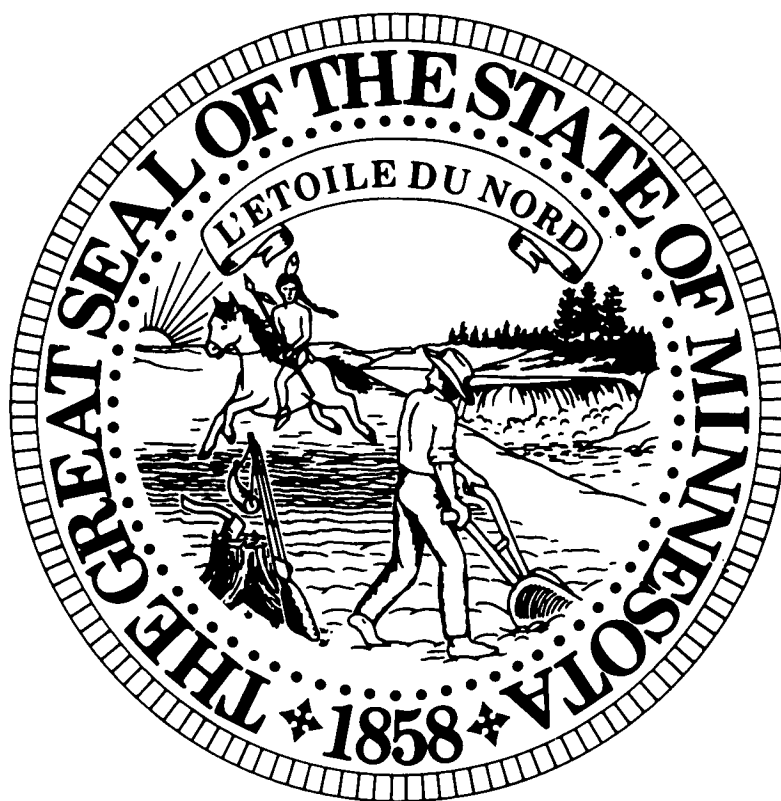


The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday

Monday 1 October 1990
Volume 15, Number 14
Pages 817-872

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 and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
14	Monday 17 September	Monday 24 September	Monday 1 October
15	Monday 24 September	Monday 1 October	Monday 8 October
16	Monday 1 October	Monday 8 October	Monday 15 October
17	Monday 8 October	Monday 15 October	Monday 22 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.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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

Rudy Perpich, Governor
Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division
Robin PanLener, Editor

Paul Hoffman, Assistant Editor
Debbie George, Circulation Manager
Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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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 Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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U.S. Postal Service
STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION
Required by 39 U.S.C. 3685

1A. TITLE OF PUBLICATION MINNESOTA STATE REGISTER		1B. PUBLICATION NO. 3 2 6 6 3 0		2. DATE OF FILING Sept. 20, 1990										
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PUBLISHER (Name and Complete Mailing Address) State of Minnesota, Department of Administration, Print Communications Division 117 University Avenue, St. Paul, MN 55155														
EDITOR (Name and Complete Mailing Address) Robin PanLener, State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, MN 55155														
MANAGING EDITOR (Name and Complete Mailing Address) _____														
7. OWNER (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Item must be completed.)														
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9. FOR COMPLETION BY NONPROFIT ORGANIZATIONS AUTHORIZED TO MAIL AT SPECIAL RATES (Section 423.12 DMM only) The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes (Check one)														
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A. TOTAL NO. COPIES (Net Press Run)			1,300	1,300										
B. PAID AND/OR REQUESTED CIRCULATION			96	98										
1. Sales through dealers and carriers, street vendors and counter sales														
2. Mail Subscription (Paid and/or requested)			989	989										
C. TOTAL PAID AND/OR REQUESTED CIRCULATION (Sum of 10B1 and 10B2)			1,085	1,087										
D. FREE DISTRIBUTION BY MAIL, CARRIER OR OTHER MEANS SAMPLES, COMPLIMENTARY, AND OTHER FREE COPIES			130	130										
E. TOTAL DISTRIBUTION (Sum of C and D)			1,214	1,217										
F. COPIES NOT DISTRIBUTED			85	83										
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2. Return from News Agents			0	0										
G. TOTAL (Sum of E, F1 and 2—should equal net press run shown in A)			1,300	1,300										
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PS Form 3526, July 1984

(See instruction on reverse)

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

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

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

Department of Commerce

Proposed Permanent Rules Relating to the Petroleum Tank Release Compensation Board

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State of Minnesota 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 contained in *Minnesota Statutes*, 115C.07, subdivision 3.

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:

Robin H. Hanson
Petroleum Tank Release Compensation Board
Department of Commerce
133 East 7th Street
St. Paul, MN 55101
(612) 297-4017

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 Robin Hanson upon request.

Pursuant to *Minnesota Statutes* section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

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 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 Robin Hanson.

Dated: 31 August 1990

Susan L. Bergh
Executive Director

Rules as Proposed**2890.0010 DEFINITIONS.**

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Volunteer.** "Volunteer" means a person who:

- A. is not a responsible person under *Minnesota Statutes*, section 115C.02;
- B. holds legal or equitable title to the property where a release occurred; and
- C. incurs reimbursable costs on or after May 22 23, 1989.

2890.0060 REIMBURSEMENT OF COSTS.

Subpart 1. **Generally.** Each responsible person who has incurred reimbursable costs after June 4, 1987, in response to a release, and each volunteer who has incurred reimbursable costs on or after May 22 23, 1989, in response to a release, may apply to the board for partial reimbursement of eligible costs.

[For text of subp 2, see M.R.]

Subp. 2a. **Amount of reimbursement.** The board shall reimburse a responsible person or volunteer who is eligible for 90 percent of the portion of the total reimbursable costs ~~less than \$250,000 or \$1,000,000, whichever is less.~~

[For text of subp 2b, see M.R.]

Subp. 3. **Multiple responsible persons.** If there is more than one responsible person or volunteer who incurs reimbursable costs for a single release or at a single corrective action site, each responsible person or volunteer must apply separately for reimbursement. Not more than ~~\$250,000~~ \$1,000,000 may be reimbursed for ~~cost~~ costs associated with a single release, regardless of the number of persons eligible for reimbursement.

[For text of subp 4, see M.R.]

2890.0065 REDUCTION OF REIMBURSEMENT AMOUNT.

Subpart 1. **Amount of reduction.** Pursuant to *Minnesota Statutes*, section 115C.09, subdivision 2, the board shall reduce the amount of reimbursement to be made to a noncompliant responsible person as follows:

A. For failure to comply with state and federal rules and regulations applicable to the tank, the board shall reduce the amount of reimbursement by ten to 25 percent upon consideration of the likely environmental impact of the failure to comply. Notwithstanding the foregoing, the board shall reduce the amount of reimbursement by five percent, with a minimum reduction of \$200, for failure to register a tank pursuant to Minnesota Statutes, section 115.061.

B. For failure to report a release as required by Minnesota Statutes, section 115.061, the board shall reduce the amount of reimbursement by ten to 25 percent upon consideration of the likely environmental impact of the failure to report.

C. For failure to cooperate with the agency in responding to the release, the board shall reduce the amount of reimbursement by 25 to 50 percent upon consideration of the likely environmental impact of the failure to cooperate.

D. For failure to exercise due care with regard to operation of the tank, the board shall reduce the amount of reimbursement by 25 to 50 percent upon consideration of the likely environmental impact of the failure to exercise due care.

Subp. 2. Cumulative application. The reduction percentages specified in subpart 1 shall be applied on a cumulative basis.

Subp. 3. Deviations. The board may increase or decrease the amount of reduction by up to 50 percent of the original amount of reimbursement if warranted upon consideration of the following factors:

- A. the public interest;
- B. the deterrent effect of the award reduction on other tank owners and operators;
- C. the amount of reimbursement reduction recommended by the commissioner; and
- D. whether the noncompliance was knowing or willful.

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

2890.0070 ELIGIBLE COSTS.

Subpart 1. **Reimbursable corrective actions.** Costs associated with the following corrective actions may be eligible for reimbursement from the fund:

[For text of items A to E, see M.R.]

~~F. Removal or closure in place of the tank that is the source of the release.~~

[For text of subp 2, see M.R.]

2890.0090 APPLICATION PROCESS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Subsequent applications.** An eligible responsible person or volunteer who has already obtained partial reimbursement from the board and who has incurred additional or continuing eligible costs due to the same release may reapply if:

A. the amount of the person's original reimbursement was less than 90 percent of the eligible costs ~~up to \$250,000 or \$1,000,000,~~ whichever is less.

B. the eligible costs submitted on a subsequent application are not related to any new releases at the site. The total reimbursement to a responsible person or volunteer for a release shall not exceed 90 percent of the total eligible costs ~~up to \$250,000 or \$1,000,000,~~ whichever is less, regardless of the number of applications for reimbursement submitted by the responsible person or volunteer.

[For text of subp 4, see M.R.]

Subp. 5. **Certification.** A person who signs an application for reimbursement shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. ~~I further certify that I have the authority to submit this application on behalf of _____.~~"

I certify that if I have submitted invoices for costs that I have incurred but that remain unpaid, I will pay those invoices within 30 days of receipt of reimbursement from the board. I understand that if I fail to do so, the board may demand return of all or any portion of reimbursement paid to me and that if I fail to comply with the board's demand, that the board may recover the reimbursement, plus administrative and legal expenses in a civil action in district court. I understand that I may also be subject to a civil penalty."

Additionally, if the responsible person is not an individual, the person authorized under subpart 4 shall make the following certification: "I further certify that I am authorized to sign and submit this application on behalf of (entity)."

Subp. 6. **Report of the commissioner.** Upon notification by the board's staff that a complete application has been received, the commissioner shall, in a timely manner, provide the board with a written report on the applicant's compliance or noncompliance with *Minnesota Statutes*, section 115C.09, subdivision 2, ~~paragraph paragraphs (b); clauses (4) to (5) and (c).~~ The report shall include documentation supporting the commissioner's findings. The commissioner shall file the report with the board no later than 15 days after notification.

In addition, the board may, as it deems necessary, request additional information from the commissioner or can request participation of agency staff at a board meeting. All responses to requests for information shall be delivered in a timely manner. The board may delegate these powers to its staff.

2890.0110 RIGHT TO APPEAL.

~~A decision of the board is to be considered a final order, decision, or judgment for purposes of Rule 103.3 of the Rules of Civil Appellate Procedure. If a request is denied, the responsible person may appeal the decision as a contested case hearing under chapter 14.~~

Board of Electricity

Proposed Repeal of Permanent Rules Relating to Duplicate Rules

Rules as Proposed (all new material)

REPEALER. *Minnesota Rules*, parts 3800.1700, 3800.1800, 3800.1900, 3800.2000, 3800.2100, 3800.2200, 3800.2300, 3800.2400, 3800.2500, and 3800.2600 are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Lead Abatement in Soil

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing Upon Receiving 25 or More Requests for a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The Agency's authority to adopt the rule is set forth in *Minnesota Laws 1990*, ch. 533, sec. 7, subd. 2 and 3 (to be codified at *Minnesota Statutes* § 144.878) and *Minnesota Statutes* § 116.07 and *Minnesota Statutes* § 116.53, subd. 1 (1988).

The proposed rules follow this notice. All persons have until 4:30 p.m. on October 31, 1990, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for comment, and any change proposed.

Any person may also make a written request for a public hearing on the rules within the comment period. **If 25 or more Persons Submit a Written Request for a Public Hearing Within the Comment Period, a Public Hearing Will Be Held Unless a Sufficient Number Withdraw Their Requests in Writing.** Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

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

Placida Venegas
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/643-3474

PLEASE BE ADVISED That the Proposed Rules are Subject to Change as a Result of the Rule Hearing Process. The Agency Urges Those Who Are Interested to any Extent in the Proposed Rules, Including Those Who Support the Rules as Proposed and Do Not Want to See Changes Made, to Participate in the Hearing and Make Their Views Known. Specifically, the Agency Solicits Comments on the Applicability of Rules, the Definition of Bare Soil and Playgrounds, and on Appropriate Abatement Methods.

If 25 or more requests for a public hearing are received, a hearing will be held pursuant to *Minnesota Statutes* § 14.14, subd. 1, beginning on Monday, November 5, 1990 at 9:30 a.m. in the Board Room lower level of the Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155. If necessary, the hearing will continue on additional days at times and places determined at the hearing. All interested or affected parties would have an opportunity to participate.

PLEASE NOTE, However, That the Hearing Will Be Canceled If Fewer Than 25 Persons Request a Hearing in Response to the Notice of Intent to Adopt These Same Rules Without a Public Hearing Published in this State Register and Mailed to Persons Registered With the Agency. To verify whether a hearing will be held, please call Placida Venegas of the Agency staff, between October 31, 1990, and November 5, 1990, at 612/643-3474.

The proposed rules may be modified without a public hearing 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.

Pursuant to *Minnesota Laws 1990*, ch. 533, sec. 7, subd. 2, the Agency shall adopt rules to provide standards and abatement methods for lead in bare soil on playgrounds and residential property to protect public health and the environment. Additionally, to address the legislative mandate specified under subdivision 3, the Agency must provide a variance procedure to allow for use of innovative abatement methods. The proposed rules establish a lead standard for bare soil at residential property and playgrounds and establish abatement methods for bare soil that exceeds the standard. The proposed rules also address the disposal of lead abatement wastes and provide a variance procedure for innovative abatement procedures. The proposed rules are published below. One free copy of the proposed rules is available from Placida Venegas at the address and telephone number stated above.

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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A **STATEMENT OF NEED AND REASONABLENESS** that includes a summary of all the evidence and arguments justifying both the need for and reasonableness of the proposed rules and that identifies the data and information relied upon during the preparation of the proposed rule may be reviewed at the Agency Offices or at the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings at the cost of reproduction or from Placida Venegas at the address and telephone number stated above.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may affect small businesses such as owners of dwelling units and abatement contractors. The proposed rules may increase cost to these businesses due to requirements for soil abatement, handling and disposal of contaminated materials. However, providing a less stringent standard would mean a reduction in the protection of human health and the environment.

IF NO HEARING IS REQUIRED, this fact will be included in the rule adoption notification published by the Agency in the *State Register*. 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 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 Placida Venegas.

IF A HEARING IS REQUIRED, it will proceed in accordance with *Minnesota Statutes* §§ 14.14 to 14.20 and rule parts 1400.0200 to 1400.1200 (1988). Questions about these procedures may be directed to Administrative Law Judge Allen Giles, Office of Administrative Hearings, 5th Floor Flour Exchange Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, telephone (612) 349-2543. The proposed rules are subject to change as a result of the rule hearing process.

All interested or affected persons will have an opportunity to participate in the hearing by asking questions about the **Statement of Need and Reasonableness** and by presenting oral and written comments about the proposed rules. Comments are most helpful if the commenters identify with particularity each provision of the proposed rules that is supported or objected to and if the comments suggest specific alternative language to what is proposed and provide the reasons and data that support the proposed modifications.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Written material received during this period shall be available for review at the Office of Administrative Hearings. The Agency and interested persons may respond to any new information that is submitted. Response must be made in writing within three business days after the submission period ends. No additional evidence may be submitted during this three-day comment.

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

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

Lobbyists must register with the State Ethical Practices Board within five working days after s/he commences lobbying, as required by *Minnesota Statutes* ch. 10A. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11, as any individual:

a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

b) Who spends more than \$250, not including traveling expenses and memberships dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The Statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone 612/296-5615.

Gerald L. Willet
Commissioner

Rules as Proposed (all new material)

4750.0010 APPLICABILITY.

Parts 4750.0010 to 4750.0050 apply to a property owner who is performing or has been ordered to perform abatement of lead in bare soil on residential property.

4750.0015 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4750.0010 to 4750.0050, the following terms have the meanings given them.

Subp. 2. **Abatement contractor.** "Abatement contractor" has the meaning given in *Minnesota Statutes*, section 144.871, subdivision 3.

Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 4. **Bare soil.** "Bare soil" means an outdoor area of one square foot or more where soil is visible.

Subp. 5. **Board of health.** "Board of health" has the meaning given in *Minnesota Statutes*, section 145A.02, subdivision 2.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 7. **Hazardous waste.** "Hazardous waste" has the meaning given it in *Minnesota Statutes*, section 115B.02, subdivision 9.

Subp. 8. **Playground.** "Playground" means an open area, including vacant lots, used for outdoor games, recreation, and amusement that may contain swings, seesaws, slides, or other means for children's recreation and play. Playgrounds do not include public parks or public playgrounds.

Subp. 9. **Residential property.** "Residential property" means real property that contains a house, building, or other structure used or intended for use as human habitation. The term residential property includes all open areas on the real property that may be used by children as playgrounds and includes sidewalks, walkways, gardens, and driveways.

