, 7803-51-2, P096;
- Q. Phthalic acid esters, not otherwise specified in this list, .....U190;
- R. Phthalic anhydride, 85-44-9, U190;
- S. 2-Picoline, 109-06-8, U191;

- T. Polychlorinated biphenyls, not otherwise specified in this list, .....;
- U. Potassium cyanide, 151-50-8, P098;
- V. Potassium silver cyanide, 506-61-6, P099;
- W. Pronamide, 23950-58-5, U192;
- X. 1,3-Propane sultone, 1120-71-4, U193;
- Y. n-Propylamine, 107-10-8, U194;
- Z. Propargyl alcohol, 107-19-7, P102;
- AA. Propylene dichloride, 78-87-5, U083;
- BB. 1,2-Propylenimine, 75-55-8, P067;
- CC. Propylthiouracil, 51-52-5, ....; and
- DD. Pyridine, 110-86-1, U196.

Subp. 17. "R" constituents. Hazardous constituents beginning with the letter R are as follows:

- A. ~~Reserpinen~~ Reserpine, 50-55-5, U200; and
- B. Recorcinol, 108-46-3, U201.

Subp. 18. "S" constituents. Hazardous constituents beginning with the letter S are as follows:

- A. Saccharin, 81-07-2, U202;
- B. Saccharin and salts, 81-07-2 ..... U202;
- ~~B.~~ C. Safrole, 94-59-7, U203;
- D. Selenium, 7782-49-2, ....;
- E. Selenium compounds, not otherwise specified in this list, .....;
- ~~E.~~ F. Selenium dioxide (Selenious acid), 7783-00-8, U204;
- ~~D.~~ Selenium and compounds not otherwise specified in this list, 7782-49-2;
- ~~E.~~ G. Selenium sulfide, 7446-34-6 7488-56-4, U205;
- ~~F.~~ H. Selenourea, 630-10-4, P103;
- I. Silver, 7440-22-4, ....;
- ~~G.~~ J. Silver and compounds, not otherwise specified in this list, 7440-22-4 .....;
- ~~H.~~ K. Silver cyanide, 506-64-9, P104;
- ~~I.~~ L. Silvex (2,4,5-TP), 93-72-1, F027;
- ~~J.~~ M. Sodium cyanide, 143-33-9, P106;
- ~~K.~~ N. Streptozotocin, 18883-66-4, U206;
- ~~L.~~ O. Strontium sulfide, 1314-96-1, P107; and
- P. Strychnine, 57-24-9, P108; and
- ~~M.~~ Q. Strychnine and salts, 57-24-9 ..... P108.

Subp. 19. "T" constituents. Hazardous constituents beginning with the letter T are as follows:

- A. TCDD, 1746-01-6, ....;
- B. 1,2,4,5-Tetrachlorobenzene, 95-94-3, U207;
- ~~B.~~ 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD), 1746-01-6;
- C. Tetrachlorodibenzo-p-dioxins, .....;

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## Adopted Rules

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- D. Tetrachlorodibenzofurans, .....<sub>1</sub> .....;
- E. Tetrachloroethane, not otherwise specified in this list, 25322-20-7, .....;
- F. 1,1,1,2-Tetrachloroethane, 630-20-6, U208;
- G. 1,1,2,2-Tetrachloroethane, 79-34-5, U209;
- H. Tetrachloroethylene, 127-18-4, U210;
- I. 2,3,4,6-Tetrachlorophenol, 58-90-2, F027;
- J. Tetraethylthiopyrophosphate, 3689-24-5, P109;
- K. Tetraethyl lead, 78-00-2, P110;
- L. Tetraethylpyrophosphate, 107-49-3, P111;
- M. Tetranitromethane, 509-14-8, P112;
- N. Thallium, 7440-28-0, .....;
- Q. ~~Thallium~~ and compounds, not otherwise specified in this list, 7440-28-0 .....;
- ~~Q~~. P. Thallic oxide, 1314-32-5, P113;
- ~~P~~. Q. Thallium (I) acetate, 563-68-8, U214;
- ~~Q~~. R. Thallium (I) carbonate, 6533-73-9, U215;
- ~~R~~. S. Thallium (I) chloride, 7791-12-0, U216;
- ~~S~~. T. Thallium (I) nitrate, 10102-45-1, U217;
- ~~T~~. U. Thallium selenite, 12039-52-0, P114;
- ~~U~~. V. Thallium (I) sulfate, ~~40031-59-4~~ 7446-18-6, P115;
- ~~V~~. W. Thioacetamide, 62-55-5, U218;
- ~~W~~. X. Thiofanox, 39196-18-4, P045;
- ~~X~~. Y. Thiomethanol, 74-93-1, U153;
- ~~Y~~. Z. Thiophenol, 108-98-5, P014;
- ~~Z~~. AA. Thiosemicarbazide, 79-19-6, P116;
- ~~AA~~. BB. Thiourea, 62-56-6, U219;
- ~~BB~~. CC. Thiram, 137-26-8, U244;
- ~~CC~~. DD. Toluene, 108-88-3, U220;
- ~~DD~~. EE. Toluenediamine, ~~not otherwise specified in this list~~, 25376-45-8, U221;
- ~~EE~~. 2,4-Toluenediamine FF. Toluene-2,4-diamine, 95-80-7, .....;
- ~~FF~~. 2,6-Toluenediamine GG. Toluene-2,6-diamine, 823-40-5, .....;
- ~~GG~~. 3,4-Toluenediamine HH. Toluene-3,4-diamine, 496-72-0, .....;
- ~~HH~~. II. Toluene diisocyanate, ~~584-84-9~~ 26471-62-5, U223;
- JJ. o-Toluidine, 95-53-4, U328;
- KK. o-Toluidine hydrochloride, 636-21-5, U222;
- ~~II~~. LL. p-Toluidine, 106-49-0, U353;
- ~~JJ~~. o-Toluidine hydrochloride, 636-21-5;
- ~~KK~~. MM. Toxaphene, 8001-35-2, P123;
- ~~LL~~. NN. 1,2,4-Trichlorobenzene, 120-82-1, .....;
- ~~MM~~. OO. 1,1,2-Trichloroethane, 79-00-5, U227;
- ~~NN~~. PP. Trichloroethylene, 79-01-6, U228;
- ~~OO~~. QQ. Trichloromethanethiol, 75-70-7, P118;
- ~~PP~~. RR. Trichloromonofluoromethane, 75-69-4, U121;

- ~~QQ- SS.~~ 2,4,5-Trichlorophenol, 95-95-4, F027;  
~~RR- TT.~~ 2,4,6-Trichlorophenol, 88-06-2, F027;  
~~SS- 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)~~ UU. 2,4,5-T, 93-76-5, F027;  
~~TT- VV.~~ Trichloropropane, not otherwise specified in this list, ~~.....~~ 25735-29-9, ~~....~~;  
~~UU- WW.~~ 1,2,3-Trichloropropane, 96-18-4, ~~....~~;  
~~VV- XX.~~ 0,0,0-Triethyl phosphorothioate, 126-68-1, ~~....~~;  
~~WW- sym YY.~~ 1,3,5-Trinitrobenzene, 99-35-4, U234;  
~~XX- ZZ.~~ Tris(1-azridinyl)phosphine sulfide, 52-24-4, ~~....~~;  
~~YY- AAA.~~ Tris(2,3-dibromopropyl) phosphate, 126-72-7, U235; and  
~~ZZ- BBB.~~ Trypan blue, 72-57-1, U236.

Subp. 20. **"U" constituents.** Hazardous constituents beginning with the letter U are as follows:

- A. Uracil mustard, 66-75-1; **and**
- B. Undecamethylenediamine,N,N'-bis(2-chlorobenzyl)-, dihydrochloride, 2056-25-9, U237.

Subp. 21. **"V" constituents.** Hazardous constituents beginning with the letter V are as follows:

- A. Vanadium pentoxide, 1314-62-1, P120; and
- B. Vinyl chloride, 75-01-4, U043.

Subp. 22. **"W" constituents.** Hazardous constituents beginning with the letter W are as follows:

- A. Warfarin, when present at concentrations less than 0.3 percent, 81-81-2, U248;
- B. Warfarin, when present at concentrations greater than 0.3 percent, 81-81-2, P001;
- C. Warfarin salts, when present at concentrations less than 0.3 percent, ....., U248; and
- D. Warfarin salts, when present at concentrations greater than 0.3 percent, ....., P001.

Subp. 23. **"Z" constituents.** Hazardous constituents beginning with the letter Z are as follows:

- A. Zinc cyanide, 557-21-1, P121; **and**
- B. Zinc phosphide, when present at concentrations greater than ten percent, 1314-84-7, P122; and
- C. Zinc phosphide, when present at concentrations of ten percent or less, 1314-84-7, U249.

**7045.0143 GROUNDWATER PROTECTION HAZARDOUS CONSTITUENTS LIST.**

Subp. 5. **"D" constituents.** Hazardous constituents beginning with the letter D are as follows:

- L. o-Dichlorobenzene, 95-50-1;

**Pollution Control Agency**

**Adopted Permanent Rules Relating to Low-Level Radioactive Waste Generator Fees**

The rule proposed and published at *State Register*, Volume 12, Number 46, pages 2500-2501, May 16, 1988 (12 S.R. 2500) is adopted as proposed.

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

# Emergency Rules

## Proposed Emergency Rules

According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

## Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

## Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

## Department of Health

### Proposed Emergency Rules Relating to Social Worker Licenses

#### Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the State Board of Social Work (Board) intends to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in *Minnesota Statutes*, 1987, Chapter 148B.171 and 148B.18 to 148B.28. The Board, in adopting the rules is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, sections 14.29 to 14.36.

All persons have 25 days after publication in which to submit comment in support of or in opposition to the proposed rules, or any part or subpart of the rules, in writing. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any comments must be submitted to:

Mary Ann Murphy  
Executive Director  
Board of Social Work  
2700 University Avenue West, Suite 225  
St. Paul, MN 55114  
(612) 643-2587

The proposed emergency 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.

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

A free copy of the proposed emergency rules is available upon request from Mary Ann Murphy at the above mentioned address or phone number, or from the:

Office of Social Work and Mental Health Boards  
2700 University Avenue West, Suite 225  
St. Paul, MN 55114  
(612) 643-2580

Upon adoption of the emergency rules by the Board, the rules and the supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 adopted rule, must submit the written request to Mary Ann Murphy, at the above mentioned address.

The emergency rule will take effect five working days after approval by the Attorney General and will be effective for 180 days.



