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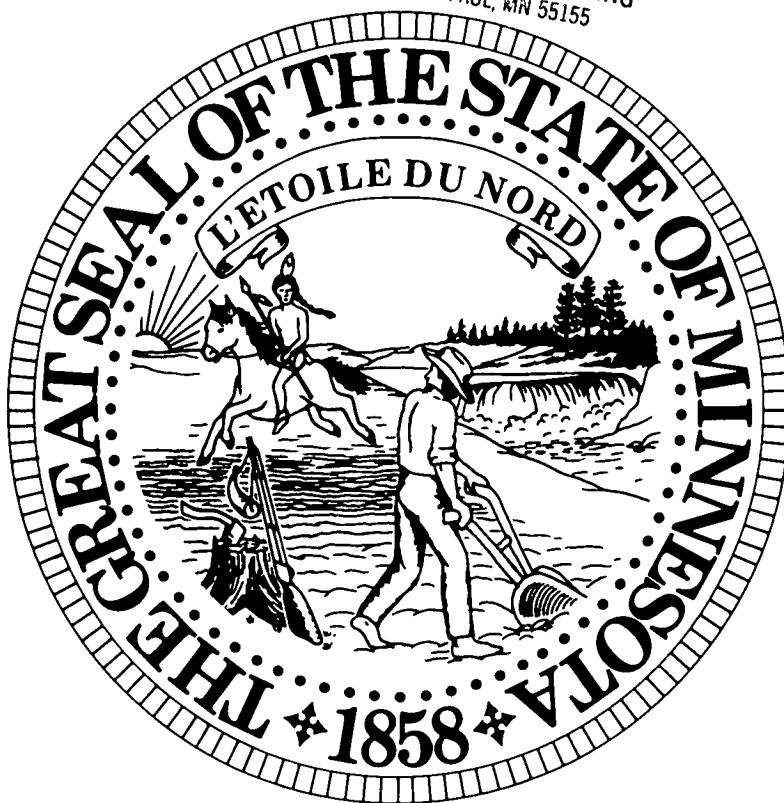
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Department of Administration - Print Communications Division

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

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44	Monday 2 May	Monday 18 April	Monday 25 April
45	Monday 9 May	Monday 25 April	Monday 2 May
46	Monday 16 May	Monday 2 May	Monday 9 May
47	Monday 23 May	Monday 9 May	Monday 16 May

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Room 175 State Office Building, St. Paul, MN 55155
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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 1-800-657-3757.

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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 Administration

Proposed Permanent Rules Relating to Prefabricated Buildings

Proposed Permanent Rules Relating to Industrialized/Modular Buildings

DUAL NOTICE:

Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Department of Administration, Building Codes and Standards Division intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however 25 or more persons submit a written request for a hearing on the rules within 30 days or by June 2, 1994, a public hearing will be held on June 13, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 1, 1994, and before June 13, 1994.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Peggi White
Building Codes and Standards Division
408 Metro Square-Building
7th and Robert Streets
St. Paul, Minnesota 55101
612-296-4626 Voice
TTY/TDD: Twin Cities 612-297-5353 or;
Greater Minnesota 800-657-3529 and ask for voice number

Subject of Rule and Statutory Authority. The proposed rule is about Chapter 1360 Prefabricated Buildings and 1361 Industrialized/Modular Buildings. The statutory authority to adopt the rule is *Minnesota Statute* 16B.61 subdivision 1. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:00 p.m. on June 2, 1994 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. A free copy of the rule is available upon request from Peggi White.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:00 p.m. on June 2, 1994. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and as printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 13, 1994 will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Peggi White at 612-296-4626 Voice or TTY/TDD Twin Cities 612-297-5353 or Greater Minnesota 800-657-3529 and ask for voice number, after June 2, 1994 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on June 13, 1994 in the Building Codes and Standards Division Conference Room, 408 Metro Square Building, 7th & Robert Streets, St. Paul, Minnesota, beginning at 1:00 p.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Howard L. Kaibel Jr. Judge Kaibel can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401, 612-341-7608.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day 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 this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the comment period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day response period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the Administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. In preparing these rules, the Building Codes and Standards Division has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The proposed rules favorably affect small businesses in that none of the reporting requirements, schedules, or deadlines identified in items (a), (b), or (c) are applicable to chapter 1360 while the rules in chapter 1361 may provide for cost savings depending on the volume of units shipped between participating states. The division'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 further in the statement of need and reasonableness.

Expenditure of Public Money by Local Public Bodies. Pursuant to *Minnesota Statutes* section 14.11 subd. 1, the expenditure of public money will not exceed \$100,000 in either of the two years following the adoption of these rules.

