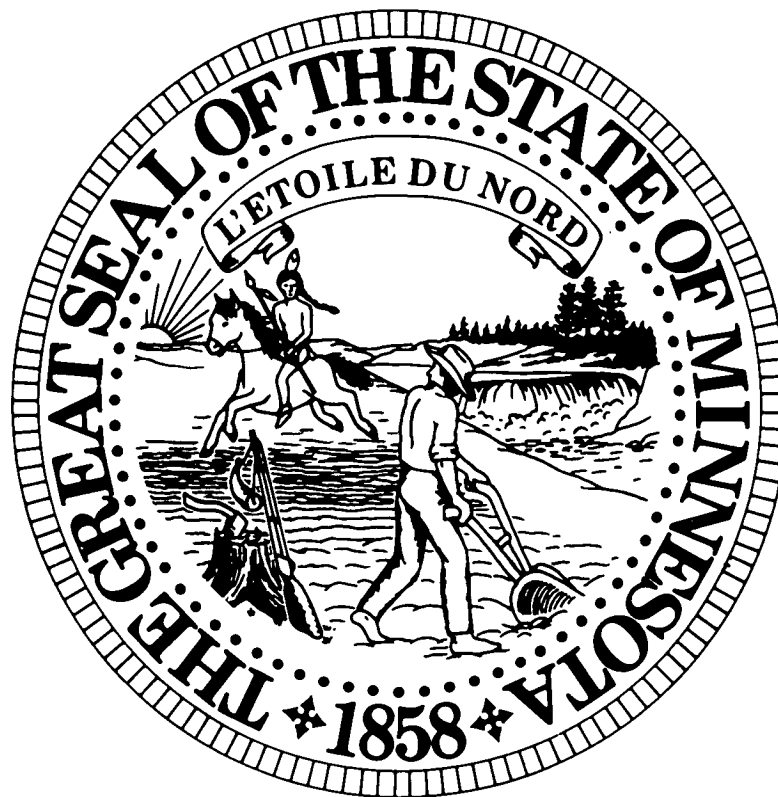


The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



Rules edition  
Published every Monday  
(Tuesday if Monday is a holiday)

**Monday 10 December 1990**  
**Volume 15, Number 24**  
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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, 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
24	Monday 26 November	Monday 3 December	Monday 10 December
25	Monday 3 December	Monday 10 December	Monday 17 December
26	Monday 10 December	Monday 17 December	Monday 24 December
27	Monday 17 December	Monday 24 December	Monday 31 December

\*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.

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## 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.

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

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

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**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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# Minnesota Rules: Amendments and Additions

## 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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## 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 Health

### Proposed Permanent Rules Relating to Public Water Supplies

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures 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 *Minnesota Statutes*, section 144.383, paragraph (e).

All persons have 30 days or until 4:30 p.m. on January 9, 1991 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:

Richard Clark, Supervisor  
Public Water Supply Unit  
Environmental Health Division  
Minnesota Department of Health  
925 Southeast Delaware Street  
P.O. Box 59040  
Minneapolis, Minnesota 55459-0040  
(612) 627-5180

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

The proposed rules include provisions relating to U.S. Environmental Protection Agency and state standards for safe drinking water. Specifically, the proposed standards: 1) revise the adopted coliform bacteria monitoring, reporting and maximum contaminant levels; 2) add performance requirements for public water suppliers who use surface water as the source water; and 3) add standards for surface water treatment facilities. A copy of the proposed rules is attached to the notice as mailed.

A free copy of the rule is available upon request from Richard Clark.

**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 Richard Clark.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

The proposed rule will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11.

The Department is subject to *Minnesota Statutes*, section 14.115 regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed 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, including the issues of substantial change; whether the Department has the authority to adopt the rules; and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. 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 Richard Clark. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available on request from the Department.

Sister Mary Madonna Ashton  
Commissioner of Health

## Rules as Proposed

### 4720.0200 JUSTIFICATION.

Parts ~~4720.0100~~ 4720.0200 to ~~4720.3900~~ 4720.3970 are adopted pursuant to ~~legislative authority granted in Laws of Minnesota 1977, chapter 66, section 3, clause (e) the Safe Drinking Water Act, Minnesota Statutes, sections 144.381 to 144.388~~, which requires that the commissioner of health adopt for all public water supplies rules which are at least as stringent as the federal regulations dealing with public water supplies adopted by the United States Environmental Protection Agency, in order for the commissioner to be able to assume the primary responsibility for enforcing the federal act.

### 4720.0300 SCOPE AND COVERAGE.

Parts ~~4720.0100~~ 4720.0200 to ~~4720.3900~~ 4720.3970 prescribe standards for water supply siting and construction, set maximum contaminant levels for turbidity, microbiological constituents, organic and inorganic chemicals, and radioactivity, prescribe a frequency for monitoring the levels of these constituents and sodium and corrosivity, and prescribe the procedures for reporting results, notifying the public and for maintaining records.

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## Proposed Rules

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The standards and procedures adopted in parts ~~4720.0100~~ 4720.0200 to ~~4720.3900~~ 4720.3970 inclusive shall apply to all public drinking water supplies, pursuant to authority granted by existing statutes and amendments thereto, notwithstanding any other water quality standards or regulations.

A water supply which meets all of the following requirements shall not be a public supply for the purpose of parts ~~4720.0100~~ 4720.0200 to ~~4720.3900~~ 4720.3970:

- A. consists only of distribution and storage facilities and does not have any collection and treatment facilities;
- B. obtains all of its water from, but is not owned or operated by a public water supply to which ~~such~~ the regulations apply;
- C. does not sell water to any person; and
- D. is not a carrier which conveys passengers in interstate commerce.

### Rules as Proposed (all new material)

#### 4720.0350 RULES AND STANDARDS ADOPTED BY REFERENCE.

The National Primary Drinking Water Regulations in Code of Federal Regulations, title 40, parts 141, and 142.40 to 142.64 as amended through June 29, 1989, are incorporated by reference in parts 4720.0200 to 4720.3970 and are subject to the alterations and amendments contained in parts 4720.0200 to 4720.3970.

#### 4720.0450 DEFINITIONS; SECTION 141.2 OF THE NATIONAL PRIMARY DRINKING WATER REGULATIONS.

Subpart 1. **Central water treatment defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Central water treatment” means providing treatment at a common location or facility and subsequently delivering it to the consumer of the public water supply.

Subp. 2. **Commissioner of health defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Commissioner of health” means the authority established by *Minnesota Statutes*, sections 144.381 to 144.388, for enforcement in the state of the National Primary Drinking Water Regulations and parts 4720.0200 to 4720.3970. For purposes of enforcing the National Primary Drinking Water Regulations, title 40, part 141, the term “state” contained in those regulations means the commissioner of health.

Subp. 3. **Composite defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Composite” means a sampling technique in which two or more samples are combined before an analysis is performed.

Subp. 4. **Distribution system defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Distribution system” means a network of pipes, valves, storage reservoirs, and pumping stations that delivers water to homes, businesses, and industries for drinking and other uses.

Subp. 5. **Entry point samples defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Entry point samples” means water samples collected at a location after any application of treatment but before the water is delivered to any consumer.

Subp. 6. **Environmental Protection Agency methods defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Environmental Protection Agency methods” means methods contained in *Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water*, September 1986. These methods are issued by the Environmental Monitoring and Support Laboratory (EMSL) of the United States Environmental Protection Agency, Cincinnati, Ohio 45268. These methods are incorporated by reference and are not subject to frequent change. The methods are available through the Minitex interlibrary loan system.

Subp. 7. **Federal act defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Federal act” means the Safe Drinking Water Act of 1974, Public Law Number 93-523, title 42, United States Code, section 300f to 300j-11.

Subp. 8. **Federal regulations defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:



“Federal regulations” means regulations dealing with public water supplies and drinking water quality, adopted by the Administrator of the United States Environmental Protection Agency pursuant to the federal act.

Subp. 9. **Groundwater defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Groundwater” means the water in the zone of saturation in which all of the pore spaces of the subsurface material are filled with water. The water that supplies a well is groundwater.

Subp. 10. **Turbidity unit defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Turbidity unit” means an amount of turbidity equivalent to that in a solution composed of 0.000125 percent hydrazine sulfate and 0.00125 percent hexamethylenetetramine in distilled and filtered (100  $\mu$  pore size membrane) water, as measured by a nephelometric turbidimeter.

Subp. 11. **Year round resident defined.** In section 141.2 of the National Primary Drinking Water Regulations, the following definition is added:

“Year round resident” means a person who resides in the area served by the public water supply for more than six months of the year.

#### **4720.0550 MICROBIOLOGICAL CONTAMINANT SAMPLING AND ANALYTICAL REQUIREMENTS; SECTION 141.21 OF THE NATIONAL PRIMARY DRINKING WATER REGULATIONS.**

Section 141.21, paragraph (b), clause (1), of the National Primary Drinking Water Regulations is amended to read:

If a routine sample is total coliform-positive, the public water supplier must collect a set of repeat samples within 24 hours of being notified of the positive result. A supplier must collect no fewer than four repeat samples for each total coliform-positive sample found. The commissioner of health may extend the 24-hour limit on a case-by-case basis if the supplier has a logistical problem in collecting the repeat samples within 24 hours and the problem is beyond the supplier's control. In the case of an extension, the commissioner of health shall specify how much time the supplier has to collect the repeat samples.

#### **Rules as Proposed**

##### **4720.2300 ADDITIONAL MONITORING REQUIREMENTS.**

The commissioner may impose additional monitoring requirements if the results of a sanitary survey indicate that a public health risk may exist. The commissioner may impose a requirement for more frequent sampling if the analytical results of water tests show that a previously measured contaminant is approaching a maximum contaminant level as prescribed in ~~parts 4720.0400 to 4720.0900 Code of Federal Regulations, title 40, part 141, as amended through June 29, 1989.~~

#### **Rules as Proposed (all new material)**

##### **4720.3920 GENERAL REQUIREMENTS FOR CONSTRUCTION OF SURFACE WATER TREATMENT FACILITIES.**

The source of surface water selected for a public water supply must provide the highest quality water reasonably available which, with appropriate treatment and adequate safeguards, meets the requirements specified in Code of Federal Regulations, title 40, parts 141.72(b) and 141.73, as amended through June 29, 1989. The design of the treatment processes, equipment, and structures shall depend on an evaluation of the nature and quality of the particular water to be treated. Variations from the design criteria may be approved by the commissioner in cases where experimental, pilot, or full scale studies have demonstrated that acceptable results can be obtained.

##### **4720.3922 INTAKES.**

Intake structures must provide:

- A. a velocity of flow 0.25 to 0.50 feet per second through the inlet structure so frazil ice is held to a minimum;
- B. for the withdrawal of water from the depth of the best water quality;
- C. inspection manholes every 1,000 feet for pipe sizes large enough to permit visual inspection;
- D. protection against rupture by dragging anchors, ice, and other activity; and

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E. permanent monuments to reference locations.

### 4720.3925 SHORE WELLS.

Shore well structures must:

- A. have motors and electrical controls located above grade and flood level;
- B. be accessible for operation and service;
- C. be designed to prevent flotation;
- D. be equipped with removable or traveling screens before the pump suction well;
- E. provide chlorination or other chemical addition facilities for raw water transmission mains;
- F. have the intake valved with provisions for backflushing and testing for leaks; and
- G. have provisions for controlling surges.

### 4720.3927 PUMPING STATIONS; DESIGN REQUIREMENTS.

Subpart 1. **General.** Pumping stations must be designed to maintain the sanitary quality of the water being pumped. All raw or finished water pump stations must:

- A. provide space to access and service all equipment;
- B. have outward opening doors;
- C. have a floor elevation at least six inches above the finished grade and at least 24 inches above the regional flood level. Below grade installations shall be permitted only if the terrain at the site is such that a gravity drain system can be provided;
- D. have all floors drained without impairing the quality of water being handled; and
- E. provide a suitable outlet for drainage from pump glands without discharging onto the floor.

Subp. 2. **Pumping station suction well.** Suction wells, including installations where the pumps are installed on top of a reservoir, must:

- A. be watertight;
- B. have bottoms sloped to permit removal of water and entrained solids;
- C. be vented by means of a pipe or other device terminating in a screened U-bend at least 24 inches above the floor; and
- D. have curbs a minimum of four inches around all access openings, pipes, and other equipment which extend through the top of the suction well. Access openings must have covers which overlap at least two inches.

Subp. 3. **Pumping station pumps.** Pumping stations must:

A. have at least two pumping units except where additional pumping stations which can meet the peak demand are available or where the commissioner determines that ample time will be available between pumping periods for necessary repairs. If only two units are provided, each must be capable of carrying the peak demand. If more than two units are installed, each must have sufficient capacity so that any one pump can be taken out of service with the remaining pump capable of carrying the peak demand.

B. have controls for proper alternation where two or more pumps are installed. Provision must be made to prevent operation of the pump during the backspin cycle. All electrical controls must be located above grade.

C. provide a power supply from at least two independent sources or from a standby, auxiliary power source.

D. provide a prelubrication line with a valved bypass around the automatic control and backflow protection where required, whenever automatic prelubrication of pump bearings is necessary and an auxiliary power supply is provided.

Subp. 4. **Pumping station suction lift.** A suction lift shall be allowed only for distances of less than 15 feet and where provision is made for priming the pumps. A suction lift shall not be permitted if used with buried piping carrying finished water.

Subp. 5. **Pumping station priming.** Prime water must not be of lesser sanitary quality than that of the water being pumped. Means must be provided to prevent backflow. When an air-operated ejector is used, the screened intake must draw clean air from a point at least ten feet above the ground or other source of contamination, unless the air is filtered by apparatus approved by the commissioner. Vacuum priming may be used.

### 4720.3930 WATER CLARIFICATION PROCEDURES.

Subpart 1. **Duplicate systems.** Facilities designed to process surface water must provide duplicate systems for flocculation and sedimentation and be constructed to permit a system to be taken out of service without disrupting operation.

Subp. 2. **Pretreatment.** Water containing high turbidity or having unusual treatment requirements shall be pretreated, usually by

sedimentation or detention either with or without the addition of chemicals.

A. Sedimentation basins must have a means for sludge removal.

B. Inlets for incoming water must disperse water across the full width of the line of travel as quickly as possible; short circuiting must be prevented.

C. Means for bypassing sedimentation basins must be provided.

D. Three hours detention is the minimum period required for sedimentation. In individual cases where chemical pretreatment is required because of unusual water quality characteristics, a greater detention time shall be required.

Subp. 3. **Flash or rapid mixing.** Mixing means the rapid dispersion of chemicals throughout the water to be treated, usually by vigorous agitation.

A. Basins must be equipped with mechanical mixing devices unless other methods, such as baffling or injection of chemicals at a point of high velocity, are approved by the commissioner after determining that the other requirements of this chapter are met.

B. The detention period for mechanical mixing must be as short as possible depending on the velocity gradient provided by the mixing units.

#### **4720.3932 FLOCCULATION (SLOW MIXING).**

Subpart 1. **Basin design.** Inlet and outlet design must prevent short circuiting and destruction of floc. A drain must be provided.

Subp. 2. **Detention.** Minimum flow-through velocity must be not less than 0.5 feet or greater than 1.5 feet per minute with a detention time for floc formation of at least 30 minutes.

Subp. 3. **Equipment.** Agitators must be driven by variable speed drives or other means which vary the peripheral speed of paddles in the range of 0.5 to 3.0 feet per second. Uniform mixing must be provided to prevent settling in the flocculation basin.

Subp. 4. **Piping.** Flocculation and sedimentation basins must be as close together as possible to avoid settling out. The velocity of flocculated water through pipes or conduits to settling basins must be no less than 0.5 feet nor greater than 1.5 feet per second.

Subp. 5. **Baffling; other designs.** Baffling may be used to provide flocculation only after the supplier consults with the commissioner and receives the commissioner's approval. The design must maintain the velocities and flows set forth in this subpart.

#### **4720.3935 SEDIMENTATION.**

Subpart 1. **General.** Sedimentation must follow flocculation. The detention time for effective water clarification shall depend on basin design and the nature of the raw water, such as turbidity, color, colloidal matter, taste, and odor causing compounds.

Subp. 2. **Detention time.** Facilities with a conventional sedimentation system must provide a minimum of four hours of settling time.

Subp. 3. **Inlet devices.** Inlets must be designed to distribute the water equally and at uniform velocities. A baffle must be constructed across the basin, close to the inlet end. The baffle must project far enough below the water surface to dissipate inlet velocities and provide uniform flow across the basin.

Subp. 4. **Outlet devices.** Outlet devices must maintain velocities suitable for settling in the basin and must minimize short circuiting.

Subp. 5. **Weir overflow rate.** The rate of flow over the outlet weir must not exceed 20,000 gallons a day per foot of weir length. If submerged ports are used as an alternate for overflow weirs, they must not be lower than three feet below the flow line.