The emergency rule will continue in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 26 August 1988

Mary Ann Murphy  
Executive Director

### Rules as Proposed (all new material)

#### 4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

#### 4740.0110 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, unless the context otherwise requires, the following terms have the meaning given.

Subp. 2. **Applicant.** "Applicant" means an individual seeking a license as a social worker, graduate social worker, independent social worker, or independent clinical social worker from the Board of Social Work.

Subp. 3. **Board.** "Board" means the Board of Social Work created in *Minnesota Statutes*, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact between the supervisor and supervisee.

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under *Minnesota Statutes*, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

#### 4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

A. An application completed, signed, and notarized on the forms provided by the board. The applicant must furnish all documentation requested on the application.

B. The required, nonrefundable fee as specified in part 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **Verification; board authority.** An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application. The board may require the applicant to provide verification and documentation.

#### 4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in *Minnesota Statutes*, section 148B.21, or to complete the required forms and provide information to the board, the board shall deny the application for a license according to the procedures in items A to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. *Minnesota Statutes*, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for

## Emergency Rules

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reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

### **4740.0140 [Emergency] EXAMINATION.**

A. An applicant who otherwise qualifies for a license must take the examination required by this part.

B. The examination required for each of the categories of licensing described in Minnesota Statutes, section 148B.21, subdivisions 1 to 6, is the examination of the American Association of State Social Work Boards.

C. The examination shall be scheduled at least twice a year, at times and places the board determines.

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the examination at the next scheduled offering of the examination after paying the examination fee. The applicant shall take the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

### **4740.0150 [Emergency] RECIPROCITY.**

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. submit a completed, signed, notarized application for reciprocity that includes the applicant's affirmation that the statements in the application are true and correct to the best knowledge of the applicant; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

### **4740.0160 [Emergency] ISSUANCE OF LICENSE.**

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

### **4740.0170 [Emergency] DISPLAY OF LICENSE.**

A licensee must prominently display the license issued by the board at the licensee's place of employment or practice.

### **4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.**

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the licensee has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

### **4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.**

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and July 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

### **4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.**

A license issued between January 1989 and July 1989 must be renewed according to items A and B.

A. A license with an odd license number must be initially renewed by July 31 of the first odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license with an even license number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

**4740.0200 [Emergency] RENEWAL APPLICATION.**

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

**4740.0210 [Emergency] INACTIVE LICENSE STATUS.**

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

The board shall reactivate a license of a person who is on inactive status and who desires to resume the practice of social work, if the person notifies the board in writing of this intention, meets the continuing education requirements in effect, and pays the initial license fees. The board shall then reissue a license.

**4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.**

An expired license may be reinstated if:

- A. the licensee can show good cause for nonrenewal, such as hardship or long-term illness;
- B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and
- C. the licensee passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

A licensee whose license has expired shall not use the title for which the license was issued and shall not practice social work.

**4740.0230 [Emergency] VOLUNTARY TERMINATION OF LICENSE.**

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

**4740.0240 [Emergency] CHANGE OF ADDRESS.**

A licensee must notify the board of any change of name, address, or place of residence within 30 days after the change.

**4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.**

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

- A. has violated a provision of Minnesota Statutes, sections 148B.18 to 148B.27;
- B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;
- C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;
- D. has knowingly provided false information required by the board for licensing or license renewal;
- E. has failed to obtain continuing education credits required by the board; or
- F. has violated the code of ethics in part 4740.0300 [Emergency].

**4740.0260 [Emergency] REVOKED LICENSE.**

A licensee whose license has been revoked must return the license to the board within ten days after the effective date of the suspension or revocation. Failure to comply with this part constitutes grounds for the denial of any subsequent request for reinstatement.

**4740.0270 [Emergency] RESTORING A LICENSE.**

For reasons it finds sufficient and upon a majority vote of a quorum of its members, the board may reinstate a license that has been revoked, reduce a period of suspension, withdraw a reprimand, or otherwise restore a license to full status.

**4740.0280 [Emergency] VARIANCE.**

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

# Emergency Rules

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A request for a variance must be submitted to the board in writing and must contain:

- A. the specific rule for which the variance is requested;
- B. the reason for the request;
- C. the alternative measures that will be taken if a variance is granted;
- D. the length of time for which a variance is requested; and
- E. any other relevant information the board needs to properly evaluate the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** The board shall grant a variance if it determines that:

- A. the variance will not adversely affect, directly or indirectly, the health, safety, or well-being of the public;
- B. the alternative measures to be taken, if any, are equivalent or superior to those prescribed in the part for which the variance is requested; and
- C. compliance with the part for which the variance is requested would impose an undue burden upon the applicant for the variance.

The board shall deny, revoke, or refuse to renew a variance if the board determines that item A, B, or C has not been met.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after the board's decision. If the variance is granted, the notice must specify the period of time for which the variance is effective and the alternative measures or conditions, if any, the applicant must meet.

Subp. 4. **Renewal.** An applicant must submit a request for the renewal of a variance, in writing, before the expiration date of the existing variance. A renewal request must contain the information specified in subpart 1. The board shall renew a variance if the applicant for the renewal continues to satisfy the criteria in subpart 2 and complies with the alternative measures or conditions imposed at the time the original variance was granted.

## 4740.0290 [Emergency] FEES.

The fees in items A to F shall be paid by cash, personal check, bank draft, cashier's check, or money order made payable to the Board of Social Work. All fees are nonrefundable.

- A. application fee, \$25;
- B. initial license fee, licensed social worker, \$60;
- C. initial license fee, licensed graduate social worker, \$100;
- D. initial license fee, licensed independent social worker, \$150;
- E. initial license fee, licensed independent clinical social worker, \$150; and
- F. inactive status license fee, \$50.

## 4740.0300 [Emergency] CODE OF ETHICS.

Subpart 1. **Code of ethics.** The code of ethics applies to the licensees and applicants who practice social work and applies to their conduct during the period of education, training, and employment which is required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards by which the professional conduct of a licensee is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure under part 4740.0250 [Emergency].

## 4740.0310 [Emergency] ETHICAL STANDARDS.

Subpart 1. **Responsibility to clients.** A licensee's primary professional responsibility is to the client. The licensee shall make every effort to advance the welfare and best interests of families, individuals, groups, and communities. A licensee must respect the rights, including the right to self-determination, of those persons seeking assistance. A licensee must perform professional duties on the highest levels of integrity and confidentiality and shall not hesitate to ask for assistance from other professional disciplines when circumstances dictate. A licensee must protect the public against, and shall report, unethical, incompetent, and dishonorable practices.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, race, national origin, religion, sex, physical handicap, political affiliation, social or economic status, affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

- A. A licensee shall not engage in any type of sexual activities with a client.
- B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with

the client ends. A licensee who violates this requirement may be liable under Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, nor accept these substances from a client.

D. A licensee, while offering dignified and reasonable support, must be cautious in prognosis and shall not exaggerate the efficacy of services.

E. The licensee must recognize the importance of clear understandings of financial matters with clients. Fees and payments must be arranged at the beginning of the relationship.

Subp. 4. **Code of personal conduct.** The licensee must value objectivity, integrity, and sound standards in the interest of service to the public and to the profession. Licensed status shall not be used as a claim, promise, or guarantee of successful service, nor shall the license be used to imply that the licensee has competence in another service. The licensee shall not misrepresent professional qualifications, affiliations, and licenses of the licensee or the institutions and organizations with which the licensee is associated.

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

#### **4740.0120 [Emergency] PROCEDURES FOR APPLICATION.**

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

A. An application completed, signed, and notarized on the forms provided by the board. The applicant must furnish all documentation requested on the application.

A. A licensee shall not engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. A licensee who violates this requirement may be liable under Minnesota Statutes, chapter 148A.

C. A licensee shall not use or possess prohibited drugs as they are defined in Minnesota Statutes, chapter 152, unless prescribed for a legitimate medical purpose.

D. A licensee shall not use any drug, controlled substance, alcoholic beverage, or medication that impairs the licensee's ability to conduct the practice authorized by license.

E. A licensee must provide professional services to anyone regardless of age, race, religion, sex, national origin, political affiliation, social or economic status, affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

F. A licensee shall not use a professional relationship to further personal, religious, political, or business interests.

G. A licensee shall not participate in dual relationships with clients which could impair the licensee's professional judgment.

H. A licensee shall not wrongfully disparage the qualifications or character of any professional colleagues, agencies, organizations, or clients.

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's area of competence.

J. A licensee shall not permit a student, trainee, or intern under supervision to perform, nor claim to be competent to perform, professional services beyond the student's, trainee's, or intern's level of training.

K. A licensee shall terminate service to a client and a professional relationship with a client, when the service and relationship are no longer required to serve the client's needs or interests.

L. A licensee shall comply with parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of services must be maintained to ensure security and confidentiality of clients. Records which personally identify the client shall not be released to third parties unless:

(1) the client consents in writing;

(2) a court of competent jurisdiction orders release of the records;

(3) the records are disclosable under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13; or

## Emergency Rules

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(4) the board issues a subpoena for the records according to Minnesota Statutes, section 148B.07, subdivision 9.

B. The licensee must inform clients of the limits of confidentiality.

C. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 6. **Research.** A licensee must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. A person's participation in research must be voluntary, and based on the informed consent of the participant.

**EFFECTIVE DATE.** The effective date of parts 4740.0100 to 4740.0310 [Emergency] is November 1, 1988.

## Official Notices

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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 Agricultural and Economic Development Board

### Notice of Public Hearing on Proposed Project in the City of Elk River and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on September 28, 1988, at 9:30 a.m. o'clock, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of Alltool Manufacturing Co., Inc., a Minnesota corporation and/or All Lan Partnership, a partnership among Robert Silkett, Keneth Isaacson and Brian Moran (the "Applicants"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the development, construction and operation of a manufacturing facility consisting of a manufacturing facility with a total of approximately 80,000 to 85,000 square feet in the City of Elk River, Minnesota [general description of the location being at the far west corner of Industrial Blvd. and County Road 4 in Elk River Industrial Park, Elk River, Minnesota (the "Project")]. The initial owner of the Project will be one of the Applicants and the Project is expected to be operated and managed by one of the Applicants. It is contemplated that the Project will be used for manufacturing of tooling, metal stampings and fabrications for other manufacturing companies to use in their products. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$1,875,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicants. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Applications to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Applications and accepting the Project is available for public inspection at the offices of the Board at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 25 August 1988

By Order of the Members of the  
Minnesota Agricultural and  
Economic Development Board

Dave Mocol, Executive Director,  
Minnesota Agricultural and  
Economic Development Board

## **Minnesota State Arts Board**

### **Board Meeting**

The next regular meeting of the Minnesota State Arts Board will take place at 2:00 p.m. on Thursday, September 22, 1988 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect. Agenda items include the selection of advisory panelists for Arts Board grant programs, including Artist Assistance, Artists in Education, Folk Arts, Operating Support, and Series Presenters.