Impact on Agriculture Lands. Pursuant to *Minnesota Statutes*, section 14.11, subd. 2, the adoption of these rules will not have any impact on agricultural land.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, 612-296-5148.

Adoption Procedure if Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or to be notified of the attorney general's decision of the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Peggi White listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report

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

Proposed Rules

will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 12 April 1994

Debra Rae Anderson
Commissioner

I. Introduction

The Commissioner of the Minnesota Department of Administration proposed to adopt amendments to chapters of the Minnesota State Building Code entitled 1360, Prefabricated Buildings and 1361, Industrialized/Modular Buildings. In addition to entirely new material, substantive changes, reorganization and grammatical changes are proposed to improve clarity and to conform with current style requirements.

The Department began the present rule notification process on July 8, 1991 by publishing a note in the *State Register* (16 S.R. 68) soliciting opinions and information from the public on the rules regarding the Minnesota State Building Code. Additional notification appeared on October 11, 1993 publishing a note in the *State Register* (18 S.R. 1067) soliciting opinions and information from the public on the rules regarding adoption of the Interstate Compact for Industrialized/Modular Buildings into the Minnesota State Building Code.

II. Statement of Agency's Statutory Authority

The commissioner's authority to adopt the rule amendments is set forth in *Minnesota Statute* 16B.61 subdivision 1.

16B.61 Subdivision 1. Adoption of code. Subject to sections 16B.59 to 16B.73, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.73, the commissioner shall administer and enforce the provisions of those sections.

III. Statement of Need

Industrialized/Modular Buildings, Chapter 1361. In 1990, the legislature ratified and approved an interstate compact on industrialized/modular buildings, codified in *Minnesota Statute* 16B.75. The purpose of the compact is to provide a means of obtaining uniform rules and regulations governing design and construction of industrialized/modular buildings. *Minnesota Statute* 16B.75 provided for creation of the Industrialized Building Commission (IBC) which was to adopt and amend model rules and regulations for industrialized/modular buildings. The IBC adopted Model Rules and Regulations for Industrialized/Modular Buildings on July 9, 1993 with amendments adopted December 3, 1993. This proposed new rule, chapter 1361, is needed to implement *Minnesota Statute* 16B.75 which made Minnesota a party to the Interstate Compact on Industrialized/Modular Buildings. This rule needs to be adopted into the Minnesota State Building Code in order to incorporate the model rules and regulations adopted by the IBC into the Minnesota State Building Code. The need for entering into the compact is stated in *Minnesota Statute* 16B.75, Article I, Subdivision (1).

Prefabricated Buildings, Chapter 1360. Currently Chapter 1360 regulates all prefabricated buildings to be located in Minnesota or in other states which have written reciprocal agreements with Minnesota. As Minnesota has ratified and approved the Interstate Compact and is proposing formal adoption of their Model Rules and Regulations for Industrialized/Modular Buildings, it is necessary that much of Chapter 1360 now be repealed, deleted or revised. The only portions of the rule that must remain are those needed to regulate one segment of the prefabricated building industry that Minnesota is exempting from the IBC requirements. Currently there are various lumber yards or vocational schools which build from one to three single family homes or garages per year for the purpose of sales or education or both. Because the buildings these "manufacturers" produce are not typically transported out of state to other IBC member states, and due to the

small and unique niche this segment represents, the division has determined it necessary to regulate them separately from the Interstate Compact. See also the small business considerations in Part V.

IV. Statement of Reasonableness

Minnesota Statutes Chapter 14 requires the agency to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. This means that the agency must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that the need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness of the proposed rules is discussed below.

A. Reasonableness of the Rules as a Whole

Industrialized/Modular Buildings, Chapter 1361. This proposed rule is reasonable because it adopts by reference the specific parts and editions of the Model Rules and Regulations referenced in subdivision (6) of *Minnesota Statute* 16B.75 Article II. Included in this chapter are definitions, adoptions by reference, and other general provisions which alert the user to Minnesota's system of regulating industrialized/modular buildings.

Prefabricated Buildings, Chapter 1360. It is reasonable that material in this chapter be repealed or deleted because the Interstate Compact now governs this subject matter through proposed Chapter 1361. It is also reasonable that portions of the rules be revised as proposed in order to reorganize the chapter to reflect its limited scope. Individual rule parts that are proposed to be repealed, deleted, or have words struck from the text are items that govern the manufacturers of industrialized/modular buildings or building components that are now covered by the Interstate Compact proposed for adoption in Chapter 1361. Therefore, these items will not be individually addressed in the reasonableness of individual rules.