Subp. 6. **Drainage.** Basins must be provided with a means for dewatering. Basin bottoms must slope toward the drain.

Subp. 7. **Covers.** Covers or superstructures are required at all facilities. Where covers are used, manholes must be provided, as well as drop light connections, so the flow can be observed at the inlet midpoint and outlet of the basin.

Subp. 8. **Velocity.** The velocity through settling basins must not exceed one foot a minute. The basins must be designed to minimize short circuiting. Baffles must be provided if the commissioner determines the flow through time cannot be met.

Subp. 9. **Overflow.** An overflow weir or pipe must be installed which establishes the maximum water level on top of the filters. The overflow weir must discharge with a free fall at a location where the discharge is visible.

Subp. 10. **Safety.** Guard rails must be installed around openings hazardous to maintenance personnel.

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Subp. 11. **Sludge disposal.** A facility must provide for sludge disposal. Provisions must be made for the operator to observe and sample sludge being withdrawn from the unit.

Subp. 12. **Cross connection control.** Protection must be provided for all potable water lines used to backflush sludge lines and basins or for other purposes if potable water could become contaminated by nonpotable water.

### 4720.3940 SOLIDS CONTACT UNIT.

Subpart 1. **General.** A unit designed for combined water softening and sedimentation shall be permitted only if the unit is:

- A. designed for the maximum uniform flow rate;
- B. adjustable to changes in flow which are less than the design rate; and
- C. designed for changes in water quality characteristics.

Subp. 2. **Installation supervision.** Supervision by a representative of the manufacturer must be provided whenever mechanical equipment is installed at the facility and, also, at the time of initial operation.

Subp. 3. **Sampling taps.** Sampling taps must be located to permit the collection of water samples from the solids contact unit.

Subp. 4. **Chemical feed.** Chemicals must be applied at points and by means which ensure satisfactory mixing of the chemicals with the water.

Subp. 5. **Mixing devices.** Mixing devices must be constructed to adequately mix raw water with previously formed sludge particles, and to prevent the deposit of solids in the mixing zone.

Subp. 6. **Flocculation.** Flocculation equipment must be adjustable so that coagulation occurs in a separate chamber or baffled zone within the unit and so that there is a flocculation and mixing period of not less than 30 minutes.

Subp. 7. **Sludge concentrators.** The solids contact unit must provide either internal or external concentrators which concentrate sludge and minimize wastewater.

Subp. 8. **Sludge removal.** Design of the sludge removal system must provide:

- A. sludge pipes not less than three inches in diameter, arranged to facilitate cleaning;
- B. an entrance to sludge withdrawal piping to prevent clogging;
- C. accessible valves located outside the tank; and
- D. a means for an operator to observe or sample sludge being withdrawn from the solids contact unit.

Subp. 9. **Cross connections.** Blow-off outlets and drains must terminate and discharge at places so backflow is prevented. Cross connection control must be included for all potable water lines including those used to backflush sludge lines and flush basins if potable water could become contaminated by nonpotable water.

Subp. 10. **Detention period.** The detention time must be established on the basis of the raw water characteristics and local conditions that affect the operation of the unit. Based on design flow rates, the minimum detention time must be two hours for suspended solids contact clarifiers, and one hour for the suspended solids contact softeners.

Subp. 11. **Suspended slurry concentrate.** Softening units must be designed so continuous slurry concentrates of one percent or more, by weight, are maintained.

Subp. 12. **Weirs or orifices.** Units must be equipped with either overflow weirs or orifices. Weirs must be adjustable, must be at least equivalent in length to the perimeter of the tank, and must be constructed so surface water does not travel over ten feet horizontally to the collection trough.

Subp. 13. **Weir; orifice loading.** Weir loading must not exceed 20 gallons a minute per foot of weir length for units used for softeners, or ten gallons a minute per foot of weir length for units used for clarifiers. Orifices must produce uniform rising rates over the entire area of the tank.

Subp. 14. **Upflow rates.** The upflow rates in the solid contact unit must not exceed:

- A. 1.75 gallons a minute per square foot of area at the slurry separation line if units are used for softeners; and
- B. 1.0 gallon a minute per square foot of area at the sludge separation line if units are used for clarifiers.

### 4720.3942 FILTRATION.

The application of any type of filter and media must be supported by water quality data for the period of use sufficient to characterize any variation in water quality. Filtration systems must meet the requirements in parts 4720.3945 to 4720.3955.

### 4720.3945 RAPID RATE GRAVITY FILTERS.

Subpart 1. **Pretreatment.** Rapid rate gravity filters must only be used after coagulation, flocculation, and sedimentation.

Subp. 2. **Number.** At least two filter units must be provided. Provisions must be made to meet the maximum day demand at the approved filtration rate if one filter is out of service.

Subp. 3. **Rate of filtration.** The permissible rate of filtration shall be determined after consideration of factors such as raw water quality, the degree of pretreatment provided, the filter media, and water quality control parameters. In all cases the filtration rate must be reviewed and approved by a registered engineer and approved by the commissioner before the preparation of final plans.

Subp. 4. **Structural details and hydraulics.** The filter structure must be designed to:

- A. provide vertical walls within the filter;
- B. prevent protrusion of the filter walls or other structures into the filter media or the area between the top of the media and the high water line during backwashing;
- C. provide cover by superstructure;
- D. provide head room to permit normal inspection and operation;
- E. provide a minimum filter depth of 8-1/2 feet;
- F. provide a minimum water depth three feet over the surface of the media;
- G. provide a trap on the effluent pipe or conduit to prevent backflow of air to the bottom of the filter;
- H. prevent drainage from the floor to the filter with a minimum four-inch curb around the filter;
- I. prevent flooding by providing overflow if this is not provided in a pretreatment unit;
- J. provide a maximum velocity of treated water in the pipe and conduits to the filter of two feet per second;
- K. provide cleanouts and straight alignment for influent pipes or conduits where solids loading is heavy or following lime-soda softening;
- L. provide wash water drain capacity to carry maximum backwash flow;
- M. provide walkways around filters not less than 24 inches wide; and
- N. provide safety handrails or walls around the filter areas adjacent to the walkways.

Subp. 5. **Wash water troughs.** Wash water troughs must be designed to provide:

- A. a bottom elevation above the maximum level of expanded media during washing;
- B. a top elevation not exceeding 30 inches above the filter surface;
- C. a two-inch freeboard at the maximum rate of wash;
- D. a top or edge which is level;
- E. spacing so each trough serves the same number of square feet of filter area; and
- F. a maximum horizontal travel of suspended particles not exceeding three feet in reaching the trough.

Subp. 6. **Filter media.** Filter media must meet the standards specified in this subpart.

A. Sand must be:

- (1) clean silica sand having a depth no less than 24 inches and no more than 30 inches;
- (2) an effective size from 0.45 millimeter to 0.55 millimeter, depending upon the quality of the raw water; and
- (3) have a uniformity coefficient no greater than 1.65 millimeters.

B. Clean crushed anthracite, or sand and anthracite may be used as a filter media if supported by experimental data obtained from the project. Anthracite used as the only media must have an effective size from 0.45 millimeter to 0.8 millimeter and a uniformity coefficient no greater than 1.6 millimeters. Anthracite used to cap sand filters must have an effective size from 0.7 millimeter to 1.2 millimeters and a uniformity coefficient no greater than 1.85 millimeters.

C. Granular activated carbon may be used as a filter material only if approved by the commissioner. A request for approval must:

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(1) include a report from a registered engineer detailing raw water quality, the results of pilot plant studies, proposed flow rates, process controls to be provided, proposed operational adjustments, and justification for the project proposals;

(2) specify criteria for the media;

(3) provide for a chlorine residual in the water following filtering and before distribution;

(4) provide for periodic treatment of the filter bed to control possible bacterial and other growths; and

(5) include plans showing any proposed modification of facilities.

D. Other media may be approved by the commissioner, but only on the basis of pilot tests and experience which demonstrate that the requirements of this part will be met.

E. Except as provided in item F, sand and gravel must be provided as supporting media according to subitems (1) and (2).

(1) A three-inch layer of sand must be used as a supporting media for the filter sand. The sand must have an effective size from 0.8 millimeter to 2.0 millimeters, and a uniformity coefficient no greater than 1.7 millimeters.

(2) Gravel, when used as the supporting media, must consist of hard, rounded particles and must not include flat or elongated particles. The coarsest gravel shall be no more than 2-1/2 inches in diameter in any direction when the gravel rests directly on the strainer system, and must extend above the top of the perforated laterals or strainer nozzles. No less than four layers of gravel shall be provided according to the following size and depth distribution when used with perforated laterals or strainer nozzles:

(a) 2-1/2 to 1-1/2 inches, five to eight inches deep;

(b) 1-1/2 to 1/4 inches, three to five inches deep;

(c) 1/4 to 1/2 inches; three to five inches deep;

(d) 1/2 to 3/16 inches, two to three inches deep; and

(e) 3/16 to 3/32 inches, two to three inches deep.

F. If the supplier submits substantiation to the commissioner that proprietary filter bottoms are used, the commissioner may allow elimination of certain layers of supporting media or a reduction in the depth of the layers of supporting media that are required in item E.

**Subp. 7. Filter bottoms and strainer systems.** Departures from the standards in this subpart by using proprietary bottoms may be approved by the commissioner on a case-by-case basis if the effectiveness of the method is demonstrated by the supplier. Porous plate bottoms must not be used where iron or manganese may clog them or with water softened with lime. The design of a manifold-type collection system must:

A. minimize loss of head in the manifold and laterals;

B. assure even distribution of wash water and an even rate of filtration over the entire area of the filter;

C. provide a ratio of the area of the final openings of the strainer system to the area of the filter of not more than 0.003;

D. provide a total cross-sectional area of the laterals at least twice the total area of the final openings of the strainer system; and

E. provide a cross-sectional area of the manifold at 1-1/2 to two times the total cross-sectional area of the laterals.

**Subp. 8. Surface wash.** Surface wash facilities consisting of either fixed nozzles or a revolving mechanism are required. All devices must be designed for:

A. water pressures of at least 45 pounds per square inch;

B. a volume of flow of 2.0 gallons per minute per square foot of filter area with fixed nozzles and 0.5 gallons per minute per square foot with revolving arms; and

C. a vacuum breaker installed above the high water elevation in the filter or other device approved by the commissioner to prevent back siphonage.

**Subp. 9. Appurtenances.** The following shall be provided for every filter:

A. a sampling tap on the effluent line;

B. a loss-of-head gauge;

C. controls to indicate flow rate;

D. a drain to waste with appropriate measures for backflow prevention;

E. a means of monitoring the effluent from each filter for turbidity on a continuous basis or on a selective basis where one turbidimeter would monitor more than one filter on a rotating cycle. The turbidimeter must have a recorder. Access to the filter interior

through wall sleeves must be provided in several locations to allow the installation of sampling lines, pressure sensors, and other devices, at different depths in the filter media; and

F. a one to 1-1/2 inch pressure hose and rack at the operating floor for washing the filter walls.

Subp. 10. **Backwash.** Facilities must provide for the washing of filters as follows:

A. by filtered water at a rate no less than 15 gallons per square foot per minute from wash water tanks, a wash water pump from a reservoir, or a high service main, or a combination of these;

B. by wash water pumps in duplicate unless an alternate means of obtaining wash water is available;

C. by no less than 15 minutes wash of one filter at the design rate of wash;

D. by a wash water regulator or valve on the wash water line to obtain the desired rate of filter wash;

E. by a rate-of-flow indicator and totalizer on the main wash water line, located for convenient reading by the operator during the washing process; and

F. by a method which prevents rapid changes in the backwash water flow.

Subp. 11. **Roof drains.** Roof drains must not discharge into the filters and basins or the conduits preceding the filters.

#### **4720.3947 SLOW RATE GRAVITY FILTERS.**

Subpart 1. **Demonstration study.** The use of slow rate gravity filters shall require an engineering study to demonstrate the adequacy and suitability of this filtration method for a specific raw water supply. The standards in this part shall be applied to determine the adequacy and suitability of this filtration method.

Subp. 2. **Quality of raw water.** Slow rate gravity filtration must be limited to water with a maximum turbidity of 50 units and maximum color of 30 units. The turbidity must not be attributable to colloidal clay. Raw water quality data must include an examination for algae.

Subp. 3. **Structural details and hydraulics.** A slow rate gravity filter must be designed to provide:

A. no less than two filter units;

B. a cover or superstructure;

C. headroom to permit normal movement by operating personnel for scraping and sand removal operations;

D. manholes and access ports for handling sand; and

E. filtration to waste and overflow at the maximum filter water levels.

Subp. 4. **Rates of filtration.** The permissible rates of filtration must be based on the quality of the raw water as determined from experimental data. Proposed rates must be submitted to the commissioner for approval. The design rate shall be 45 to 150 gallons a day per square foot of sand area. However, rates of 150 to 230 gallons a day per square foot shall be approved when effectiveness is demonstrated by the supplier to the satisfaction of the commissioner.

Subp. 5. **Under drains.** Each filter unit must be equipped with a main drain and lateral drains under the filter media to collect the filtered water. The under drains must be spaced so the maximum velocity of the water flow in a lateral under drain does not exceed 0.75 feet per second. The maximum spacing of lateral under drains shall not exceed 12 feet.

Subp. 6. **Filtering material.** A minimum depth of 30 inches of filter sand, clean and free of foreign matter, must be placed on graded gravel layers. The effective size of the filter media must be between 0.35 and 0.50 millimeter, and the uniformity coefficient must not exceed 2.5.

Subp. 7. **Filter gravel.** The supporting gravel must conform to the size and depth distribution provided for rapid rate gravity filters.

Subp. 8. **Depth of water on filter beds.** The design must provide a depth of at least three feet of water over the sand. Influent water must be distributed in a manner which does not scour the sand surfaces.

Subp. 9. **Control appurtenances.** Each filter must be equipped with:

A. a loss-of-head gauge;

B. an orifice, Venturi meter, or other suitable metering device installed on each filter to enable control of the rate of filtration;

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and

C. an effluent pipe located at an elevation which maintains the water level in the filter above the top of the sand.

### 4720.3950 DIATOMACEOUS EARTH FILTRATION.

Subpart 1. **Applicability.** The use of diatomaceous earth filters may be considered for application to surface water with low turbidity and low bacterial contamination. Diatomaceous earth filters must not be used for bacterial removal, color removal, or turbidity removal where either the gross quantity of turbidity exceeds 40 turbidity units or the turbidity exhibits poor filterability characteristics.

Subp. 2. **Pilot plant study.** Installation of a diatomaceous earth filtration system must be preceded by a pilot plant study on the water to be treated.

A. Conditions of the study such as duration, filter rates, head loss accumulation, slurry feed rates, turbidity removal, and bacteria removal, must be approved by the commissioner before the study.

B. The pilot plant study must demonstrate the ability of the system to meet the requirements of Code of Federal Regulations, title 40, part 141.73(c), as amended through June 29, 1989.

Subp. 3. **Treated water storage capacity.** Treated water storage capacity in excess of normal requirements must be provided to allow operation of the filters at a uniform rate during all conditions of system demand at or below the approved filtration rate, and to guarantee continuity of service during adverse raw water conditions without bypassing the system.

Subp. 4. **Number of filters.** There must be at least two filters provided. Where only two filters are provided, they must each be capable of meeting the plant's design capacity at the approved filtration rate.

Subp. 5. **Precoat.** A uniform precoat of diatomaceous earth must be applied hydraulically to each septum by introducing a slurry to the tank influent line and employing a filter-to-waste or recirculation system. Diatomaceous earth in the amount of 0.1 pound per square foot of filter area or an amount sufficient to apply a 1/16 inch coating must be used with recirculation. When precoating is accomplished with a filter-to-waste system, 0.15 to 0.2 of a pound per square foot of filter area must be provided.

Subp. 6. **Body feed.** A body feed system must apply additional amounts of diatomaceous earth slurry during the filter run to avoid short filter runs or excessive head loss.

A. The rate of body feed shall depend on raw water quality and characteristics and must be determined in the pilot plant study in subpart 2.

B. The feed systems and slurry lines must be accessible.

C. The body feed slurry must be continuously mixed.

Subp. 7. **Rate of filtration.** The minimum rate of filtration is 1.0 gallon a minute per square foot of filter area with a maximum of 1.5 gallons a minute per square foot. The filtration rate must be mechanically controlled.

Subp. 8. **Recirculation.** A recirculation or holding pump must be used to maintain differential pressure across the filter when the unit is not in operation to prevent the filter cake from dropping off the filter elements. A minimum recirculation rate of 0.1 gallon a minute per square foot of filter area must be provided.

Subp. 9. **Septum or filter element.** The filter elements must be structurally capable of withstanding maximum pressure and velocity variations during filtration and backwash cycles, and must be spaced so no less than one inch is provided between elements or between any element and a wall.