## **Minnesota Comprehensive Health Association**

### **Board of Directors Meeting**

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Comprehensive Health Association will be held at 9:00 a.m. on Tuesday, September 13, 1988, at the Minnesota Department of Commerce, 500 Metro Square Building, 5th Floor, St. Paul, Minnesota, 55101. For additional information, please call (612) 456-8466.

## **State Board of Investment**

### **Notice of Meetings of State Board of Investment and the Investment Advisory Council**

The State Board of Investment will meet on Monday, September 19, 1988 at 8:30 a.m. in Room 120, State Capitol, Saint Paul, MN. The Investment Advisory Council will meet on Friday, September 16, 1988 at 2:00 p.m. in Conference Room "A", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

## **Board of Peace Officer Standards and Training**

### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Police Pursuit Procedures and Training Requirements**

NOTICE IS HEREBY GIVEN that the Board of Peace Officer Standards and Training is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing Police Pursuit Procedures. The adoption of the rule is authorized by *Laws of Minnesota 1988*, Chapter 712, which requires the agency to adopt rules for procedures and training requirements for police pursuit.

The Board of Peace Officer Standards and Training requests information and opinions concerning the subject matter of the rule. 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: Rebecca Wade, Standards Coordinator, POST Board, 333 Sibley Street, Suite 495, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-2620 and in person at the above address.

All statements of information and opinions shall be accepted until October 15, 1988. Any written material received by the Board of Peace Officer Standards and Training 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.

Dated: 17 August 1988

William R. Carter, III  
Executive Director

# 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.

**Commodity:** Commissary items —  
rebid  
**Contact:** Cheryl Ackerman 612-296-  
3776  
**Bid due date at 2pm:** September 15  
**Agency:** MN Veterans Home  
**Deliver to:** Minneapolis and Hastings  
**Requisition #:** Price contract

**Commodity:** Gas generators  
**Contact:** Joe Gibbs 612-296-3750  
**Bid due date at 2pm:** September 14  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 32200 18616

**Commodity:** Glaze formulating tables  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** September 20  
**Agency:** Anoka-Ramsey Community  
College  
**Deliver to:** Coon Rapids  
**Requisition #:** 27152 46564

**Commodity:** Maintenance on personal  
computer systems  
**Contact:** Don Olson 612-296-3771  
**Bid due date at 2pm:** September 15  
**Agency:** Department of Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** Price contract

**Commodity:** Drill rig  
**Contact:** Bernadette Vogel 612-296-  
3778  
**Bid due date at 2pm:** September 15  
**Agency:** Department of Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79382 01502

**Commodity:** Autoclave  
**Contact:** Joe Gibbs 612-296-3750  
**Bid due date at 2pm:** September 16  
**Agency:** Minneapolis Community  
College  
**Deliver to:** Minneapolis  
**Requisition #:** 27151 47748

**Commodity:** Portable photoionization  
gas chromatograph  
**Contact:** Joe Gibbs 612-296-3750  
**Bid due date at 2pm:** September 16  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 32200 18617

**Commodity:** Stripping used aluminum  
sign blanks  
**Contact:** Jim Johnson 612-296-3779  
**Bid due date at 2pm:** September 16  
**Agency:** Department of Transportation  
— Shops  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Department of Revenue —  
relocation  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** September 20  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67130 10047

**Commodity:** Fiber fuel pellets  
**Contact:** Jim R. Johnson 612-296-3779  
**Bid due date at 2pm:** September 20  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Meat & meat products  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** September 19  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Special Ad



**Contract Awards—Materials Management Division**

**Item:** Auto's trucks vans for clients only  
**Req.#:** 21607 72524 01  
**Awarded to:** Brookdale Pontiac GMC,  
Minneapolis, MN  
**Awarded amount:** \$9,700.00  
**Awarded date:** September 1, 1988  
**Expir/deliv date:** September 2, 1988  
**Shipped to:** Various locations

**Item:** Pipe and tubing  
**Req.#:** 79900 03726 01  
**Awarded to:** Goodin Co., St. Paul, MN  
**Awarded amount:** \$5,197.74  
**Awarded date:** September 1, 1988  
**Expir/deliv date:** September 15, 1988  
**Shipped to:** Various locations

**Item:** Auto HD truck and van  
**Req.#:** 02307 91760 01  
**Awarded to:** Superior Ford,  
Minneapolis, MN  
**Awarded amount:** \$27,857.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** December 15, 1988  
**Shipped to:** Plant Management Division  
(Automation)

**Item:** Oscilloscopes, standard screen  
**Req.#:** 26071 18223 01  
**Awarded to:** Instrumentation Service,  
Minneapolis, MN  
**Awarded amount:** \$7,711.20  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 15, 1988  
**Shipped to:** Mankato State University

**Item:** Laboratory supplies  
**Req.#:** 26071 18304 01  
**Awarded to:** Gibbco Scientific Inc.,  
Coon Rapids, MN  
**Awarded amount:** \$9,713.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 30, 1988  
**Shipped to:** Mankato State University

**Item:** Computer equipment  
**Req.#:** 26072 01636 01  
**Awarded to:** IBM, Fargo, ND  
**Awarded amount:** \$51,345.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 26, 1988  
**Shipped to:** Moorhead State University

**Item:** Computer equipment  
**Req.#:** 26073 20619 01  
**Awarded to:** Arrow Electric, Edina, MN  
**Awarded amount:** \$22,113.75  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 12, 1988  
**Shipped to:** St. Cloud State University

**Item:** Cable cord & wire electronic  
**Req.#:** 26073 20605 02  
**Awarded to:** Anixter Minn, Plymouth,  
MN  
**Awarded amount:** \$6,800.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 10, 1988  
**Shipped to:** St. Cloud State University

**Item:** Computer equipment  
**Req.#:** 27142 49036 01  
**Awarded to:** Datasource Connecting,  
Bloomington, MN  
**Awarded amount:** \$34,635.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 15, 1988  
**Shipped to:** Fergus Falls Community  
College

**Item:** Computer, personal computers.  
**Req.#:** 27143 43121 01  
**Awarded to:** Compar Inc., Eden Prairie,  
MN  
**Awarded amount:** \$29,532.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** October 1, 1988  
**Shipped to:** Hibbing Community  
College

**Item:** Autoclaves  
**Req.#:** 27153 20140 01  
**Awarded to:** Baxter Co., Minneapolis,  
MN  
**Awarded amount:** \$26,532.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** October 6, 1988  
**Shipped to:** North Hennepin  
Community College

**Item:** Auto HD truck & van  
**Req.#:** 43000 10125 01  
**Awarded to:** Skubic Bros. Inc., Virginia,  
MN

**Awarded amount:** \$48,780.41  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** December 15, 1988  
**Shipped to:** I R R & R B

**Item:** Service other purchased  
**Req.#:** 43000 09852 01  
**Awarded to:** Sellars Jim Construction,  
Hibbing, MN  
**Awarded amount:** \$36,920.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** October 15, 1988  
**Shipped to:** Hill Annex Mine

**Item:** Hospital surgical clothing  
**Req.#:** 55000 94969 01  
**Awarded to:** Minnesota University of  
Hospitals, Minneapolis, MN  
**Awarded amount:** \$45,000.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:**  
**Shipped to:** Human Services  
Department

**Item:** Furniture office  
**Req.#:** 55000 94773 01  
**Awarded to:** Johnsons P M Inc., St.  
Paul, MN  
**Awarded amount:** \$12,171.10  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** November 30, 1988  
**Shipped to:** Human Services

**Item:** Fixture-indoor electric lighting  
**Req.#:** 55101 09140 01  
**Awarded to:** Northland Electric Supply,  
Minneapolis, MN  
**Awarded amount:** \$5,060.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 20, 1988  
**Shipped to:** Fergus Falls Regional  
Treatment Center

**Item:** Printing equipment  
**Req.#:** 78550 06346 01  
**Awarded to:** Press Tyme, Newport, MN  
**Awarded amount:** \$5,250.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 6, 1988  
**Shipped to:** Minnesota Corrections  
Department

## State Contracts and Advertised Bids

**Item:** Electronic component parts and accessories  
**Req. #:** 79000 91755 01  
**Awarded to:** Riddle Control Products, Minnetonka, MN  
**Awarded amount:** \$7,548.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** November 10, 1988  
**Shipped to:** Mn/DOT, electrical services

**Item:** Gas detectors  
**Req. #:** 79000 84694 01  
**Awarded to:** Continental Safety Equipment, Eagan, MN  
**Awarded amount:** \$19,375.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** September 15, 1988  
**Shipped to:** MN Department of Transportation

**Item:** Doors (furnish and install)  
**Req. #:** 79000 90406 01  
**Awarded to:** North Door Co. Inc., Maplewood, MN  
**Awarded amount:** \$7,080.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** November 1, 1988  
**Shipped to:** Various locations

**Item:** Building prefabricated  
**Req. #:** 79000 82358 02  
**Awarded to:** Flanagan Sales Inc., St. Paul, MN  
**Awarded amount:** \$8,678.00  
**Awarded date:** September 2, 1988  
**Expir/deliv date:** December 1, 1988  
**Shipped to:** Various locations

**Item:** Computer equipment — supplies  
**Req. #:** 26073 20627 01  
**Awarded to:** Digital Information Systems, Eden Prairie, MN  
**Awarded amount:** \$10,200.00  
**Awarded date:** September 6, 1988  
**Expir/deliv date:** October 10, 1988  
**Shipped to:** St. Cloud State University

**Item:** Video CRT equipment  
**Req. #:** 27000 50487 01  
**Awarded to:** Cinequipt Inc., St. Paul, MN  
**Awarded amount:** \$7,233.70  
**Awarded date:** September 6, 1988  
**Expir/deliv date:** September 20, 1988  
**Shipped to:** Minneapolis Community College

**Item:** Repair alteration to building and  
**Req. #:** 27000 10399 01  
**Awarded to:** Minneapolis Glass Co. Inc., Plymouth, MN  
**Awarded amount:** \$7,280.00  
**Awarded date:** September 6, 1988  
**Expir/deliv date:** September 26, 1988  
**Shipped to:** Normandale Community College

**Item:** Signs decals  
**Req. #:** 29000 50533 01  
**Awarded to:** US Standard Sign, Toledo, OH  
**Awarded amount:** \$27,317.50  
**Awarded date:** September 6, 1988  
**Expir/deliv date:** November 4, 1988  
**Shipped to:** Various locations

**Item:** Signs decals  
**Req. #:** 29000 50535 01  
**Awarded to:** US Standard Sign, Toledo, OH  
**Awarded amount:** \$71,842.55  
**Awarded date:** September 6, 1988  
**Expir/deliv date:** November 4, 1988  
**Shipped to:** Various locations

## 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

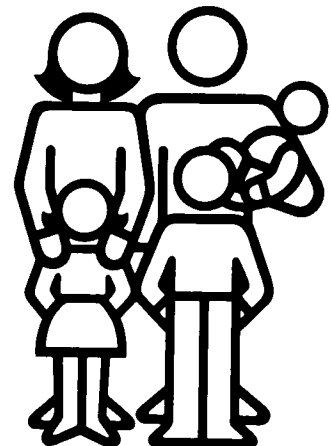
### Human Services Rules as in effect July 7, 1986

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.