B. Reasonableness of Individual Rules

1. Industrialized/Modular Buildings, Chapter 1361

Part 1361.0100 Purpose

It is necessary that the purpose be identified in order to inform the reader which aspects of industrialized/modular buildings this new chapter governs. This is reasonable because the specific provisions are contained within the adopted documents referenced in this chapter.

Part 1361.0200 Definitions

Subpart 1. Scope. Those definitions are included which are necessary to clarify what is being regulated, what the regulatory documents are, and to identify some of the responsible regulators. The use of definitions is reasonable because they are adapted from *Minnesota Statute* 16B.59 through 16B.63, *Minnesota Rule* part 1300.2400, and those contained within the Model Rules and Regulations.

Subpart 2. Building Component. This definition is needed to define an element of regulated construction referenced in parts 1361.0100 and 1361.0400. It is reasonable as it is identical to the definition found in the Model Rules and Regulations and the Uniform Administrative Procedures.

Subpart 3. Industrialized Buildings Commission. This definition is necessary to identify the agency that produced the Model Rules and Regulations as stated in part 1361.0300 as well as to identify the responsible operating arm of the Interstate Compact. This is reasonable as part 1361.0100 refers to the commission.

Subpart 4. Industrialized/Modular Building. This definition is needed to define the major element of regulated construction as referenced in parts 1361.0100 and 1361.0400. This definition is similar to that in the Model Rule and Regulations except for the reference to "prefabricated buildings" in the last sentence. By not including "prefabricated buildings" in this definition, they are exempted from regulation by this chapter. Instead, prefabricated buildings, as defined in part 1360.0200 subpart 15 are regulated in Chapter 1360.

Subpart 5. Minnesota State Building Code. This definition is needed to identify the source and scope of Minnesota's building code that is referenced in part 1305.0500.

Subpart 6. Model Rules and Regulations. As referenced in part 1361.0500, this definition is necessary to name the standard to which industrialized/modular buildings and building components must be constructed.

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

Proposed Rules

Part 1361.0300 Incorporation of Model Rules and Regulations

It is necessary that an incorporation by reference be made of the specific title and edition of the document being adopted for regulating industrialized/modular buildings and building components so that those affected by Minnesota's participation in the Interstate Compact have access to the applicable regulations. This is reasonable because the document is authorized to be developed by *Minnesota Statute* 16B.75 Article II subdivision (6) and is available from the Minnesota Bookstore and the Minnesota State Law Library.

Part 1361.0400 Certification

This provision is necessary to incorporate into rule in order to alert the reader that all Industrialized/Modular buildings and building components sold or installed in Minnesota must bear the appropriate evidence of code compliance. This is reasonable because it is a specific requirement of the Model Rules and Regulations.

Part 1361.0500 Installation

This provision is necessary to incorporate into rule in order to alert the reader of the standards and procedure under which all industrialized/modular buildings or building components must be installed in Minnesota. It is reasonable because they are referenced in *Minnesota Statute* 16B.75 Article II subdivision (6) and 16B.61 Subdivision 1.

2. Prefabricated Buildings, Chapter 1360.

Part 1360.0100 Title and Scope

Subpart 2, Purpose

Because the scope of this chapter is changing, the purpose must be revised accordingly. The need for this revision is described in part III while the reasonableness is described in Part IV A.

Part 1360.0200 Definitions

Subpart 2, Approved

The word "factory" is being deleted because this chapter no longer applies primarily to prefabricated buildings constructed in "factories" or "manufacturing facilities". See also subpart 14a.

Subpart 14a, Manufacturer

This is a new definition that is needed to identify those manufacturers that are affected by this chapter. As stated in part III, this definition is primarily intended to govern the lumber yards and vocational schools in the state that construct from one to three prefabricated buildings a year. Because these manufacturers do not mass produce buildings in an assembly line process as conventional manufacturers, there is adequate time during the construction process for division staff to see that work on three buildings per year per manufacturer is properly inspected.

Subpart 15, Prefabricated Building

The manufacturers to be regulated by this chapter exclusively construct one or two family dwellings and their accessory structures such as garages or sheds. Therefore, it is reasonable that this definition encompass only these types of buildings designated by the code as R-3 and U-1 occupancies. The phrase, "assembled in manufacturing facilities" is being deleted for the reason stated under 1360.0200 subpart 2.