Subp. 10. **Inlet design.** The filter influent must be designed to prevent scour of the diatomaceous earth from the filter element.

Subp. 11. **Backwash.** A satisfactory method to thoroughly remove and dispose of spent filter cake must be provided.

Subp. 12. **Appurtenances.** The following must be provided for every filter:

A. sampling taps for raw and filtered water;

B. a loss of head or differential pressure gauge;

C. rate-of-flow indicator, preferable with totalizer; and

D. a throttling valve to reduce rates below normal during adverse raw water conditions.

Subp. 13. **Monitoring turbidimeter.** A continuous monitoring turbidimeter with recorder is required on the filter effluent for plants treating surface water.

### 4720.3955 DIRECT FILTRATION PLANTS.

Subpart 1. **Studies.** A full scale direct filtration plant must not be constructed without a pilot study acceptable to the commissioner. An in-plant demonstration study shall be appropriate where conventional treatment plants are converted to direct filtration. Where direct filtration is proposed, the supplier must submit an engineering report to the commissioner. The commissioner must approve the report before the supplier conducts a pilot plant or in-plant demonstration study.



Subp. 2. **Engineering report.** The engineering report must include a historical summary of meteorological conditions and of raw water quality with special reference to fluctuations in quality and possible sources of contamination. The following raw water parameters must be evaluated in the report:

- A. color;
- B. turbidity;
- C. bacterial concentration;
- D. microscopic biological organisms;
- E. temperature;
- F. total solids;
- G. general inorganic chemical characteristics; and
- H. additional parameters as required by the reviewing authority.

The report must also include a description of methods and work to be done during a pilot plant study or where appropriate, an in-plant demonstration study.

Subp. 3. **Pilot plant or in-plant demonstration studies.** After approval of the engineering report, a pilot study or, for existing plants where conventional treatment is being converted to direct filtration, an in-plant demonstration study, shall be conducted. The study must be conducted over a sufficient time to treat all expected raw water conditions throughout the year. The pilot plant filter must be of a similar type and operated in the same manner as proposed for full scale operation. The study shall emphasize but not be limited to, the following items:

- A. chemical mixing conditions including shear gradients and detention periods;
- B. chemical feed rates;
- C. use of various coagulants and coagulant aids;
- D. flocculation conditions;
- E. filtration rates;
- F. filter gradation, types of media, and depth of media;
- G. filter breakthrough conditions; and

H. a description of the adverse impact of recycling backwash water due to solids, algae, trihalomethane formation and similar problems.

Before initiation of design plans and specifications, the supplier shall submit a final report including the engineer's design recommendations. The study must demonstrate the minimum contact time necessary for optimum filtration for each coagulant proposed.

Subp. 4. **Pretreatment—rapid mix and flocculation.** The final rapid mix and flocculation basin design shall be based on the pilot plant or in-plant demonstration studies augmented with applicable portions of parts 4720.3930, subpart 3, and 4720.3932.

Subp. 5. **Filtration.** Filters must be rapid rate gravity filters, with dual or mixed media. The final filter design must be based on the pilot plant or in-plant demonstration studies augmented by applicable portions of part 4720.3945, subparts 1 to 7. Pressure filters or single media sand filters must not be used.

- A. Surface wash, subsurface wash, or air scour must be provided for the filters according to part 4720.3945, subpart 8.
- B. Provisions for filtration to waste must be provided with measures for backflow prevention according to chapter 4715.

Subp. 6. **Siting requirements.** The plant design and land ownership surrounding the plant must allow for the installation of conventional sedimentation basins should the commissioner find that the installation of the direct filtration methods specified in this part do not achieve the water quality standard indicated in Code of Federal Regulations, title 40, part 141.73(a)(1), as amended through June 29, 1989.

#### **4720.3957 CHEMICAL ADDITION.**

Subpart 1. **Feed equipment required.** If chemical feed such as chlorination, coagulation, or other processes are necessary for the

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protection of the water supply, a minimum of two feeders must be provided so a standby unit or combination of units is available to replace the largest unit during shutdowns. Spare parts must be available for all feeders to replace parts subject to wear and damage.

Subp. 2. **Design and capacity.** The design of the facility must ensure that:

- A. a separate feed system is provided for each chemical;
- B. feeders supply, at all times, the necessary amounts of chemical at an accurate rate, throughout the range of feed. To allow for changes in pumping or application rates, the feeder must be designed to operate between 30 and 70 percent of the feeder range on initial start-up. If this is not possible with stock chemical solution, the chemical must be diluted;
- C. proportioning of chemical feed to rate of flow is provided;
- D. positive displacement-type solution feeders are used to feed liquid chemicals;
- E. chemical solutions are prevented from being siphoned into the water supply by assuring discharge at points of positive pressure and by providing anti-siphon devices, or through a suitable air gap or other effective means approved by the commissioner;
- F. the service water supply is protected from contamination by chemical solutions either by equipping the supply line with backflow or backsiphonage prevention devices, or by providing an air gap of two pipe diameters, but not less than three inches, between the supply line and top of the solution tank;
- G. materials and surfaces in contact with chemicals are resistant to the chemical solution;
- H. dry chemical feeders:
  - (1) measure chemicals volumetrically or gravimetrically;
  - (2) effectively dissolve the chemical in the solution pot;
  - (3) provide gravity feed from solution pots, if possible; and
  - (4) completely enclose chemicals to prevent emission of dust to the operating room; and
- I. no direct connection exists between any sewer and a drain or overflow from the feeder or solution chamber or tank.

Subp. 3. **Location of feed equipment.** Chemical feed equipment must be:

- A. readily accessible for servicing, repair, and observation of operation;
- B. located and have protective curbing to prevent chemicals from equipment failure, spillage, or accidental drainage from entering the water in conduits, and treatment or storage basins; and
- C. located above grade.

Subp. 4. **Controls.** Feeders must be manually or automatically controlled if the water supply pumps are manually controlled. Where pumps are automatically controlled, the feeders must be automatically controlled. In all cases, automatic control shall be capable of reverting to manual control when necessary.

- A. Feeders must be designed and controlled to provide rates proportional to flow.
- B. Automatic chemical feed rate control may be used in combination with residual analyzers which have alarms for critical values and recording charts.

Subp. 5. **Weighing scales.** Weighing scales:

- A. must be provided to weigh cylinders at all plants using chlorine gas;
- B. are required for solution feed unless a comparable means for determining use is approved by the commissioner;
- C. are required for volumetric dry chemical feeders; and
- D. must be accurate enough to measure increments of 0.5 percent of load.

Subp. 6. **Feed lines.** Feed lines must:

- A. be as short as possible in length of run; of durable, corrosion resistant material; easily accessible throughout entire length; protected against freezing; and readily cleanable;
- B. slope upward from chemical source to feeder when conveying gases;
- C. introduce corrosive chemicals so as to minimize the potential for corrosion;
- D. be designed consistent with the scale-forming or solids-depositing properties of the water, chemical, solution, or mixture conveyed;
- E. not carry chlorine gas beyond the chlorine feeder room; and
- F. include an injection nozzle when application is into a pipeline.

Subp. 7. **Service water supply.** Water used for dissolving dry chemicals, diluting liquid chemicals, or operating chemical feeders must be from a safe, approved source with appropriate backflow prevention provided. The commissioner may grant an exception in cases where the finished water quality is not affected by addition of the chemical mixed with untreated water.

#### **4720.3960 CHEMICAL STORAGE.**

Subpart 1. **Storage space.** Storage space must provide for:

- A. storage of at least 30 days of chemical supply;
- B. convenient and efficient handling of chemicals;
- C. dry storage conditions; and
- D. a minimum of 1-1/2 truckloads storage volume where purchase is by truckload.

Subp. 2. **Containers.** Covered or unopened shipping containers must be provided for storage unless the chemical is transferred into an approved covered storage unit. Solution tanks must have overlapping covers.

Subp. 3. **Capacity.** Solution storage or day tanks supplying feeders directly must have sufficient capacity for one day of operation. When the chemical solution is prepared from a powder or slurry, two solution tanks are required to assure continuity of feed.

Subp. 4. **Storage containers.** Storage must be constructed of or lined with materials compatible with the chemical being handled.

Subp. 5. **Mixing equipment.** Mixing equipment must be provided where necessary to assure a uniform chemical solution strength.

Subp. 6. **Measurements.** Means must be provided to accurately determine the amount of chemical applied either by measurement of the solution level in the tank or by weighing scales. A meter must be provided on the water fill line to a fluoride saturator. Liquid chemical storage tanks must have a liquid level indicator.

Subp. 7. **Drainage.** Means to drain tanks must be provided in the storage space, but there must be no direct connection between any drain piping and a sewer. Drain piping must terminate at least two pipe diameters, but not less than three inches, above the overflow rim of a receiving sump, conduit, or waste receptacle.

Subp. 8. **Overflow pipes.** Overflow pipes must be turned downward, be screened, have a free discharge, and be in a conspicuous location.

Subp. 9. **Subsurface storage.** Where subsurface locations for solution or storage tanks are provided, the tanks must be free from sources of possible contamination and located to assure drainage for groundwater, accumulated water, chemical spills, and overflows.

Subp. 10. **Compatibility of chemicals.** Incompatible chemicals must not be stored or handled in common areas.

Subp. 11. **Venting.** Gases from feeders, storage, and equipment exhausts must be conveyed to the outside atmosphere above grade and remote from air intakes. Acid storage tanks must be vented to the outside but not through vents in common with day tanks.

#### **4720.3962 CHEMICAL HANDLING.**

Subpart 1. **Measuring equipment.** Equipment must be provided in the handling facility to measure the chemicals used to prepare feed solutions.

Subp. 2. **Piping.** Piping for chemicals must be compatible with the chemical being conveyed.

Subp. 3. **Dust control.** Provision must be made for the transfer of dry chemicals from shipping containers to storage bins or hoppers in a way that minimizes dust. Control must be provided by use of one of the following:

- A. vacuum pneumatic equipment or closed conveyor systems;
- B. facilities for emptying shipping containers in special containers; or
- C. exhaust fans and dust filters which place the hoppers or bins under negative pressure.

Subp. 4. **Acids.** Acids must be kept in closed, acid-resistant shipping containers or storage units. Transfer from shipping containers to solution or day tanks must be through suitable hose or pipe by means of a transfer pump.

#### **4720.3965 DISINFECTION.**

Subpart 1. **Chlorine.** Chlorine must be the principal agent used to disinfect the water supply. Other agents may be approved by the commissioner on a case-by-case basis provided reliable feeding equipment is available and testing procedures for a residual are

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recognized in the 16th edition of Standard Methods for the Examination of Water and Wastewater (1985). This edition is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 2. **Equipment.** A gas chlorinator or a positive displacement hypochlorite feeder must be provided by the supplier.

Subp. 3. **Capacity.** The chlorinator capacity must provide that a free chlorine residual of at least two mg/l is attained in the water after a contact time of at least 30 minutes when maximum flow rates coincide with anticipated maximum chlorine demands. The equipment must be designed to operate accurately over the desired feed range.

Subp. 4. **Standby equipment.** Where chlorination is needed to protect the water supply, standby equipment of sufficient capacity must be available to replace the largest unit during shutdowns.

Subp. 5. **Automatic proportioning.** Automatic proportioning chlorinators are required where the rate of flow is not reasonably constant or where the rate of flow of the water is not manually controlled.

Subp. 6. **Contact time and point of application.** To determine the contact time of the chlorine in water, ammonia, taste-producing substances, temperature, bacterial quality, trihalomethane formation potential and other pertinent factors must be considered. All basins used for disinfection must be designed to minimize short circuiting.

A. At plants treating surface water, provisions must be made for applying chlorine to the raw water, settled water, filtered water, and water entering the distribution system. The contact time required in item B must be provided after filtration.

B. Surface water supplies using free residual chlorination must provide a minimum contact time of two hours. When combined residual chlorination is used for surface water supplies, a minimum of three hours contact time must be provided.

Subp. 7. **Residual testing equipment.** Residual testing equipment must measure residuals to the nearest 0.1 mg/l in the range below 0.5 mg/l and to the nearest 0.2 mg/l between 0.5 mg/l to 2.0 mg/l.

Subp. 8. **Chlorinator piping.** The water supply piping must be designed to prevent contamination of the treated water supply by water sources of impure or unknown quality.

Subp. 9. **Housing.** Chlorine gas feed and storage must be:

- A. separated from other operating areas by gas-tight enclosures to prevent injury to personnel and damage to equipment;
- B. provided with an inspection window installed in an interior wall or exterior door to permit viewing of the interior of the room and the equipment;
- C. provided with doors having emergency or panic hardware and opening outward to the building exterior;
- D. heated to prevent freezing and insure proper operation of the equipment;
- E. provided with restraints to prevent movement of the chlorine cylinders; and
- F. designed so the ejector for mixing chlorine gas and water is located in the chlorine room.

Subp. 10. **Ventilation of chlorine rooms.** One complete air change a minute must be provided when the chlorine room is occupied. In addition:

- A. the exhaust fan suction must be near the floor with the point of discharge located to avoid contamination of air inlets to other rooms and structures or blockage by snow or other obstructions;
- B. air inlets must be located near the ceiling and controlled to prevent adverse temperature variation;
- C. the exhaust fan switch must be located at the entrance to the chlorine room with a signal light indicating fan operation when the fan is controlled from more than one point; and
- D. vents from feeder and storage units must discharge to the outside atmosphere, above grade as indicated in item A.

Subp. 11. **Ammoniation.** Housing and ventilation for ammoniation must be provided as specified in subparts 9 and 10. Ammonia storage and feed facilities must be separate from chlorine facilities because of the combustion hazard. A plastic bottle of hydrochloric acid must be available and used for leak detection.

### 4720.3970 VARIANCE PROCEDURES AND CRITERIA FOR SURFACE WATER CONSTRUCTION STANDARDS.

The commissioner of health shall grant a variance to parts 4720.3920 to 4720.3965 according to the procedures and criteria in parts 4717.7000 to 4717.7050, as proposed at 15 State Register 985, October 29, 1990, and as later adopted.

**REPEALER.** *Minnesota Rules*, parts 4717.6000 to 4717.6900, 4720.0020, 4720.0100, 4720.0400, 4720.0500, 4720.0600, 4720.0700, 4720.0800, 4720.0900, 4720.1000, 4720.1100, 4720.1200, 4720.1300, 4720.1400, 4720.1500, 4720.1510, 4720.1600, 4720.1700, 4720.1800, 4720.1900, 4720.2000, 4720.2100, 4720.2200, 4720.2400, 4720.2500, 4720.2600, 4720.3100, 4720.3200, 4720.3300, 4720.3400, 4720.3500, 4720.3510, 4720.3600, 4720.3700, and 4720.3900 are repealed.

## Department of Labor and Industry

### Proposed Permanent Rules Relating to Targeted Industry Fund; Loggers

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

**NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry 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 *Minnesota Statutes* Sections 176.83 and 175.17 which permit the agency to adopt rules and prescribe forms necessary to implement the provisions of *Minnesota Statutes* Chapter 176.

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. Public 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:

Gary Hall, Compensation Attorney  
Department of Labor and Industry  
Third floor, 443 Lafayette Road  
St. Paul, MN 55155-4301  
(612) 296-6588

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 free copy of the rule is available upon request from Gary Hall at the above address.

**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 Gary Hall at the above address upon request.

The adoption of the proposed rule has no negative impact on small business. The rule simply provides minimal procedural requirements for those businesses which choose to apply for the statutory rebate.

Additionally, the rules do not require the expenditure of public monies by local public bodies and thus have no fiscal impact.

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 Gary Hall at the above address.

Dated: 27 November 1990

Ken Peterson, Commissioner  
Department of Labor and Industry

#### Rules as Proposed (all new material)

##### 5222.3000 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 5222.3000 to 5222.3007, the following terms have the meanings given them.

Subp. 2. **Full-time logger.** "Full-time logger" means a logger who is employed for at least 100 hours in each of three different months during a calendar year.

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Subp. 3. **Logger.** "Logger" has the meaning given it in *Minnesota Statutes*, section 176.130, subdivision 1, paragraph (b).

Subp. 4. **Purchaser.** "Purchaser" has the meaning given it in *Minnesota Statutes*, section 176.130, subdivision 3.

Subp. 5. **Qualified employer.** "Qualified employer" has the meaning given it in *Minnesota Statutes*, section 176.130, subdivision 1, paragraph (f).

Subp. 6. **Woodmill.** "Woodmill" has the meaning given it in *Minnesota Statutes*, section 176.130, subdivision 1, paragraph (d).

### 5222.3001 AUTHORITY AND PURPOSE.

Parts 5222.3000 to 5222.3007 are adopted pursuant to the authority granted to the commissioner by *Minnesota Statutes*, sections 176.17, 176.83, and 176.130. The purpose of parts 5222.3000 to 5222.3007 is to specify the procedures by which woodmills and qualified employers report to the commissioner for the purpose of administering and implementing the provisions of *Minnesota Statutes*, section 176.130.