4750.0020 BARE SOIL STANDARD.

Bare soil on residential property or on playgrounds for which a board of health is required to conduct an assessment under *Minnesota Statutes*, section 144.874, subdivision 1, must not contain lead in a concentration of 3/100 of one percent (300 parts per million) or more by weight.

4750.0030 ABATEMENT METHODS FOR BARE SOIL.

Subpart 1. **Applicability.** The abatement methods prescribed in this part apply to a property owner who has been ordered by a board of health to abate bare soil on residential property or a playground that has been determined to exceed the bare soil standard established in part 4750.0020.

Subp. 2. **Abatement methods.** A property owner who is required to undertake abatement of bare soil shall implement one of the following abatement methods:

A. the bare soil must be rototilled and the resulting area covered with sod or other material that will prevent the bare soil from being exposed;

B. if the bare soil contains more than 1,000 parts per million lead, the soil must be removed and replaced with soil that does not contain more than 25 parts per million lead; or

C. an alternative abatement method approved under the variance procedure in part 4750.0050.

Subp. 3. **Abatement implementation.** A property owner who is required to undertake abatement of bare soil shall follow the procedures in items A to C when abating soil.

A. Children must be prohibited from playing or otherwise coming in contact with the soil being disrupted during abatement.

B. Soil that is removed must be properly stored or disposed of at the end of each work day.

C. Soil on steps and walkways must be removed and steps, walkways, and foundations must be hosed off with water at the end of each work day.

Subp. 4. **Abatement priority.** If abatement of bare soil is done at a residential property or a playground in conjunction with other types of lead abatement, the abatement of the bare soil must be done after paint abatement but before interior dust abatement.

4750.0035 DISPOSAL OF WASTE MATERIALS FROM ABATEMENT PROJECTS.

Subpart 1. **Demolition debris.** Demolition debris, such as windows, doors, walls, and concrete, created from an abatement project may be disposed of in a demolition landfill.

Subp. 2. **Other leaded debris.** The property owner must comply with the requirements of chapter 7045 for other waste material

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Proposed Rules

from an abatement project. Other waste material includes both the waste material from the residential property and any waste material, such as solvents, generated as part of the abatement project. Any waste material that is determined to be a hazardous waste must be managed as a hazardous waste.

Subp. 3. **Bare soil.** The property owner must comply with the requirements of chapter 7045 for any bare soil excavated as part of an abatement project. Bare soil that contains lead in such concentration that it is a hazardous waste must be managed as a hazardous waste.

4750.0040 ABATEMENT CONTRACTOR DUTIES.

If a property owner who is required to undertake abatement of bare soil hires an abatement contractor to conduct the abatement, the abatement contractor shall comply with the requirements of parts 4750.0030 and 4750.0035.

4750.0050 VARIANCE.

Subpart 1. **Procedures.** A property owner who is required to undertake abatement of bare soil may apply for a variance from the requirements of part 4750.0030, subpart 2, item A or B, to allow for use of innovative abatement methods. The property owner shall comply with part 7000.0700 in applying for the variance and the agency shall act upon the variance request according to the procedures of part 7000.0700.

Subp. 2. **Burden of proof.** The property owner who applies for a variance has the burden of establishing that the variance should be granted.

Subp. 3. **Granting of the variance request.** The agency shall grant the variance request if the property owner establishes that the innovative abatement method will ensure that upon completion of the abatement, no person will come in contact with bare soil that exceeds the bare soil standard in part 4750.0020.

Department of Public Service

Proposed Permanent Rules Relating to Minnesota Energy Code

Notice of Intent to Amend a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing if Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service intends to adopt amendments to *Minnesota Rules* Chapter 7670, without a public hearing. The Commissioner has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in the *Minnesota Statutes*, sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 216C.19, subdivision 8.

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

All persons may make a written request for a public hearing on the proposed amendments 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 requests in writing. Any person requesting a public hearing must state his or her name and address and is encouraged to identify the portion of the proposed amendment 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.

PLEASE NOTE: that if twenty five or more persons submit written requests for a public hearing within the 30 day comment period, a public hearing will be held on November 5, 1990 unless a sufficient number withdraw their requests in accordance with the notice of hearing on these rules published in the *STATE REGISTER* and mailed to persons registered with the Department of Public Service. To verify whether a hearing will be held, please call the Department of Public Service, Energy Information Center, on October 31, 1990 between the hours of 8:00 a.m. and 4:15 p.m. at 296-5175 or Minnesota toll free 800-652-9747 (ask for "Energy").

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

Bruce Nelson, Senior Engineer
Department of Public Service, Energy Division
790 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
phone (612) 297-2313 fax (612) 297-1959

Comments or requests for a public hearing must be received no later than 4:30 p.m. on October 30, 1990.

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

A Copy of the proposed rule amendment is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available by requesting a copy from Mr. Nelson at the address listed above.

The adoption of these rules will not result in additional spending by local bodies of government in excess of \$100,000 per year in either of the first two years following their adoption.

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 that 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 rules, must submit a written request for such to Mr. Nelson at the address listed above.

Dated: 14 September 1990

Tony Perpich, Commissioner
Department of Public Service

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

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held on November 5, 1990 in Conference Room 4, 9th floor of the American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, that the hearing will be cancelled if fewer than twenty-five persons request a hearing in response to the notice of intent to adopt these same rules without a public hearing published in this *State Register* and mailed to persons registered with the Department of Public Service, Energy Division. To verify whether a hearing will be held, please call the Department of Public Service, Energy Information Center on October 31, 1990 between the hours of 8:00 a.m. and 4:15 p.m. at 296-5175 or Minnesota toll free 800-652-9747 (ask for "Energy").

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing may be mailed to Bruce D. Campbell, Administrative Law Judge, Office of Administrative Hearings, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone 612/341-7602, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record to be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three day period, the agency may indicate, in writing, whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be admitted during the three day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, Sections 14.15 to 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 216C.19, subdivision 8.

The adoption of these rules will not result in additional spending by local bodies of government in excess of \$100,000 per year in either of the first two years following their adoption.

A Copy of the proposed rule amendment is attached to this notice.

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

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to filing the rules with the secretary of state.

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

Copies of the Statement of Need and Reasonableness are also available by submitting a request to:

Bruce Nelson, Senior Engineer
Department of Public Service, Energy Division
790 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
phone (612) 297-2313 fax (612) 297-1959

Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11 as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials;

(b) who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

Dated: 14 September 1990

Tony Perpich, Commissioner
Department of Public Service

Rules as Proposed

GENERAL

7670.0100 AUTHORITY; SCOPE; CONFLICTS.

Subpart 1. Authority. This chapter is adopted pursuant to *Minnesota Statutes*, section 216C.19, subdivision 8 and constitute amendments to.

Subp. 2. Scope. Under *Minnesota Statutes*, section 216C.19, subdivision 8, this chapter is a part of the State Building Code, adopted in accordance with *Minnesota Statutes*, sections 16B.59 to 16B.73.

Subp. 3. Conflicts. In cases of conflict with other parts of the State Building Code, this chapter governs in all cases not affecting safety and health requirements.

~~Additionally, this chapter is intended to serve as standards for conducting maxi audits of existing buildings owned by the state, the University of Minnesota, cities, counties, and school districts as specified in *Minnesota Statutes*, section 216C.20.~~

7670.0120 EFFECTIVE DATE.

The effective date of this chapter is ~~January~~ February 1, 1984 1991.

7670.0125 LEGISLATIVE MANDATES CONCERNING THE MINNESOTA ENERGY CODE.

An enclosed structure or portion of an enclosed structure constructed after January 1, 1978, and used primarily as a commercial parking facility for three or more motor vehicles may not be heated. Incidental heating resulting from building exhaust air passing through a parking facility is not prohibited if substantially all useful heat previously has been removed from the air.

EXCEPTION: Parking facilities that are appurtenant to dwelling unit occupancies.

7670.0130 ADOPTION INCORPORATIONS BY REFERENCE OF THE MODEL ENERGY CODE WITH AMENDMENTS.

Subpart 1. Incorporated items. The following standards and references are incorporated by reference:

A. The Model Energy Code, 1983 1989 Edition, as published by the Council of American Building Officials (Falls Church, Virginia), is incorporated by reference and made a part of the State Building Code, subject to the amendments in this chapter as amended by parts 7670.0330 to 7670.1000.

B. Code of Federal Regulations, title 10, part 435, Energy Conservation Voluntary Performance Standards for New Commercial and Multi-Family High Rise Residential Buildings; Mandatory for New Federal Buildings; subpart 103, Lighting and subpart 105, section 5.3.3.2.1(d), Calculation procedures for thermal bridges in sheet metal construction.

C. ASHRAE Standard 62-1989, Ventilation for Acceptable Indoor Air Quality as published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (Atlanta, GA).

D. ANSI/ASHRAE Standard 119-1988, Air Leakage Performance for Detached Single-Family Residential Buildings.

E. AAMA Standard 1503.1-88, Voluntary Test Method for Thermal Transmittance and Condensation Resistance of Windows, Doors and Glazed Wall Sections.

F. ASTM C 236-87, Standard Test Method for Steady State Thermal Performance of Building Assemblies by means of a Guarded Hot Box.

G. ASTM C 976-82, Standard Test Method for Thermal Performance of Building Assemblies by means of a Calibrated Hot Box.

H. WINDOW, a computer program developed by the Windows and Daylighting Group at Lawrence Berkeley Laboratory.

Subp. 2. Availability. All standards and documents incorporated by reference are available for public inspection at the Minnesota State Law Library and through the Minitex interlibrary loan system. In addition:

A. ASHRAE and ANSI/ASHRAE documents and standards are available from the American Society of Heating, Refrigerating and Air-Conditioning Engineers - Publication Sales, 1791 Tullie Circle NE, Atlanta, GA 30329;

B. AAMA standards are available from the American Architectural Manufacturers Association, 2700 River Road, Des Plaines, IL 60018;

C. ASTM standards are available from ASTM, 1916 Race Street, Philadelphia, PA 19103; and

D. The WINDOW computer program is available from Bostik Construction Products, P.O. Box 8, Huntington Valley, PA 19006.

7670.0250 APPLICABILITY.

Buildings covered by this chapter must comply with the Model Energy Code as amended by parts 7670.0325 to 7670.1000. This part also applies to remodeled elements of buildings covered by the State Building Code. This chapter governs in case of conflict with the Model Energy Code.

EXCEPTION: Relocated residential buildings need not comply with this chapter, except that, where available, an energy audit must be conducted on the relocated building.

7670.0325 AMENDMENTS TO SECTION 201: DEFINITIONS.

Subpart 1. Thermal transmittance (U). In section 201 of the Model Energy Code, the definition of "Thermal transmittance (U)" is amended to read:

THERMAL TRANSMITTANCE (U). The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature differential between the warm side and cold side air films (Btu/h ft² F).

A. Thermal transmittance of opaque wall components (U_w) and roof/ceiling components (U_r) must be calculated using one of the following methods appropriate for the application:

(1) Parallel heat flow method:

Reference: Model Energy Code, chapter 5, equation 1.

Applications: Wood frame and masonry with surface applied thermal insulation.

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(2) Series-parallel method:

Reference: RS-1, page 22.4.

Applications: Masonry blocks with insulation inserts or filled cores, nonmetal surface with metal framing.

(3) Thermal bridges in sheet metal construction method:

Reference: Code of Federal Regulations, title 10, part 435.105, section 5.3.3.2.1(d).

Applications: Metal framing bonded on one or both sides to a metal skin or covering.

(4) Zone method:

Reference: RS-1, page 22.10.

Applications: Metal surface with nonmetal framing.

B. Thermal transmittance of window area (U_w) and skylight elements (U_s) must be determined in accordance with one of the following methods:

(1) Reference RS-1, representative U-values for fenestration products, pages 27.16 to 27.18;

(2) AAMA Standard 1503.1;

(3) ASTM C 236 or ASTM C 976, using design conditions specified in footnote (a) of table 13, chapter 27 of reference RS-1; or

(4) WINDOW computer program.

Subp. 2. Vapor retarder. Section 201 of the Model Energy Code is amended by adding a new definition to read:

VAPOR RETARDER. A material to retard air and water vapor passage designed to meet a maximum perm rating of 1.0 grain per hour per ft² per inch Hg pressure differential. Polyethylene material that is not cross laminated which is used to meet the requirements of this paragraph must be designed to have a minimum thickness of four mills.

Subp. 3. Wind wash. Section 201 of the Model Energy Code is amended by adding a new definition to read:

WIND WASH. Wind wash is the passage of unconditioned air through thermal insulation of the building envelope.

Subp. 4. Window area. Section 201 of the Model Energy Code is amended by adding a new definition to read:

WINDOW AREA. Window area, or glazing area, is either the area of glazing and sash, or the area used by the manufacturer to determine the window thermal transmittance.

7670.0400 AMENDMENT TO ~~302.1~~ SECTION 302: ~~FOOTNOTE 1~~ DESIGN CONDITIONS.

On page 42 of the code, Footnote 1 to of section 302.1 of the Model Energy Code is amended to read:

'The Outdoor design temperature shall conditions must be selected from the columns of 99 percent values for winter and one percent values for summer from tables in Standard RS-1. Heating design temperatures must be no lower than the temperature listed in the 99 percent column. Cooling design temperatures must be no greater than the temperature listed in the 2.5 percent column.

EXCEPTION: Where necessary to assure the prevention of damage to the building or to material and equipment within the building, the median of annual extremes for heating and one percent column for cooling may be used.

Heating degree days heating shall must be selected from Standard RS-22. Adjustments may be made as determined by the building official to reflect local climates which differ from the tabulated temperatures or local weather experience as determined by the building official.

7670.0450 AMENDMENT TO SECTION 303: VENTILATION.

Section 303.1 of the Model Energy Code is amended to read:

303.1 Ventilation. Ventilation systems must be designed to conform with ASHRAE Standard 62, Ventilation for Acceptable Indoor Air Quality.

7670.0470 AMENDMENT TO SECTION 502: ENVELOPE THERMAL TRANSMITTANCE.

Section 502.2.1 of the Model Energy Code is amended by adding a new section to read:

502.2.1.7 Alternative compliance. Alternative methods of compliance with section 502.2.1 for one- and two-family residential buildings.

Minimum performance for Type A-1 (one- and two-family) buildings:

<u>Ceilings</u>	<u>Walls</u>	<u>Floors</u>	<u>Windows</u>	<u>Doors</u>
<u>R-38</u>	<u>R-19'</u>	<u>R-19'</u>	<u>Maximum U-0.49²</u>	<u>R-3</u>

(1) For the insulation within the cavity of opaque walls and rim joists.

(2) Maximum window area must not exceed 12 percent of the area of exterior walls, not including foundation walls.

Site-built fixed glazing must be installed in either an aluminum or steel frame having a minimum 0.25 inch low conductance thermal break or in wood or vinyl framing. The glazing must be either double-glazed with a dead air space between panes of nominal one-half inch spacing or triple-glazed with a dead air space between panes of not less than one-fourth inch.

Foundation walls must comply with part 7670.0510, slab-on-grade floors must comply with section 502.2.1.4 and crawl space walls must comply with section 502.2.1.5.

7670.0480 AMENDMENT TO SECTION 502: EFFECTIVENESS OF REQUIRED THERMAL INSULATION.

Section 502.2 of the Model Energy Code is amended by adding paragraphs to read:

Subpart 1. Thermal insulation. Thermal insulation used in residential buildings three stories or less in height must conform to chapter 7640, Minnesota Thermal Insulation Standards.

Subp. 2. Cold weather vapor condensation. Building assemblies are required to maintain the thermal performance of required insulation and the integrity of building materials against cold weather water vapor condensation.

A. A vapor retarder must be installed between the interior surface and the winter design condition dew point location within each building envelope surface. Joints in the vapor retarder must be sealed between solid blocking.

EXCEPTION: A vapor barrier need not be installed on the rim joist insulation.

B. A barrier against air leakage must be installed to prevent the leakage of moisture-laden air from the house into the building envelope. An air barrier must be continuous at all plumbing and heating penetrations of interior surface of the building exterior envelope. If a tub or shower is located on an exterior wall, an air barrier must be provided at the interior surface of the building exterior envelope behind the tub or shower.

Subp. 3. Preventing wind wash. A barrier must be provided at the following locations to mitigate wind wash:

A. the exterior edge of attic insulation; and

B. cantilevered floors and bay windows, including corners with adjoining vertical walls above and below.

7670.0500 AMENDMENT TO ~~502.2.1.4~~ 502: SLAB ON GRADE FLOORS.

On page 49 of the code, Section 502.2.1.4 of the Model Energy Code is amended to read:

502.2.1.4 Slab on grade floors. For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor must be not less than the value given in Table No. 5-1 502.2.1. The insulation must extend downward from the top of the slab to the design frost line or downward to the bottom of the slab then horizontally beneath the slab for an equivalent distance, and must be an approved type.