**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.

## 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:** Certificate of live birth, 500, 8½" x 7¾", negs furnished, 1-sided

**Contact:** Printing buyer's office

**Bids are due:** September 14

**Agency:** Health Department

**Deliver to:** Minneapolis

**Requisition #:** 1542

**Commodity:** NDSL billings, 24M sets, 2-part continuous forms, 5½" x 17<sup>25</sup>/<sub>32</sub>", type to set, 2-sided

**Contact:** Printing buyer's office

**Bids are due:** September 14

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 1477

**Commodity:** Order for payment, 500 books of 100 page 4-part sets, 6" x 9¼", type to set

**Contact:** Printing buyer's office

**Bids are due:** September 14

**Agency:** Board of Electricity

**Deliver to:** St. Paul

**Requisition #:** 1626

**Commodity:** 1989-90 official highway map, film preparation work, color separations

**Contact:** Printing buyer's office

**Bids are due:** September 15

**Agency:** Administration — Documents Division

**Deliver to:** St. Paul

**Requisition #:** 1096

**Commodity:** Carbon interleaved snapout sets, 8½" x 11" detached, 2,500-100,000 sets, 2-8 parts

**Contact:** Printing buyer's office

**Bids are due:** September 20

**Agency:** Various

**Deliver to:** St. Paul

**Requisition #:** Price contract

**Commodity:** 1989-90 official MN highway map and overprinting, several overlays, camera ready, 38"x26" folded to 4<sup>7</sup>/<sub>32</sub>" x 8<sup>3</sup>/<sub>32</sub>". approx. 5,000M

**Contact:** Printing buyer's office

**Bids are due:** September 20

**Agency:** Administration — Documents Division

**Deliver to:** St. Paul

**Requisition #:** 1095&97

**Commodity:** MN driver's manual, 500M books, 8" x 5¼" — 32 pp., camera ready, saddle stitch

**Contact:** Printing buyer's office

**Bids are due:** September 20

**Agency:** Public Safety Department

**Deliver to:** St. Paul

**Requisition #:** 1413



### Woodworking for Wildlife

*Woodworking for Wildlife*, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$3.95.

*Help Minnesota's Wildlife*, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, \$4.00.

*Fifty Birds of Town and City*, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, \$7.50.

*Mammals of Minnesota*, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, \$15.95.

*Bird Portraits in Color*, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, \$12.95.

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.

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## State Contracts and Advertised Bids

### Contract Awards—Printing & Mailing Services

**Item:** Supplemental annual statement  
**Req.#:** 0643  
**Awarded to:** Standard Register, St. Paul  
**Amount:** \$1,284.64  
**Date:** September 1  
**Deliver to:** Teachers' Retirement Association  
**Delivery date:** 35 days

**Item:** Drivers license renewal and voter registration card  
**Req.#:** 0653  
**Awarded to:** Moore Business Forms, Bloomington  
**Amount:** \$9,350.00  
**Date:** September 1  
**Deliver to:** Public Safety Department, St. Paul  
**Delivery date:** 45 days

**Item:** Letterhead/2nd sheets/windowed envelopes  
**Req.#:** 0785  
**Awarded to:** Printing Resources, Shoreview  
**Amount:** \$3,464.00  
**Date:** September 1  
**Deliver to:** PERA, St. Paul  
**Delivery date:** As requested

**Item:** Mailing container label  
**Req.#:** 0788  
**Awarded to:** Label Enterprises, Mendota Heights  
**Amount:** \$135.00  
**Date:** September 1  
**Deliver to:** Health Department, Minneapolis  
**Delivery date:** 30 days

**Item:** Mailing container label  
**Req.#:** 0789  
**Awarded to:** Label Enterprises, Mendota Heights  
**Amount:** \$190.00  
**Date:** September 1  
**Deliver to:** Health Department, Minneapolis  
**Delivery date:** 30 days

**Item:** Drivers license envelopes  
**Req.#:** 0819  
**Awarded to:** Quality Park products  
**Amount:** \$2,098.00  
**Date:** September 1  
**Deliver to:** Public Safety Department, St. Paul  
**Delivery date:** 30 days

**Item:** Motorcycle safety registration insert  
**Req.#:** 0821  
**Awarded to:** Printing Resources, Shoreview  
**Amount:** \$991.00  
**Date:** September 1  
**Deliver to:** Public Safety Department, St. Paul  
**Delivery date:** As requested

**Item:** 1988 information return summary  
**Req.#:** 0855  
**Awarded to:** Royal Business Forms, Brooklyn Center  
**Amount:** \$458.00  
**Date:** September 1  
**Deliver to:** Revenue Department, St. Paul  
**Delivery date:** 30 days

**Item:** 1988 information return summary COPY  
**Req.#:** 0856  
**Awarded to:** Royal Business Forms, Brooklyn Center  
**Amount:** \$1,121.75  
**Date:** September 1  
**Deliver to:** Revenue Department, St. Paul  
**Delivery date:** 30 days

**Item:** 1988 information return survey  
**Req.#:** 0857  
**Awarded to:** Royal Business Forms, Brooklyn Center  
**Amount:** \$526.70  
**Date:** September 1  
**Deliver to:** Revenue Department, St. Paul  
**Delivery date:** 30 days

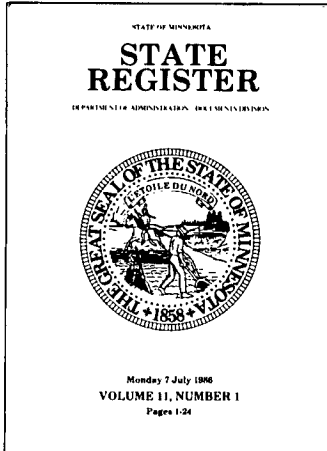
**Item:** Ambulance report form  
**Req.#:** 0906  
**Awarded to:** Royal Business Forms, Brooklyn Center  
**Amount:** \$3,066.60  
**Date:** September 1  
**Deliver to:** Health Department, Minneapolis  
**Delivery date:** 30 days

**Item:** Returned plate form  
**Req.#:** 0906  
**Awarded to:** Custom Business Forms, Minneapolis  
**Amount:** \$1,134.50  
**Date:** September 1  
**Deliver to:** Public Safety Department, St. Paul  
**Delivery date:** 15 days

**Item:** Food stamp application  
**Req.#:** 1018  
**Awarded to:** Moore Business Forms, Bloomington  
**Amount:** \$5,338.00  
**Date:** September 1  
**Deliver to:** Human Services, St. Paul  
**Delivery date:** 45 days

**Item:** Food stamp household report envelope  
**Req.#:** 1019  
**Awarded to:** Quality Park Products, St. Paul  
**Amount:** \$2,604.00  
**Date:** September 1  
**Deliver to:** Human Services Department, St. Paul  
**Delivery date:** 5 days

**Item:** Dummy prebill  
**Req.#:** 1038  
**Awarded to:** Royal Business Forms, Brooklyn Center  
**Amount:** \$2,666.00  
**Date:** September 1  
**Deliver to:** Public Safety Department, St. Paul  
**Delivery date:** 45 days



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Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **State Register**, the most complete listing of state contracts available. Just a *sampling* of contracts includes, consulting services, professional services, technical services, commodities, equipment, supplies, and a wide variety of special services.

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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.

## Department of Administration

### Information Policy Office

### Notice of Request for Proposals for the School District Grant Program

#### The Purpose of This Grant Program Is:

To evaluate the feasibility of establishing alternatives for individual school districts to manage information about students, staff, finances, and educational programs and to directly report that information to state departments.

#### With the Expectations That:

1. At least three but no more than 5 pilots will be selected by November 22, 1988.
2. Grants will be awarded for amounts between \$20,000 and \$50,000.
3. Pilots will be selected based on the following criteria:
  - Is there a top administrative level person who is willing to oversee and sponsor the project? (Who is it and what do they see as their role?)
  - Does the scope address both managing information and direct reporting of information?
  - Is the scope reasonable, based on the district's current use of technology and staff resources?
  - Are the benefits clearly defined?
4. An effective mix of Minnesota and Metropolitan school districts will be selected.
5. The pilots selected must assign a project manager and provide a detailed work plan to the Information Policy Office by January 9, 1989.
6. The projects will be reviewed and evaluated on an ongoing basis, with a final review in November, 1989.
7. Pilot districts will continue to submit data through their region during the pilot.

To apply for a grant, please send a cover letter and a proposal (maximum of 10 pages) to:

Larry Grant  
Assistant Commissioner  
Information Policy Office  
50 Sherburne Avenue  
St. Paul, MN 55155

The deadline for the receipt of proposals by the Information Policy office is 3:00 p.m. on Monday, October 24, 1988.

## State Contracts and Advertised Bids

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### Proposals Must Contain the Following:

1. Scope of the project
2. Support of the project within the district
3. Estimate of current costs, one-time project cost, and new annual cost. (Eligible costs include but are not limited to: computer hardware, software, and personnel. Ineligible costs are rent, building or related materials, etc.)
4. Clearly-defined anticipated benefits
5. Staff and resources to be assigned to the project
6. General work plan
7. What is to be accomplished within one year

## State Designer Selection Board

### Request for Proposal for a Project in the Capitol Complex

#### To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for a project in the Capitol Complex. Design firms who wish to be considered for this project should submit proposals on or before on or before 4:00 p.m., October 4, 1988, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

#### The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
  - 2) All data must be on 8½" x 11" sheets, soft bound.
  - 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.
  - 4) **Mandatory Proposal contents in sequence:**
    - a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
    - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
    - c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
    - d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.
    - e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.
- The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

#### 5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

#### The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights;

or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of \$200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

7) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

#### **8) PROJECT—22-88**

Replacement of Existing Chillers

Capitol Complex

This project will provide new chillers for the Capitol Complex central cooling system. The system will be expanded to include the Judicial Building presently under construction.