### 5222.3002 ANNUAL REPORTING BY WOODMILL.

Subpart 1. **Content of report.** Each woodmill shall make an annual report, as provided in *Minnesota Statutes*, section 176.130, subdivision 5, paragraph (a), on a form prescribed by the commissioner, including the following:

- A. name and address of woodmill;
- B. federal and state employer identification numbers of woodmill;
- C. reporting period dates;
- D. total number of cords purchased or acquired in the preceding calendar year per species of wood;
- E. supporting documentation or other information requested by the commissioner; and
- F. payment of assessment as provided in *Minnesota Statutes*, section 176.130, subdivision 4.

Subp. 2. **Conversion formulas.** For purposes of reporting under subpart 1, item E, where the woodmill uses a measurement other than by cord, the following conversion formulas shall apply:

- A. 4,500 pounds of cut logs or tree-length timber equals one cord;
- B. 500 board feet of saw logs or bolts equals one cord; and
- C. 6,000 pounds of whole tree chips equals one cord.

Subp. 3. **Incomplete reports.** Reports not in compliance with this part will not be accepted for filing and do not satisfy reporting or payment requirements.

Subp. 4. **Extensions.** Requests by woodmills for extension of the time for reporting and making payment will be granted within seven days of receipt by the commissioner, only in rare cases where:

- A. the request is made in writing;
- B. the request is received by the commissioner before the reporting due date;
- C. the request is based on circumstances beyond the control of the woodmill; and
- D. the commissioner determines the extension period is reasonable.

### 5222.3003 FAILURE TO MAKE PAYMENT OF ASSESSMENT; PENALTY.

Subpart 1. **Due date.** The due date for payment of the annual assessment by a woodmill is February 15 for the previous calendar year.

Subp. 2. **Basis.** A penalty will be assessed under *Minnesota Statutes*, section 176.129, subdivision 10, where, on or before the due date, either:

- A. the payment of the assessment is not received by the commissioner; or
- B. a request for extension is not approved.

Subp. 3. **Amount.** Within 60 days of the due date the commissioner will give notice of penalty to woodmills who have not made, without an approved extension, timely and full payment of the assessment. The amount of the penalty shall be either:

- A. (1) five percent of the assessment payments due, if received by the commissioner late but not more than ten days after the due date;
  - (2) ten percent of the assessment payments due, if received by the commissioner within 11 to 29 days after the due date;
- or
- (3) 15 percent of the assessment payments due, if payment is not made within 30 days of the due date; or

B. \$500, whichever is greater.

Subp. 4. **Payment to.** Both the assessment payment and any penalty due under this part and part 5222.3004 are payable to the special compensation fund.

**5222.3004 FALSE REPORTING BY WOODMILL.**

Pursuant to *Minnesota Statutes*, section 176.130, subdivision 9, any woodmill that makes a false report for the purposes of evading payment of the assessment, or any part of it, shall be penalized in an amount equal to 50 percent of the assessment due. For purposes of this penalty "false report" includes, but is not limited to, a failure to file the report by the due date. If a woodmill fails to file within 30 days of a request by the department, the failure to file will be presumed to be for the purpose of evading payment of the assessment.

**5222.3005 PROOF OF COVERAGE.**

Subpart 1. **Generally.** Purchasers of wood from the logging industry must, pursuant to *Minnesota Statutes*, section 176.130, subdivision 3, obtain from the logger, and submit to the special compensation fund, within 14 days of receipt of the information by the purchaser, certification of compliance with the mandatory insurance requirement of *Minnesota Statutes*, chapter 176.

Subp. 2. **Obtaining proof.** Certification of coverage shall be obtained by the purchaser, on a form prescribed by the commissioner, when the purchaser and the logger enter into a contract for the purchase of wood.

**5222.3006 ANNUAL REPORTING BY QUALIFIED EMPLOYER.**

Subpart 1. **Content of report.** Each qualified employer shall make an annual report, as provided in *Minnesota Statutes*, section 176.130, subdivision 5, paragraph (b), on a form prescribed by the commissioner containing the following information:

- A. name and address of qualified employer;
- B. Social Security number and federal and state employer identification numbers of qualified employer;
- C. reporting period dates;
- D. total amount of payroll dollars paid to loggers;
- E. name and address of workers' compensation insurer;
- F. proof of premium dollars paid for loggers, which may include copies of canceled checks or receipts from insurers;
- G. certification of attendance, for each full-time logger, at a safety seminar established or approved by the commissioner; and
- H. supporting documentation or other information requested by the commissioner.

Subp. 2. **No extensions.** An employer must satisfy the requirements of *Minnesota Statutes*, section 176.130, subdivision 1, paragraph (f) in order to be categorized as a qualified employer. A qualified employer must report timely and fully under this part and *Minnesota Statutes*, section 176.130, subdivision 5, paragraph (b), to be eligible for any rebate. No extensions are allowed pursuant to *Minnesota Statutes*, section 176.130, subdivision 6.

Subp. 3. **Incomplete reports.** Reports not in compliance with this part will not be accepted for filing and do not satisfy reporting requirements.

**5222.3007 ESTABLISHMENT OR APPROVAL OF SAFETY PROGRAM.**

Subpart 1. **Establishment.** The commissioner may establish a mandatory safety program including any of the following:

- A. safety seminars;
- B. educational publications or video presentations;
- C. on-site consultations; or
- D. testing of safety equipment.

Subp. 2. **Approval.** The commissioner may approve privately sponsored safety programs or seminars based on the following criteria:

- A. cost of program;
- B. specificity of subject matter to industry concerns;
- C. availability of program in terms of locations and number of seminars;

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## Proposed Rules

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- D. expertise of program sponsor; and
- E. recommendations of Minnesota Occupational Safety and Health Administration consultation unit.

## Bureau of Mediation Services

### Proposed Permanent Rules Relating to Arbitrations

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

**NOTICE IS HEREBY GIVEN** that the State Bureau of Mediation Service 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 *Minnesota Statutes*, section 179A.04, subdivision 3 (f).

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

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

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

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota 55108.

**You are hereby advised** pursuant to *Minnesota Statutes*, section 14.115 (1988) that the proposed rules are not considered to have any impact on small business.

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

Dated: 10 December 1990

Paul W. Goldberg  
Commissioner

#### Rules as Proposed

##### 5510.0510 LIMITATION ON FILING PETITION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Arbitration bar.** If there is an exclusive representative ~~and a labor contract~~, and impasse in the negotiation of a ~~successor~~ contract has been certified for arbitration under *Minnesota Statutes*, section 179A.16, subdivision 1 or 2, a petition raising a question of representation or decertification shall not be considered following certification of impasse to the board. This bar shall continue in effect until the arbitration award is issued and a contract is executed pursuant to *Minnesota Statutes*, section 179A.20, subdivision 1.

[For text of subps 5 to 7, see M.R.]



**5510.2930 REFERRAL TO ARBITRATION.**

Subpart 1. **Referral.** The commissioner may refer a matter to the board for arbitration when the commissioner has determined that further mediation efforts would serve no purpose, the open-window period on the current contract has closed, and:

A. in the case of essential employees, either or both parties have requested arbitration; or

B. in the case of nonessential employees, a request to arbitrate has been made by one party and has been agreed to by the other within 15 days of the request.

Requests for arbitration and agreements to arbitrate must be in writing and be served on the other party and the commissioner under part 5510.0310, subpart 19. The requests and agreements are binding on the parties except to the extent they otherwise agree in writing. An offer to arbitrate for nonessential employees that has not been accepted in writing within the 15-day period shall be considered rejected and withdrawn.

[For text of subs 2 to 7, see M.R.]

## Board of Technical Colleges

### Proposed Permanent Rules Relating to Education, Technical Colleges; Teacher License: Turf and Landscape/Irrigation and Drainage

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

**NOTICE IS HEREBY GIVEN** that the State Board of Technical Colleges 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*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Friday, January 1, 1991, 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 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:

Georgia Pomroy, License Revision Specialist  
State Board of Technical Colleges  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0680

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 Georgia Pomroy at the above address and phone, upon request.

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

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## Proposed Rules

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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 Georgia Pomroy at the above-mentioned address.

Helen Henrie, Deputy Chancellor  
State Board of Technical Colleges

### Rules as Proposed (all new material)

#### 3700.0295 TURF AND LANDSCAPE/IRRIGATION AND DRAINAGE.

Subpart 1. **May teach.** A teacher who has a turf and landscape/irrigation and drainage instructor's license may teach in the turf and landscape/irrigation and drainage program and may also teach courses in:

- A. irrigation systems; and
- B. land measurement.

Subp. 2. **Other requirements.** The applicant must meet the requirements listed in part 3700.0100 and requirements for a teacher in the agricultural occupational area under part 3700.0200.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of occupational experience in either residential or commercial turf and landscape irrigation systems. This experience must be as a designer, lead installer, or service and operation technician of these systems.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described in this subpart for part of the occupational experience requirement in subpart 3. The education must be from an accredited postsecondary institution. If substitution is made, the applicant must still comply with the recency requirement of part 3700.0200, subpart 2.

- A. A bachelor's or higher degree with a major in horticulture, turf, or grass science may be substituted for 4,000 hours.
- B. An associate degree in horticulture, golf course and grounds technology, or turf and landscape irrigation may be substituted for 2,000 hours.
- C. A certificate or diploma in horticulture, golf course and grounds technology, or turf and landscape irrigation may be substituted. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

## Department of Transportation

### Technical Services Division

### Office of State Aid

## Proposed Permanent Rules Relating to State-Aid Highway Operations

### Notice of Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Transportation, Technical Services Division, Office of State Aid will hold public hearings in the above entitled matter.

*Minnesota Statutes* §§ 162.02 and 162.09 (1990) provide for a 21 person committee composed of city and county elected officials and city and county engineers to review and recommend to the commissioner changes to the rules. The committee members were recommended to the commissioner by the League of Minnesota Cities and Association of Minnesota counties.

The committee met on December 14, 1989, January 25, 1990, and on February 22, 1990.

The agency notified city engineers, county engineers, Minnesota Department of Transportation staff, all legislators, regional development commissions, metropolitan councils, the Legislative Study Commission and other interested parties of the need for input to the rule making process. The committee considered all comments submitted and recommended to the commissioner that the proposed rules be adopted.

The agency then proposed the rule be adopted without a public hearing and a Notice of Intent to Adopt Rule Without a Public Hearing along with the proposed rules was published in the *State Register* on July 9, 1990.

A 30 day period in which to submit comment in support of or in opposition to the proposed rules was afforded. The notice also stated that if 25 persons or more requested a public hearing, a public hearing would be held unless a sufficient number withdrew their request in writing.

Over 25 requests for a public hearing were received and it is therefore proper to hold a public meeting to air the concerns of all interested persons.

Thirty-six letters requested that a hearing be held in the Bemidji or Brainerd area. All other letters received did not specify a specific area for a public hearing to be held. It is therefore deemed appropriate to hold two geographically separate public hearings. One at Brainerd and the other at Saint Paul. The hearings will be held according to the following schedule:

January 10, 1991 at 1:00 p.m.—5:00 p.m.	— Crow Wing County Services Bldg. Meeting Room No. 2 4th and Laurel Streets Brainerd, Minnesota.
January 10, 1991 at 7:00 p.m.—10:00 p.m.	— Crow Wing County Services Bldg. Meeting Room No. 2 4th and Laurel Streets Brainerd, Minnesota.

The hearing will continue on January 11, 1991, only if necessary, at 9:00 a.m. in the Crow Wing County Government Center, Brainerd, Minnesota.

January 22, 1991 at 9:00 a.m.	— Saint Paul Capitol Hill Armory Band Room 600 Cedar Street Saint Paul, Minnesota.
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All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments.

One free copy of the rules is available on request by contacting:

Ms. Joyce Montgomery  
Office of State Aid  
420 Transportation Building  
St. Paul, MN 55155  
(612) 296-3012

The proposed rules are authorized by *Minnesota Statutes*, §§ 162.02 subd. 2, and 162.09 subd. 2.

Any interested or affected person may present individual views on the proposed rules in one or more of the following ways: by submitting written data to the administrative law judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the administrative law judge during the comment period following the hearing. Any written documentation submitted within the comment period will be recorded in the hearing record. The comment period will be not less than five working days after the last public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during the comment period shall be available for review at the office of administrative hearings. The agency and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during this three-day period.

The agency requests that any person submitting written views or data to the administrative law judge prior to the hearing or during the comment period also submit a copy of the written data to Ms. Montgomery at the address stated above.

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

Please be advised that *Minnesota Statutes* ch. 10A (1990) 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*, § 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, 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 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.

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## Proposed Rules

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

Any person may request notification of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may request notification by sending a written request to the administrative law judge.

Any person may request notification of the date on which the rules are adopted and filed with the secretary of state. The notice must be mailed on the same date 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.

**Notice is hereby given that a STATEMENT OF NEED AND REASONABLENESS** is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness identifies the rule and gives a reason for the deletion of, amendment to, or addition of the rule. Copies may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the agency or the Office of Administrative Hearings at the cost of reproduction.

The adoption of the proposed rules will not require additional expenditure of local monies to implement the rule. The recommended changes to the rule are basically to improve the load carrying capacity of roads and streets and to provide geometric standards within safe boundaries. The requirement of a resolution that indemnifies, saves and holds harmless the State of Minnesota and its agents and employees of and from any claim, demands, actions, or causes of actions arising out of or by reason of the granting of a variance from the rule is not new to the process of granting variances. The practice of giving the aforementioned resolution has been in practice since 1980 when the authorization of granting variances began.

The adoption of the proposed rules will have no adverse affect on small business. Many comments were received objecting to the permissible use of local forces for local construction projects instead of open competitive bidding procedures. The practice has been permitted since 1958 when the rule was first adopted. The practice has been brought to the attention of concerned persons because a definition of the term "force account" has been proposed in the rule.

The adoption of the proposed rules will have no adverse affect on agricultural land. The proposed changes in rural design geometric standard for the traffic group 50 to 99, inslope change from 3:1 to 4:1 is for safety consideration of the travelling public. The additional width needed to comply to the proposed requirement is minimal. There are no changes of significance to agricultural land use.

The rule hearing procedure is governed by *Minnesota Statutes*, §§ 12.131 through 14.20 (1990) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* parts 1400.0200 through 1400.1200 (1989). Questions concerning the rule hearing procedure should be directed to the administrative law judge at the address and telephone number stated below.

The matter will be heard before Administrative Law Judge Allen E. Giles, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415. Telephone: (612) 349-2543.

Leonard W. Levine  
Commissioner

Dated this 28th day of November, 1990.

## Office of Waste Management

### Proposed Permanent Rules Relating to Waste Education Grants

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Office of Waste Management (Office) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The Office's authority to adopt the rules is set forth in *Minnesota Statutes* § 115A.06, subd. 2 (2nd 1989 Supp.).

All persons have until 4:30 p.m. on January 10, 1991, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged

to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Office will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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

Nancy Delles  
Minnesota Office of Waste Management  
1350 Energy Lane  
St. Paul, Minnesota 55108  
612-649-5482  
1-800-877-6300 (Minnesota Toll-Free)

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

The proposed rules, if adopted, will establish the criteria and procedures for awarding grants under the Office's Waste Education Grant Program. The proposed rules are published below. One free copy of the proposed rules is available upon request from the address and telephone number stated above.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Office upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules will have no negative effect on small businesses, as the rules do not limit the ability of small businesses to participate in this program.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rules as adopted, must submit a written request to the name and address stated above.

Dated: 27 November 1990

Michael Robertson  
Director

### **Rules as Proposed (all new material)**

#### **WASTE EDUCATION GRANT PROGRAMS**

##### **9210.1000 SCOPE AND AUTHORITY.**

Parts 9210.1010 to 9210.1060 implement the waste education grant programs created and described in *Minnesota Statutes*, section 115A.072, by establishing the substantive criteria and procedural conditions under which the director may award grants for waste education information projects and for waste education facilities projects. Parts 9210.1020 to 9210.1040 establish conditions applicable to all grants under parts 9210.1000 to 9210.1060. Part 9210.1050 establishes conditions specific to waste education information projects. Part 9210.1060 establishes conditions specific to waste education facilities grants.

##### **9210.1010 DEFINITIONS.**

Subpart 1. **Scope.** The terms defined in this part apply to parts 9210.1000 to 9210.1060. For terms not defined in this part, the definitions in *Minnesota Statutes*, section 115A.03, apply, unless the context requires otherwise.

Subp. 2. **Director.** "Director" means the director of the Office of Waste Management.

Subp. 3. **Formal or informal education facility.** "Formal or informal education facility" means an establishment where, as a fundamental objective of the persons in charge, recognized and organized instruction takes place on a regular basis. Examples of formal or informal education facilities are public and nonpublic schools and secondary institutions, environmental learning centers, youth organization facilities and camps, and community centers.