7670.0510 AMENDMENT TO ~~502.2.1~~ SECTION 502: FOUNDATION WALLS.

On page 49 Section 502.2.1.6 of the Model Energy Code, ~~502.2.1~~ is amended by adding a paragraph to read:

Subpart 1. 502.2.1.6 Foundation walls. Foundation walls enclosing heated or conditioned spaces must be insulated.

Either the thermal resistance (R) of the insulation on the entire opaque foundation wall must be not less than R-5, or the thermal resistance (R) of the insulation on the opaque foundation wall must be not less than R-10 from the top of the wall down to the design frost line. If the top of the footing is at or above the design frost line, the thermal resistance (R) of the insulation on the wall must not be less than R-5 from the top of the wall to the top of the footing.

Subp. 2. Intended use; installation. All insulation used in or on foundation walls must be approved for the intended use. The insulation must be installed in accordance with the approved manufacturer's specifications.

Subp. 3. Exterior insulation. If the foundation wall insulation is on the exterior, the portion from the top of the foundation wall to six inches below grade must be covered by an approved protective coating finish to protect the insulation from deterioration due to sunlight and physical abuse.

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Proposed Rules

7670.0550 AMENDMENT TO ~~502.4.3~~ SECTION 502: AIR LEAKAGE.

On page 23 of the code, Section 502.4.3 of the Model Energy Code is amended to read as follows:

Subpart 1. 502.4.3.1 502.4.3 Exterior joints in the building envelope that are sources of air leakage, such as around window and door frames, must be caulked, gasketed, or otherwise sealed in an approved manner. These air leak sources include, but are not limited to, areas between wall cavities and window or door frames, between walls and foundations, between walls and roofs or ceilings and between wall panels, openings and at penetrations of utility services through walls, floors, and roofs, and all other similar openings in the building envelope must be caulked, gasketed, or otherwise sealed in an approved manner. A continuous air barrier must be provided at all electrical, mechanical, and plumbing penetrations.

Subp. 2. Alternative. As an alternative to the prescriptive requirements of subpart 1 for detached single-family residential buildings, air tightness must comply with air leakage class A, B, C, or D of ANSI/ASHRAE Standard 119. In addition, this alternative requires that the ventilation system must provide a ventilation rate of not less than 0.35 air changes per hour (determined in accordance with ASHRAE Standard 62, Table 2.3) or 15 cfm per person, whichever is greater. This ventilation rate must be verified by measurement.

Subp. 3. Fire stops. Fire stops must be installed in accordance with the State Building Code. When mineral fiber or glass fiber materials are used as fire stop construction at ceilings and wall cavities separating conditioned and nonconditioned spaces, the fire stop must be installed to block air movement.

EXCEPTIONS: A fire stop need not block air movement if its installation would conflict with any other part of the State Building Code.

7670.0610 AMENDMENT AMENDMENTS TO ~~503.2~~ SECTION 503: BUILDING MECHANICAL SYSTEMS.

Subpart 1. Calculation procedures. On page 24 Section 503.2.1 of the Model Energy Code, 503.2 is amended by adding a paragraph to read:

503.2.3 System design heating and cooling capacity. The rated capacity of the heating and cooling system at design conditions may not be greater than 115 percent for heating, 100 percent for cooling at design output load calculated in accordance with 503.2, whenever appropriate equipment is available.

- Exceptions:
1. Equipment designed for standby purposes.
 2. Cooling capacity of heat pumps.
 3. Systems designed for pick up after automatic temperature setback when a registered professional engineer shows that the extra system design heating and cooling capacity is needed for pick up.

503.2.1 Calculation procedures. Heating and cooling system design loads for the purpose of sizing systems and equipment must be determined in accordance with the procedures described in Standard RS-1. For those design parameters addressed in part 7670.0400, the values specified must be used.

503.2.1.1 Safety factor. Design loads may at the designer's option be increased by as much as ten percent to account for unexpected loads or changes in space usage.

503.2.1.2 Pick-up loads. Transient loads such as warm-up or cool-down loads that occur after off-hour setback or shutoff may be calculated from principles based on the heat capacity of the building and its contents, the degree of setback, and desired recovery time; or may be assumed to be up to 30 percent for heating and ten percent for cooling of the steady-state design loads. The steady-state load may include a safety factor in accordance with section 503.2.1.1.

Subp. 2. System and equipment sizing. Section 503.2 of the Model Energy Code is amended by adding a paragraph to read:

503.2.3 System and equipment sizing. HVAC systems and equipment must be sized to provide no more than the space and system loads calculated in accordance with 503.2.1.

Exceptions:

(a) Equipment capacity may exceed the design load if the equipment selected is the smallest size needed to meet the load within available options of the desired equipment line.

(b) Equipment whose capacity exceeds the design load may be specified if oversizing the equipment can be shown to not increase the overall annual energy costs.

(c) Stand-by equipment may be installed if controls and devices are provided that allow stand-by equipment to operate automatically only when the primary equipment is not operating.

(d) Multiple units of the same equipment type, such as multiple chillers and boilers, with combined capacities exceeding the design load may be specified to operate concurrently only if controls are provided that sequence or otherwise optimally control the operation of each unit based on load.

(e) For a single piece of equipment that has both heating and cooling capability, only one function, either the heating or the cooling, need meet the requirements of this section. Capacity for the other function must be, within available equipment options, the smallest size necessary to meet the load.

7670.0660 AMENDMENT TO TABLE NO. 5-7 SECTION 503: EQUIPMENT EFFICIENCY.

Subpart 1. Table No. 503.4.3. Table No. 503.4.3 of the Model Energy Code "HVAC System Heating Equipment - Gas- and Oil-Fired Minimum Steady State Combustion Efficiency" is amended by changing the requirement for forced-air furnaces and low-pressure steam or hot-water boilers for all other commercial or industrial furnaces and boilers to 80 percent.

On page 29 Subp. 2. Table No. 503.4.8. Section 503 of the Model Energy Code; Table No. 5-7 is amended by adding a table to read:

Table No. 5-7 503.4.8 — Minimum EER and COP for Electrically Driven HVAC System Components Water Source Hydronic Heat Pumps¹

Component	Type of Compressor	Air		Condensing Means Water		Evaporative	
		EER	COP	EER	COP	EER	COP
Self-contained water chillers	Centrifugal	8.00	2.34	13.80	4.04		
	Positive displacement	8.40	2.46	12.00	3.51		
Condenserless water chillers	Positive displacement	9.90	2.9	12.00	3.51		
Compressor and condenser units 65,000 Btu/h (19,050 watts) and over ²	Positive displacement	9.50	2.78	12.50	3.66	12.50	3.66
Water Source Hydronic Heat Pump	Size	under 19 kW (65,000 Btu/h)		19 kW (65,000 Btu/h) and over			
	Centrifugal	EER	COP	EER	COP		
		9.0	2.64	9.4	2.75		
		EER	COP	EER	COP		
		9.0	2.64	9.4	2.75		

¹When tested at the standard rating conditions specified in Table No. 5-10C 503.4.6a.

²Ratings in accordance with Standard RS-14 as applicable. COP based on condensing unit standard rating capacity and energy input to the unit, all at sea level.

7670.0670 AMENDMENT TO ~~503.10.2~~ SECTION 503.10: DUCT CONSTRUCTION.

On page 33 of the code, Section 503.10.2 of the Model Energy Code is amended to read:

503.10.2. For low pressure supply and return air ducts located outside of the conditioned space, all transverse joints must be sealed using mastic, tape, or mastic ~~plus~~ and tape. For fibrous glass ductwork, pressure sensitive tape may be used.

7670.0710 DELETION OF ~~504.5.3~~ AMENDMENTS TO SECTION 504: SERVICE WATER HEATING.

Subpart 1. Time clocks. On page 38 Section 504.5 of the Model Energy Code; is amended by deleting section 504.5.3 is deleted.

Subp. 2. Pipe insulation. Section 504.7 of the Model Energy Code is amended by deleting the exception.

Subp. 3. Devices to limit temperature. Section 504.8.2 of the Model Energy Code is amended by deleting section 504.8.2.2.

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Proposed Rules

7670.0800 ~~AMENDMENT OF 505.2.~~ AMENDMENTS TO SECTION 505: ELECTRIC POWER AND LIGHTING.

Subpart 1. Electric energy determination. The exception to section 505.2 of the Model Energy

On page 39 of the Code, 505.2 is amended to read:

505.2 Electric energy determination.

In any multi tenant residential building, provisions shall be made to separately determine the electric energy consumed by each tenant. Electrical service to individual dwelling units in buildings containing two or more units shall be separately metered, with individual metering readily accessible to the individual occupants.

EXCEPTION: Motels, hotels, college dormitories, other transient facilities, and buildings intended for occupancy primarily by persons who are 62 years of age or older or handicapped, or which contain a majority of units not equipped with complete kitchen facilities.

Subp. 2. Lighting power budget. The lighting requirements of sections 505.3 and 505.4 of the Model Energy code are amended to read:

The lighting power budget must be the upper limit of the power to provide the lighting needs in accordance with the 1988 and 1989 criteria and calculation procedure specified in Code of Federal Regulations, title 10, part 435.103 (excluding section 3.2).

EXCEPTION: One- and two-family detached dwellings and the dwelling portion of multifamily buildings.

7670.0850 AMENDMENT TO SECTION 600: DESIGN BY ACCEPTABLE PRACTICE.

Section 601.1 of the Model Energy Code is amended by adding a paragraph to read:

Buildings constructed in accordance with this section must also comply with parts 7670.0480 to 7670.0800.

7670.1000 AMENDMENT AMENDMENTS TO ~~701.1~~ SECTION 701: REFERENCES.

On page 54 of the code, Section 701.1; Code Standard No. RS-4; of the Model Energy Code is amended by replacing the following code standard numbers to read:

<u>RS-1</u>	<u>1989 ASHRAE Handbook of Fundamentals.</u>
<u>RS-3</u>	<u>ASHRAE Standard 62-1989, Ventilation for Acceptable Indoor Air Quality.</u>
<u>RS-4</u>	<u>ASHRAE Standard 55-1981 Thermal Environment Conditions for Human Occupancy.</u>
<u>RS-17</u>	<u>SMACNA HVAC Duct Construction Standards: Metal and Flexible, First Edition, 1985.</u>
<u>& RS-18</u>	
<u>RS-23</u>	<u>Monthly Normals of Temperature, Precipitation, and Heating and Cooling Degree Days</u> <u>1951-80 Minnesota. National Oceanic and Atmospheric Administration September 1982.</u>

REPEALER. Minnesota Rules, parts 7670.0110; 7670.0200; 7670.0210; 7670.0220; 7670.0300; 7670.0310; 7670.0320; 7670.0330; 7670.0340; 7670.0520; 7670.0540; 7670.0600; 7670.0620; 7670.0630; 7670.0640; 7670.0650; 7670.0700; 7670.0720; 7670.0730; 7670.0900; 7670.0910; 7670.0920; 7670.0930; 7670.0940; 7670.0950; 7670.0960; 7670.0970; 7670.1010; 7670.1020; 7670.1030; 7670.1100; and 7670.1110 are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Pollution Control Agency

Adopted Permanent Rules Relating to Infectious Waste Management

The rules noticed, proposed and published at *State Register*, Volume 14, Number 41, pages 2419-2431, April 9, 1990 (14 SR 2419) and Volume 14, Number 47, pages 2710-2711, May 21, 1990 (14 SR 2710) are adopted with the following modifications:

Rules as Adopted**7035.9110 DEFINITIONS.**

Subp. 9. **Generator.** "Generator" means a person whose activities produce infectious waste. Generator does not include a person who produces sharps as a result of administering medication to oneself, an ambulance service licensed under Minnesota Statutes, section 144.802, an eligible board of health, community health board, or public health nursing agency as defined in Minnesota Statutes, section 116.78, subdivision 10, or a program providing school health service under Minnesota Statutes, section 123.35, subdivision 17.

Subp. 23. **Storage.** "Storage" means the offsite holding of infectious waste for more than 48 hours, except when such waste is accepted on a Friday, provided that any waste so accepted must be disposed of not later than the following Monday.

7035.9120 REQUIRED PRACTICES FOR FACILITY OWNERS AND OPERATORS AND COMMERCIAL TRANSPORTERS.

Subpart 1. **Packaging and labeling requirements.** No commercial transporter shall receive any infectious waste that is not packaged according to items A to G. No facility owner or operator shall receive for offsite decontamination, storage, or disposal, any infectious waste that is not packaged according to items A to G.

D. Infectious waste, except for sharps, must be contained in plastic bags that are impervious to moisture, and of sufficient strength to preclude ripping, tearing, or bursting under normal conditions of use and handling. Each plastic bag must be constructed of material of sufficient single thickness and strength to pass the 165-gram dropped dart impact resistance test as prescribed by ASTM Standard D 1709-75, which is incorporated by reference, and is not subject to frequent change. The standard appears in the Annual Book of ASTM Standards, issued by the American Society of Testing and Materials (Philadelphia, 1975), and is available at the Minnesota State Law Library or through the statewide interlibrary loan system. The bags must be secured to prevent leakage of waste during handling, decontamination, storage, transport, or disposal.

Subp. 5. **Generator transport requirements.**

B. Generators who provide not-for-compensation or at cost infectious waste collection and transport services for other generators or groups of generators that provide not-for-compensation infectious waste collection and transport service for the group must comply with the packaging, labeling, and storage requirements of subparts 1 and 2 and the commercial transporter requirements of subpart 4, item C.

Subp. 6. **Spill response plan.** Spill response plans must comply with items A to C.

A. A spill cleanup kit must be available for use in areas used for the transport storage, decontamination, or offsite storage disposal of infectious ~~wastes~~ waste and also on each transport vehicle. The cleanup kit must include at least:

(3) packaging and labeling, as required in subpart 1 in quantities sufficient to accommodate the quantity of waste present;
and

(4) scoop shovel, push brooms, and plastic buckets; and

(5) disposable coveralls, latex and neoprene gloves, surgical type face mask, and goggles.

7035.9140 MANAGEMENT PLAN CERTIFICATION PROCEDURES.

Subp. 4. **Exemption from commercial transporter registration.** Exemption from registration does not include exemption from the packaging and labeling requirements of part 7035.9120, subpart 1. The following are exempt from commercial transporter registration requirements:

B. a generator that provides ~~not-for-profit~~ not-for-compensation or at cost infectious waste collection and transport services for other generators;

C. groups of generators that provide ~~not-for-profit~~ not-for-compensation infectious waste collection and transport services for the group; and

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Adopted Rules

Department of Public Safety

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 14, Number 47, pages 2692-2695, May 21, 1990 (14 S.R. 2692) are adopted as proposed.

Board of Nursing

Adopted Permanent Rules Relating to Licensing and Registration

The rules proposed and published at *State Register*, Volume 14, Number 48, pages 2748-2762, May 29, 1990 (14 SR 2748) are adopted with the following modifications:

Rules as Adopted

6305.0300 AUTHORIZATION TO PRACTICE NURSING.

Subp. 7. **Length of permits.** The permit authorizing practice under the direct supervision of a registered nurse expires eight weeks after the administration of the examination or upon the applicant's notification by the board of failure on the examination, whichever occurs first. The board may extend this permit an additional eight weeks if the applicant's results are delayed due to a processing delay by another nurse licensing agency or if the applicant has come under investigation by the board after the issuance of the initial permit until the matter is resolved for the applicant who is under investigation by the board.

The permit authorizing practice without direct supervision expires six months after the date of issue, but the board shall extend this permit if licensure cannot occur because of a processing delay by another nurse licensing agency.

6305.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subp. 9. **Continuing education for practical nurses.** An applicant for licensed practical nurse licensure must participate in continuing education as follows:

A. If the applicant has not been employed as a licensed practical nurse during the two years immediately preceding receipt by the board of the application, the applicant must participate in at least 15 clock hours of nursing-related continuing education courses. The continuing education may be part of an orientation program provided by an employer or potential employer. The continuing education must have occurred within the 24 months preceding board action on the application for licensure. The applicant must submit an affidavit of continuing education.

6310.2900 REGISTRATION RENEWAL PROCEDURES.

Subp. 4. **Continuing education evidence report form.** For professional nurses, the registration renewal application shall include a continuing education report form. Information to be provided by the professional nurse on a report form shall include:

6310.3100 REREGISTRATION.

Subp. 8. **Permit to practice.** To participate in the clinical component of a refresher course, a licensee must have a permit. To receive a permit, the licensee must submit the completed reregistration application, fee, and an affidavit of enrollment in the refresher course that includes the request for a permit. When issued, the permit is valid only for participation in the clinical component of the refresher course and for no longer than 90 days. While the permit is in effect, a registered nurse may use the title registered nurse, abbreviated "RN," and a licensed practical nurse licensee may use the title licensed practical nurse, abbreviated "LPN." The affidavit must be signed by the refresher course coordinator.

6321.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to ~~this chapter~~ Minnesota Statutes, sections 148.171 to 148.285.

6321.0200 POLICY.

Nothing in this chapter is intended to limit the ability of licensed practical nurses to function according to the provisions of the Nurse Practice Act, Minnesota Statutes, sections 148.171 to 148.285.