Studies have been conducted that analyzed the cooling needs. The studies included "Feasibility Study," July 30, 1987; "Chilled Water For Summer Cooling," October 23, 1987; "Boiler Plant Rehabilitation," August 15, 1988. Collectively, the studies analyzed the cooling requirements and system types. The studies included analysis of using a district cooling system as to a new central system, or rebuilding the existing equipment. The conclusions from the studies indicated the need to replace the existing steam chillers with new electric chillers. The estimated capacity of the chillers was 3600 tons.

This project will include detailed design, engineering and final construction documents on a schedule influenced by the project approval process. The design activities will include, but not limited to:

1. Sizing chiller, or combination of chillers to adequately meet the required demand.
2. Remodeling the cooling towers as required to meet the demand requirements of the chillers.
3. Modify the existing piping, and pump operations.
4. Plan and schedule required demolition and removal of existing plant.
5. Develop schedules that will have the system on line for the cooling season of 1990.
6. Develop cost estimate for the project.
7. Design system within the budget.
8. Abandon existing boilers in place such as not to present a hazard.
9. Design the electrical systems as required to make a complete operational plant.
10. Design the required structural, and architectural modifications, and alternations necessary to accommodate the new chillers, and remove the old chillers.
11. Design the necessary controls, gauges, and devices to operate the system.
12. Design layout to allow for proper servicing.

The total estimated cost for this project is \$980,000.00.

Questions concerning this project may be referred to Larry Whitcomb at (612) 297-1546.

Bernard Jacob, Chairman  
State Designer Selection Board

# State Contracts and Advertised Bids

## Department of Human Services

### Reimbursement Division

#### Request for Proposals to Recommend Methods to Increase Collection and Reimbursements for Services Provided at the State Facilities.

##### I. Introduction

The Minnesota Department of Human Services, Reimbursement Division, is soliciting proposals from qualified consultants to:

1. Identify, and determine methods of collection from, third-party resources not used by the Reimbursement Division.
2. Develop methodology to increase collection from existing third-party resources and increase reimbursement from federal programs.
3. Make recommendations to the Reimbursement Division to enhance the over-all collection process.

This request for proposal does not obligate the State to award any contract, nor to pay the costs incurred in the preparation of proposal or contract. The State reserves the right to cancel the solicitation if it is considered to be in its best interests.

##### II. Qualification of Respondents

Respondents must be able to demonstrate experience and expertise in the areas of third-party collection and reimbursement from federal programs in the healthcare area. Respondents should also be familiar with State and Federal assistance programs. Experience with Statewide Accounting System (SWAS) is helpful but not required.

##### III. Scope of the Project

###### A. Duration

This project will be initiated upon selection of a proposal.

###### B. Objectives and Background Information

###### 1. Objective

The Department's objective in this project is to have an independent expert identify and make recommendations on increasing collection from third-party resources and reimbursement from federal programs for the cost of care at the State facilities.

###### 2. Background

The State of Minnesota, Department of Human Services, currently operates eight Regional Treatment Centers (RTCs) and two State nursing homes. The RTCs are located at Anoka, Brainerd, Cambridge, Faribault, Fergus Falls, Moose Lake, St. Peter, and Willmar. The State nursing homes are located near Walker and in Minnetonka.

Clients served by RTCs and State nursing homes are comprised of three disability groupings: Mental Illness (MI), Developmental Disabilities (DD), and Chemical Dependency (CD). The primary residents at the State nursing homes are elderly and, although many belong in one of the three disability groupings, are in need of nursing care. Several programs at the RTCs are specifically for adolescents.

Often clients served in the RTC's and State nursing homes are court-committed. There are specific programs for security clients and sex offenders. Most clients served are voluntary admissions. It is in the area of court-commitments that collection has been hampered.

The Reimbursement Division is responsible for the collection of the cost of care and treatment at the RTCs. Current efforts at collection are: maintenance of a computer billing system; generation of bills to individuals; preparation of claims to third-party payors, such as Medicare, Medicaid and insurance; preparation of cost reports for final settlement of Medicare and Medicaid reimbursement for both RTCs and State nursing homes; pursuance of past-due accounts with letters, phone calls and personal visits; civil litigation; and, probate estate claims.

All collection efforts may be affected by Utilization Review activities conducted by insurance providers as well as Medicare's Professional Review Organization. Also regulatory bodies such as the Health Care Financing Administration (HCFA) "Look Behind" audits, classification as an Institution for Mental Disease (IMD) and Federal Budget Reduction Acts.

The collection and cost of a care program is governed by *Minnesota Statutes* 246.50 and *Minnesota Rules*, Parts 9515.1000 to 9515.2600.

###### C. Contingent Fee

The respondent will detail the percentage from actual collections to be retained as the fee. All fee reimbursements will be based on actual collection revenue increase as a direct result of the respondent's efforts.

###### D. Mediation of Disputes



The final contract will contain a provision to allow for the mediation of disputed claims.

#### IV. Proposal Contents

The following will be considered minimum contents of the respondent's proposal:

- A. An outline of the respondent's background and experience in providing this type of service, specifically addressing third-party collection and reimbursement from federal programs for healthcare services;
- B. A description of all approaches, activities and tasks the respondent will use to meet the objective
- C. A description of similar contracts accepted and completed, the measurable results, and identifiable contact persons.
- D. A demonstration of respondent's financial stability and indication that respondent has adequate financial resources for the period of performance on this contract.
- E. A description of proposed contingency fee structure including provision for payback under subsequent audit reviews.

#### V. Evaluation

All proposals received by the deadline will be evaluated. An oral interview may be part of the selection process. Evaluation factors include:

1. Expressed understanding of the project objective
2. Qualifications and experience
3. Proposed strategies to perform project
4. Fee charges

Evaluation and selection will be completed by an advisory committee. Results will be sent by mail to all responders.

#### VI. All proposals must be sent to and received by Julie Elhard at the following address by October 7, 1988.

Minnesota Department of Human Services  
Reimbursement Division  
Second Floor North  
444 Lafayette Road  
St. Paul, MN 55155-3824

Late proposals will not be accepted. Six copies of the proposal must be submitted in a sealed mailing envelope or package with the respondent's address clearly written on the outside. The proposal must be signed by an authorized person of the firm or company. The stated fee and terms must be valid for the duration of the project. Prospective respondents who have questions may call Julie Elhard at (612) 296-3507.

## Minnesota Amateur Sports Commission

### Department of Trade and Economic Development

#### Notice of Request for Proposals to Host the 1990 Summer Minnesota State Games

The Minnesota Amateur Sports Commission (MASC) is requesting proposals from any city in Minnesota interested in hosting the 1990 Summer Minnesota State Games ("Star of the North" State Games). The Games will be regulated by the "Star of the North" State Games Board.

The Minnesota State Games is an Olympic-style sports festival created for Minnesota's amateur athletes. (The Games are designed for Minnesota residents only.) Patterned after the Olympics, the 1990 Minnesota State Games will likely consist of twenty (20) or more different sporting events for many age levels. The sports may include basketball, bowling, canoeing, cycling, soccer, softball, swimming, track & field, and wrestling, as Summer Game events. There will be several events for the physically disabled. The host city will have the option to work in cooperation with the State Games Board to add sports or, in some cases, to delete sports that are not suitable for the particular host city.

This will be the third annual formal Summer Minnesota State Games instituted by the Minnesota Amateur Sports Commission. The Games will provide the incentive for Minnesota athletes of all ages and skill levels to develop their physical talent and competitive talent and competitive abilities. The Games present an opportunity for amateur athletes to compete within their sport to win the prestigious Minnesota State Games title and the statewide recognition they deserve.

Any Minnesota city interested in bidding for the Summer 1990 State Games should realize that hosting statewide competitions in the previously mentioned sports will have a significant economic impact on their host community. The inaugural State Games held

## State Contracts and Advertised Bids

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in the summer of 1988 (in St. Cloud) hosted 4,300 athletes in 20 sports, and 6,000 friends, families, and spectators shared in the Opening Ceremonies. Ten-thousand (10,000) athletes are planned for the 1989 Games to be held in Burnsville, Minnesota. Host cities can expect a significant number of visitors, some of whom may desire housing in the dormitory facilities (as space permits) or in the hotels, motels or resorts of the area.

The host city must provide and guarantee the availability of suitable sports facilities for the previously mentioned sports. A Key facility for the Games is a stadium with approximately 5,000 seats that could host opening and closing ceremonies. Another important requirement for the host city is that it must provide a qualified number of housing opportunities for competitors and officials. NOTE: The State Games Board will determine the exact requirements for this provision. The host city will provide a limited number of dormitory rooms and meals on a cost-free basis to the State Games (for officials, etc.) and the majority at provider cost for athletes.

The host city must demonstrate that the total community, including media, educational institutions, business and government agencies, will be supportive and cooperative with the State Games.

Host cities are encouraged to identify potential financial sponsors for their community for State Games and to include as a selling point for their bid.

**Scheduled dates for the 1990 Summer State Games:** The 1990 Summer Games will be a two-weekend event, and the time is the last two weekends in June.

**Determination:** The State Games Board is expected to name the 1990 host city by November 3, 1988. The State Games Board will make a recommendation to the Minnesota Amateur Sports Commission which has final authority as to the State Games Program. The State Games Board has final authority over the policy, scheduling and jurisdiction for State Games in Minnesota upon final approval of the Commission. It is important to note that the State Games Board will assume the major financial responsibility for the Games. The host city has a specific responsibility for the physical elements and a portion of the financial requirements.