Subp. 4. **In-kind contribution.** "In-kind contribution" means a noncash donation of goods or services, such as personnel time, materials or equipment, to which a cash value can be reasonably assigned.

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## Proposed Rules

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Subp. 5. **Person.** "Person" has the meaning given in *Minnesota Statutes*, section 116.06, subdivision 8, but does not include state agencies or the Metropolitan Council.

Subp. 6. **Problem materials.** "Problem materials" has the meaning given in *Minnesota Statutes*, section 115A.03, subdivision 24a.

Subp. 7. **Waste.** "Waste" means solid waste as defined in *Minnesota Statutes*, section 116.06, subdivision 10, and household hazardous waste as defined in *Minnesota Statutes*, section 115A.96, subdivision 1, paragraph (b).

Subp. 8. **Waste abatement management practices.** "Waste abatement management practices" means practical, sustained, and technically feasible methods of reducing waste generation, increasing recycling, or preventing litter.

### 9210.1020 APPLICATION PROCEDURES.

Subpart 1. **Notification by director.** To initiate the process for awarding grants for waste education projects, the director shall publish a notice in the *State Register* advising eligible applicants of the availability of waste education grants. The notice shall describe the procedure for awarding grants and shall establish a deadline by which proposals must be submitted. In the notice, the director may, consistent with parts 9210.1050 and 9210.1060, limit the types of eligible waste education projects for which a grant would be awarded in the funding round initiated by the notice and may specify the maximum amount of funding to be awarded to a project.

Subp. 2. **Proposals.** Following the publication of a notice in the *State Register*, eligible applicants seeking grant assistance shall submit proposals as described in item A or B to the director. Proposals must be received by the director by the deadline established in the notice or they will be rejected.

A. Proposals for education information projects must contain the information in part 9210.1050, subpart 6.

B. Proposals for education facilities projects must contain the information in part 9210.1060, subpart 6.

Subp. 3. **Determination of eligibility and completeness.** For all proposals received by the director by the deadline established in the notice, the director shall determine the eligibility of the applicant and the proposed project; the costs identified in the proposal; and the completeness of the proposal.

Subp. 4. **Notice of determination of eligibility and completeness.** The director shall notify each applicant of the director's determination of eligibility and completeness. If the director determines that an applicant or project is ineligible, the director shall reject the proposal and notify the applicant. If the director determines that any of the project costs are ineligible or that the proposal is incomplete, the director shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receiving the notice to correct the inadequacies identified by the director; however, the director shall grant reasonable and brief extensions if the applicant requests an extension in writing within the 14 days and good cause exists for the extension. If the inadequacies are not corrected within the time allowed, the director shall reject the proposal.

Subp. 5. **Evaluation of proposal.** The director shall evaluate each proposal that is determined to be eligible and complete according to the applicable criteria in parts 9210.1000 to 9210.1060. Proposals for education information grants shall be evaluated using the criteria in part 9210.1050, subpart 7. Proposals for education facilities grants shall be evaluated using the criteria in part 9210.1060, subpart 7.

Subp. 6. **Award of grants.** The director shall award grants for those projects that the director determines best satisfy the applicable criteria. The director shall notify all applicants of the disposition of their applications.

Subp. 7. **No grant awards.** If the director determines that no proposal will provide sufficient assistance to the state in achieving its waste education goals, the director may decide not to award any grants. The director may then reinstate the process for awarding grants by publishing a notice under subpart 1.

Subp. 8. **Consultation.** The director shall consider the advice of the waste education coalition in evaluating proposals.

### 9210.1030 LIMITATIONS.

Subpart 1. **Reduced grant awards.** The director shall ask an applicant to document the impacts of reduced financial assistance before awarding funds less than the eligible amount requested by the applicant. Reduced funds shall be awarded where the director determines that:

A. program resources are insufficient to provide full assistance to all applicants to which the director intends to award grants;

or

B. the applicant could implement the project at a reduced level and still achieve project objectives.

Subp. 2. **Limitations on disbursement of funds.** No grant funds shall be disbursed until the grantee has executed a written grant agreement with the director.

Subp. 3. **Limitation on retroactive payments.** No grant funds shall be disbursed to repay costs incurred prior to the award of the grant.

**9210.1040 GRANT AGREEMENTS.**

A grant agreement shall:

- A. incorporate by reference the proposal submitted to the director;
- B. provide that any cost overruns incurred in the development and implementation of the proposed project shall be the sole responsibility of the grantee;
- C. require that the grantee provide written reports to the director on the implementation and results of the project;
- D. authorize the director to rescind the grant and require the grantee to repay the grant in full if the director determines that, due to the bad faith of the grantee, a project has not been developed and implemented according to the terms and conditions of the grant agreement;
- E. authorize the director to cease making further disbursements to the grantee and to recover the unspent funds if the director determines that, for reasons other than bad faith, a project has not been developed and implemented according to the terms and conditions of the grant agreement and amendment of the agreement is not justified;
- F. require that the grantee perform and complete project activities according to the terms and conditions of the grant agreement;
- G. require that the grantee maintain detailed records of all expenditures related to the project;
- H. require that the grantee deliver to the director at least one camera-ready copy of any original waste education information developed along with at least one copy of all waste education information disseminated as part of the project. Information developed using waste education grant funds may not be copyrighted;
- I. require that any written waste education information developed as part of the project include a statement acknowledging the office as a funding source;
- J. establish that all original products resulting from the proposal are part of the public domain and cannot be sold for profit; and
- K. establish other conditions or terms needed to manage or implement the grant agreement.

**9210.1050 WASTE EDUCATION INFORMATION GRANTS.**

Subpart 1. **Scope.** This part establishes the conditions under which the director shall award waste education information grants.

Subp. 2. **Eligible applicants.** Eligible applicants are persons who propose to disseminate or develop and disseminate waste education information in Minnesota. Examples of eligible applicants include political subdivisions (counties, cities, and towns); schools, school districts, and higher education institutions, including state colleges and universities; public institutions; hospitals; public libraries; trade or industry organizations; solid waste management districts; private businesses; and nonprofit organizations.

Subp. 3. **Eligible projects.** Eligible projects are projects to disseminate or to develop and disseminate waste education information that will raise public awareness of waste abatement management practices and will assist the state in meeting the legislative goals established in *Minnesota Statutes*, chapter 115A.

Subp. 4. **Ineligible projects.** The following are not eligible to receive waste education information grants:

- A. projects that receive at least 75 percent funding from money distributed to counties by the director under *Minnesota Statutes*, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program;
- B. projects that were eligible for, but did not apply for, funding from money distributed to counties by the director under *Minnesota Statutes*, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program; and
- C. curriculum development projects for kindergarten through 12th grade.

Subp. 5. **Eligible costs.** Eligible costs are limited to 75 percent of the total cost of the project. The remaining 25 percent must be satisfied with cash or in-kind contributions. Eligible costs include expenses necessary to undertake and complete eligible projects, except that the following are not eligible costs: capital costs, including the cost of purchasing or renting real property, and the cost of operating or maintaining equipment.

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Subp. 6. **Proposal.** An eligible applicant shall submit a proposal in the form specified by the director. The director may request additional information from the applicant if it is necessary to clarify the proposal. A proposal must include the following information:

- A. the names, qualifications, and addresses of the applicant and other project participants;
- B. a description of the proposed project, including:
  - (1) a statement of the specific waste abatement issue or solution to be addressed by the project;
  - (2) a description of the target audience of the project;
  - (3) an estimate of the total number of persons expected to be reached by the project;
  - (4) a description of the benefits and other impacts that are likely to result from the project;
  - (5) a work plan that includes a list of project activities, an implementation schedule with specific time lines, and a list of persons involved in completing each activity;
  - (6) a description of all waste education information to be developed or disseminated as part of the project, as well as a list of all research sources the applicant plans to use in developing or disseminating waste education information; and
  - (7) a description of the location of the project and an evaluation of whether the project has a strong potential for use and replication in other waste abatement programs or projects in the state;
- C. a description of how the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plans of the counties in which the project will be performed;
- D. an evaluation of whether the project will duplicate other efforts to disseminate or develop and disseminate waste education information in the area to be served by the project;
- E. information demonstrating that the project will comply and be consistent with applicable regulations;
- F. an itemized description of the project costs, including the total project cost, total grant eligible costs, and the amount of grant funding requested;
- G. an itemized description of project financing, including the applicant contributions, other government or private cash or in-kind contributions, and, if applicable, any projected revenues from the project;
- H. a demonstration of support from each county participating in the project; and
- I. a description of the current status of the project.

Subp. 7. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete, and shall award grants to those projects that the director determines best satisfy the following criteria:

- A. the project has a strong potential for use and replication in other waste abatement programs or projects in the state;
- B. the project substantially furthers the waste abatement goals established by *Minnesota Statutes*, chapter 115A;
- C. the project has a strong potential to reach and have a lasting impact on the waste management practices of a large number of persons;
- D. the project will not duplicate other efforts to disseminate or develop and disseminate waste education information in the area to be served by the project;
- E. the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plans of the counties in which the project which will be performed;
- F. the project has the support of all public and private entities that are involved in the proposed project;
- G. the project is conceptually and economically feasible;
- H. the persons identified in the application have the experience and knowledge to implement the project and are committed to implementing the project in a timely manner upon receipt of a grant award;
- I. the application includes comprehensive and reasonable plans for dissemination of information to a target audience;
- J. the research sources to be used are reliable and likely to generate accurate and complete information;
- K. the proposed project has the necessary financial commitment to cover all proposed project costs; and
- L. the proposed project complies with federal, state, and local regulations.

### 9210.1060 WASTE EDUCATION FACILITIES GRANTS.

Subpart 1. **Scope.** This part establishes the conditions under which the director shall award waste education facilities grants.



Subp. 2. **Eligible applicants.** Eligible applicants are formal or informal education facilities.

Subp. 3. **Eligible projects.** The following are eligible projects:

A. projects to develop model programs to incorporate long-term waste abatement management practices, litter prevention, and improved problem materials management practices into the operation of formal or informal education facilities; and

B. projects to incorporate long-term waste abatement management practices, litter prevention, and improved problem materials management practices into the operation of formal or informal education facilities.

Subp. 4. **Ineligible projects.** The following are not eligible to receive waste education facilities grants:

A. projects that receive at least 75 percent funding from money distributed to counties by the director under *Minnesota Statutes*, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program; and

B. projects that were eligible for, but did not apply for, funding from money distributed to counties by the director under *Minnesota Statutes*, section 115A.557, or from money distributed by the Metropolitan Council under its landfill abatement fund grant and loan program.

Subp. 5. **Eligible costs.** Eligible costs are limited to 75 percent of the total cost of the project. The remaining 25 percent must be satisfied with cash or in-kind contributions. Eligible costs include expenses necessary to undertake and complete eligible projects, except that the following are not eligible costs: the cost of purchasing, constructing, or renting real property, and the cost of operating or maintaining equipment. However, the cost of equipment or structures for temporary storage of recyclables is eligible for waste education facilities grant funds, except for equipment or structures primarily needed for the collection or processing of waste.

Subp. 6. **Proposal.** An eligible applicant shall submit a proposal in the form specified by the director. The director may request additional information from the applicant if it is necessary to clarify the proposal. A proposal must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants;

B. a description of the proposed project, including:

(1) a statement of the specific waste abatement practices and problem materials management practices to be addressed by the project, as well as an explanation of the problem to be resolved by implementation of these practices at the location of the project;

(2) a work plan that includes a list of project activities, an implementation schedule with specific time lines, and a list of persons involved in completing each activity;

(3) an estimate of the total number of persons expected to be reached by the project;

(4) a description of the benefits and other impacts that are likely to result from the project;

(5) a plan for active student participation in development and implementation of the project;

(6) a description of all waste education information to be developed or disseminated as part of the project;

(7) a description of the location of the project and an evaluation of whether the project has a strong potential for use and replication in other waste abatement programs or projects in the state; and

(8) a description of the educational benefit to be provided by the project to students and others;

C. a description of how the project will complement local waste education and solid waste management projects, including projects to be conducted under the comprehensive solid waste management plans of the counties in which the project will be performed;

D. an evaluation of whether the project will duplicate other efforts to implement waste abatement management practices in the area to be served by the project;

E. information demonstrating that the project will comply and be consistent with applicable regulations;

F. an itemized description of the project costs, including the total project cost, total grant eligible costs, and the amount of grant funding requested;

G. an itemized description of project financing, including the applicant contributions, other government or private cash or in-kind contributions, and, if applicable, any projected revenues from the project;

H. a demonstration of support from each county participating in the project; and

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## Proposed Rules

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I. a description of the current status of the project.

Subp. 7. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete, and shall award grants to those projects that the director determines best satisfy the following criteria:

A. the project has a strong potential for use and replication in other waste abatement programs or projects in the state;

B. the project has a strong likelihood of resulting in the implementation of comprehensive, successful, and sustained waste abatement, litter prevention, and problem materials management practices at the location of the project;

C. the project has a strong potential to reach and have a lasting impact on the waste management practices of a large number of persons;

D. the project will not duplicate other efforts to implement waste abatement management practices in the area to be served by the project;

E. the project will complement local waste education and solid waste management projects, including projects to be conducted pursuant to the comprehensive solid waste management plan of the county in which the project will be performed;

F. the project has the support of all public and private entities that are involved in the proposed project;

G. the project is conceptually, technically, and economically feasible;

H. the persons identified in the application have the experience and knowledge to implement the project and are committed to implementing the project in a timely manner upon receipt of a grant award;

I. the proposed project has the necessary financial commitment to cover all proposed project costs;

J. the project involves a new or innovative approach to waste abatement, litter prevention, or problem materials management practices, or involves application of an existing approach to an educational facility to which it has not been previously applied;

K. the proposed project will provide a substantial educational benefit by enlisting student involvement or other hands-on experience; and

L. the proposed project complies with federal, state, and local regulations.

## Adopted Rules

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

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

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

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

## Department of Natural Resources

### Adopted Permanent Rules Relating to Utility Crossing Rate Tables

#### Rules as Adopted

#### 6135.0400 FEE SCHEDULES.

Subpart 1. **Purpose.** The following fees defray administrative costs and provide a reasonable return for private use of public land or water.

Subp. 2. **Application fee.** The applicant shall include ~~\$15~~ \$40 with each application for a license to construct utility crossings over or under public lands. An application may contain more than one crossing.

The applicant shall include ~~\$15~~ \$40 with each application for a license to construct utility crossings over or under public waters. An application may contain more than one crossing. In the case of underwater crossings, the application fee charged hereunder shall

satisfy the application fee requirements of parts 6115.0010 to 6115.0100 but ~~such~~ the crossings shall be subject to all inspection and monitoring fees required by law or regulation.

The checks shall be made payable to the state treasurer. The commissioner will acknowledge the receipt of the application, indicating whether or not the correct application fee was included. The commissioner will take no other action on the application until ~~he~~ the commissioner has received the correct fee. ~~He~~ The commissioner will not return application fees, even if the application is withdrawn or denied.

Subp. 3. **Utility crossing fees.** One-time payment fees securing a 50-year license, made payable to the state treasurer, shall be established for two classes of utility crossings as follows:

A. Fees for crossing of public waters:

(1) for utility crossings under public waters involving a disturbance of less than ten feet in width at the water's edge, Rate Table I in part 6135.0500 shall apply;

(2) for utility crossings under public waters involving a disturbance of ten feet or more in width at the water's edge, Rate Table II in part 6135.0600 shall apply;

(3) for utility crossings over public waters, Rate Table III in part 6135.0700 shall apply.

B. Fees for crossing of public lands:

(1) for utility crossings over, under, or across public lands, Rate Table IV in part 6135.0800 shall apply; and

(2) the minimum utility crossing fee for any utility crossings of public lands shall be ~~\$10~~ \$25.

Subp. 4. **Option for 25-year license.** An applicant may request a 25-year license instead of a 50-year license. In such a case, a one-time payment fee securing a 25-year license shall be established based on 60 percent of the fee for a 50-year license as computed under subpart 3 and Rate Tables I to IV in parts 6135.0500 to 6135.0800.

Subp. 5. **Renewal of license.** At the end of the license period if both parties wish to renew, the renewal fee and time period will be determined by such methods as are developed by the commissioner or ~~his~~ a successor.

Subp. 6. **Scope of application fees.** Application fees required under these parts shall be charged for all applications received after the effective date of these parts.

The license fees required under these rules shall apply to all licenses which have not been fully executed at the effective date of these parts.

**6135.0510 RATE TABLE I, REVISED.**

The following table applies to underwater crossings involving a disturbance of less than ten feet in width at the water's edge.