6330.0200 PURPOSE.

Parts 6330.0100 to 6330.0300 establish criteria ~~certification of for organizations which certify~~ professional nurses to engage in advanced nursing practice. Part 6330.0350 lists professional nursing organizations that fulfill the criteria. The criteria and list are established under *Minnesota Statutes*, section 62A.15, subdivision 3a, in order to qualify advanced nursing services for reimbursement by third parties.

Office of Waste Management

Adopted Permanent Rules Relating to Grant Programs

Parts 9210.0100 to 9210.0180 and the repeal of parts 9210.0100, subparts 2 and 3; 9210.0120, subparts 1 to 4; and 9210.0160, subpart 3, of the rules proposed and published at *State Register*, Volume 14, Number 49, pages 2837-2852, June 4, 1990 (14 SR 2837) are adopted with the following modifications:

Rules as Adopted

9210.0100 DEFINITIONS.

Subp. 8. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, or securing the waste supply; ~~or joint efforts by more than one local government unit.~~

9210.0131 PRELIMINARY GRANT APPLICATION.

Subp. 2. **Completeness.** Applicants shall be notified by the director if their preliminary grant applications are not complete and shall be given 30 days from the notification in which to complete their applications. Extensions shall be granted if requested in a timely manner and good cause exists for the extension. Applications that are not completed and received by the director within ~~this 30-day deadline~~ the time allowed shall be considered ineligible for funding.

9210.0132 INVITATION TO SUBMIT FINAL GRANT APPLICATION.

Subpart 1. **Criteria.** The director shall evaluate preliminary grant applications to determine which eligible projects will best assist the state in achieving its solid waste management goals. The director shall base this evaluation on the following factors:

D. the extent to which the applicant is prepared to implement the proposed project upon receipt of the grant award; and

E. ~~the extent to which the grant request for the proposed project represents an effective use of grant funds, given total program resources; and~~

~~F.~~ for projects serving eligible jurisdictions in only a single county, the extent to which cooperation with jurisdictions in other counties to develop the proposed project is not feasible.

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2390: Regulations for the Use of Traps and for the Taking of Certain Furbearers; Superseding Commissioner's Order No. 2351

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97B.605, 97B.621, 97B.625, 97B.631, 97B.635, 97B.901-97B.945 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the use of traps and for the taking of mink, muskrat, raccoon, opossum, lynx, bobcat, red fox, gray fox, badger, pine marten, fisher, beaver and otter. All dates and time periods specified in this order are inclusive, unless otherwise noted.

Section 1. FURBEARER ZONES.

(a) **Forest Furbearer Zone.** That portion of the state lying within the following described boundary shall be known as the Forest Furbearer Zone.

Beginning on U.S. Highway 59 at the northern boundary of the state; thence along U.S. Hwy. 59 to U.S. Hwy. 10; thence along U.S. Hwy. 10 to State Trunk Highway (STH) 210; thence along STH 210 to STH 18; thence along STH 18 to U.S. Hwy. 169; thence along U.S. Hwy. 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the eastern boundary of the state; thence along the eastern and northern boundaries of the state to the point of beginning.

(b) **Farmland Furbearer Zone.** That portion of the state lying outside of the Forest Furbearer Zone shall be known as the Farmland Furbearer Zone.

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Commissioners' Orders

(c) **North Mink/Muskrat/Beaver/Otter Zone.** That portion of the state lying within the following described boundary shall be known as the North Mink/Muskrat/Beaver/Otter Zone.

Beginning on State Trunk Highway (STH) 200 at the western boundary of the state; thence along STH 200 to U.S. Highway 2; thence along U.S. Hwy. 2 to STH 73; thence along STH 73 to its junction with the Soo Line Railroad in the City of Moose Lake; thence easterly along the Soo Line Railroad to the eastern boundary of the state; thence along the eastern, northern and western boundaries of the state to the point of beginning.

(d) **South Mink/Muskrat/Beaver/Otter Zone.** That portion of the state lying outside of the North Mink/Muskrat/Beaver/Otter Zone shall be known as the South Mink/Muskrat/Beaver/Otter Zone.

Sec. 2. MINK AND MUSKRATS.

(a) **Season in North Mink/Muskrat/Beaver/Otter Zone.** Mink and muskrats may be taken by trapping from 9 a.m. on the Saturday nearest October 26 to December 31.

(b) **Season in South Mink/Muskrat/Beaver/Otter Zone.** Mink and muskrats may be taken by trapping from 9 a.m. on the Saturday nearest October 30 to December 31.

(c) **Bag Limits.** Mink and muskrats may be taken and possessed without limit.

(d) **Special Provisions.**

(1) The taking of mink with the use of dogs or by digging in any manner whatsoever is prohibited.

(2) Traps may be set at natural entrances to muskrat runways and bank burrows.

(3) Openings can be made in any muskrat house for the purpose of trapping provided that they are plugged by replacing all materials removed and wetting said materials down in order to prevent freezing within the structure.

(4) No person may damage any muskrat house, muskrat runway or muskrat bank den, except as herein authorized.

Sec. 3. RACCOON.

(a) **Season.** Raccoons may be taken statewide with legal firearms, bow and arrow, and by trapping from 9 a.m. on the Friday nearest October 22 to December 31.

(b) **Bag Limits.** Residents may take and possess raccoons without limit. Nonresidents may not take more than 20 raccoons per season, or possess more than 20 raccoons at any time.

(c) **Special Provisions.**

(1) A person may use dogs to pursue and tree raccoons without killing or capturing the raccoons from:

(A) January 1 to April 15 and from July 15 to October 14 without a permit; and

(B) From April 16 to July 14 in raccoon dog field trials by special permit issued to the sponsoring organization.

(2) Each raccoon or, if the pelt is removed, the pelt thereof taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to the raccoon or its pelt in the manner prescribed by Sec. 11(b) of this order.

(3) To take raccoons between sunset and sunrise, a person: a) must be on foot; and b) may use an artificial light to locate, attempt to locate, or shoot a raccoon only if the raccoon has been treed or put at bay by dogs.

Sec. 4. RED FOX AND GRAY FOX.

(a) **Season.** Red fox and gray fox may be taken statewide with legal firearms, bow and arrow, and by trapping from 9 a.m. on the Friday nearest October 22 to the last day in February.

(b) **Bag Limits.** Residents may take and possess red fox and gray fox without limit. Nonresidents may not take more than an aggregate of five red and gray fox per season, or possess more than an aggregate of five red and gray fox at any time.

(c) **Tagging.** Each red or gray fox or, if the pelt is removed, the pelt thereof taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to the fox or its pelt in the manner prescribed by Sec. 11(b) of this order.

(d) **Special Provisions.** Fox may be run without being taken by the use of dogs at any time during the year except from March 1 to July 14. Dogs may be used in taking fox during the open season.

Sec. 5. BADGER AND OPOSSUM.

(a) **Season.** Badgers and opossums may be taken statewide with legal firearms, bow and arrow, and by trapping from 9 a.m. on the Friday nearest October 22 to the last day in February.

(b) **Bag Limits.** Badgers and opossums may be taken and possessed without limit.

(c) **Special Provisions.** Badgers and opossums may be taken by hunting from one-half hour before sunrise to sunset daily.

Sec. 6. LYNX AND BOBCAT.

(a) **Lynx.** The taking of lynx is prohibited statewide.

(b) **Bobcat.** Bobcats may be taken with legal firearms, bow and arrow, and by trapping from the Saturday nearest December 1 to the Sunday nearest January 6.

(c) **Open Area.** Bobcats may be taken only in that area of the state lying north of U.S. Hwy. 10.

(d) **Bag Limits.** No person may take more than five bobcats per season by either hunting or trapping or both. No person may possess more than five bobcats at any time, except that a person may possess additional pelts which he or she lawfully took, tagged and registered during previous seasons.

(e) **Tagging.** Each bobcat or, if the pelt is removed, the pelt thereof, taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to bobcat or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

(f) **Special Provisions.** Bobcats may be taken by hunting from one-half hour before sunrise to sunset daily.

Sec. 7. FISHER.

(a) **Season.** Fisher may be taken only in the Forest Furbearer Zone by trapping from the Saturday nearest December 1 to the Sunday nearest December 16.

(b) **Bag Limits.** No person may take more than one fisher per season or possess more than one fisher at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(c) **Tagging.** Each fisher or, if the pelt is removed, the pelt thereof, must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All fisher trappers, regardless of age, must use the state-supplied possession tags. No tags will be issued to persons under five years of age. These tags must be obtained prior to the season according to the procedure in Sec. 11(a) of this order. These tags must be fastened to fisher or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

Sec. 8. PINE MARTEN.

(a) **Season and Zone.** Pine marten may be taken by trapping from the Saturday nearest December 1 to the Sunday nearest December 16, only in the following described area:

Beginning at the northern boundary of the state at the point due north of the junction of State Trunk Highway (STH) 11 and STH 72; thence due South to said junction; thence southerly along STH 72 to STH 1; thence easterly along STH 1 to STH 65; thence southerly along STH 65 to U.S. Hwy. 169; thence easterly along U.S. Hwy. 169 to STH 37; thence easterly along STH 37 to U.S. Hwy. 53; thence southerly along U.S. Hwy. 53 to the north shore of Lake Superior; thence along the north shore of Lake Superior to the northern boundary of the state; thence along the northern boundary of the state to the point of beginning.

(b) **Bag Limits.** No person may take more than two pine marten per season or possess more than two pine marten at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(c) **Tagging.** Each pine marten or, if the pelt is removed, the pelt thereof, must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All marten trappers, regardless of age, must use the state-supplied marten possession tags. No tags will be issued to persons under five years of age. These tags must be obtained prior to the season according to the procedure set forth in Sec. 11(a) of this order. These tags must be fastened to the marten or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

Sec. 9. BEAVER AND OTTER.

(a) **Beaver.**

(1) **Season and Bag Limits in North Mink/Muskrat/Beaver/Otter Zone.** Beaver may be taken and possessed without limit by trapping from 9 a.m. on the Saturday nearest October 26 to the last day in April.

(2) **Season and Bag Limits in South Mink/Muskrat/Beaver/Otter Zone.** Beaver may be taken and possessed without limit by trapping from 9 a.m. on the Saturday nearest October 30 to the last day in April.

Commissioners' Orders

(b) Otter.

(1) **Season in North Mink/Muskrat/Beaver/Otter Zone.** Otter may be taken by trapping from 9 a.m. on the Saturday nearest October 26 to the Sunday nearest January 6.

(2) **Season in South Mink/Muskrat/Beaver/Otter Zone.** Otter may be taken only in that portion of the zone lying north of U.S. Hwy. 10 by trapping from 9 a.m. on the Saturday nearest October 30 to the Sunday nearest January 6.

(3) No person may take more than three otter per season, or possess more than three otter at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(4) Each otter or, if the pelt is removed, the pelt thereof, must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All otter trappers, regardless of age, must use the state-supplied possession tags. No tags will be issued to persons under five years of age. These tags must be obtained according to the procedure set forth in Sec. 11(a) of this order. These tags must be fastened to otter or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts are subject to the provisions of Sec. 11(c) of this order.

(c) Special Provisions.

(1) No traps of any kind may be set inside any beaver house or above the water line upon the outside of any beaver house.

(2) No person may molest or damage any beaver house or dam.

(3) Snowmobiles and all-terrain vehicles may be used statewide to transport or check beaver or otter traps and to transport beaver or otter carcasses.

(4) Beaver and otter may be taken within wildlife management areas in the respective open areas of the state by licensed trappers provided they have a permit issued by the appropriate state wildlife manager.

(5) No person may take beaver and otter in any state park or other areas under the administration of the Division of Parks and Recreation.

(6) Federal Waterfowl Production Areas which are located in the open zones of the state are open to the trapping of beaver.

(7) Within the Agassiz, Minnesota Valley, Rice Lake, Sherburne, Tamarac, and Upper Mississippi National Wildlife Refuges, beaver may be taken by licensed trappers provided they have a permit issued by the appropriate refuge manager. All other National Wildlife Refuges are closed to beaver trapping. All National Wildlife Refuges are closed to otter trapping.

Sec. 10. USE OF TRAPS.

(a) **Tagging.** A person may not place, set, operate, possess or transport any trap in the field unless the following information is etched legibly onto the trap or onto a metal tag no less than 30 gauge (0.012 inch) in thickness that is welded, brazed or soldered to the trap or affixed to the trap with a tightly twisted wire or solid metal ring: (1) the person's name and Minnesota driver's license number; or (2) the person's name and mailing address sufficiently complete to individually identify the person.

(b) **Trap-tending Hours.** No person shall set or tend any trap for any wild animals between the hours of 7 p.m. and 5 a.m.

(c) **Use of Lights.** During legal trap-tending hours, a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a bow and arrow or a firearm other than a handgun of .22 caliber with .22 short, long or long rifle rimfire ammunition.

(d) **Trap-tending Interval: Non-drowning Sets.** Any trap capable of capturing a protected wild animal and not capable of drowning the animal must be tended at least once each calendar day and any animal captured must be removed from the trap.

(e) **Trap-tending Interval: Drowning Sets.** Except for traps set under the ice, any trap capable of drowning the captured animal must be tended at least once each third calendar day and any animal captured must be removed from the trap.

(f) Placement.

(1) No person may set or maintain any leghold trap within 20 feet of bait located in such a manner that it may be seen by soaring birds. Bait is defined as any animal or parts thereof, including live or dead fish, except that small aggregates of fur and feathers may be used for flagging purposes.

(2) No person may set, place, or operate, except as a waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than seven and one-half inches measured from the inside edges of the body-gripping portions of the jaws.

(3) No person may set, place, or operate in or within three feet of a culvert, except as a completely submerged waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than six and one-half inches measured from the inside edges of the body-gripping portions of the jaws.

(4) A wataset is defined as any body-gripping trap or snare set in which the body-gripping portion of the jaws or the snare loop, when set, is at least half-submerged in water. A completely submerged water set is any set in which the body-gripping portions of the jaws or the snare loop, when set, is completely submerged in water.

(5) The setting of any trap within 50 feet of any water other than temporary surface water within 30 days prior to the open season for trapping mink and muskrat in the respective zones is prohibited, except by permit issued by the Commissioner.

(6) No person may set, place, or operate any leghold trap that has a maximum jaw opening, when set, of greater than eight and three-quarter inches measured from the inside edges of the jaws.

(g) Multiple-catch Traps. Traps capable of taking more than one animal at a time may not be used.

(h) Pre-emption. Prior to the opening of the trapping season for any protected species of wild animal, no trap, either set or un-set, may be placed or staked and no flag, stake or other device may be placed for the purpose of marking or pre-empting a trapping site.

(i) Picking Up Traps. No trap placed for a protected wild animal may be left in place, either set or un-set, after the close of the applicable trapping season.

(j) Dogs. No person may be accompanied by a dog or dogs while engaged in tending or setting traps for protected wild animals, unless such dog or dogs are harnessed and attached to a sled or securely tethered to a tree or other permanent device with a leash of no more than 15 feet in length.

(k) Snares. Snares may be used for taking protected furbearers pursuant to this order and the provisions of Commissioner's Order No. 2352 or superseding orders to the extent that such provisions are consistent with this order.

(l) Authorized Agent. A trapper may authorize, in writing, an agent who possesses all necessary licenses to check, pick up, or reset at the same set, traps set by the trapper. The agent may remove trapped animals and, if any animal removed from the trap is required to be tagged as specified in Sec. 11(b) of this order, the agent must affix his or her own tag to the animal as prescribed. Furbearer tags are not transferable.

Sec. 11. PELT TAGGING AND REGISTRATION.

(a) Possession Tag Application.

(1) Application for fisher, otter, or pine marten possession tags must be made on an official possession tag application form. No person who has reached his or her 13th birthday by the Friday nearest October 29 may apply for possession tags without first purchasing a valid trapping license. A person who has not yet reached his or her 13th birthday by the Friday nearest October 29 may apply for possession tags by supplying his or her birth date in lieu of trapping license number, except that no possession tags will be issued to persons born less than five years prior to the application deadline.

(2) No person may submit more than one application for a legal allotment of fisher, otter, and pine marten possession tags. Any application that is not completed in accordance with the instructions on the application may be rejected.

(3) Completed applications must be either mailed or delivered to:

License Bureau
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4026

(4) Applications that are mailed must be postmarked no later than the Friday nearest October 29. Applications that are delivered must be delivered no later than 4:30 p.m. on the Friday nearest October 29.

(5) The possession tag application stub will be completed by the Department of Natural Resources and returned to the applicant. This stub is a part of the trapper's licensing to take fisher, otter and pine marten and must be in the trapper's possession while taking or transporting these species. This stub must be presented on request of any Department of Natural Resources Enforcement Officer.

(b) Possession Tagging. Any possession tag or seal required by this order to be affixed to a pelt at the time and place where taken must be fastened through the mouth and one eye opening. Any seal furnished by the Commissioner must be affixed so that such seal cannot be removed without breaking the lock.