1360.0300 Approval

Subpart 1. Responsibility; plan review. As evaluation agencies will no longer have a role in the review or approval of prefabricated buildings, it is necessary that other parties, such as local enforcement agencies, be available to assist the state building inspector in the review of plans for prefabricated buildings. This is reasonable because the state building inspector has the authority under *Minnesota Statute* 16B.63 to administer the code and because the state building inspector currently delegates the inspection of prefabricated buildings to local enforcement agencies. Because the manufacturers regulated by this chapter are only permitted to construct up to three buildings per year, there is no longer a reason for them to submit plans biannually as they previously did for repetitive building types.

1360.0400 Inspection

This change is necessary to correct the terminology used in this existing rule part. A "manufactured home" is defined in part 1350.0100 subpart 38 and is not to be confused with a prefabricated building as defined in this chapter. The phrase "approved inspection agencies" is being deleted because their purpose is no longer applicable to the "manufacturer" now defined in this chapter.

1360.0800 Testing

The reference to "evaluation agency" is also being deleted because their purpose is no longer applicable to the "manufacturer" now defined in this chapter.

1360.0900 Inspection

Subpart 4. Damaged prefabricated buildings. Because experience has shown that prefabricated buildings can be damaged in transport or during installation, it is necessary and reasonable that the parties responsible during these phases be held responsible to notify the state building inspection when damage occurs. The material being deleted from this subpart is no longer applicable to the prefabricated buildings now regulated in this chapter.

1360.1300 Building Permits

See 1360.0800 for the purpose in deleting "evaluation agency".

1360.1500 Changes to Approved Plans

The reference to "inspection procedures manual" is being deleted because it is no longer applicable to the prefabricated buildings now regulated by this chapter.

1360.1600 Change of Ownership, Name, or Address

See 1360.0200 Subpart 2 and 1360.0800 for the purpose of the deletions.

1360.1800 Noncompliance

The reference to obtaining seals is being deleted because they are no longer issued until the work has been inspected and approved. See also 1360.2000.

1360.1900 Seals

Subpart 1. R-3 and U-1 occupancies. Because the building code designation of R-4 no longer exists and the proposed inclusion of garages or sheds, it is necessary that the building code designation of U-1 be included and the R-4 be deleted.

1360.2000 Issuance

Because experience has shown that changes to prefabricated buildings can occur after plan approval, for example as during construction or installation, it is necessary that the seal, which provides evidence that the building complies with code, be issued upon final inspection approval. This is reasonable because the process is similar to that in the code for site-built structures where the certificate of occupancy, which also provides evidence that the building complies with code, is not issued until final inspection approval is granted.

Because manufacturers of prefabricated buildings have in the past received seals bearing the same number for those buildings which are constructed identically to the same plan, the division is unable to track the installation of each prefabricated building. Therefore it is necessary that all seals be numbered individually. See 1360.0200 subpart 2, 1360.0300, and 1360.0800 for the purpose of the deletions.

13460.2500 Plan Approval Procedures

The reference to a quality control manual is being deleted because it is no longer applicable to the prefabricated buildings now regulated by this chapter.

1360.2600 Products Manufactured in More Than One Location

See 1360.0200 subpart 2 for the purpose in deleting "manufacturing".

1360.2700 Nonconforming Application and Plans

See 1360.0800 for the purpose in deleting evaluation agency.

1360.2800 Evidence of Plan Approval

Because the option to delegate prefabricated building plan review is being proposed in part 1360.0300 subpart 1, it is necessary that this reference be made. This is reasonable as the plan approval process is similar to that in the code for site built structures. See 1360.0800 for the purpose of deleting "evaluation agency".

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Proposed Rules

1360.3600 Fees

The material being deleted is because it is no longer applicable to the prefabricated buildings now regulated by this chapter.

V. Small Business Considerations

Minnesota Statute 14.115, subdivision 21 (1988) requires the department, when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses:

- (a) the establishment of less stringent compliance or reporting requirements for small businesses;
- (b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) the exemption of small businesses from any or all requirements of the rule.

The division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods listed above for reducing the impact of the rules on small businesses.

Industrialized/Modular Buildings, Chapter 1361.

The uniform regulation of the production of industrialized buildings by manufacturers in the compacting states will result in a reduction in the costs of manufacture since the member states have agreed to allow the siting of units in their states without the imposition of any regulatory requirements other than those outlined in the Model Rules and Regulations. Thus, a manufacturer can take advantage of economies of scale, with fewer special requirements to meet, and should realize savings in both design and manufacturing costs.

By making the code requirements for industrialized construction the same in Minnesota and in other states participating in the compact, the compact and these implementing rules will make it easier for "small businesses", to produce industrialized buildings for a multi-state market. Also deriving benefit from the compact and implementing rules will be those "small businesses" that are engaged in erection and installation of industrialized buildings and may now be able to obtain units at a lower cost because of savings that the manufacturers will be able to pass along.