Type of Utility	Total Length in Feet, All Crossings Per Application					
	0 -100	101 -200	201 -300	301 -400	401 -500	500+
Pipeline	\$210	\$260	\$310	\$360	\$410	\$410 plus \$50 per 100 feet or fraction thereof additional
Electric Transmission	160	200	230	270	310	\$310 plus \$40 per 100 feet or fraction thereof additional
Electric Distribution, Telephone and Telegraph	110	130	160	180	210	\$210 plus \$15 per 100 feet or fraction thereof additional

The length of an underwater crossing is measured by the number of feet of line between banks or shores. The license fee is

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# Adopted Rules

determined by adding the length of all such underwater crossings on the same application and, using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus \$25 for each crossing in excess of one listed in the application.

Example #1. Electric distribution line application. Five water crossings.

	<u>Length</u> (feet)			
Crossing #1	40	Base rate	\$130	(from 101-200 feet column)
Crossing #2	10	Plus	100	(four crossings in
Crossing #3	75		—	excess of one)
Crossing #4	22	License fee	230	
Crossing #5	35			
	—			
Total	182			

Example #2. Pipeline application. One crossing.

Crossing #1,	650	Base rate	\$512	(from the 500+ column)
	feet	Plus	\$ 0	(no crossings in
			—	excess of one)
		License fee	\$512	

## 6135.0610 RATE TABLE II, REVISED.

The following table applies to underwater crossings involving a disturbance of more than ten feet in width at the water's edge.

Type of Utility	<u>Total Length in Feet Per Each Crossing</u>					
	0	101	201	301	401	500+
	-100	-200	-300	-400	-500	
	<u>RATE PER CROSSING</u>					
Pipeline	\$260	\$320	\$390	\$450	\$510	\$510 plus \$65 per 100 feet or fraction thereof additional
Electric Transmission	200	240	290	340	390	\$390 plus \$50 per 100 feet or fraction thereof additional
Electric Distribution, Telephone and Telegraph	130	170	200	230	260	\$260 plus \$35 per 100 feet or fraction thereof additional

The length of an underwater crossing is measured by the number of feet of line between banks or shores. The license fee is determined by calculating separately the length of each crossing, finding the rate for each crossing by referring to the appropriate column, and then adding together the resulting rate determinations.

Example. Pipeline application. Three underwater crossings.

	<u>Length</u> (feet)	<u>Rate</u>
Crossing #1	461	\$510
Crossing #2	24	260
Crossing #3	231	390
		License fee
		\$1,160

## 6135.0710 RATE TABLE III, REVISED.

The following table applies to overwater crossings.

Type of Utility	<u>Total Length in Feet, All Crossings Per Application</u>					
	0	101	201	301	401	500+
	-100	-200	-300	-400	-500	

	<u>BASE RATE</u>					
<u>Pipeline</u>	<u>\$320</u>	<u>\$420</u>	<u>\$510</u>	<u>\$610</u>	<u>\$700</u>	<u>\$700 plus \$100 per 100 feet or fraction thereof additional</u>
<u>Electric Transmission</u>	<u>260</u>	<u>340</u>	<u>410</u>	<u>490</u>	<u>560</u>	<u>\$560 plus \$80 per 100 feet or fraction thereof additional</u>
<u>Electric Distribution Telephone and Telegraph</u>	<u>200</u>	<u>250</u>	<u>310</u>	<u>370</u>	<u>420</u>	<u>\$420 plus \$60 per 100 feet or fraction thereof additional</u>

The length of an overwater crossing is measured by the number of feet of line between banks or shores. The license fee is determined by adding the length of all such overwater crossings on the same application and, using this total distance, selecting the appropriate column to determine the base rate. The license fee is the base rate plus \$25 for each crossing in excess of one listed in the application.

Example. Telephone line application. Three overwater crossings.

	<u>Length (feet)</u>			
<u>Crossing #1</u>	<u>27</u>	<u>Base rate</u>	<u>\$200</u>	<u>(from 0-100 feet column)</u>
<u>Crossing #2</u>	<u>31</u>	<u>Plus</u>	<u>50</u>	<u>(two crossings in excess of one)</u>
<u>Crossing #3</u>	<u>10</u>		<u>—</u>	
<u>Total</u>	<u>68</u>	<u>License fee</u>	<u>250</u>	

**6135.0810 RATE TABLE IV, REVISED.**

The following table applies to public land crossings.

	<u>Width in Feet of Right-of-Way</u>					
<u>Type of Utility</u>	<u>0</u>	<u>67</u>	<u>100</u>	<u>133</u>	<u>166</u>	<u>198 +</u>
	<u>-66</u>	<u>-99</u>	<u>-132</u>	<u>-165</u>	<u>-198</u>	
	<u>RATE PER ROD OF LENGTH OF CROSSING</u>					
<u>Pipeline</u>	<u>\$3.90</u>	<u>\$5.80</u>	<u>\$7.70</u>	<u>\$9.60</u>	<u>\$11.50</u>	<u>\$13.40</u>
<u>Electric Transmission</u>	<u>2.60</u>	<u>3.90</u>	<u>5.10</u>	<u>6.40</u>	<u>7.70</u>	<u>8.90</u>
<u>Electric Distribution, Telephone and Telegraph</u>	<u>1.30</u>	<u>2.00</u>	<u>2.60</u>	<u>3.20</u>	<u>3.90</u>	<u>4.50</u>

Example #1. Electric transmission line request: 100 foot right-of-way, across two descriptions of public land, 1,320 feet in length for each description.

<u>Total length in feet of public land crossing</u>	<u>2,640</u>
<u>Total length in rods (16.5 feet/rod)</u>	<u>160</u>
<u>License fee at \$5.10 per rod (Rate Table IV)</u>	<u>\$816</u>

Example #2. Pipeline request: 75 foot right-of-way, 400 feet across public land.

<u>Total length in rods (16.5 feet/rod)</u>	<u>24.24</u>
<u>License fee at \$5.80 per rod (Rate Table IV)</u>	<u>\$140.61</u>

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## Adopted Rules

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If an additional crossing is to be placed in an existing right-of-way by the original licensee or any other licensee, the fee will be 50 percent of the amount which would be charged if this crossing were the original crossing in the right-of-way.

If the appraised value of the land over which a utility will cross is over \$100 per acre, a fee in addition to that contained in Rate Table IV will be charged. The additional fee shall not exceed 15 percent of the appraised value in excess of \$100 per acre of the actual acreage being taken by the right-of-way.

REPEALER. *Minnesota Rules*, parts 6135.0500; 6135.0600; 6135.0700; and 6135.0800 are repealed.

## Withdrawn Rules

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### Department of Human Services

#### Proposed Permanent Rules Relating to Implementation of the Consolidated Chemical Dependency Treatment Fund

##### Notice of Withdrawal of Proposed Amendment

The Department of Human Services has withdrawn the amendment to *Minnesota Rules*, part 9530.6655 that was published with parts 9530.7000, 9530.7012, 9530.7015, 9530.7020, 9530.7022, and 9530.7024 in the *State Register* on April 23, 1990 (14 S.R. 2483).

## Commissioners' Orders

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### Department of Natural Resources

#### Commissioner's Order No. 2392: Regulations for the Management of Muskellunge; Amending Commissioner's Order No. 2346

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* § 97C.011 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following amendment to Commissioner's Order No. 2346, regulating the management of muskellunge.

**Section 1.** Section 1 of Commissioner's Order No. 2346 is amended by removing the following described lake:

Pug Hole Lake, Itasca County, Secs. 13-24, T. 57, R. 26.

**Sec. 2.** This amendment is effective March 1, 1991.

**Sec. 3.** All other provisions of Commissioner's Order No. 2346 remain in full force and effect until superseded or rescinded.

Dated at St. Paul, Minnesota, this 21 day of November, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

### Department of Natural Resources

#### Commissioner's Order No. 2393: Regulations Governing the Taking of Fish from the Minnesota-South Dakota Boundary Waters; Superseding Commissioner's Order No. 2231

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97A.045, subs. 2 and 4, 97C.401, and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of fish from the Minnesota-South Dakota boundary waters hereinafter described.

**Section 1. LICENSES.**

The provisions of this order shall apply to residents of South Dakota or Minnesota holding resident fishing licenses from their respective states and residents of other states holding nonresident fishing licenses issued by either the State of South Dakota or the State of Minnesota. Such licensees may take only one limit of fish in any of those waters covered by this order regardless of licenses held. Any lawful holder of a resident or nonresident angling license from the State of South Dakota, having lawfully taken fish in the Minnesota-South Dakota boundary waters, may land therewith on the Minnesota side of said waters, and may transport such fish with him/her to the State of South Dakota by the most convenient, practicable route over the following described highways or roads or parts thereof in the State of Minnesota: All of U.S. Highway No. 75 and all highways or roads lying between U.S. Highway 75 and the Minnesota-South Dakota boundary.

**Sec. 2. SPECIES—SEASON—LIMIT.**

The species of fish listed below may be taken in the Minnesota-South Dakota boundary waters by angling during the time specified for each species, except that wherever a prescribed closing date falls on a Saturday, the season shall be extended through the following Sunday. All dates are inclusive. The number of each species which may be taken in any one day and which may be possessed at any one time shall be as specified.

<u>Species</u>	<u>Open Season</u>	<u>Daily and Possession Limits</u>
Walleyed Pike and Saugers	Last Saturday in April to last day in February	6
Great Northern Pike and Pickerel	Last Saturday in April to last day in February	6
Largemouth and Smallmouth Black Bass	Last Saturday in April to last day in February	6
Crappies	Continuous	30
Sunfish and Bluegills	Continuous	30
Rock Bass	Continuous	20
Bullheads	Continuous	100
Perch	Continuous	50
Catfish	Continuous	8
Sturgeon	Continuous	1
Carp, Buffalofish, Sheepshead, Suckers, Redhorse, Dogfish, Eelpout, Garfish, and White Bass	Continuous	No Limits

**Sec. 3. OPERATIONS.**

(a) The taking of fish by spearing or archery is prohibited, except that carp, buffalofish, sheepshead, suckers, redhorse, dogfish, eelpout, and garfish may be taken by spearing or archery and possessed without limit from the last Saturday in April to November 30 between sunrise and sunset each day, except that whenever the closing date falls on a Saturday, the season shall extend through the following Sunday. No person shall have in possession on or near the water or ice any spear, spring gaff, or bow and arrow at any time, except during the open season for spearing and archery.

(b) The taking of fish by spearing from or within a darkhouse is prohibited.

(c) No person shall permit a shelter house to remain on the ice after March 5. Residents of Minnesota and South Dakota angling from fish houses shall comply with the law of their respective states relating to licensing and identification of fish houses. Residents of other states shall comply with the law relating thereto of the state in which they hold nonresident licenses.

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## Commissioners' Orders

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(d) The taking of fish by means of a set line is prohibited.

(e) No person shall use or operate in angling more than two lines, nor more than three hooks on each line.

(f) When oxygen levels are reduced to the point of endangering fish life and the waters are posted to indicate that liberalized fishing is in effect, the following regulations shall apply:

The taking of fish without limit by hook and line (six lines maximum), snagging, spears, dip nets, and legal minnow seines is allowed within the dates identified on the posted sign. Commissioner's Order 1689 shall not apply.

(g) Mud Lake, Traverse County, Sec. Var., T. 127, 128, R. 47, 48, shall be open to liberalized fishing each winter season from December 1 through the last day of February, including March 1 if the last day of February falls on Saturday.

(h) This order shall not apply to the taking of minnows, which shall be governed by the laws and regulations of the state in which the minnows are taken.

### Sec. 4. COMMERCIAL FISHING.

(a) Commercial fish removal is restricted to the following species: carp, buffalofish, suckers, redhorse, sheepshead, dogfish, eelpout, tullibees, garfish, goldeyes, bullheads, smelt, whitefish, and white bass.

(b) Regulations shall be as stipulated in Inland Commercial Fishing Commissioner's Order No. 2059 and No. 2201 or their successors. Variances from these orders shall be set by mutual agreement and documented at the annual MD-SD Border Waters Meeting.

### Sec. 5. AREA.

(a) These regulations shall apply to all those parts of Lake Hendricks, Big Stone Lake, Lake Traverse, Mud Lake, and the Bois de Sioux River, which constitute the Minnesota-South Dakota boundary waters. The taking and possession of fish of any species covered by this order from said waters is prohibited, except as herein permitted or as otherwise expressly authorized pursuant to law.

Sec. 6. Commissioner's Order No. 2231 is hereby superseded.

Dated at St. Paul, Minnesota, this 21 day of November, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Department of Transportation

### Amended Order No. 76589 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under *Minnesota Statutes* § 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, 75451, 76384 and 76518 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 segments 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:

#### COUNTY ROADS

##### WATONWAN COUNTY

—C.S.A.H. 3 from C.S.A.H. 27 to T.H. 15/T.H. 60 (East edge of Madelia), (12 MONTH).

—C.S.A.H. 27 from City of LaSalle to Jct. C.S.A.H. 3 (South of LaSalle), (12 MONTH).

Leonard W. Levine  
Commissioner

Dated this 30th day of November, 1990.



# 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 Board of Directors of the Minnesota Comprehensive Health Association will be held at 9:00 a.m. on Wednesday, December 19, 1990, at Group Health Inc., 2829 University Avenue SE, Minneapolis, Minnesota.

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 456-8466.

## Minnesota Housing Finance Agency

### Notice Regarding Federal Low Income Housing Tax Credit Program

#### Introduction

The Minnesota Legislature designated the Minnesota Housing Finance Agency (MHFA) as the primary apportionment agency for low income housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statute* Section 462A.222 Subd. 1a, 2.

#### Restored Tax Credits

The Omnibus Budget Reconciliation Act of 1989 extended the tax credit program for one year, to December 31, 1990, with a reduced tax credit volume cap. The fiscal 1991 Budget Reconciliation Bill (H.R. 5835) subsequently restored the full amount of the tax credits for 1990 and extended the tax credit program to December 31, 1991.

#### Revised Distribution of Tax Credits for 1990

The following is the revised distribution of the restored tax credits for 1990:

#### DISTRIBUTION OF RESTORED LOW INCOME TAX CREDITS IN MINNESOTA IN 1990

	<u>Original 1990</u>	<u>Restored Credits</u>	<u>Increase</u>
<b><u>GREATER MINNESOTA—TOTAL (49.46%)</u></b>	\$1,816,588	\$2,422,118	\$605,530
Duluth (82,899-3.9%)	\$88,559	\$118,078	\$29,519
St. Cloud (45,332-2.13%)	\$48,366	\$64,489	\$16,123
Rochester (64,797-3.05%)	\$69,261	\$92,343	\$23,082
FmHA Set-Aside	\$726,635	\$726,635	0
MHFA Administered	\$883,767	\$1,420,573	\$536,806
Subtotal	\$1,816,588	\$2,422,118	\$605,530
<b><u>METRO TWIN CITY AREA—TOTAL (50.54%)</u></b>	\$1,856,255	\$2,475,007	\$618,752
Minneapolis (355,800-16.3%)	\$378,213	\$504,283	\$126,070
St. Paul (265,100-12.15%)	\$281,919	\$375,892	\$93,973
Bloomington (85,299-3.91%)	\$90,725	\$120,966	\$30,241
Washington County (136,880-6.27%)	\$145,483	\$193,979	\$48,496
Dakota County (252,690-11.58%)	\$268,693	\$358,257	\$89,564
MHFA Administered	\$691,222	\$921,630	\$230,408
Subtotal	\$1,856,255	\$2,475,007	\$618,752
<b>SUBTOTAL FOR PROFIT</b>	<b>\$3,672,843</b>	<b>\$4,897,125</b>	<b>\$1,224,282</b>

	<u>Original 1990</u>	<u>Restored Credits</u>	<u>Increase</u>
<b><u>NONPROFIT SET ASIDE ADMINISTERED BY MHFA</u></b>	\$408,094	\$544,125	\$136,031
Metro Twin Cities Area	\$206,251	\$275,000	\$68,749
Greater Minnesota Area	<u>\$201,843</u>	<u>\$269,125</u>	<u>\$67,282</u>
Subtotal	\$408,094	\$544,125	\$136,031
<b>TOTAL TAX CREDITS FOR STATE</b>	\$4,080,937	\$5,441,250	\$1,360,313

**State Ceiling, State Demographer Population for Tax Credits in 1990**

The ceiling for the State of Minnesota for calendar year 1990 is \$5,441,250—Minnesota's population estimate of 4,353,000 times \$1.25.

The Minnesota population estimate of 4,353,000 is based on the annual estimates of population of states: from U.S. Census Bureau release of December, 1989 Estimates of the Resident Population of States, July 1, 1989.

Greater Minnesota population 2,124,369: Twin Cities Metro population 2,182,181.

Population estimates of individual cities and counties by State Demographer published August, 1989, in parentheses above.

Any questions concerning the Low Income Housing Tax Credit Program should be directed to John Madson at MHFA (612) 296-3029.