(c) Registration. The pelt of each bobcat, fisher, pine marten and otter and the whole carcass of each bobcat and pine marten must be presented, by the person taking it, to a conservation officer for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes. The entire carcass of bobcat and pine marten and the lower jaw or head of fisher must be surrendered to the conservation officer. The pelt of bobcat, fisher and pine marten must have been removed from the carcass.

(d) No person may affix any tag, seal or label required by this order to the pelt or carcass of any animal which he or she did not take.

Commissioners' Orders

(e) Any possession and registration tags or seals required by this order must remain affixed to the raw pelt until the pelt is tanned or mounted.

Sec. 12. GENERAL PROVISIONS.

(a) **Possession of Live Animals Prohibited.** All animals taken pursuant to this order must be killed before being removed from the site where taken.

(b) **Accidental Captures—Possession and Transport.**

(1) No person may possess or transport a fisher, otter, pine marten, fox, bobcat, lynx or timber wolf which was accidentally killed or was lawfully killed while causing or threatening injury or damage until such person notifies the local conservation officer, other authorized department employee, or regional enforcement office, of the killing and receives authorization to possess, transport, or pelt the animal.

(2) A person may possess or transport mink, muskrat, beaver, badger, opossum or raccoon accidentally killed or lawfully killed while causing or threatening injury or damage only if the local conservation officer or other authorized employee of the department is notified within 24 hours of such killing and before any pelting is begun.

(3) Regulations governing payment of pelting fees are set forth in Commissioner's Order No. 2117 or superseding orders.

(c) **Electronic Devices.** No person shall use any unattended electronic device for the purpose of taking wild animals.

(d) **Handguns.** Except as provided in Sec. 10(c), all species of small game which may lawfully be taken with a rifle may also be taken with a handgun, subject to the same caliber restrictions that apply to rifles.

(e) **Red/Orange Requirement.** A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.

(f) None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

(g) This order shall not be construed to limit the number of any furbearing animals that may lawfully be possessed, transported or sold by any licensed fur dealer.

(h) This order shall remain in effect until amended, superseded or rescinded.

Sec. 13. Commissioner's Order No. 2351 is hereby superseded.

Dated at St. Paul, Minnesota, this 12th day of September, 1990.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Transportation

Amended Order No. 76384 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under *Minnesota Statute* § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 72156, dated April 8, 1987, which order has been amended by Orders No's. 73139, 74653, 74846, 75024, 75110, 75193, 75314 and 75451 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 72156 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

CITY STREETS

CITY OF BURNSVILLE—12th Ave.

—From 116th St. to TH 13 (12 Month).

CITY OF CROOKSTON—Third Ave. Southwest.

—From TH 75 to South Front Street (12 Month).

COUNTY ROADS**HENNEPIN COUNTY.** Revisions due to turnbacks:Change

C.S.A.H. 3 (Excelsior Blvd.).
—From C.S.A.H. 18 to TH 100 (12 Month).

To

C.S.A.H. 3 (Excelsior Blvd.).
—From TH 169 to TH 100 (12 Month).

Change

C.S.A.H. 109 (85th Ave. North).
—From C.S.A.H. 18 to TH 52 (12 Month).

To

C.S.A.H. 190 (85th Ave. North).
—From Jefferson Highway to I-94 (12 Month).

Delete from HENNEPIN COUNTY listing:

C.S.A.H. 18.
—From I-494 to TH 7 (12 Month).

C.S.A.H. 18.
—From C.S.A.H. 10 to I-94 (12 Month).

Add**POLK COUNTY**

C.S.A.H. 9.
—From 3rd Ave. S.W. to TH 2 in Crookston (12 Month).

Leonard W. Levine
Commissioner

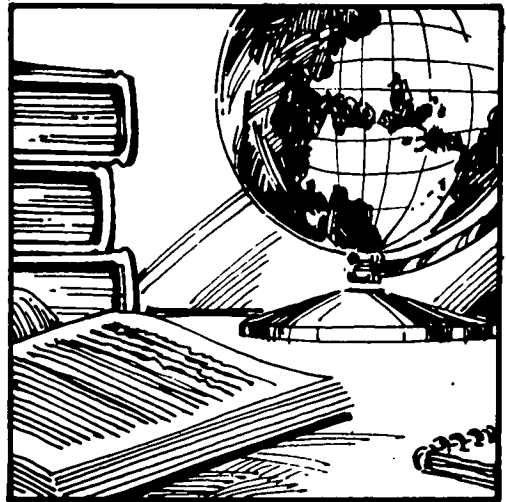
Dated: 24 September 1990

Get Smart with these Education Resources

Board of Teaching-Licensure Rules 1987. *Minnesota Rules* Chapter 8700. Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74, \$7.00 plus tax.

Education Directory 1989-90. All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93, \$8.95 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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.

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.

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Public Safety Officer's Survivor Grant Program

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rules is contained in *Laws of Minnesota for 1990*, Chapter 591, Article 5, Section 6. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capitol Square Building
St. Paul, MN 55101
(612) 296-9656

A copy of the proposed rule is attached to this notice. A free copy of the proposed emergency rule is available by contacting Mary Lou Dresbach.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the adopted rule, must submit the written request to Mary Lou Dresbach.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will continue to be in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 20 September 1990

David R. Powers, Executive Director
Higher Education Coordinating Board

Rules as Proposed (all new material)**4830.8000 [Emergency] SCOPE.**

Parts 4830.8000 to 4830.8040 [Emergency] govern state postsecondary education grants to spouses and dependent children of public safety officers killed in the line of duty.

4830.8010 [Emergency] ELIGIBLE INSTITUTIONS.

A student receiving a grant from the Public Safety Officer's Survivor Grant Program must attend a postsecondary institution that is an eligible institution as defined in Minnesota Statutes, section 136A.101, subdivision 4, and part 4830.0300, subparts 1 and 2, as limited by Minnesota Statutes, section 299A.45, subdivision 1.

4830.8020 [Emergency] ELIGIBLE RECIPIENT.

To be eligible for a grant, the person must:

- A. be enrolled in an eligible institution as specified in part 4830.8010 [Emergency];
- B. not have received a baccalaureate degree, nor have been enrolled full time or the equivalent for eight semesters or 12 quarters, whichever occurs first; and
- C. provide a copy of the certification of eligibility received from the commissioner of public safety to the eligible institution.

4830.8030 [Emergency] INSTITUTIONAL REQUEST AND DISBURSEMENT OF FUNDS FOR GRANTS.

Subpart 1. **Institutional request.** After verifying a student's eligibility, the institution must submit a written request to the executive director for payment of grant money for the student. A separate request must be submitted for each academic term the student is enrolled. A copy of the student's certificate of eligibility from the commissioner of public safety must accompany the institution's first request for payment.

Subp. 2. **Deadline.** The request for grant money for a student must be received by the executive director no later than the last day of classes for the academic year for which grant money is requested.

Subp. 3. **Disbursement of funds.** An institution must not disburse grant money for a student unless the student is enrolled in or has completed the academic term for which payment is intended.

Subp. 4. **Refunds.** A grant award is made for a student's attendance at a specific institution for the nine-month academic year within the state fiscal year. If a recipient fails to enroll or reduces enrollment, the institution must refund the unused portion of the award to the executive director. Refunded money is available for awards to other eligible students.

4830.8040 [Emergency] PAYMENTS TO INSTITUTIONS.

Subpart 1. **Time of payment.** The executive director shall send grant money for an eligible student to the institution within 30 days of receipt of a request for payment, but not before July 1 of the academic year for which payment is intended.

Subp. 2. **Withholding payment.** The executive director shall withhold payment for a student until the institution's request for payment is complete and the student's eligibility is verified.

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Prenursing Grant Program

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rules is contained in *Laws of Minnesota for 1990*, Chapter 591, Article 4, Section 7. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
Capitol Square Building
St. Paul, MN 55101
(612) 296-9656

Emergency Rules

A copy of the proposed rule is attached to this notice. A free copy of the proposed emergency rule is available by contacting Mary Lou Dresbach.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the adopted rule, must submit the written request to Mary Lou Dresbach.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will continue to be in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 20 September 1990

David R. Powers, Executive Director
Higher Education Coordinating Board

Rules as Proposed (all new material)

PRENURSING GRANT PROGRAM

4830.7000 [Emergency] SCOPE.

Parts 4830.7000 to 4830.8000 [Emergency] apply to the program of state grants for prenursing students.

4830.7010 [Emergency] STUDENT MUST AGREE TO SERVE IN RURAL AREA.

Before a student receives a grant under the program, the student must agree to serve in a designated rural area in Minnesota. The agreement must be to serve there at least three of the first five years after receiving the license that the grant is used to get.

4830.7020 [Emergency] SERVICE CREDIT AFTER DESIGNATION REMOVED.

In satisfying the service requirements under the program, a grant recipient shall continue to receive credit for serving in a designated rural area even if the designation is removed after the recipient begins serving there.

4830.7030 [Emergency] RANKING APPLICANTS.

Subpart 1. **Classification of applicants.** Each applicant must be placed in one of the following classifications:

A. renewal applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area;

B. renewal applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area;

C. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area;

D. renewal applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area;

E. initial applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

F. initial applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

G. initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

H. initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has not previously been enrolled in any nursing program or coursework;

I. initial applicant residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework;

J. initial applicant residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework;

K. initial applicant not residing in a designated rural area attending an eligible postsecondary institution outside the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework; and

L. initial applicant not residing in a designated rural area attending an eligible postsecondary institution within the seven-county metropolitan area, and has been previously enrolled in a nursing program or completed some nursing coursework.

Applicants will be awarded in the order of the classifications listed above.

Subp. 2. **Ranking of applicants.** Within each of the classifications specified in subpart 1, grant applicants are ranked according to parental contribution. Applicants with the least parental contribution are awarded first.

Subp. 3. **Insufficient funds.** If insufficient funds are available to meet the needs of all eligible applicants, the executive director shall make award to applicants in the order specified in subparts 1 and 2.

4830.7040 [Emergency] AWARDS.

The amount of the grant award is a percentage of the sum of the student's Pell grant and state grant for which the student is currently eligible. The percentage must be determined annually by the executive director based upon the money available to the program from state appropriations and the estimated financial need of the student.

4830.7050 [Emergency] METHOD OF PAYMENT.

Subpart 1. **Payments to schools.** After a grant award is determined, the award must be sent to the eligible school chosen by the recipient. A recipient's total prenursing grant award must be divided by the number of terms in the academic year and disbursed accordingly. The school shall apply each disbursement to the recipient's educational costs in the following order: tuition, fees, books, supplies, and other expenses. The costs must be prorated for each term of the academic year. The school shall notify the recipient when each term payment arrives at the school.

Subp. 2. **Refunds.** A grant is awarded for full-time attendance at a specified school for the academic year of nine months within a state fiscal year. If a recipient fails to enroll or reduces enrollment, the school must refund the unused portion of the award. Refunds to the prenursing grant program are determined as provided in items A and B:

A. calculate the percentage that the prenursing grant award represents of the student's total financial aid package for the applicable term; and

B. multiply that percentage by the amount determined to be refunded to the student under the school's refund policy.

The result yields the amount to be refunded to the executive director. Refunded money is available for reassignment to other qualified applicants.

Subp. 3. **School accounting requirements.** Schools shall maintain separate accounts for prenursing grant funds. Refunds to the prenursing grant program must be sent to the executive director with a list stating the social security number, name, award type, amount of refund, term, and refund code for each student included in the refund. The refund must be made within 30 days from the end of the academic term, or 30 days from the date the school is notified of a student's withdrawal, whichever is less. Schools must provide evidence, prepared according to generally accepted accounting principles, that all grant payments have either been disbursed or refunded to the prenursing grant program.

4830.7060 [Emergency] RECIPIENT RESPONSIBILITIES.

Subpart 1. **Change of address.** From the time a grant recipient first receives a grant until five years after the nursing license is received, the recipient must notify the executive director in writing of a change of address within 30 days of the change.

Subp. 2. **Service status verification.** Each year for up to five years after the nursing license is received, on request of the executive director, a grant recipient must complete and return to the executive director a service status verification form provided by the executive director.

4830.7070 [Emergency] INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or an agent may require additional information not inconsistent with parts 4830.7000 to 4830.7060 [Emergency] to administer the program. The additional information may be required from grant applicants or recipients or eligible institutions.

Subp. 2. **Additional requirements.** The executive director may impose on a grant recipient under the program terms in an agreement required to be signed by the grant recipient in addition to those set out in parts 4830.7000 to 4830.7060 [Emergency] as a condition of receiving the grant.

An additional term must not be inconsistent with the terms required by parts 4830.7000 to 4830.7060 [Emergency]. An additional term must be helpful, in the judgment of the director, to administer or enforce the program.

Subp. 3. **Forms.** The executive director may provide to grant applicants and recipients and eligible institutions and require the use of uniform forms in the administration of the program.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the MCHA Board of Directors will be held at 8:30 a.m. on Friday, October 5, 1990, at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, 55122.

Please note that the portion of the meeting to consider medical data relating to appeals is closed to the public.

For additional information, please call (612) 456-8466.

Minnesota Pollution Control Agency

Ground Water and Solid Waste Division

Minnesota Department of Agriculture

Agronomy Services Division

Notice of Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances, Pollutants, or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA), with the assistance of the Minnesota Department of Agriculture (MDA), is publishing for public comment a proposed update of the Permanent List of Priorities (PLP) among releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B. The statutory basis for, and explanation of, the PLP is discussed below.

Pursuant to MERLA, *Minnesota Statutes* § 115B.17 (1988), the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health, welfare, or environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or environment; or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility. Where the hazardous substance or pollutant or contaminant is on agricultural chemical, as defined in *Minnesota Statutes* § 118D.01, subd. 3, the MDA is authorized under MERLA to take any removal or remedial action with regard to such releases or threatened releases, *Minnesota Laws 1990*, ch. 597, Sections 52 to 55, 69 and 72.

Minnesota Statutes § 115B.17, subd. 13 (1988), requires the MPCA to establish priority rules among releases or threatened releases of hazardous substances, and pollutants or contaminants. The priority rules, *Minnesota Rules* ch. 7044, became effective on July 10, 1984.

Minnesota Statutes § 115B.17, subd. 13 (1988), also requires the MPCA to adopt a permanent priority list and to update the list annually according to the criteria set forth in the priority rules. Before any update of the PLP is adopted by the MPCA, it must be published in the *State Register* to allow for a 30-day public comment period. This notice is therefore published to inform the public that the MPCA is proposing to update the December 1989, PLP and to solicit public comments *only* on the proposed modifications.

The proposed modifications to the December 1989, PLP are hereinafter referred to as the "proposed December 1990, Update of the PLP." The proposed December 1990, Update of the PLP was developed according to the process set forth in *Minnesota Rules* pt. 7044.0400 (1987). The proposed update includes sites which have been recommended by and will be under the administrative authority of the MDA. Each site listed has been ranked using the modified Hazard Ranking System (HRS) method as required by *Minnesota Rules* pt. 7044.1000. Each site has also passed the prescreening test of *Minnesota Rules* pt. 7044.1200 (1987), for eligibility.

The numerical scores generated by the HRS scoring process should not be interpreted as exact number priorities. The scores shown indicate the relative ranking and general classification of sites, but sites with scores within approximately ten points of each other may be considered roughly equivalent in terms of a known or possible public health or environmental threat. Generally, the cleanup of a hazardous waste site involves a three-phase program:

1. Remedial Investigation/Feasibility Study—investigation of the extent, magnitude, and nature of the release or threatened release, and identification, evaluation, and selection of appropriate removal or remedial action(s);
2. Remedial Design—detailed design of the selected removal or remedial action(s); and
3. Response Action—implementation of the selected removal or remedial action(s).

All sites listed on the proposed December 1990, Update of the PLP have been assigned to one or more response action classes as required by *Minnesota Rules* pt. 7044.0300. (The terms response action, removal action, and remedial action are defined in *Minnesota Statutes* § 115B.02.) The proposed December 1990, Update of the PLP is presented by response action class. All sites within each class are presented in order of their HRS score. Each of the four response action classes is defined as follows:

CLASS A—Declared Emergencies. This class includes all sites at which an emergency has been declared by the MPCA or MDA Commissioner pursuant to MERLA. According to *Minnesota Rules* pt. 7044.0200, an “emergency” means that there is an imminent risk of fire or explosion, that a temporary water supply is needed where an advisory has been issued, or that immediate adverse human health effects may be anticipated due to direct contact or inhalation and an advisory has been issued. An “advisory” means a warning by the MPCA Commissioner, Minnesota Department of Health, Minnesota Department of Natural Resources, or the Minnesota Department of Agriculture issued to the public concerning a hazardous substance, or pollutant or contaminant at or near a site.