**THIS REQUEST FOR PROPOSALS DOES NOT OBLIGATE THE STATE TO COMPLETE THE PROJECT, AND THE STATE RESERVES THE RIGHT TO CANCEL THE SOLICITATION IF IT IS CONSIDERED IN ITS BEST INTEREST.**

Proposals should be received by the Minnesota Amateur Sport Commission no later than 4:30 pm, Friday, October 28, 1988. A copy of the Request for Proposal is available upon request. Inquiries and requests should be directed to:

Kay Lacher  
State Games Director  
Minnesota Amateur Sports Commission  
c/o Minnesota Department of Trade & Economic Development  
900 American Center Building  
150 East Kellogg Blvd.  
St. Paul, MN 55101-1421  
Telephone: 612/296-7473

## Board of Teaching

### **Request for Proposals to Develop a Research Design for a Longitudinal Study to Evaluate the Effectiveness of Minnesota's Teacher Education Programs**

The Minnesota Board of Teaching is seeking individuals or organizations qualified to develop a research design for a longitudinal study to evaluate the effectiveness of Minnesota's Teacher Education Programs and to provide the Board of Teaching with a report describing the status of alternative teacher education programs currently implemented in each of the approved institutions throughout the state.

The specific services which will be provided under contract are outlined in the objective statement of the Request for Proposal (RFP).

The formal RFP may be requested and inquiries shall be directed to:

Mr. Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching  
608 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-2415

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## State Contracts and Advertised Bids

The cost of services to be provided during the contract period from the date of contract award through June 30, 1989, will not exceed \$20,000. This is the maximum price to be paid and the Board of Teaching does not commit itself to spend this entire amount.

The deadlines for submission are as follows:

Notice of Intent to Bid—4:00 p.m. on Monday, October 3, 1988

Completed Proposals —4:00 p.m. on Tuesday, December 1, 1988

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching

## Office of Tourism

### Department of Trade & Economic Development

#### Request for Proposal for a Cooperative Marketing Agreement with a Minnesota Tour Wholesaler

The Travel Trade Services unit of the Minnesota Office of Tourism is seeking proposals for a cooperative marketing agreement with a Minnesota tour wholesaler.

The goal of the program is to provide Minnesota extended stay vacation packages for people attending conventions in Minnesota. The tour wholesaler is responsible for developing vacation packages, as well as for the sale and booking of the packages. Proposal must include a brief concept for three Minnesota vacation packages, samples of brochures developed to promote two current destinations and completion of an application.

The application consists of general information and specific questions relating to a firm's ability to develop and market vacation packages.

To receive a copy of the Request for Proposal, which includes the application/questionnaire, contact:

Cheryl Offerman  
Travel Trade Services  
MINNESOTA OFFICE OF TOURISM  
375 Jackson St., 250 Skyway Level  
St. Paul, Minnesota 55101  
Telephone 612/296-5016

Proposals must be received no later than 4:30 p.m. on Monday, October 10, 1988.

David J. Speer, Commissioner  
Minnesota Department of Trade  
and Economic Development  
Office of Tourism

## Department of Transportation

### Availability of Contract for Preliminary Engineering

The Minnesota Department of Transportation (Mn/DOT) requires the services of a qualified consultant to perform the following work on a segment of I-494 in Richfield, Bloomington, Edina, Eden Prairie, and Minnetonka between the Minnesota River Bridge and I-394.

The following tasks are expected to be completed by the consultant firm selected:

1. Establish an I-494 Planning Framework
2. Collect Data and Perform Physical Inventories
3. Prepare 2010 Travel Forecasts
4. Identify Issues and Candidate Alternatives
5. Develop Scoping Document
6. Support the Public Involvement Program and Provide Technical Support for Local Committees

## State Contracts and Advertised Bids

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7. Prepare a Scoping Decision Document
8. Conduct Impact Analyses (Draft EIS)
9. Develop Highway Design Alternatives, Concepts and Layouts
10. Complete the Environmental Impact Statement
11. Complete the Staff Approved Layout
12. Prepare a Study Report
13. Prepare a Transportation System Management Plan for the Selected Alternative

A Corridor Study Report for the above described segment of I-494 is available from the Golden Valley District Project Manager, Len Palek, to provide background information on this project. Mr. Palek's telephone number is (612) 593-8578.

Consultants are requested to submit a technical proposal, along with their expression of interest, detailing their approach to accomplishing the requested tasks. Consultants will need to demonstrate previous experience in Travel Demand Management.

Firms desiring consideration shall also include Federal Forms 254 and 255 and/or their brochure by four o'clock (4:00 p.m.) September 30, 1988 to:

J. F. Weingartz  
Consultant Agreements Engineer  
Room 612C Transportation Building  
St. Paul, Minnesota 55155  
Telephone: (612) 296-3051

## Department of Transportation

### Technical Services Division

### Availability of Contract for Structural Steel Inspection

The Minnesota Department of Transportation intends to engage a consultant to inspect structural steel fabrication for bridge projects. The consultant will be utilized as needed to supplement Mn/DOT inspection forces. Qualifications required include recent experience in the inspection of structural steel fabrication for bridges, American Welding Society Certified Welding Inspector (CWI) Certificate, and availability to travel to fabrication locations nationwide.

Work resulting from this contract would start after November 15, 1988. Approximately 24 months anticipated for contract duration.

Technical inquiries should be directed to:

Mr. J. A. Lilly  
Structural Metals Engineer  
Room 610  
Transportation Building  
St. Paul, MN 55155  
(612) 296-3178

Firms desiring consideration must submit qualifications, resumes of inspection personnel, references, and Federal Forms 254 and 255 to:

Mr. J. F. Weingartz  
Consultant Agreements Engineer  
Room 612B  
Transportation Building  
St. Paul, MN 55155

Selection will be based on the information submitted. Response deadline 12:00 p.m., September 26, 1988.

## Non-State Public Contracts

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

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

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## Ramsey County

### Notice for prequalifications for Highway and Bridge Reconstruction Preliminary Engineering—Design

Ramsey County is considering an expanded road reconstruction program. To assist with the implementation of this program, Ramsey County may require the services of qualified consultants. Any contracts that will be awarded as a result of this selection process are contingent upon sale of bonds.

The services required are the preparation of feasibility reports, field surveys, soil analysis, preliminary and detailed road design plans, and specifications for County Capital Improvement Program Bond and County State Aid Highway contract award. The consultant will also be required to conduct public meetings and secure approvals from the municipality, railroad and water utility and the Minnesota Department of Transportation's Office of State Aid and other agencies as required for specific projects.

Consultants who wish to be considered for any potential projects under this program should submit six copies of their prequalification brochure and/or resume, including federal forms 254 and 255, by September 30, 1988. The brochure and resume shall be limited to 20 pages. This is not a request for proposal. The prequalifications will be used by the County as a mechanism for selecting which firms will be invited to an oral interview. It is expected a qualified reference list will be developed from the interview process which will remain in effect for the 1989 CIP Bonding Program.

Please send your response to Paul Kirkwold, Assistant County Engineer, Ramsey County Department of Public Works, 350 St. Peter Street, Suite 270, St. Paul, Minnesota 55102 (612-298-4127).

## Supreme Court Decisions

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### Decisions Filed 9 September 1988

**C3-86-1530 Prichard Brothers, Inc., et al., petitioners, Appellants v. The Grady Company, et al., Independent School District No. 353, Karlstad, Minnesota. Court of Appeals.**

A general contractor may assert a claim against an architect for the architect's negligence in overseeing a building project. *See McCarthy Well Co., v. St. Peter Creamery*, 410 N.W.2d 312 (Minn. 1987).

Reversed and remanded to the court of appeals for further proceedings. Amdahl, C.J.

Popovich, J., took no part.

**C1-86-1347 Maribelle Plath, petitioner, Appellant v. Daryl A. Plath. Court of Appeals.**

The trial court's finding of fact that the defendant's conduct constituted a battery was not clearly erroneous. Accordingly, it correctly dismissed the plaintiff's action as barred by the two-year statute of limitations. Minn. Stat § 541.07 (1) (1982).

Reversed. Amdahl, C.J.

Popovich, J., took no part.

**C2-87-296 Mabel Nelson, Appellant v. Richard C. Siebert, M.D. Court of Appeals.**

The trial court abused its discretion in denying respondent's motion to vacate a dismissal entered pursuant to Rule 4.03 of the Fourth Judicial District.

Affirmed. Amdahl, C.J.

Popovich, J. took no part.

# Tax Court

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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.

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## Tax Court—Regular Division

**Docket No. 4909—Dated: 19 August 1988**

**Gary A. and Susan M. Larson, Appellants, vs. Commissioner of Revenue, Appellee.**

The above-entitled matter came on for hearing before the Honorable Arthur C. Roemer, Judge of the Minnesota Tax Court, on June 24, 1988, at the Olmsted County Courthouse in Rochester, Minnesota.

Gary A. Larson represented the appellants.

Sarah G. Mulligan, Special Assistant Attorney General, appeared on behalf of appellee.

The issue presented by this appeal is whether appellants were residents of Minnesota from July, 1982 through December 31, 1984.

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. Appellant Gary A. Larson was born in Michigan, where his parents still reside. One brother lives in Minnesota.
2. Appellant came to Minnesota as a student and, after graduation in 1977, accepted employment with IBM in Rochester.
3. Appellant was undisputably domiciled in Minnesota until July, 1982.
4. In July, 1982, appellant accepted a 2-year temporary work assignment at the main office of IBM in White Plains, New York. Appellant executed a lease agreement on a residence in nearby Danbury, Connecticut, for the period September, 1982 to June, 1984.
5. On September 25, 1982, appellant was joined by his family in Danbury, Connecticut. Appellant's spouse, Susan M. Larson, was a resident of Minnesota, her family residing in LeSueur, Minnesota.
6. Appellant was given the option of the standard moving and living arrangements (IBM would purchase residence at new location, selling the Minnesota residence, with expenses covered by IBM), or to accept living expenses including rental and per diem allowance. Appellant selected the per diem allowance.
7. Prior to the expiration of the 2-year temporary assignment, appellant accepted a 2-year assignment to Boeblingen, West Germany, in March, 1984. A 2-year lease was executed for housing in West Germany, and his family joined him shortly after the move.
8. At the conclusion of the 2-year assignment in West Germany, appellant returned to Minnesota where he accepted employment with IBM in Rochester, Minnesota, and where he is still employed.
9. During his absence from the State of Minnesota, appellants retained their home in Minnesota. It was not rented, but was occupied at various times by three separate parties. Insurance was paid by IBM under terms of the per diem agreement.
10. Appellant executed a homestead declaration for real estate tax purposes on January 2, 1983, January 2, 1984, January 2, 1985 and January 2, 1986.
11. During the period that appellants resided in Connecticut, they filed New York non-resident income tax returns, a resident Connecticut income tax return, paid Connecticut personal property taxes on his automobile, and paid a Connecticut tax on dividends and interest for the year 1983. German taxes were also paid during the year 1984.
12. Appellants did not claim temporary assignment tax benefits under Federal income tax law.
13. Appellants utilized their Connecticut mailing address up to their move to West Germany, at which point they used their West Germany address.
14. At the time of their move to Connecticut, appellants surrendered their Minnesota licenses and obtained Connecticut driver's licenses, which they retained during their residence in West Germany. They also obtained German licenses.
15. During their absence from Minnesota, appellants maintained a Minnesota checking account at the IBM Credit Union from which Minnesota based bills would be paid, bills requiring receipts, as well as expenses during their returns to Minnesota. They also opened a checking and savings account in the Union Savings Bank of Danbury, Connecticut, and in a German bank.
16. At all times after leaving Minnesota, insurance was obtained by local agents, State Farm of New Jersey, and Allianz in Germany.