**Department of Human Services**

**Health Care Management Division**

**Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of Rules Governing the Eligibility of Mental Health Practitioners to Receive Medical Assistance Payment for Mental Health Services, *Minnesota Rules*, Part 9505.0323**

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of an amendment of the rule governing the eligibility of mental health practitioners to receive medical assistance payment for mental health services, *Minnesota Rules*, part 9505.0323. The adoption of the amendment to the rule is authorized by *Laws of Minnesota 1990*, Chapter 568, Article 3, Section 97, which requires the agency to adopt or amend rules related to the eligibility of certain mental health practitioners to receive medical assistance payment for mental health services to low income children under age 15 when employed by a private, nonprofit agency specializing in such services.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Eleanor Weber  
 Rules and Bulletins Division  
 Department of Human Services  
 444 Lafayette Road  
 St. Paul, MN 55155-3816

Oral statements will be received during regular business hours over the telephone at (612) 297-4301 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 3 December 1990

Eleanor Weber, Assistant Director  
 Rules and Bulletins Division

## **State Board of Investment**

### **Meeting Notice**

#### **State Board of Investment Investment Advisory Council**

The State Board of Investment will meet on Tuesday, December 18, 1990 at 10:00 a.m. in Room 123, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Monday, December 17, 1990 at 2:00 p.m. in Conference Rooms "A" and "B", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

## **Minnesota Pollution Control Agency**

### **Ground Water and Solid Waste Division**

#### **Amended Rules Governing Financial Assurance for Solid Waste Land Disposal Facilities, Minnesota Rules Pt. 7035.2685, Subpart 1**

##### **Notice of Extension of Public Comment Period**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is extending the public comment period for the amended rules governing financial assurance for solid waste land disposal facilities. A Notice of Intent to Adopt Rules Without a Public Hearing and the rule amendments were published in the *State Register* on November 13, 1990 (15 S.R. 1120). All persons were informed that the Agency would accept written comments on the rule amendments until 4:30 p.m., December 12, 1990. The Agency is now extending the public comment period until 4:30 p.m., January 9, 1991. Comments or questions relating to the proposed rules should be directed to:

Robert McCarron  
Minnesota Pollution Control Agency  
Ground Water and Solid Waste Division  
520 Lafayette Road  
St. Paul, Minnesota 55155-3898  
612/296-7324 or 1-800-652-9747 (Minnesota Toll-Free)

Gerald L. Willet  
Commissioner

## **Public Employees Retirement Association**

### **Notice of Meetings, Board of Trustees**

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) is scheduled to be held on Thursday, December 13, 1990, at 9:30 a.m. in the Association offices, 514 St. Peter Street, Suite 200, St. Paul, Minnesota.

A Public Safety Officers meeting and Information Forum will be held Wednesday, December 19, 1990, beginning at 1:00 p.m. in the Association offices.

## **State Board of Technical Colleges**

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

**NOTICE IS HEREBY GIVEN** that the State Board of Technical Colleges is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five: Rules for Licensure of Vocational Technical Education Personnel and specifically in Trade and Industrial and general licensure areas. The adoption of these rules is authorized by *Minnesota Statutes* § 136C.04, subd. 9. and 125.185 subd.4.

## Official Notices

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The State Board of Technical Colleges requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written comments should be addressed to:

Ms. Georgia Pomroy  
State Board of Technical Colleges  
100 Capitol Square Bldg.  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-0680

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

All statements of information and comments shall be accepted until 4:30 p.m. Wednesday, January 16, 1991. Any written material received by the State Board of Technical Colleges shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Helen Henrie, Deputy Chancellor  
State Board of Technical Colleges

## Board of Veterinary Medicine

### Meeting Notice

A meeting of the Board of Veterinary Medicine will take place at 4:00 p.m., Wednesday, January 16, 1991, in Conference Room A, Colonial Office Building, 2700 University Avenue West, St. Paul.

## Worthington Community College

### State Surplus Property for Sale

The Commissioner of Administration and the Worthington Community College offer for sale by sealed bid five (5) parcels of land located on Lexington (formerly Betty) Avenue and West Lake Avenue in the City of Worthington, Minnesota.

The legal description of the properties and minimum-bid required on each parcel are as follows:

	Minimum Bid
Lot 1, Block 1, Golden Shores Addition, City of Worthington—	\$ 966.00
Lot 2, Block 1, Golden Shores Addition, City of Worthington—	\$11,966.00
Lot 5, Block 1, Golden Shores Addition, City of Worthington—	\$12,266.00
Lot 6, Block 1, Golden Shores Addition, City of Worthington—	\$11,766.00
Lot 7, Block 1, Golden Shores Addition, City of Worthington—	\$ 8,066.00

All lots for sale are subject to easements of record. In addition, Lots 1, 2, 6 and 7 will be sold subject to a 20 foot sewer easement which will be retained by the state. The state will not be reserving a private road easement over any of the above lots for sale.

These five parcels will be sold on the basis of highest offer for not less than each individual parcel's minimum bid to those bidders who meet all bid document requirements. All bids must be submitted by 2:00 p.m., January 11, 1991, to the Department of Administration, Real Estate Management Division, 50 Sherburne Avenue, Room 309, St. Paul, Minnesota 55155. For bid information and bid forms contact Don Viessman, Worthington Community College, tel. (507) 372-2107, or Real Estate Management Division, tel. (612) 296-6674.

# 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:** Gasoline, #1 & #2  
regular diesel fuel  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** December 17  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Hand-held computer  
**Contact:** Bernie Vogel 296-3778  
**Bid due date at 4:30pm:** December 14  
**Agency:** Transportation Department  
**Deliver to:** St. Paul, MN  
**Requisition #:** B-79000-12483-01

**Commodity:** 1990 or 1991 Ford  
Thunderbird  
**Contact:** Brenda Thielen 296-9075  
**Bid due date at 2pm:** December 17  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 07300-14498

**Commodity:** Schimadzer analytical  
balance  
**Contact:** Bernie Vogel 296-3778  
**Bid due date at 4:30pm:** December 11  
**Agency:** Mankato State University  
**Deliver to:** Mankato, MN  
**Requisition #:** B-26071-44291

**Commodity:** 286 and 386 computer  
**Contact:** Bernie Vogel 296-3778  
**Bid due date at 4:30pm:** December 11  
**Agency:** Rochester Community College  
**Deliver to:** Rochester, MN  
**Requisition #:** B-27148-60577

**Commodity:** Olympus microscopes  
**Contact:** Bernie Vogel 296-3778  
**Bid due date at 4:30pm:** December 11  
**Agency:** Austin Community College  
**Deliver to:** Austin, MN  
**Requisition #:** B-27139-91032

**Commodity:** Turbostar active, Apple  
talk star  
**Contact:** Bernie Vogel 296-3778  
**Bid due date at 4:30pm:** December 14  
**Agency:** Mankato State University  
**Deliver to:** Mankato, MN  
**Requisition #:** B-26137-05892-01

**Commodity:** Portland cement  
**Contact:** J. Breisler 296-9071  
**Bid due date at 2pm:** December 18  
**Agency:** Transportation Department  
**Deliver to:** Bemidji  
**Requisition #:** 79200PC

**Commodity:** Bituminous  
**Contact:** J. Breisler 296-9071  
**Bid due date at 2pm:** December 18  
**Agency:** Transportation Department  
**Deliver to:** Bemidji, Morris, Rochester  
**Requisition #:** 79200B, 79450B,  
79450BPM, 79600B

**Commodity:** Winter sand  
**Contact:** J. Breisler 296-9071  
**Bid due date at 2pm:** December 18  
**Agency:** Transportation Department  
**Deliver to:** Bemidji, Morris, Rochester  
**Requisition #:** 79200WS, 79450WS,  
79600WS

**Commodity:** Aggregates  
**Contact:** J. Breisler 296-9071  
**Bid due date at 2pm:** December 18  
**Agency:** Transportation Department  
**Deliver to:** Bemidji, Rochester  
**Requisition #:** 79200A, 79600A

**Commodity:** Ready mix  
**Contact:** J. Breisler 296-9071  
**Bid due date at 2pm:** December 18  
**Agency:** Transportation Department  
**Deliver to:** Bemidji, Morris, Rochester  
**Requisition #:** 79200RM, 79450RM,  
79600RM

**Commodity:** Interpro monitor  
**Contact:** Bernie Vogel 296-3778  
**Bid due date at 2pm:** December 14  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000-12486

**Commodity:** Meat for January  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** December 14  
**Agency:** Correction  
**Deliver to:** Stillwater  
**Requisition #:** 78620-00366

## State Contracts and Advertised Bids

### 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:** Film box label, type to be set, one-sided, 10,000 sheets, shrink-wrap, 500 per pkg.

**Contact:** Printing Buyer's Office

**Bids are due:** December 13

**Agency:** Micrographics Service Unit—  
Department of Administration

**Deliver to:** St. Paul, MN

**Requisition #:** 13141

**Commodity:** Record storage card, type to be set, one-sided, 1,000, shrink-wrap, perforating, carbon interleave

**Contact:** Printing Buyer's Office

**Bids are due:** December 12

**Agency:** Public Safety Department  
Warehouse

**Deliver to:** St. Paul

**Requisition #:** 13205

**Commodity:** Fixed asset property labels—unnumbered type to be set, one-sided, 500 rolls

**Contact:** Printing Buyer's Office

**Bids are due:** December 13

**Agency:** Administration Department—  
Central Stores

**Deliver to:** St. Paul

**Requisition #:** 13114

**Commodity:** 1991 Minnesota Boating Guide, type to be set, negs furnished, two-sided, head to head, 48 pp. plus cover, 255,000 books, saddle-stitched

**Contact:** Printing Buyer's Office

**Bids are due:** December 13

**Agency:** Natural Resources Department

**Deliver to:** St. Paul

**Requisition #:** 13167

**Commodity:** Unit service request, one-sided, shrink-wrap, 1,000 books, carbonless, perforating

**Contact:** Printing Buyer's Office

**Bids are due:** December 12

**Agency:** Transportation Department

**Requisition #:** 13149

## Minnesota's future environment

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

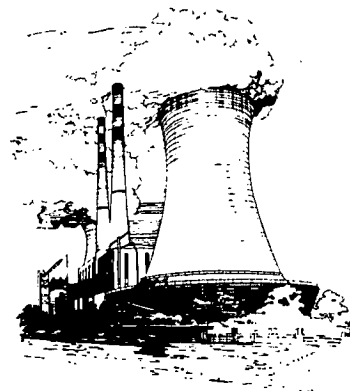
### 1989 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$24.95.

### 1989 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.

**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.

## For Real Estate Professionals:

### REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$8.00

### REAL ESTATE LAWS 1988

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$7.00



**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.

## Professional, Technical & Consulting Contracts

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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 Education

#### Notice of Request for Proposals to Provide Education and Support Services to Adult Homeless Individuals

Requests for proposals are being solicited to provide adult basic education in collaboration with support services to adult homeless individuals under the Stewart B. McKinney Homeless Assistance Act. P.L. 100-77 as amended by P.L. 100-297 (CFDA 84.192A).

The Department of Education is interested in the development of model educational components, techniques and organizational structure that utilize effective existing resources. The models should be designed to test strategies and techniques which, as promising practices, may be incorporated into Minnesota adult basic education programs in the future.

Of special interest are projects that address the educational and other basic needs of homeless adults with homeless dependents in order to develop a "Family Learning" model, and projects that encourage homeless adults aged 16-24 become less dependent on others and better able to meet their adult responsibilities, emphasizing alternative education options, coping skills, and building self-esteem.

All proposed adult education programs for the homeless must be coordinated with other homeless services to enable homeless adults to master needed education skills while attempting to resolve their hunger, shelter and other basic needs.

Funding will be available for a period of up to 11 months, ending November 30, 1991. The total amount of money available for this period is up to \$160,000. We estimate that there will be 4-5 grant awards that will vary from about \$30,000 to \$50,000. This federal adult education for the homeless funding should be used in conjunction with other funding to maximize the use of available resources.

Applicants must demonstrate experience in providing learner-centered adult education.

Copies of the complete application may be obtained after December 17 by contacting Catharine Cuddeback, Community and Adult Education Section, Minnesota Department of Education, 922 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

Proposals must be submitted to the Department of Education by 4:20 p.m. January 10, 1991.

## Professional, Technical & Consulting Contracts

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### Minnesota Housing Finance Agency

#### Request for Proposals for Rental Assistance Demonstration for Persons with Mental Illness

The Minnesota Housing Finance Agency (MHFA) announces availability of \$250,000 for conducting a two-year demonstration which will provide rental assistance to persons with serious and persistent mental illness. Funds will be used to make voucher payments to landlords on behalf of eligible participants with gross incomes not exceeding 30% of area median income. At least two projects will be supported through the demonstration. The maximum number of participants per project is 20.

Organizations eligible to apply to establish a local voucher program are:

—non-profit social service providers delivering community-based support service to persons with mental illness who live independently, and

—units of local government providing support services to persons with mental illness who live independently.

MHFA will give priority in the demonstration to testing out a model in which an applicant social service agency obtains a commitment from a local housing agency to form a partnership for jointly administering the voucher program. First priority will be given to selecting from among proposals where the social service agency agrees to:

—confirm disability status and refer potential participants to the housing agency;

—as requested, provide potential participants with assistance in completing voucher application materials and in looking for an acceptable rental unit;

—designate a project contact person who can assist the housing agency and landlords if crisis intervention is necessary;

—periodically obtain participant feedback on the voucher program;

and the local housing agency agrees to:

—determine participant income eligibility, and provide participants with basic information on the voucher program and landlord/tenant laws;

—inspect rental units for safety/liveability;

—process voucher contracts, request funds, and make voucher payments to landlords.

Proposals in which a social service agency would perform all administrative functions will also be considered in the demonstration, but on a second priority basis.

For more information on the "Rental Assistance Demonstration for Persons with Mental Illness" or to request an application packet, contact:

Diane Sprague  
Minnesota Housing Finance Agency  
400 Sibley St., Suite 300  
St. Paul, MN 55101  
(612) 296-2257

Proposals are due by 4:30 p.m. on Friday, January 18, 1991, at the address above.

## Department of Human Services

### Family Support Programs

### Refugee and Immigrant Assistance Division

#### Request for Proposals for English as a Second Language (ESL) Services for Refugee Women

**NOTICE IS HEREBY GIVEN** that the Refugee and Immigrant Assistance Division, Family Support Programs, Minnesota Department of Human Services, is seeking proposals for ESL services for refugee women for the period February 1991—February, 1992.

Funding is from the Federal Office of Refugee Resettlement Discretionary Grants in the amount of \$38,000.00.

To be considered for funding, all proposals must be postmarked or hand delivered to the Refugee and Immigrant Assistance Division by 4:20 p.m., January 7, 1991. The State reserves the right not to act on this Request for Proposals.



The State anticipates issuing a one-year contract that is renewable for another year subject to the availability of funds.

Please direct all questions and requests for copies of the full Request for Proposals to:

Minnesota Department of Human Services  
Refugee and Immigrant Assistance Division  
Human Services Building  
444 Lafayette Road  
St. Paul, Minnesota 55155-3837  
612-296-1383

## Minnesota Department of Trade and Economic Development

### Notice of Request for Proposals for Participation in the CANDO Pilot Project—Round II

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Trade and Economic Development (DTED) is requesting proposals from eligible community-based organizations interested in participating in the second round of the Community and Neighborhood Development Organization (CANDO) Pilot Project. Up to eight groups will be selected as CANDO “pilots” to receive leadership training and technical assistance. *Certified* “pilots” are then eligible to compete for CANDO grants.

**CANDO Pilot Project; An Overview.** CANDO was created by *Minnesota Laws 1989*, Chapter 328, Article 5, Sections 1 and 2. CANDO provides training, grants, and information assistance to community-based organizations through its three program components:

1. The **CANDO Leadership Training Program** prepares “pilots” for meeting CANDO’s certification requirements (relating to administration, fiscal accountability, and planning) and for developing the CANDO Plan required for CANDO grant applications. The training and technical assistance cover a wide range of topics (such as developing or restructuring boards; becoming incorporated; obtaining tax-exempt status; program planning; managing finances; fundraising; marketing; and managing volunteers). “Pilots” must complete the training to become *certified* and eligible for CANDO grants.

2. The **CANDO Grant Program** assists *certified* CANDO “pilots” in meeting locally identified and prioritized community or neighborhood needs. These needs may be for services, rehabilitation, development or capital improvements. Assistance is provided through matching grants up to \$25,000 that may be used for a wide range of projects, programs or activities.

3. The **CANDO Resource Guide**, under completion, inventories and describes public and private community assistance programs available to community and neighborhood organizations. It includes financial, technical and information assistance programs and contains an annotated bibliography of useful “how-to” and “self-help” publications.