CLASS B—Response Actions Completed and Operation and Maintenance/Long-term Monitoring Ongoing. This class includes all sites where response actions have been completed and long-term monitoring of these completed response actions is in progress. This class also includes all sites where activities are necessary to operate and maintain response actions that have previously been completed. Examples include continued operation of a ground water pump out system, long-term monitoring, and work necessary to maintain the integrity of the site such as maintaining cover or closure.

CLASS C—Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site. This class includes all sites where remedial design and implementation of response actions (other than Class A or B) such as barrel removal, soil decontamination, first year ground water pump out or monitoring are necessary to effect a permanent remedy or cleanup of a site.

CLASS D—Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress. This class includes all sites which require a remedial investigation (RI) to determine the extent, magnitude, and nature of the release or threatened release, and a feasibility study (FS) to evaluate and select response action(s).

Funding sources for removal or remedial actions at a site include federal Superfund (CERCLA), state Superfund (MERLA), and funding by responsible parties. These sources of funding are noted in each of the class listings. In cases where site activities are funded by responsible parties, Request for Response Actions, Consent Orders, and Stipulation Agreements are noted.

Proposed changes to the December 1989, PLP, which are reflected in the proposed December 1990, Update of the PLP, include the following: site additions; site deletions; and changes in response action classification.

The MPCA proposes the following 13 sites be added to the December 1989, PLP (HRS scores are in parentheses): B. J. Carney Pole Yard, Minneapolis (43); Brainerd Former City Dump, Brainerd (38); C. S. McCrossan Inc., Maple Grove (34); Cedar Services, Minneapolis (17); City of Rice Municipal Well #2, Rice (22); Dealers Mfg. Co., Fridley (28); Elysian Former City Dump, Elysian (23); Hansen and Mankato Sanitary Landfill, Blue Earth County (19); Interplastic Corp., Minneapolis (18); Killian Sanitary Landfill, Motley (19); Red Rock Sanitary Landfill, Mower County (36); Rochester Gas Mfg. Site, Rochester (37); Westling Manufacturing, Princeton (38). The MPCA is the administering agency for these Sites.

The MPCA is also proposing to delete one site from the December 1989, PLP: Union Scrap Iron and Metal Co., Minneapolis.

The MPCA proposes that changes in response action classification be made to five sites listed on the December 1989, PLP. Changes in response action classification come as a result of completion of certain tasks required for a site, or reassessment of the cleanup tasks required at a site based on additional site information. The proposed changes in response action classification are as follows: Hastings Former City Dump (B to D); Control Data Corporation—Printed Circuits Operation (C,D to C); St. Louis River/U.S. Steel (C,D to C); Trio Solvent Site (C,D to C); Arrowhead Refinery Co. (C,D to C).

In addition, the MPCA proposes to add two agricultural chemical sites to the December 1989, PLP as recommended by MDA: Lewiston Ground Water Contamination, Lewiston (34); Castle Rock Ground Water Contamination, Castle Rock (25). The MDA will be the administering state agency for these sites along with two current PLP sites: Lund’s Farmer Seed and Nursery, St. Cloud; and Central Co-Operative Oil Association, Medford.

The December 1989, PLP listed 165 sites. As a result of the 15 proposed site additions and 1 proposed site deletion, the proposed December 1990, Update of the PLP lists a total of 179 sites.

The PLP will be updated annually as required by *Minnesota Rules* pt. 7044.0600 according to the criteria set forth in *Minnesota Rules* ch. 7044. Notice of any future updates of the PLP will be published in the *State Register* for the purpose of soliciting public comments.

Based on the above considerations, the proposed December 1990, Update of the PLP is offered for public comment. Additional

Official Notices

information regarding specific sites on the proposed December 1990, Update of the PLP may be obtained by writing the Public Information Office, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155, or phoning (612) 296-7283.

The MPCA invites members of the public to submit written comments on the proposed December 1990, Update of the PLP. To be considered, all written comments must be received no later than 4:30 p.m., October 31, 1990. Written comments regarding sites where MPCA is the administering agency should be submitted to: Gary Krueger, Program Development Section, Ground Water and Solid Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155.

Written comments regarding sites where MDA is the administering agency should be submitted to: Patricia Chabot, Agronomy Services Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107.

All written comments received by the above deadline will be considered by the MPCA and MDA in establishing the December 1990, Update of the PLP.

Gerald L. Willet, Commissioner
Minnesota Pollution Control Agency
Jim Nichols, Commissioner
Minnesota Department of Agriculture

State of Minnesota

Environmental Response and Liability Act

Proposed December 1990 Permanent List of Priorities

CLASS A SITES

Declared Emergencies

Site	Score	Comments
Lakeland Ground Water Contamination	38	ERLA funded
St. Paul Park Ground Water Contamination	36	ERLA funded
Duluth Former City Dump	28	ERLA funded
Winona Ground Water Contamination (Clarks Lane/Gilmore Avenue)	25	ERLA funded
Askov Ground Water Contamination	18	ERLA funded

CLASS B SITES

Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing

Site	Score	Comments
FMC Corp.—Fridley Plant (vault)	66	Consent Order 10/28/86
Boise Cascade/Medtronic, Fridley	59	Consent Decree 1/24/84
Boise Cascade/Onan, Fridley	59	Consent Decree 12/28/84
Oakdale Dump	59	Consent Order 7/26/83
Reilly Tar, St. Louis Park	59	Consent Decree 9/22/86
St. Regis Paper, Cass Lake	53	Consent Order 2/26/85
PCI, Inc., Shakopee	52	Consent Order 6/25/85
Burlington Northern, Brainerd	47	Consent Order 3/26/85
Faribault Coal Gasification Plant Site, Faribault	46	Consent Order 7/26/88
Whittaker Corporation, Minneapolis	40	Request for Response Action 4/23/85
General Mills, Minneapolis	39	
Electric Machinery, St. Cloud	38	Request for Response Action 3/23/86
Perham Arsenic Site, Otter Tail County	38	ERLA funded
Nutting Truck and Caster, Faribault	38	Consent Order 4/26/84
Winona County Sanitary Landfill	34	Request for Response Action 3/26/85
Ironwood Sanitary Landfill (Advance Transformer), Spring Valley	34	Consent Order 8/26/86
Waite Park Ground Water Contamination Site	32	Request for Response Action 10/22/85
Kurt Manufacturing, Fridley	31	Consent Order 8/24/84
Atwater Municipal Well Field	31	ERLA funded

Site	Score	Comments
Jackson Municipal Well Field	26	ERLA funded
Wadena Arsenic Site	25	ERLA funded
Weisman Scrap, Winona	25	Request for Response Action 3/25/86
Boise Cascade Paint Waste Dump, Rainer	17	Consent Order 6/25/85
Lund's Farmer Seed and Nursery, St. Cloud	14	ERLA Funded
West Duluth Industrial Site	11	Stipulation Agreement 9/8/86
DNR-Duxbury Pesticide Site	11	Request for Response Action 12/18/84
3M Kerrick Disposal Site, Kerrick	9	Consent Order 1/25/84
Hutchinson Technology, Inc.	9	
Tonka/Woyke Site, Annandale	9	Consent Order 11/25/86
McLaughlin Gormley King Co., Minneapolis	4	Consent Order 11/19/85
Hopkins Agricultural Chemical/Allied Chemical, Minneapolis	3	Request for Response Action 6/25/85
Minneapolis Community Development Agency/FMC	1	Consent Order 11/26/85

CLASS C SITES

Response Actions Necessary or in Progress First Year Operation and Maintenance

Site	Score	Comments
FMC Corp.—Fridley Plant	66	Consent Order 10/28/86
U.S. Naval Industrial Reserve Ordnance Plant (NIROP), Fridley	63	Request for Response Action 5/22/84
Twin Cities Army Ammunition Plant/New Brighton/Arden Hills/St. Anthony Site	59	Federal Facility Agreement 7/28/87
Reilly Tar, St. Louis Park	59	Consent Decree 9/22/86
Koppers Coke, St. Paul	55	Request for Response Action 3/25/86
Pipe Bend Sanitary Landfill/Crosby American Demolition Landfill, Inver Grove Heights	52	Consent Order 4/23/85
Anoka Municipal Sanitary Landfill, Ramsey	51	Consent Order 5/30/85
Waste Disposal Engineering, Andover	51	Consent Order 3/21/84
MacGillis & Gibbs, Co., New Brighton	48	ERLA funded; CERCLA funded
Bell Lumber & Pole, Co., New Brighton	48	Consent Order 5/30/85
Freeway Sanitary Landfill, Burnsville	46	Request for Response Action 2/25/86
University of Minnesota—Rosemount Research Center	46	Consent Order 5/30/85
Joslyn Mfg. & Supply Co., Brooklyn Center	44	Consent Order 5/30/85
B.J. Carney Pole Yard, Minneapolis	43	
Burnsville Sanitary Landfill	43	Request for Response Action 4/28/87
Oak Grove Sanitary Landfill, Anoka County	43	CERCLA funded
Dakhue Sanitary Landfill, Dakota County	42	Consent Order 6/23/87
Kummer Sanitary Landfill, Beltrami County	42	CERCLA funded
LeHillier/Mankato	42	CERCLA funded
Minnegasco, Minneapolis	42	Request for Response Action 6/24/86
Washington County Landfill, Lake Elmo	42	Consent Order 10/24/84
Conoco, Inc.—Wrenshall Refinery	41	Request for Response Action 6/23/87
Kandiyohi County Sanitary Landfill	41	
Shafer Metal Recycling, Minneapolis	41	
Arrowhead Refinery Co., Hermantown	40	CERCLA funded
Ashland Refinery, St. Paul Park	40	
Flying Cloud Sanitary Landfill, Eden Prairie	40	Consent Order 9/25/85
NL Industries/Taracrop/Golden Auto, St. Louis Park	40	Consent Order 2/26/85
Kluver Sanitary Landfill, Douglas County	39	
Baytown Township Ground Water Contamination, Washington County	38	ERLA funded
Burlington Northern Car Shops, Brainerd	38	
Burlington Northern Car Shops, Waite Park	38	
Brainerd Former City Dump	38	
Lakeland Ground Water Contamination	38	ERLA funded
Sauk Centre Sanitary Landfill	38	Request for Response Action 9/27/88
Westling Manufacturing, Princeton	38	

Official Notices

Site	Score	Comments
Windom Dump	38	Request for Response Action 6/24/86
Rochester Gas Mfg. Site	37	
Faribault Municipal Well Field	36	
Red Rock Sanitary Landfill, Mower County	36	
Robbinsdale Development Site	36	
St. Paul Park Ground Water Contamination	36	ERLA funded
Brooklyn Park Dump	35.5	
South Andover, Andover	35	CERCLA funded
Adrian Municipal Well Field	34	CERCLA funded
Ashland Oil-Cottage Grove	34	Request for Response Action 3/26/85
Battle Lake Area Sanitary Landfill, Otter Tail County	34	
C.S. McCrossan Inc., Maple Grove	34	
Chisago-Isanti County Sanitary Landfill	34	Request for Response Action 6/16/88
Grand Rapids Area Sanitary Landfill	34	
La Grande Sanitary Landfill, Douglas County	34	CERCLA funded
Lewiston Ground Water Contamination	34	
Olmsted County Sanitary Landfill	34	
Pickett Sanitary Landfill, Hubbard County	34	Request for Response Action 4/26/88
St. Augusta Sanitary Landfill/Engen Dump, Stearns County	34	
Twin Cities Air Force Reserve Base, Minneapolis	34	Request for Response Action 11/28/89
3M Chemolite Disposal Site, Cottage Grove	33	Consent Order 5/30/85
Ashland Oil/Park Penta/Sonford Products Site, St. Paul Park	32	
Long Prairie Ground Water Contamination	32	ERLA funded; CERCLA funded
St. Louis River/Interlake/Duluth Tar, Duluth	32	CERCLA funded
St. Louis River/U.S. Steel, Duluth	32	Consent Order 3/26/85
Atwater Municipal Well Field	31	ERLA funded
East Bethel Demolition Landfill	31	Consent Order 4/28/87
Highway 96 Dump	31	Request for Response Action 7/22/86
Honeywell, Inc.—Golden Valley Plant	31	Consent Order 11/19/85
Koch Refining/N-ReN Corp., Rosemount	31	Consent Order 10/22/85
Tonka Main Plant, Mound	31	Request for Response Action 7/22/86
Agate Lake Scrap Yard, Brainerd	30	Request for Response Action 1/28/86
Isanti Solvent Site, Isanti County	30	Consent Decree 11/12/87
Ritari Post and Pole, Wadena County	30	CERCLA funded
Greater Morrison Sanitary Landfill, Morrison County	29	
Louisville Sanitary Landfill, Jordan	29	Request for Response Action 9/23/86
Western Lake Superior Sanitary District Landfill/Duluth Dump, St. Louis County	29	
Becker County Sanitary Landfill	28	
Dealers Mfg. Co., Fridley	28	
Duluth Former City Dump	28	Request for Response Action 8/23/88
Spring Grove Municipal Well Field	28	Consent Order 3/23/88
Yonak Sanitary Landfill, Wright County	28	
Koochiching County Sanitary Landfill	27	
Pipestone County Sanitary Landfill	27	
Electronic Industries, Inc., New Hope	26	Stipulation Agreement 1/24/84
Gofer Sanitary Landfill, Martin County	26	
Buekers Sanitary Landfill, Stearns County	25	
Castle Rock Ground Water Contamination	25	
Dodge County Sanitary Landfill	25	
Elk River Sanitary Landfill	25	
Fergus Falls Sanitary Landfill	25	
Foot, S.B. Tanning Sludge Disposal Area, Red Wing	25	
Houston County Sanitary Landfill	25	
Leech Lake Sanitary Landfill, Cass Lake	25	
Pine Lane Sanitary Landfill, Chisago County	25	

Site	Score	Comments
Ponderosa Sanitary Landfill, Blue Earth County	25	
Wadena Sanitary Landfill	25	
Winona Ground Water Contamination (Clarks Lane/Gilmore Avenue)	25	ERLA Funded
Andersen Corporation, Bayport	24	Consent Order 1/27/87
HWK Enterprises/Meeker Mfg./Design Classics/Litchfield Municipal Well Site, Litchfield	24	
Elysian Former City Dump	23	
Owatonna City Dump	23	
Ashland Oil Co.—Pine County	22	Request for Response Action 12/18/84
Salol Sanitary Landfill, Roseau County	22	
Wabasha County Sanitary Landfill	22	
Duluth Air Force Base	21	
Kanabec County Sanitary Landfill	21	
Sheldahl, Northfield	21	
Trio Solvent Site, New Brighton	21	Request for Response Action 8/26/86
McGuire Wire Salvage Site, Mora	20	
Hansen and Mankato Sanitary Landfill, Blue Earth County	19	
Killian Sanitary Landfill, Motley	19	
Askov Ground Water Contamination	18	Request for Response Action 10/28/86, 12/16/86
Interplastic Corp., Minneapolis	18	
Northwoods Sanitary Landfill, St. Louis County	18	
Cedar Services, Minneapolis	17	
Clay County Sanitary Landfill	17	
Lansing Ground Water Contamination	17	ERLA funded
Tellijohn Sanitary Landfill, LeSueur County	17	
Anchor Glass Container, Shakopee	16	
Central Cooperative Oil Association, Medford	16	
Woodlake Sanitary Landfill, Hennepin County	16	
Hopkins Sanitary Landfill	15	
Meeker County Sanitary Landfill	15	
Redwood County Sanitary Landfill	15	
Crow Wing County Sanitary Landfill	14	
East Mesaba Sanitary Landfill, St. Louis County	14	
Amdura, St. Paul	13	
Isanti Rumpel, Isanti County	13	Consent Decree 11/12/87
Waseca County Sanitary Landfill	13	
DM&IR Car and Locomotive Shops, Duluth	11	
Glidden Company, Minneapolis	11	
West Duluth Industrial Site	11	Stipulation Agreement 9/8/86
Bassett Creek/Irving Avenue Dump, Minneapolis	10	
Karlstad Sanitary Landfill, Kittson County	10	
Schnitzer Iron and Metal Co., St. Paul	10	Consent Order 7/28/87
Northwest Refinery, Former, New Brighton	9	Request for Response Action 4/22/86
Sibley County Sanitary Landfill	9	
Ford—Twin Cities Assembly Plant, St. Paul	8	Request for Response Action 6/26/90
Fritz Craig Salvage Operation, Park Rapids	8	
Schloff Chemical, St. Louis Park	7	
Control Data Corporation—Printed Circuits Operation, St. Louis Park	6	Consent Order 4/26/88
Superior Plating Inc., Minneapolis	6	
Kaplan, H.S. Scrap Iron and Metal Company, St. Paul	4	
Valentine-Clark, St. Paul	4	
Ecolotech, Inc.—St. Paul	3	
Gopher Oil—Delaware, Minneapolis	3	
Gopher Oil—Thornton, Minneapolis	3	
Isanti Martin, Isanti County	3	Consent Order 11/12/87
Metals Reduction, St. Paul	2	