17. Appellants' oldest son attended nursery school in Connecticut during the 1983 school year and, after the move to Germany, attended a kindergarten in Boeblingen.

18. Upon purchase of a station wagon in Connecticut, it was licensed in Connecticut. One additional vehicle, a 1977 Skylark, was licensed in Connecticut. One additional vehicle, a 1977 Skylark, was stored in Minnesota at Mrs. Larson's parents' farm in LeSueur. A Minnesota license was maintained on that vehicle.

19. During the period in question, Gary Larson returned to Minnesota on 3 occasions for business meetings. In addition, the appellants returned during the Christmas season each year to visit Mrs. Larson's family in LeSueur and Minneapolis, but did not reside in their house in Rochester.

20. In January, 1985, while in Germany, Mr. Larson purchased rental property (a single family home) in Cleveland, Minnesota (near Rochester), which he still owns.

21. Appellants were domiciled in Minnesota during the period in question, July, 1982 through December 31, 1984.

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

#### CONCLUSIONS OF LAW

1. Appellants remained domiciled in Minnesota for all of the taxable years 1982, 1983 and 1984.

2. The orders of the Commissioner of Revenue dated July 11, 1986 and June 12, 1987, assessing additional income tax for the taxable years 1982, 1983 and 1984, are hereby affirmed.

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

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

## Tax Court—Regular Division

### Docket No. 4866—Dated: August 15, 1988

Gerard J. Morrissey, Jr., and Mary J. Morrissey, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court, on February 4, 1988, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

Thomas L. Bird, Attorney at Law, appeared on behalf of appellant Gerard Morrissey.

Sarah G. Mulligan, Special Assistant Attorney General, appeared on behalf of the appellee Commissioner of Revenue.

Post-trial briefs were filed by both parties and the matter was submitted to the Court for decision on May 26, 1988.

The sole issue before the Court is whether appellant Gerard Morrissey was a resident of the State of Minnesota during the 1982 and 1983 calendar years. The same parties previously litigated the issue of Mr. Morrissey's residency for the 1981 calendar year. *Gerard J. Morrissey, Jr. v. Commissioner of Revenue*, Minn. Tax Court Docket No. 4275 (December 17, 1985). This Court determined that Mr. Morrissey was a resident of Minnesota for the entire 1981 calendar year.

The Court, having heard and considered the evidence adduced at this trial, and having reviewed the files and records herein, now makes the following:

#### FINDINGS OF FACT

1. Appellant Gerard J. Morrissey is a cash basis taxpayer. The issue in this case is whether Gerard Morrissey was a resident of Minnesota for income tax purposes during the calendar years 1982 and 1983.

2. Appellant was employed by International Mill Service from April 2, 1972 through November 30, 1985. His position with that company was eliminated in a reorganization in November, 1985, and his employment with International Mill Service was terminated at that time. Appellant was employed in and admittedly was a resident of the State of Minnesota between June 12, 1975 and August 1, 1981. In *Morrissey v. Commissioner of Revenue*, Minn. Tax Court Docket No. 4275 (December 17, 1985), appellant was adjudicated a resident of Minnesota for the entire tax year 1981. He has also been a resident of Minnesota since January 1, 1986.

3. Appellant Gerard J. Morrissey and his wife, Mary J. Morrissey, purchased a home located at 7719 Ingle Avenue Court, Cottage Grove, Minnesota, in June, 1975, and have continuously owned the residence in joint tenancy through the present time.

4. Appellant Gerard J. Morrissey, Jr., his wife, Mary J. Morrissey, their son and their two daughters lived together continuously at the Cottage Grove residence from June, 1975 until August 1, 1981. The children attended Minnesota schools. Mrs. Morrissey was employed as a teacher by the South Washington County School District.

5. Appellant or his wife applied for and did receive a homestead credit for real property tax purposes from Washington County, Minnesota for the calendar years 1978 through 1985. Both of their names appear on the homestead application cards submitted to Washington County, Minnesota, in January, 1981, 1982, 1983 and 1984. Only Mary J. Morrissey's name appears on the homestead application card submitted in January, 1985.

6. Between June, 1975 and August 1, 1981, the location of appellant Gerard Morrissey's job with International Mill Service was in Minnesota. Effective August 1, 1981, Mr. Morrissey accepted a promotion which required a transfer of job location to the company's district office in Whiting, Indiana.

7. Beginning August 1, 1981 and extending approximately for six months thereafter, appellant Gerard J. Morrissey, Jr. rented a room at a Howard Johnson Motel whenever he was in Indiana, which was usually 2 to 3 days a week.

8. Between February, 1982 and November, 1983, appellant Gerard J. Morrissey, Jr. rented a furnished room at a rooming house in Hammond, Indiana. Appellant brought with him his own table, chairs, refrigerator, television set, fans, lamps, radio and clothes.

9. Between November, 1983 and January, 1985, the appellant rented an apartment in Crown Point, Indiana, which he furnished with some furniture from the Cottage Grove, Minnesota residence, plus some new furniture he had bought.

10. From January 28, 1985 to the present, appellant Gerard J. Morrissey, Jr. owned a condominium located in Highland, Indiana. Appellant occupied the condominium between January 28th and December 31, 1985. On December 31, 1985, appellant moved out of the condominium and back to the Cottage Grove residence.

11. When the appellant began working in Indiana in August, 1981, his wife and children did not go to Indiana with him. His family continued to reside at the Cottage Grove, Minnesota home. Mary J. Morrissey continued her employment with the South Washington County, Minnesota, School District. The Morrissey children attended high schools in Minnesota until their respective graduation dates in 1981, 1982 and 1983. Appellant's wife and children did not go to Indiana with him because he and his wife were concerned that a change of schools might aggravate some behavioral problems of their daughters. Mrs. Morrissey also hoped to remain in her teaching position in Minnesota long enough to vest in a retirement plan there.

12. At the time of his August 1, 1981 job transfer, it was appellant's understanding that the transfer would be permanent and that he would not be transferred back to Minnesota.

13. During the period between August 1, 1981 and August, 1983, appellant's employment required that he travel to several states, including Minnesota. Appellant made weekly trips to Minnesota during 1981, paid for by his employer, and spent weekends at the Cottage Grove, Minnesota residence. During 1982 appellant usually spent 3 to 4 weekends a month, and several work days each trip, with his family in Minnesota. The frequency of his trips to Minnesota decreased in the first half of 1983 to 2 or 3 a month.

14. Beginning in August, 1983, appellant began a new employment assignment in Gary, Indiana, which required no travel. He then traveled to Minnesota on his own time about one weekend a month.

15. Mary J. Morrissey visited appellant Gerard J. Morrissey, Jr. in Indiana for 4 days in October, 1981. The entire Morrissey family went to Pennsylvania for Christmas in 1981. The appellant spent Thanksgiving of 1981 in Minnesota with his family.

16. In 1982, Mary J. Morrissey visited appellant in Indiana frequently, going there on all school holidays and some weekends. She spent several weeks in Indiana during that summer. The appellant spent several weeks in Indiana during that summer.

17. Mary J. Morrissey visited appellant Gerard J. Morrissey Jr. in Indiana more frequently in 1983. She spent most of the summer in Indiana that year, and spent part of the summer traveling in Canada and Europe with appellant. The Morrissey family spent Christmas of 1983 in Pennsylvania.

18. Mary J. Morrissey spent the summer with appellant Gerard J. Morrissey, Jr. in Indiana in 1984 and 1985.

19. The Morrissey children visited appellant Gerard J. Morrissey, Jr. in Indiana in December, 1983. Each of his two daughters visited once in 1985.

20. The only time during the period at issue that Mary J. Morrissey considered moving to Indiana was when she was laid off from her teaching job in 1982. She then made several applications for employment in Indiana and Illinois which were not successful. After that time she made no further effort to find a job in that area. She was rehired by the South Washington County school system in May, 1982 for the following school year, and thought she would stay then at least until 1985, when she would have met the ten year requirement for vesting for her retirement pension.

21. Appellant Gerard J. Morrissey, Jr. and Mary J. Morrissey did not attempt to sell the Cottage Grove, Minnesota residence during 1981, 1982 or 1983. The Cottage Grove residence was placed for sale with a realtor in May, 1984. Another realtor offered to buy the home at the listed price. Appellant and his wife had made a downpayment on a home in St. Johns, Indiana. Mrs. Morrissey was not in favor of the purchase of the Indiana home, so the Morrisseys invoked a clause in the purchase agreement for their Minnesota home requiring full payment of the purchase price within 72 hours, and both sales then fell through.



22. Appellant Gerard J. Morrissey, Jr. voted in Minnesota during the 1980 elections. He has not voted in Minnesota since that time. He was registered to vote in Indiana in 1982 and 1983.

23. Appellant Gerard J. Morrissey, Jr. had a valid Minnesota driver's license from 1975 until November, 1983. Appellant obtained an Indiana driver's license in November, 1983 when, after having a traffic accident, an Indiana policeman told him he had 60 days in which to get an Indiana license.

24. Appellant Gerard J. Morrissey, Jr. has been a member of St. Rita's Catholic Church in Cottage Grove, Minnesota since 1975. Appellant attended Mass at St. Rita's every Sunday during 1982 and 1983 when he was present in Minnesota. When in Indiana he attended Mass at St. Joseph's Church in Hammond, and at St. Michael's Church in Crown Point. He did not formally register as a member of a parish in Indiana.

25. Appellant Gerard J. Morrissey, Jr. received dental care from his St. Paul dentist approximately twice in 1982 and twice in 1983. Appellant continued to receive periodic treatments for myotonic dystrophy during 1982, 1983, 1984 and 1985 at the University of Minnesota Muscular Dystrophy Clinic.