**Eligible Applicants.** The CANDO Pilot Project uses the following criterion to defend an eligible applicant. The State welcomes applications from community or neighborhood organizations that are community-based organizations of residents or businesses. A community-based organization is one that has a majority of its members and a majority of its governing board residing or operating businesses within a defined geographical area and whose primary purpose is to improve the quality of life within that area. A community-based organization has open membership; all who live or work in the community or neighborhood are invited to participate. Community or neighborhood organizations that apply may not discriminate in the admission of their membership or in the implementation of their activities on the grounds of race, nationality, ethnicity, religion, sexual orientation or creed.

An eligible applicant organization may be an emerging organization or an established group; a non-profit corporation or an unincorporated association (a group of persons). Federal or state tax-exempt status is not an eligibility requirement. Applications may also be accepted from organizations which are coalitions of two or more community-based organizations or projects or committees of other community-based organizations if the applicant’s governing body has by resolution initiated action to restructure its board as an independent legal entity within a 12-month period.

**Ineligible Applicants.** Applications cannot be considered from: individuals or single businesses, institutions, groups with restricted membership, religious organizations, local units of government or Indian tribes, and political parties and groups. Examples of ineligible applicant organizations include: colleges, universities, hospitals, City Departments, churches, synagogues, political parties, newspapers, foundations, a single property owner, service clubs and fraternal organizations.

**Applications; Priority.** Priority will be given to eligible applicants which: (a) show a clear need for leadership training and technical assistance; (b) do not employ paid staff or professional fund-raisers; (c) receive or plan to receive less than \$25,000 in total contributions from the public or grants from government entities during its most recent 12-month accounting period; and (d) foster effective ways for residents and businesspersons to initiate and carry out small-scale community or neighborhood improvements.

## Professional, Technical & Consulting Contracts

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**Submission of Proposals.** All proposals must be submitted on the forms provided by DTED, or they will not be considered. All proposals must be received or postmarked on or before Friday, February 22, 1991. Late proposals will not be accepted.

**Forms; Additional Information.** Copies of the CANDO Pilot Project Program Manual, which includes the Request for Proposals and the necessary forms, may be obtained by calling or writing Ann Leviton, Director CANDO Unit, Department of Trade and Economic Development, Community Development Division, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101, Telephone 612/297-7257 or 612/297-7258 or 612/296-7481. The Program Manual also contains a more detailed description of the CANDO Pilot Project, the CANDO Training, the requirements for certification, the selection process and criteria, and the proposal submission requirements.

## State Grants

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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.

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## Department of Public Safety

### Notice of Availability of the Children's Trust Fund Grants/Request for Proposals (RFP)

The Notice of Availability which follows is applicable to grants to be awarded by the Children's Trust Fund (CTF), Minnesota Department of Public Safety, under the authority of *Minnesota Statute 299A.20*.

Applications will only be considered that:

- are written to span a period of two years;
- whose programs and/or services are in accord with the definitions of primary and secondary prevention cited below; and
- address the priorities set forth by the CTF Advisory Council.

#### I. PURPOSE, SCOPE, AND ELIGIBILITY

The Children's Trust Fund was established to provide funding for programs and services which help to strengthen families, thereby preventing child maltreatment.

Revenue for the trust fund is generated from a surcharge of \$3.00 for each certified copy of a birth certificate purchased, and from federal money and gifts, donations and bequests.

The Commissioner of Public Safety, with the advice and consent of the Advisory Council, may disburse trust fund money to any public or private nonprofit agency to fund a primary or secondary child abuse or neglect prevention program.

#### **MINNESOTA STATUTES 299A.21 DEFINITIONS.**

Subd. 8. "Prevention Program" means a system that directly provides primary or secondary child abuse prevention services to a child, parent or prospective parent, guardian, or professional who works regularly with children, and may also include a research program related to the prevention of child abuse.

Subd. 9. "Primary prevention" means a program or service designed to promote the general welfare of children and families.

Subd. 10. "Secondary prevention" means a program or service designed to prevent abuse of children who are in circumstances where there is a high risk that abuse will occur.

Subd. 11. "Tertiary prevention" means a program or service provided after child abuse has occurred that is designed to prevent its recurrence.

**No money shall be distributed for programs and services involving tertiary prevention.**

The CTF Advisory Council has augmented the above definitions with the following:

PRIMARY PREVENTION is taking measures to keep child abuse from happening **before it has ever occurred**. The key aspects of primary prevention efforts are as follows:

- It is offered to all members of a population;
- It is voluntary;
- It attempts to influence societal forces which impact on parents and children; and
- It seeks to promote positive family functioning rather than to just prevent problems.

SECONDARY PREVENTION is taking measures to keep child abuse from happening **before it has occurred to a serious degree**, but after **certain warning signals have appeared**. The major components of secondary prevention are as follows:

- It is offered to a pre-defined group of “at risk” individuals;
- It is voluntary;
- It is more problem-focused than primary prevention; and focuses on the particular stresses of identified parents or guardians.

## II. PRIORITIES

The CTF Advisory Council recognizes that a prevention effort, in order to demonstrate effectiveness, is usually a long-term proposition. Applicants are encouraged to be creative in developing programs designed to produce measurable change.

The CTF Advisory Council also recognizes that to cope successfully with their roles in the family, both parents and children require certain supports, education and resources. Based on what is known or believed to enhance an individual’s ability to function in a healthy way within a family, program areas that contribute to a strategy for supporting and strengthening the parents’ role and responsibilities are encouraged.

Current research cites two types of programs as being most effective: those utilizing a self-help model in conjunction with other treatment forms; and those providing hands-on, one-to-one mentoring strategies.

The 1987 child maltreatment data from the Minnesota Department of Human Services, states that:

- of the 25,531 children alleged to have been maltreated, 42.3% were under five years of age;
- of the alleged perpetrators, 11.13% were under twenty years of age; 29.49% were between the ages of 20-29, and 38.06% were between the ages of 30-39;
- of the 20,252 alleged perpetrators, 80.18% were identified as parents of the alleged victims.

The CTF Advisory Council will give priority consideration to programs addressing the needs of children in the 0-5 age group and/or their parents. Approximately 70% of the funds will be awarded this category.

Applicants are encouraged to analyze their respective county’s child maltreatment data in order to target programs and the anticipated outcomes at alleviating factors that contribute to the potential for maltreatment of children in this age group.

Priority consideration will be given to programs that:

- Are inclusive, representative of diverse populations.
- Are considerate of the various cultures of the families to be served.
- Are affordable and accessible to the families to be served.
- Demonstrate the ability to effectively use volunteers when and where appropriate.
- Reflect current research regarding approach, timeliness, impact and effectiveness.
- Demonstrate a creative use of outreach strategies and a sensitivity to the needs and inhibitions of the families to be served.
- Are impact oriented, i.e., they include follow-up, measure learning/retention/behavioral changes, and are accountable to the clients being served.
- Demonstrate a diverse and stable funding base.
- Demonstrate active collaboration and coordination with existing resources.
- Are designed to expand, enhance, augment, and/or supplement an existing program that has demonstrated effectiveness.
- Links clients with appropriate resources, and have a “pay-back” or dividend component.

## III. REQUIREMENTS

**Evaluation**—Grantees will be required to participate in evaluation being conducted by the CTF of all grantees.

**Match Requirements**—Trust fund money shall only be distributed to applicants that demonstrate an ability to match 40 percent of the amount of trust fund money requested. The matching requirement may be met through in-kind donations. Priority is given to applicants whose matching funds do not consist, in whole or in part, of state or federal funds.

## State Grants

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Any trust fund money received must not be used to compensate for a decrease in previously existing funding levels unless that decrease is attributable to a decision made by state, federal, or other entities not controlled by the applicant and the applicant demonstrates that they have made reasonable efforts to retain all previous existing funding.

**Local Council Review**—To be eligible to receive a grant from the trust fund, an applicant **must** have had its application reviewed by their single or multi-county child abuse prevention council, duly authorized by the Children's Trust Fund.

In reviewing all such applications, the local council shall consider the extent to which the applicant meets the program priorities of the Children's Trust Fund and the needs of the geographic area as set forth in their county's Plan for the Prevention of Child Abuse. The local council shall provide to the CTF advisory council, its comments and recommendations concerning each application reviewed, and its prioritization by rank ordering of all applications reviewed.

### IV. GRANT CATEGORIES

**Single or Multi-County Programs**—Programs may be funded that serve a single or multi-county area, provided the county(s) has an authorized child abuse prevention council. Applications for single or multi-county programs are to be submitted to the respective local child abuse prevention council(s) for review.

**Regional Programs**—Programs may be funded that serve a region larger than the area served by a single or multi-county council. However, regional programs may only serve those counties that have an authorized child abuse prevention council. Applicants proposing programs that serve a multi-county area are required to submit their proposals to each authorized child abuse prevention council in the counties affected.

**Local Council Programs**—Funds may be disbursed to a county child abuse prevention council for primary or secondary prevention programs on the same basis as any other applicant. Applications for programs sponsored by local child abuse prevention councils are to be submitted directly to the CTF Advisory Council for review.

**Local Council Administrative Costs**—Funds may also be disbursed to a county child abuse prevention council for administrative costs in carrying out their responsibilities under this Act. Funds disbursed as administrative costs to a local council must not exceed five percent (5%) of the total funds awarded to the area served by the local council. Directives for receiving an administrative grant will be provided to eligible councils following the award process.

**Statewide Programs**—Program proposals that intend to serve the entire state may be submitted by public or private non-profit agencies. Applicants considering state-wide programs are required to include letters of support with their application from agencies with whom they intend to collaborate, describing their respective roles and their collaborative activities. Applications for statewide programs are to be submitted directly to the CTF Advisory Council for review.

### V. LETTER OF INTENT TO APPLY FOR FUNDS

Any public or private nonprofit agency or local child abuse prevention council interested in receiving an application kit from the Children's Trust Fund must submit a Letter of Intent to:

The Children's Trust Fund  
333 Sibley Street, Suite 567  
St. Paul, MN 55101

Each Letter of Intent **must** include the following information:

1. Name of the applicant agency.
2. Name, address and telephone number of a contact person.
3. Anticipated amount of funds being requested for the grant period, Oct. 1, 1991 through Sept. 30, 1993.
4. The names of the counties in the geographic area the applicant intends to serve.
5. A brief description of how this program corresponds in rank with their local council's Plan for the Prevention of Child Maltreatment.

**Letters of Intent may be submitted anytime after receipt of this RFP and no later than 4:30 p.m., March 15, 1991.**

A public or private nonprofit agency or local child abuse prevention council submitting a Letter of Intent will be provided with application materials and information on the review and award process. Application materials will be available after December 31, 1990.

### VI. APPLICATION SUBMISSION REQUIREMENTS

The **original plus eighteen additional copies** of each application submitted by a public or private non-profit agency for a single, multi-county or regional program must be received by the authorized county/counties or multi-county child abuse prevention councils from the applicant's geographic area **before close of business on Friday, April 12, 1991**. (Addresses of authorized councils are available from the CTF office upon request.)

The **original plus eighteen additional copies** of each application submitted by a county child abuse and prevention council for primary or secondary prevention programs must be received at the office of the Children's Trust Fund, 333 Sibley Street, Suite 567, St. Paul, MN 55101, **before close of business (4:30 p.m.) on April 12, 1991.**

The **original plus eighteen additional copies** of each application submitted by a public or private non-profit agency for programs intending to serve the entire state must be received at the office of the Children's Trust Fund, 333 Sibley Street, Suite 567, St. Paul, MN 55101, **before close of business, (4:30 p.m.), on April 12, 1991.**

Single or multi-county child abuse prevention councils shall forward **all copies** (minimally, the original plus eighteen copies) of **all grant applications, received and reviewed**, to the office of the Children's Trust Fund, 333 Sibley Street, Suite 567, St. Paul, MN 55101, **before close of business (4:30 p.m.), on May 17, 1991.**

Accompanying each application shall be the comments and recommendations concerning all applications received and reviewed, and the prioritization by rank order.

#### **VII. AWARDING OF FUNDS**

**Funds Available**—It is anticipated that approximately \$350,000 to \$375,000 will be available each year for disbursement. The minimum amount of a grant award is \$2,000 per year.

**Award Decisions**—Applications will be reviewed as submitted and grants awarded in accordance with legislative requirements, applicable rules and criteria identified in the application materials. Award decisions will be made by the Commissioner, with the advice and consent of the CTF Advisory Council, **by July 31, 1991.** Applicants will be notified in writing of the status of their application.

#### **VIII. DISQUALIFYING FACTORS**

Applications that are lacking the required number of copies, or are incomplete, will automatically be disqualified. They will not be reviewed by the Children's Trust Fund Advisory Council, nor will they be returned to the applicant.

#### **IX. DURATION OF GRANTS**

Awards, for approved primary or secondary child abuse and neglect prevention programs, will be for a twenty-four month period beginning October 1, 1991.

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## **Announcements**

**Winter Weather Road Conditions Reported:** Motorists can receive statewide winter road condition information by calling (612) 296-3076 in the Twin Cities Metropolitan Area or toll-free, 1-800-542-0220. Special instructions tell callers how to access reports about specific regions of the state. Each district also has a telephone service for its regional data.

**Updated Drivers' Manual Available:** The revised Minnesota Drivers' Manual contains recent law changes and information on new driving techniques, highway signs and signals. The manual was last updated in 1988. Copies are available at driver license examining stations.

**Dangerous Conditions Exist on Minnesota Waters:** Many of the state's smaller ponds and marshes have frozen over, but ice is still dangerously thin, the Minnesota Department of Natural Resources (DNR) warned today. Recent low temperatures have resulted in ice on many shallow bodies of water, but the larger lakes remain open or carry only a partial skim of ice. It will take at least two weeks of near zero overnight temperatures before the ice will be thick enough for safe travel. The DNR recommends a minimum of four inches of ice for ice fishing on foot, five inches for snowmobile or ATV travel, and at least eight to 12 inches for an automobile. The DNR is also cautioning late-season, boat-based anglers to wear life preservers, due to the shocking effects of falling into cold water. People who wish more information about ice safety and hypothermia may request the DNR pamphlets entitled "Danger, Thin Ice" and "Hypothermia, the Cold Facts." To receive these and other free water safety publications, call toll free 1-800-652-9747 and ask for the DNR, or write Minnesota DNR, Boat & Water Safety, 500 Lafayette Road, St. Paul, MN 55155-4046.

**Metro Council Compiles New Directory to Nursing Homes, Supportive Living:** A newly revised guide to nursing homes and supportive living facilities for older people in the seven-county Metropolitan Area is now available. The 1990 *Directory of Nursing Homes and Supportive Living Arrangements*,

## Announcements

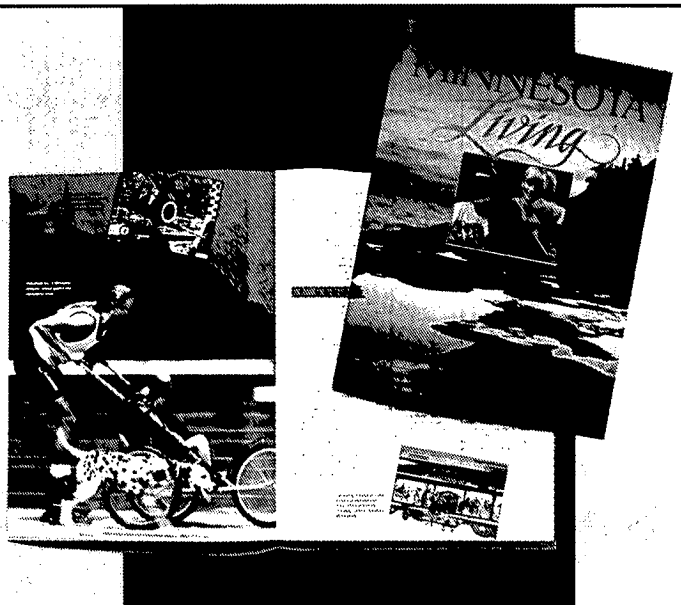
compiled by the Metropolitan Council, lists nursing homes, board and care, "supportive housing" arrangements, and board and lodging facilities in the area. The directory includes a profile of each facility. Each profile includes information such as number of rooms, age of the residents, availability of respite beds, financing accepted and services available. The directory also describes options for financing care, residents' rights and factors to consider in choosing a facility. Maps in the index indicate where facilities are located by county. The appendix provides information on specific topics such as Medicare. This is the fourth edition of the directory, which was last published in 1985. To receive a copy, send a request and check for \$3.50 to the Metropolitan Council's Data Center at Mears Park Centre, 230 East Fifth St., St. Paul, MN 55101.

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**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 an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

**Process Parenting—Breaking the Addictive Cycle.** A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

**It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists.** Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95

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**Minnesota Manufacturer's Directory, 1990.** More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchasing managers, and four manufactured products. Stock #40-2. \$78.50 + \$4.71 sales tax.

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