CLASS D SITES

Remedial Investigations/Feasibility Studies Necessary or in Progress

Site	Score	Comments
U.S. Naval Industrial Reserve Ordnance Plant (NIROP), Fridley	63	Request for Response Action 5/22/84
Twin Cities Army Ammunition Plant/New Brighton/Arden Hills/St. Anthony Site	59	Federal Facility Agreement 7/28/87
Reilly Tar, St. Louis Park	59	Consent Decree 9/22/86
Koppers Coke, St. Paul	55	Request for Response Action 3/25/86
Pine Bend Sanitary Landfill/Crosby American Demolition Landfill, Inver Grove Heights	52	Consent Order 4/23/85
MacGillis & Gibbs Co., New Brighton	48	ERLA funded; CERCLA funded
Bell Lumber & Pole Co., New Brighton	48	Consent Order 5/30/85
Freeway Sanitary Landfill, Burnsville	46	Request for Response Action 2/25/86
Joslyn Mfg. & Supply Company, Brooklyn Center	44	Consent Order 5/30/85
B.J. Carney Pole Yard, Minneapolis	43	
Pig's Eye Landfill, St. Paul	43.5	
Burnsville Sanitary Landfill	43	Request for Response Action 4/28/87
Oak Grove Sanitary Landfill, Anoka County	43	CERCLA funded
Dakhue Sanitary Landfill, Dakota County	42	Consent Order 6/23/87
Kummer Sanitary Landfill, Beltrami County	42	CERCLA funded
Minnegasco, Minneapolis	42	Request for Response Action 6/24/86
Conoco, Inc.—Wrenshall Refinery	41	Request for Response Action 6/23/87
Kandiyohi County Sanitary Landfill	41	
Shafer Metal Recycling, Minneapolis	41	
Ashland Refinery, St. Paul Park	40	
Tower Asphalt, Lakeland	40	
Kluver Sanitary Landfill, Douglas County	39	
Baytown Township Ground Water Contamination, Washington County	38	ERLA funded
Burlington Northern Car Shops, Brainerd	38	
Burlington Northern Car Shops, Waite Park	38	
Brainerd Former City Dump	38	
Lakeland Ground Water Contamination	38	ERLA funded
Sauk Centre Sanitary Landfill	38	Request for Response Action 9/27/88
Westling Manufacturing, Princeton	38	
Windom Dump	38	Request for Response Action 6/24/86
Rochester Gas Mfg. Site	37	
Faribault Municipal Well Field	36	
Red Rock Sanitary Landfill, Mower County	36	
Robbinsdale Development Site	36	
St. Paul Park Ground Water Contamination	36	ERLA funded
Brooklyn Park Dump	35.5	
South Andover, Andover	35	CERCLA funded
Adrian Municipal Well Field	34	CERCLA funded
Ashland Oil-Cottage Grove	34	Request for Response Action 3/26/85
Battle Lake Area Sanitary Landfill, Otter Tail County	34	
C.S. McCrossan Inc., Maple Grove	34	
Chisago-Isanti County Sanitary Landfill	34	Request for Response Action 6/16/88
Grand Rapids Area Sanitary Landfill	34	
La Grande Sanitary Landfill, Douglas County	34	CERCLA funded
Lewiston Ground Water Contamination	34	
Olmsted County Sanitary Landfill	34	
Pickett Sanitary Landfill, Hubbard County	34	Request for Response Action 4/26/88
Rochester Gas Mfg. Site	34	
St. Augusta Sanitary Landfill/Engen Dump, Stearns County	34	
Twin Cities Air Force Reserve Base, Minneapolis	34	
Ashland Oil/Park Penta/Sonford Products Site, St. Paul Park	32	
St. Louis River/Interlake/Duluth Tar, Duluth	32	CERCLA funded

Site	Score	Comments
East Bethel Demolition Landfill	31	Consent Order 4/28/87
Hastings Former City Dump	31	
Highway 96 Dump	31	Request for Response Action 7/22/86
Koch Refining/N-ReN Corp., Rosemount	31	Consent Order 10/22/85
Isanti Solvent Site, Isanti County	30	Consent Decree 11/12/87
Ritari Post and Pole, Wadena County	30	CERCLA funded
Greater Morrison Sanitary Landfill, Morrison County	29	
Louisville Sanitary Landfill, Jordan	29	Request for Response Action 9/23/86
Western Lake Superior Sanitary District Landfill/Duluth Dump, St. Louis County	29	
Becker County Sanitary Landfill	28	
Dealers Mfg. Co., Fridley	28	
Duluth Former City Dump	28	Request for Response Action 8/23/88
Yonak Sanitary Landfill, Wright County	28	
Koochiching County Sanitary Landfill	27	
Pipestone County Sanitary Landfill	27	
Gofer Sanitary Landfill, Martin County	26	
Buekers Sanitary Landfill, Stearns County	25	
Castle Rock Ground Water Contamination	25	
Dodge County Sanitary Landfill	25	
Elk River Sanitary Landfill	25	
Fergus Falls Sanitary Landfill	25	
Foot, S.B. Tanning Sludge Disposal Area, Red Wing	25	
Houston County Sanitary Landfill	25	
Leech Lake Sanitary Landfill, Cass Lake	25	
Pine Lane Sanitary Landfill, Chisago County	25	
Ponderosa Sanitary Landfill, Blue Earth County	25	
Wadena Sanitary Landfill	25	
Winona Ground Water Contamination (Clarks Lane/Gilmore Avenue)	25	ERLA funded
Andersen Corporation, Bayport	24	Consent Order 1/27/87
HWK Enterprises/Meeker Mfg./Design Classics/Litchfield Municipal Well Site, Litchfield	24	
Elysian Former City Dump	23	
Owatonna City Dump	23	
Ashland Oil Co.-Pine County	22	Request for Response Action 12/18/84
City of Rice Municipal Well #2	22	
Salol Sanitary Landfill, Roseau County	22	
Wabasha County Sanitary Landfill	22	
Duluth Air Force Base	21	
Kanabec County Sanitary Landfill	21	
Sheldahl, Northfield	21	
McGuire Wire Salvage Site, Mora	20	
Hansen and Mankato Sanitary Landfill, Blue Earth County	19	
Killian Sanitary Landfill, Motley	19	
Askov Ground Water Contamination	18	Request for Response Action 10/28/86, 12/16/86
Interplastic Corp., Minneapolis	18	
Northwoods Sanitary Landfill, St. Louis County	18	
Cedar Services, Minneapolis	17	
Clay County Sanitary Landfill	17	
Lansing Ground Water Contamination	17	ERLA funded
Tellijohn Sanitary Landfill, LeSueur County	17	
Anchor Glass Container, Shakopee	16	
Central Cooperative Oil Association, Medford	16	
Woodlake Sanitary Landfill, Hennepin County	16	
Hopkins Sanitary Landfill	15	
Meeker County Sanitary Landfill	15	

Official Notices

Site	Score	Comments
Redwood County Sanitary Landfill	15	
Crow Wing County Sanitary Landfill	14	
East Mesaba Sanitary Landfill, St. Louis County	14	
Amdura, St. Paul	13	
Isanti Rumpel, Isanti County	13	Consent Decree 11/12/87
Waseca County Sanitary Landfill	13	
Glidden Company, Minneapolis	11	
Bassett Creek/Irving Avenue Dump, Minneapolis	10	
General Coatings, Inc., Eagan	10	
Karlstad Sanitary Landfill, Kittson County	10	
Schnitzer Iron and Metal Co., St. Paul	10	Consent Order 7/28/87
Sibley County Sanitary Landfill	9	
Ford-Twin Cities Assembly Plant, St. Paul	8	Request for Response Action 6/26/90
Fritz Craig Salvage Operation, Park Rapids	8	
Schloff Chemical, St. Louis Park	7	
Superior Plating Inc., Minneapolis	6	
Kaplan, H.S. Scrap Iron and Metal Company, St. Paul	4	
Valentine-Clark, St. Paul	4	
Gopher Oil—Delaware, Minneapolis	3	
Gopher Oil—Thornton, Minneapolis	3	
Isanti Martin, Isanti County	3	Consent Decree 11/12/87
Metals Reduction, St. Paul	2	

NOTES:

Score—Hazard Ranking System score.

COMMENTS:

If a Consent Order, Consent Decree, Request for Response Action, or Stipulation Agreement is indicated, a Responsible Party is undertaking the necessary response actions pursuant to an enforceable document.

If CERCLA or ERLA funding is indicated, the MPCA or MDA is using federal or state Superfund monies, respectively, to finance the necessary response actions being conducted by an MPCA or MDA contractor.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is October 23, 1990.

Consumer Advisory Council on Vocational Rehabilitation

390 N. Robert, 5th Floor, St. Paul 55101. 612-296-1822

Minnesota Statutes 129A.02

APPOINTING AUTHORITY: Commissioner of Jobs and Training. **COMPENSATION:** \$55 per diem.

VACANCY: One member: must be an Independent Living Council member.

The council advises the assistant commissioner of vocational rehabilitation on policy matters relating to vocational rehabilitation services. The council consists of a maximum of thirteen members, the majority shall be persons with a disability, current or former recipients of vocational rehabilitation services or who represent consumer/advocacy groups serving vocational rehabilitation clients. If qualified persons are available, one member is appointed from each of the following: business, labor, education, medicine, and private not for profit rehabilitation industry. Monthly meetings.

Minnesota Board of Nursing

2700 University Ave. W., #108, St. Paul 55114. 612-642-0567

Minnesota Statutes 148.181

APPOINTING AUTHORITY: Governor. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One public member.

The board licenses professional and practical nurses, registers public health nurses, disciplines licensees, renews licenses, approves nursing schools, lists professional nursing organizations which certify certain advanced nurse specialists for the purpose of third party reimbursement, identifies nurse practitioners eligible to prescribe drugs and therapeutic devices, approves training programs and competency evaluation programs for nursing assistants in nursing homes and maintains a registry of the nursing assistants. The board consists of eleven members, including three public members, three LPNs, and five RNs (one educator in a professional nursing program, one educator in a practical nursing program, and three others). Meetings at least six times per year. Members must file with the Ethical Practices Board.

Board of the Minnesota Center for Arts Education

6125 Olson Memorial Hwy., Golden Valley 55422. 612-591-4700

Minnesota Statutes 129C.10

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One member: at-large position.

The board shall have the powers necessary for the care, management, and control of the Minnesota Center for Arts Education. The board consists of fifteen members, including at least one member from each congressional district. A member may not serve more than two consecutive terms. Members must file with the Ethical Practices Board.

Real Estate Appraiser Advisory Board

Dept. of Commerce, 133 E. 7th St., St. Paul 55101. 612-296-4976

Laws of 1989, Chapter 391

APPOINTING AUTHORITY: Commissioner of Commerce. COMPENSATION: Per diem plus expenses.

VACANCY: Two members: must be licensed real estate appraisers.

The advisory board makes recommendations to the commissioner as to rules regarding pre-licensing and continuing education, license examination specifications, periodic review of standards for development and communication of real estate appraisals, and other matters necessary under statute. The board consists of fifteen members, including eight licensed real estate appraisers, two of whom are to be Level Two, four consumers of appraisal services, and three members from the public. Meetings will be held at least quarterly, location not established.

Minnesota Zoological Board

13000 Zoo Boulevard, Apple Valley 55124. 612-431-9200

Minnesota Statutes 85A.01

APPOINTING AUTHORITY: Governor; Zoo board; Dakota county board. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One member: background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota Zoo. To the extent possible, members will be appointed who are residents of various geographical regions of the state. Members should have the ability to raise significant funds from the private sector. The board operates and maintains the Minnesota Zoological Garden. The board consists of thirty members who must have a background or interest in zoological societies, zoo management, or an ability to generate community interest in the Minnesota Zoological Garden. Fifteen of the members are appointed by the governor, one of whom must be a Dakota county resident appointed after consideration of a list supplied by the Dakota county board; and fifteen of the members are appointed by the Minnesota Zoological Board. To the extent possible, members will be appointed who are residents of the various geographical regions of the state. Members should have the ability to raise significant funds from the private sector. Meetings at the Minnesota Zoological Garden, six times a year.

Task Force on Insurance Continuing Education

Dept. of Commerce, 133 E. 7th St., St. Paul 55101. 612-297-3376

Minnesota Statutes 60A.1701

APPOINTING AUTHORITY: Commissioner of Commerce. COMPENSATION: Reimbursed for expenses.

VACANCY: Thirteen members: to include three neither employed by insurance company nor licensed as insurance agent; three employed by insurance company but not licensed; and seven insurance licensed agents. All members must be residents of Minnesota. The task force provides suggestions for rules relating to mandatory continuing education for insurance licensees. The task force consists of thirteen members including three neither employed by an insurance company nor licensed as an insurance agent; three employed by insurance companies, but not licensed, and seven insurance licensed agents. All must be residents of Minnesota.

Official Notices

American Indian Education Committee

727 Capitol Square, 550 Cedar St., St. Paul 55101. 612-296-6458
Minnesota Statutes 126.531

APPOINTING AUTHORITY: State Board of Education. COMPENSATION: Reimbursed for expenses.

VACANCY: One member: position will be filled by the duly elected officer designated by the Leech Lake Reservation Business Committee.

The committee advises the State Board of Education of its duties under the Indian Education Act of 1988, on SBE rules, the impact of educationally related initiatives, situations concerning education of American Indians. The committee consists of fifteen members, to include representatives of tribal bodies, community groups, American Indian administrators, teachers, and those who train teachers or are involved in American Indian Education programs, parents of children eligible to be served by the program, and persons knowledgeable in the field of American Indian education. Members shall be broadly representative of significant populations of American Indians in Minnesota. Meetings 6-10 times per year as needed at various statewide locations.

Children's Trust Fund Advisory Council

333 Sibley St., Suite 567, St. Paul 55101. 612-296-5437
Minnesota Statutes 299.23 as amended by *Laws of 1989*

APPOINTING AUTHORITY: Governor. COMPENSATION: \$55 per diem plus expenses.

VACANCY: One member: must possess knowledge about child abuse and neglect. Preference: to be representative of Greater Minnesota and have experience serving on a local child maltreatment prevention council. (Compensation: \$55 per meeting plus travel expenses.)

The council recommends strategies to promote education, programs and services that support parents and families and thereby prevent child abuse and neglect; and makes recommendations regarding grants to be awarded to fund child maltreatment prevention programs. The governor appoints ten members who have a demonstrated knowledge in the area of child abuse and represent the demographic and geographic composition of the state, local government, parents, racial and ethnic minority communities, religious community, professionals and volunteers. The commissioners of Human Services, Health, Education and Corrections each appoint one member. The legislature appoints two senators and two representatives, each with one member from both caucuses. Three hour meetings once a month for ten months of the year, and for two consecutive days in July.

Resource Programs Advisory Task Force

6125 Olson Memorial Hwy., Golden Valley 55422. 612-591-4700
Minnesota Statutes 15.059, subd. 6, and 15.014

APPOINTING AUTHORITY: Board of the Minnesota Center for Arts Education. COMPENSATION: Expenses.

VACANCY: Fifteen members: Please see the description of this new task force.

The task force provides broad-based input to the Resource Programs Director on the development and maintenance of Resource Programs consistent with the mission of the Minnesota Center for Arts Education and the goals of the Resource Programs. The purpose of the Resource Programs is to meet arts education needs statewide, advance arts education at school district and local levels, and promote innovative practices. The task force consists of fifteen members, at least one from each congressional district; collectively, members represent diverse backgrounds in arts and education and include those knowledgeable in literary arts, media arts, music, visual arts, theater and dance as well as one person from each of the following organizations: Minnesota Department of Education, Minnesota State Arts Board, and an Education Cooperative Service Unit. Meetings held at the Minnesota Center for Arts Education, 4-6 meetings a year, three hours in length.

Minnesota Council for the Blind

Dept. of Jobs and Training, 1745 University Ave., St. Paul 55104. 612-642-0508
Minnesota Statutes 248.10

APPOINTING AUTHORITY: Commissioner of Jobs and Training. COMPENSATION: \$55 per diem plus expenses.

VACANCY: Three members: knowledgeable of issues concerning services for blind and visually handicapped Minnesotans.

The council advises the commissioner on the development of policies, programs and services affecting the blind and visually handicapped; to provide the commissioner with a review of ongoing services. The council consists of nine members of whom five must be blind or visually handicapped. Terms are staggered. Bi-monthly meetings 5-9 p.m. at 1745 University Ave. with public hearings held out-state twice a year.

Transportation Study Board

Room G-24, State Capitol Bldg., St. Paul 55155. 612-296-7932
Laws of 1988, Chapter 603

APPOINTING AUTHORITY: Governor. COMPENSATION: Per diem.

VACANCY: One member.

The board is required to conduct a study of Minnesota's transportation needs into the 21st century and recommend a program for making transportation improvements. Preliminary report to legislature by March 15, 1989, final report by January 15, 1991. The board consists of twenty-one total members, thirteen to be appointed by the governor, at least one but not more than two public members from each congressional district; members must represent business, labor, agriculture, tourism, natural resource industries and local governments. Monthly meetings.