26. Appellant Gerard J. Morrissey, Jr. held a joint checking account with Mary J. Morrissey at Town and Country Bank in Newport, Minnesota, from March 18, 1980 to July 24, 1984. The Morrisseys also had certificates of deposit at that bank. Appellant opened a joint checking account on September 1, 1981 at the First Bank of Whiting, in Whiting, Indiana. Both checking accounts were used to pay joint expenses. Generally, however, the appellant paid his expenses using the First Bank of Whiting account, and his wife used the checking account at Town and County Bank to pay the household and her expenses. In October, 1982, the Morrisseys opened a joint cash management account with Merrill Lynch in Indiana.

27. Appellant Gerard J. Morrissey, Jr. and Mary J. Morrissey have jointly registered their ownership of a Ford station wagon in Minnesota since June, 1977. Mary J. Morrissey has had another vehicle registered in her name alone in Minnesota since June, 1982. Appellant was provided a company car in Indiana subsequent to his 1981 promotion, which car was registered in Indiana.

28. Appellant Gerald J. Morrissey, Jr. and Mary J. Morrissey filed joint 1982 and 1983 federal and Minnesota individual income tax returns, because they thought a joint return was required in Minnesota if one was filed for federal purposes. The "Resident Part Year" box was checked on the Minnesota form. The income earned by appellant in Indiana was subtracted on Line 5 of the Minnesota returns.

29. Appellant Gerard J. Morrissey, Jr. and Mary J. Morrissey filed joint 1982 and 1983 Indiana individual tax returns which reported appellant's income earned in Indiana during those years. On the 1983 Indiana return, appellant entered Indiana as his state of residence and South Washinton County, Minnesota as the residence of his wife. This information was left blank on the 1982 Indiana return. Appellant believed that Indiana law required that a joint state income tax return be filed if a joint federal return had been filed.

30. On September 12, 1986, the Commissioner of Revenue issued an order assessing \$5,779.07 additional income tax, plus interest, against Gerard J. Morrissey, Jr. and Mary J. Morrissey for the 1982 tax year, on the basis that Gerard J. Morrissey, Jr. was a resident of Minnesota for the 1982 tax year and that the income he received from the Indiana sources was taxable in Minnesota.

31. On September 12, 1986, the Commissioner of Revenue issued an order assessing \$2,804.92 additional income tax, plus interest, against Gerard J. Morrissey, Jr. and Mary J. Morrissey for the 1983 tax year, on the basis that Gerard J. Morrissey, Jr. was a resident and domiciliary of Minnesota for the entire 1983 tax year and that the income he received from Indiana sources was taxable in Minnesota.

32. On May 29, 1987, the Commissioner of Revenue issued Form IC-437 AR 83 and an order, reducing appellant's income tax liability for 1982 to \$4,953.03 to allow a credit for income taxes paid to Indiana, but making no change to the previous assessment of 1983 income taxes.

33. Gerard J. Morrissey, Jr. filed an appeal from the May 29, 1987 order of the Commissioner of Revenue on June 11, 1987. Mary J. Morrissey did not join in that appeal.

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

#### CONCLUSIONS OF LAW

1. Appellant Gerard J. Morrissey, Jr. was a Minnesota resident for state income tax purposes from January 1, 1982 through January 31, 1982.

2. Appellant Gerard J. Morrissey, Jr. was not a Minnesota resident for state income tax purposes for the period February 1, 1982 through December 31, 1983.

3. The Commissioner of Revenue's Orders dated September 12, 1986 and May 29, 1987, assessing additional income tax for the tax year 1982, are affirmed with respect to the month of January, 1982, and reversed for the remainder of that year.

## Tax Court

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4. The Order of the Commissioner of Revenue dated September 12, 1986 assessing additional income tax for the tax year 1983 is hereby reversed.

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

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

## Announcements

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**Environmental Quality Board:** Environmental Assessment Worksheets (EAWs) being prepared for the following projects have their comments due the regional governing authority on October 5: Southern Minnesota Resource Recovery, Inc., Rice County; Project #13, Flood Detention Structure, Bjornson WMA, Hay Creek, MN Dept. of Natural Resources; National Sports Center, Minnesota Amateur Sports Commission; Lake Itasca Boat House and Harbor, MN Dept. of Natural Resources. A public meeting will be held on the Anoka Sanitary Landfill Vertical Expansion on Monday 26 September at 7 p.m. in the auditorium of the Anoka Technical Institute, 1355 W. Hwy. 10 Anoka, with comment period ending Oct. 10. A scoping EAW meeting will be held Sept. 13 on the Hennepin County Light Rail Transit System Stage I at 2 p.m. in Room A-2400 of the Hennepin County Government Center, 300 S. 6th Street, Minneapolis.

**Sentencing Guidelines Commission:** Meeting scheduled for Thursday 15 Sept. at 6:30 p.m. at the Holiday Inn—Capitol, Buffington Room, 161 St. Anthony, St. Paul. The regular meeting will be followed by a meeting of the Nonimprisonment Guidelines Committee of the Whole.

**Home Care Task Force Meeting:** The Minnesota Home Care Advisory Task Force will meet on September 14 from 9 a.m. to 2 p.m. in the Chesley Board Room, Department of Health Building, 717 Delaware St. S.E., Minneapolis. The task force meetings are open to the public. The task force was created by the 1987 Minnesota Legislature, to assist the health department in developing rules for the licensing of home care and hospice providers in the state. For more information contact Julianne Johnston at (612) 643-2158 or David Siegel at (612) 643-2159.

**Arts Board Seeking Advisory Panelists:** The Minnesota State Arts Board is seeking advisory panelists for its Artist Assistance, Artists in Education, Folk Arts, Operating Support, and Series Presenters programs. Panel members will be selected at the September 22 board meeting in Saint Paul. Each panelist serves an unsalaried term of one year; panelists may be reappointed for up to three years and must have experience in the visual, performing, or literary arts, in nonprofit administration, or in arts education. Call the Arts Board at (612) 297-2603, or toll-free in Minnesota at (800) 652-9747, for information and nomination forms.

**Career Opportunity Grant Deadlines:** September 23, 1988 is the next deadline for the Arts Board's Career Opportunity grants, one of the few programs in the nation offering short-term assistance to artists. Additional deadlines are set for January 13 and April 21, 1989. Opportunities must begin no earlier than six weeks after the application deadline and must be completed within six months. Applicants may request grants in variable amounts from \$100 to \$1,000. A total of \$5,000 is available for each review cycle. Applications must be received at the Arts Board offices by 4:30 p.m. on the deadline date. Application forms are available by calling the Arts Board at (612) 297-2603 or toll-free in Minnesota at (800) 652-9747.

**Dairy Task Force Elects Chair:** The Minnesota Dairy Task Force announced it has elected a chair, Linda Rotz of Clitherall, Minn., and will be scheduling meetings around the state to solicit advice from Minnesotans on how to improve the health of the state's dairy industry. The task force will make recommendations to the legislature on how to increase production efficiency, reduce input costs and increase profitability in the state's dairy industry. The group will be looking for funding from various grants, industry and interested parties to match what was given by the legislature to help them with their work.

**State Park Permit Art Contest:** Artists of all ages are invited to submit original designs for the 1990 Minnesota State Park Permit, an annual vehicle sticker which is attached to the inside of the car windshield. The permit allows all passengers of the vehicle to enter any of the 64 Minnesota state parks throughout the year. Minnesota has had state park permits since 1953. Each year the shape, design and featured park are changed. The 1989 permit is round and features a colorful bluebird and Camden State Park. The winning artist was Don Breyfogle of Marshall, Minnesota. It will go on sale in October. The 1990 State Park Permit will be diamond shaped, featuring Jay Cooke State Park. Artists should design an illustration or graphic representation of one or more of the unique features of Jay Cooke State Park, for example, the St. Louis River, the associated gorge and suspension bridge. Designs must be in at least two colors and may be done in any one (or combination of) the following mediums:

acrylic, oil, watercolor, tempera, screen printing, intaglio, lithography, pen-and-ink, pencil, batik and pastels. High contrast designs reproduce most successfully on the final permit. Entries for the 1990 Minnesota State Park Permit will be accepted from 8:00 a.m. Feb. 1, 1989, until 4:00 p.m. March 10, 1989. Judging will take place on March 15, 1989. Entries will be returned after judging. The complete set of Minnesota State Park Permits from 1953 to the present is on display at 500 Lafayette Road, St. Paul (3rd floor) during office hours. For more information and an official entry blank, write: State Park Permit Contest, Division of Parks and Recreation, 500 Lafayette Road, St. Paul, MN 55155-4039. Or call toll free in Minnesota, 1-800-652-9747 (ask for DNR). In the Twin Cities Metro Area call: (612) 296-6157.

## Minnesota: national leader in education

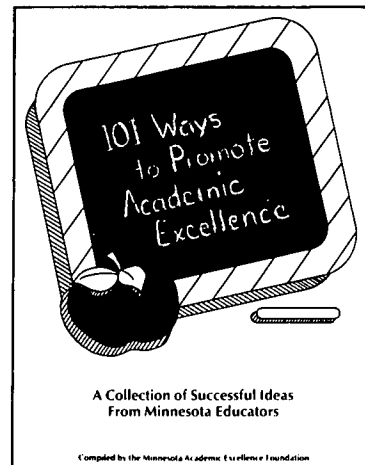
### 101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

### Education Directory, 1987-88

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$6.00.

**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.

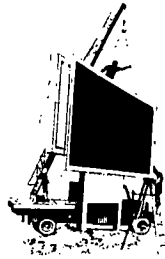
Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

# Minnesota Manufacturer's Directory 1987-88

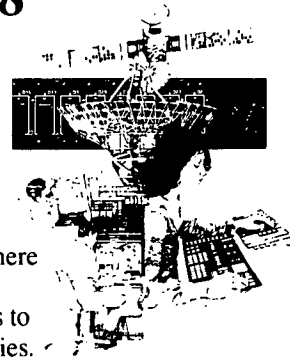


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00.

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



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



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.

## 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" x 22", Code #15-18, \$3.00.

*Loon with baby*—poster, 16" x 20". Code #15-48d. \$3.00.



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.

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## Minnesota's future environment

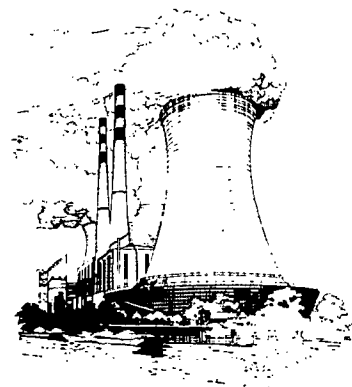
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Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

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