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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

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

Commodity: Sampling pump kits & pumps
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: October 3
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12200-66949

Commodity: Copy meters
Contact: John Bauer 296-2621
Bid due date at 2pm: October 3
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-22110-2

Commodity: Hollow stem auger drill
Contact: Steve Burgstahler 296-3775
Bid due date at 2pm: October 5
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79382-02108

Commodity: Press
Contact: John Bauer 296-2621
Bid due date at 2pm: October 5
Agency: State University
Deliver to: Moorhead
Requisition #: 26072-02481

Commodity: Colilert Economy Mix & Dispens
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: October 5
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12200-67282

Commodity: Metrological roadway station
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: October 5
Agency: Transportation Department
Deliver to: Duluth
Requisition #: 79000-11770

Commodity: Lease operator/leader
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: October 5
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32300-26345

Commodity: Fiber fuel pellets
Contact: Dale Meyer 296-3773
Bid due date at 2pm: October 10
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: 0-40 VDC power supply
Contact: Joseph Gibbs 296-3750
Bid due date at 4:30pm: October 9
Agency: State University
Deliver to: Mankato
Requisition #: 26071-34987

Commodity: Low speed diamond wheel saw
Contact: Joseph Gibbs 296-3750
Bid due date at 4:30pm: October 9
Agency: State University
Deliver to: Mankato
Requisition #: 26071-35020

Commodity: Liquid nitrogen cryostats heater
Contact: Joseph Gibbs 296-3750
Bid due date at 4:30pm: October 9
Agency: State University
Deliver to: Mankato
Requisition #: 26071-35015

Department of Administration: Print Communications Division

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.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Recycling decal, 500 sheets 16" x 6 1/2" camera ready + Negs, 1-sided, 1-color

Contact: Printing Buyer's Office

Bids are due: October 5

Agency: Administration Department — Resource Recovery

Deliver to: St. Paul

Requisition #: 11776

Commodity: Weekly construction diary, 5M 4-part sets, 11" x 9 1/2" overall, carbonless, camera ready + negs, 2-sided, carbonless and carbon interleave, perf, shrink wrap

Contact: Printing Buyer's Office

Bids are due: October 5

Agency: Transportation Department

Deliver to: St. Paul

Requisition #: 11803

**It's
Never
O.K.**

Social workers', counselors' and therapists' guides and directories

It's Never OK. A handbook for professionals on sexual exploitation by counselors and therapists. It covers the therapeutic and prevention issues and employer responsibilities, plus recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95 + tax.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from prevention/intervention services to a wide range of treatment services. Each type of program includes a listing of facilities and description of programs. Stock No. 1-12, \$15.00 + tax.

Process parenting—Breaking the Addictive Cycle. This training manual provides parent education and treatment techniques for professionals working with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 + tax.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax and \$2.00 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone. FAX: (612) 296-2265.

Publication editors: As a public service please reprint this ad in your publications. Thank you.

Professional, Technical & Consulting Contracts

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.

Department of Administration

InterTechnologies Group

Notice of Pre-bid Conference Concerning the Request for Proposal for Consultant Services to Conduct a Cost and Services Management Study

The Department of Administration InterTechnologies Group (InterTech) will be conducting a pre-bid conference to answer questions concerning the request for proposal (RFP) for conducting a comprehensive cost and service management study. The original RFP (15 S.R. 707) was published in the *State Register* on September 17, 1990.

The conference will be held:

Tuesday, October 9, 1990
2:00-4:00 p.m.
Centennial Building, 5th floor
658 Cedar St.
St. Paul, MN 55155

Prospective responders who have any questions regarding this conference may call or write:

Mr. Stephen A. Harper	Centennial Building, 5th Floor
Management Information Administrator	658 Cedar Street
InterTechnologies Group	St. Paul, MN 55155
Department of Administration	(612) 297-4544
State of Minnesota	

Because of the schedule for this conference, the due date for proposals will be extended to October 26, 1990 at 4:30 p.m.

State Board of Investment

Official Notice to Retain Private Money Management Firm to Manage Pension Assets and Other Accounts

The Minnesota Board of Investment (SBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing either equity or fixed income assets for the SBI are asked to contact the following address for additional information:

Douglas Gorence, Manager	Room 105—MEA Building
External Investment Program	55 Sherburne Avenue
Minnesota State Board of Investment	St. Paul, Minnesota 55155

Pollution Control Agency

Division of Water Quality

Request for Proposals for Analytical Study of the Concentrations of Environmental Contaminants of Wildlife in Minnesota

The Minnesota Pollution Control Agency (MPCA), Division of Water Quality, is seeking proposals from qualified laboratories to perform metal analysis on homogenated livers of Minnesota wildlife samples for the time commencing approximately October 15, 1990 to April 15, 1991. The MPCA is currently conducting a two-year statewide wildlife contaminant survey to determine what extent and magnitude environmental contaminants exist in representative wildlife species in the state.

A. Scope of the Project

The purpose of this portion of the project is to analytically determine the levels of metals in homogenated livers from wildlife samples in order to assess the existing and potential hazards of these chemicals to wildlife.

Professional, Technical & Consulting Contracts

B. Goals and Objectives

The numerical goals and objectives of this project are to quantitatively analyze and report the metal residue levels of approximately 120 composited homogenized liver samples. The project requires metal analysis and reporting of 120 composited samples to be completed by April 15, 1991.

C. Analytical Methods

Determination of the concentration of metals in homogenated livers must follow the analytical methodology promulgated by the U.S. Environmental Protection Agency and must be acceptable to the Minnesota Department of Health and Minnesota Pollution Control Agency. Specific metals to be analyzed will include, but may not be limited to, mercury, cadmium, lead, selenium, and arsenic. Metal samples that are being considered will be analyzed by the following:

Hg—cold vapor atomic nonflame absorption spectrophotometry (AAS);

Ar, Se—volatile hydride generation with AAS

Pb, Cd, Cr—nonflame AAS with graphite furnace.

D. Quality Assurance (QA) Program

The bidder must be capable of meeting the quality control acceptance criteria and the precision and accuracy control limits as they pertain to the methods cited in part C, at a minimum. The state does not approve and no payment shall be made for work that does not meet professional standards or that has not been performed in accordance with all applicable federal and state laws, rules and regulations, and the terms of the contract. The quality assurance practices should include the following steps:

- (a) run a method blank of each analytical group of samples;
- (b) run a replicate sample for each analytical grouping to determine precision;
- (c) run a spiked sample for each batch of samples and to determine detection limits and percent recoveries;
- (d) run calibration standards for each sample batch;
- (e) the following range of detection limits shall be achieved (net weight):
 - (1) mercury, selenium: 0.01 ppm;
 - (2) arsenic, lead: 0.01 ppm;
 - (3) cadmium: 0.05 ppm;
 - (4) chromium: 0.05 ppm.

E. Performance Evaluation (PE) Samples

As a precondition to the award of the contract the bidder must demonstrate its ability to perform by analyzing and documenting the results of two blind PE samples for metal analysis. These samples will be furnished by the MPCA and are to be run at the bidder's expense and to be completed within two weeks following receipt of the samples.

F. Written Progress Reports

Written progress reports of analytical results will be reported on a monthly basis and a final summary report of the analytical results of the 120 composited samples referred to in Section B by April 15, 1991. The information to be included in the written report for each sample will be discussed at the time of the contract award.

G. Proposal Contents

These instructions describe the minimum information needed for the required contract of the bidder to help insure a timely evaluation of all bids submitted for review. All work shall be performed in accordance with the QA Program. The vendor may include any other information deemed pertinent.

1. A bid price list which includes (at a minimum) the cost for total and dissolved metals for homogenized liver samples.
2. Clearly defined project and laboratory organization and responsibilities, including identification of management and laboratory personnel, a summary of their project or laboratory qualifications, experience and duties.
3. The current laboratory Standard Operating Procedures (SOPs) for the preparation and analysis of samples for this contract.
4. A summary of the laboratory's Quality Control program including replicates, matrix spikes, matrix spike recoveries, blanks (preparation, calibration, reagent-glassware and laboratory method), internal and surrogate standards, initial and continuing calibration standards.
5. Specific routine procedures used to assess data precision, accuracy, reduction, validation and reporting.

H. Award

The contract award will be based on the following:

1. Complete and concise documentation of the items listed in Section G.
2. The costs submitted on the price lists.
3. Satisfactory results of the PE samples.
4. Qualifications of both company and personnel.
5. The MPCA evaluation of the information submitted with the bid.

All proposals must be sent to the following and received no later than 5:00 p.m., 30 days following the date of publication of this request in the *State Register*:

Keren E. Larson
Program Development
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155 phone: (612) 296-6074.

Late proposals will not be accepted. Please submit four copies of the proposal with each signed, in ink, by an authorized member of the firm. Prices and terms of the project as stated must be valid for the length of the project.

State Grants

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

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

State Planning Agency

STAR Program

Notice of Request for Proposals for Two Assistive Technology Programs

The STAR Program, a project of the Governor's Advisory Council on Technology for People with Disabilities, is seeking Request for Proposals for two grant programs.

The first grant program is for community-based assistive technology resources, which will encourage the expansion of existing community-based technology-related assistance programs and the creation of new programs that will provide technology-related assistance to underserved people with disabilities throughout the state. The anticipated level of funding for this program is \$75,000 with the average grant award being \$5,000-\$25,000.

The second grant program is for an assistive technology mobile van delivery program to improve the delivery of assistive technology devices and services to underserved populations in all geographic areas of the state. The anticipated level of funding for this program is \$60,000.

Applications must be received by 4:30 p.m. on November 30, 1990. For applications and further information, please contact: Rachel Wobschall, Executive Director, STAR Program, Minnesota State Planning Agency, 300 Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 297-1552, (612) 296-9962 TDD.

State Grants

Office of Waste Management

Notice of Grant Funds Available to Local Units of Government to Construct Solid Waste Processing Facilities

The Minnesota Office of Waste Management (OWM) is a state agency established by the Minnesota Legislature to provide financial and technical assistance to industry and local governments to encourage the proper management of hazardous and solid waste. In the area of solid waste, the OWM's objective is to minimize land disposal of solid waste through the promotion of waste reduction, recycling, and resource recovery. The OWM's Grants and Market Development Unit provides financial and technical assistance to local governments that develop and implement projects to accomplish this objective.

This notice is issued by the Director of the OWM (Director) under authority provided in *Minnesota Rules* Parts 9210.0100 to 9210.0180. Under this authority, the OWM has established the Solid Waste Processing Facilities Capital Assistance Program (CAP), which provides grants to local units of government to construct solid waste processing facilities that provide feasible and prudent alternatives to land disposal of solid waste.

The purpose of this notice is to solicit preliminary applications for projects that meet the CAP program objectives.

The CAP Program is intended to encourage and assist the development and implementation of solid waste processing facilities, and to transfer the knowledge and experience gained from those projects to other communities in the state.

Cities, counties, solid waste management districts, and sanitary districts are eligible to apply for CAP grant assistance. Projects eligible for CAP grants are solid waste processing facilities that include resource recovery. Examples of eligible projects are waste-to-energy facilities, refuse-derived-fuel plants, composting facilities, recycling facilities, and transfer stations that will serve waste processing facilities.

Projects for recycling or composting facilities may receive grants equal to 50 percent of the eligible project costs. Projects for other processing facilities may receive grants equal to 25 percent of the eligible project costs. No project may receive a CAP grant of more than \$2 million.

Copies of the CAP Procedures Manual, including the rules applicable to the program, and application forms are available by contacting:

Mary James
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
612-649-5794 or 1-800-652-9747 (toll-free in Minnesota)

Preliminary applications meeting the requirements of *Minnesota Rules* Parts 9210.0100 to 9210.0180 must be received by the OWM at the above address by 4:30 p.m., CST, Friday, December 21, 1991.

Announcements

Governor's Appointments: Governor Rudy Perpich announced the following appointments to state boards and task forces: **Diane Jensen**, Minneapolis, was appointed to the *Great Lakes Protection Fund Board* for a term expiring October 1, 1992. **Steven R. Watson**, Edina, was appointed to the Board of the *Minnesota Center for Arts Education* for a term expiring in January 1993. **Max Goldberg**, Golden Valley, and **Lester C. Krogh**, St. Paul, were appointed to the *Governor's Task Force on the Future of the Minnesota Computer Industry* for terms to January, 1991. Governor Perpich also announced the reactivation of the *Governor's Task Force on Alzheimer's Disease*. The task force will examine the impact of Alzheimer's Disease on families, especially spouses and those providing primary care. It will examine models for informal community networks to support these families and make recommendations for developing services in areas in the state where they are not currently available. In addition, the task force will identify alternatives to institutional care and make recommendations to ease consumer access to existing programs. The chair of the task force is **Dr. David Knopman**, M.D., Minneapolis. Appointed to the task force are: **Dr. Frederick Ferron**, Minneapolis; **Dr. William Frey II**, North Oaks; **Richard Heaney**, St. Paul; **Ken Hepburn**, Minneapolis; **Dr. Robert Kane**, Minneapolis; **John Kitto**, Minneapolis; **Dr. John Mach**, Edina; **Elizabeth McGowan**, St. Cloud; **Dr. Gabe Maletta**, Edina; **Dr. Peter Miller**, Duluth; **Todd Monson**, Minneapolis; **Thomas Patten**, Duluth; **Dr. Ronald Petersen**, Rochester; **Jane Royse**, Bloomington; **Nancy Sailer**, River Falls, Wisconsin; **Susan Schaffer**, St. Paul; **Paula Verstegen**, Golden Valley; and **Joe Welke**, Red Wing. Appointed as ex-officio members are: **Gerald Bloedow**, Board on Aging; **William J. Gregg**, Commissioner, Department of Veterans Affairs; **Pam Parker**, Department of Human Services; and **Valentine O'Malley**, Department of Health.

Met Council's Health Planning Board: The Metropolitan Council appointed **Patricia Cullen Garvey** of St. Paul to its *Metropolitan Health Planning Board*. The 25-member board assists the Council in developing and implementing policy plans for the delivery of health services in the region, including ways to contain rising health costs. At least 13 members are consumers of health care services, and the rest, including Garvey, are providers representing health care professionals and institutions.

Metro Area Farmers Higher Tax Credit: The state legislature should increase property tax credit for farmers in the Twin Cities Metropolitan Area, a new Metropolitan Council report says. With increased tax credit, farmers will be encouraged to keep their land enrolled in the agricultural preserves program, according to the report. The ag preserves program was established in 1980 to protect Metro Area farmland by placing it on an equal footing with farmland in outstate Minnesota, which is not affected by urban pressures for development. Farmers participating in the program have their land assessed at its agricultural value rather than market value. The agricultural "tax capacity" is multiplied by 105 percent of the previous year's statewide average tax rate for townships. Farmers pay the amount determined by that formula, or their township rate, whichever is less. But tax credit based on that formula decreased dramatically in recent years, from a total of \$650,582 in 1986 to \$45,885 in 1990, says the *1990 Metropolitan Agricultural Preserves Status Report*, an annual Council report. For a copy of the report, write to the Council's Data Center, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. The report costs \$1.50.

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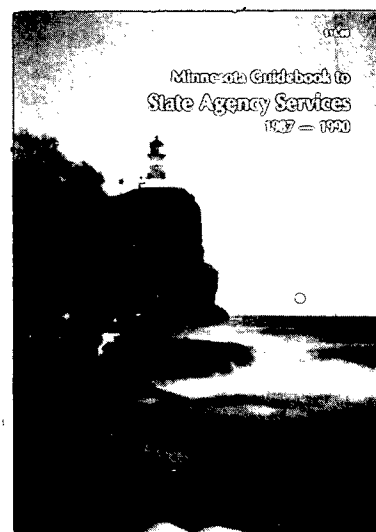
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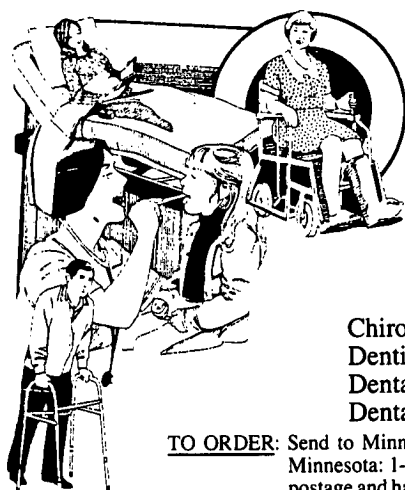
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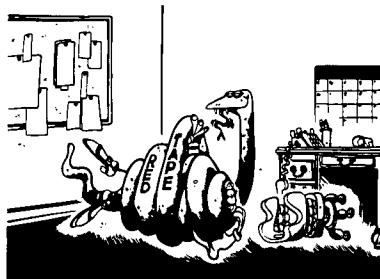
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