The proposed new rules would not impose any additional compliance requirements upon these "small businesses". Minnesota manufacturers of industrialized buildings would be able to ship their products into other participating states without having to comply with additional requirements in those states. The amount of money saved by elimination of this paperwork will depend on the volume of shipments of units between participating states, but it is likely to be substantial, and to become more substantial as more states join the compact. No additional professional services will be required as a result of these amendments and new rules. There is no basis for any differential requirements for small businesses because all producers in participating states are entitled to benefit from improved procedures and no lesser degree of code compliance can be accepted from "small businesses" because public health, safety and welfare requirements are the same regardless of who constructs or markets the building.

Prefabricated Buildings, Chapter 1360

By regulating manufacturers of prefabricated buildings apart from the interstate compact, the manufacturers benefit in that none of the reporting requirements, schedules, or deadlines identified in items (a), (b), or (c) are applicable. However, the lessening or exempting of code requirements for small businesses is not appropriate as *Minnesota Statute* 16B.59 requires the commissioner of administration to administer a state code of building construction which will provide basic and uniform performance standards for all residents of the state.

VI. Fiscal Impact

Minnesota Statutes, section 14.11, subdivision 1, does not apply because 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 of the rules.

VII. Conclusion

Based on the foregoing the proposed amendments to *Minnesota Rules* Chapters 1360 and 1361 are both needed and reasonable.

Dated: 12 April 1994

Debra Rae Anderson, Commissioner
Department of Administration

Rules as Proposed

1360.0100 TITLE AND SCOPE.

Subpart 1. [See repealer.]

Subp. 2. **Purpose.** The purpose of this chapter is to govern the construction of, and provide for the certification of, prefabricated buildings for those manufacturers who construct not more than three prefabricated buildings for permanent installation in Minnesota in a calendar year. Manufacturers of prefabricated buildings other than those regulated by this chapter or that produce more than three prefabricated buildings for permanent installation in Minnesota in a calendar year, must comply with the industrial/modular buildings rules, chapter 1361.

1360.0200 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Approved.** "Approved" as it applies to ~~factory or~~ off-site construction of prefabricated buildings means approved by the state building inspector.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

[For text of subs 5 to 8, see M.R.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

[For text of subs 12 and 14, see M.R.]

Subp. 14a. **Manufacturer.** "Manufacturer" means any person or firm engaged in the manufacturing of not more than three prefabricated buildings for permanent installation in Minnesota in a calendar year.

Subp. 15. **Prefabricated building.** "Prefabricated building" means any building or building module intended for use as an R-3, one- or two-family dwelling, or a U-1, accessory building, which is of closed construction and which is ~~made,~~ constructed, ~~or assembled in manufacturing facilities,~~ on or off the building site, for installation, or assembly and installation, on the building site, but does not include relocatable contractors offices or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or upon completion of the construction project.

[For text of subp 16, see M.R.]

Subp. 17. [See repealer.]

Subp. 18. [See repealer.]

[For text of subp. 19, see M.R.]

1360.0300 APPROVAL.

Subpart 1. **Responsibility; plan review.** The state building inspector has the responsibility for approving prefabricated buildings and building systems for compliance with the code. This responsibility may be delegated to approved ~~evaluation~~ local enforcement agencies.

~~Manufacturers must submit plans biannually for reevaluation and approval.~~

Approvals expire when there are revisions to the code under which the approval was granted. At that time the manufacturer must submit entire new documentation for evaluation and approval, or submit evidence that the plans as approved are in compliance with the code as revised.

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

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Proposed Rules

1360.0400 INSPECTION.

The state building inspector reserves the responsibility for inspecting ~~manufactured~~ prefabricated buildings and building components for compliance with the code. The state building inspector may delegate such responsibility to ~~approved inspection agencies~~ or approved local enforcement agencies.

1360.0800 TESTING.

The state building inspector ~~or the evaluation agency~~ may require that specific components, systems, or processes be tested. Tests must be performed by a qualified testing agency. The tests and procedures must be reviewed by the ~~evaluation agency~~ or the state building inspector to assure compliance with the code.

1360.0900 INSPECTION.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Damaged prefabricated buildings.** Prior to the installation of a damaged prefabricated building, the ~~dealer installer, transporter, building official,~~ owner, or manufacturer shall notify the state building inspector who shall inspect, or cause to be inspected, ~~certified~~ prefabricated buildings which have been damaged ~~after certification~~ and take action with regard to those buildings ~~which is authorized under part 1360.3100, subpart 3, or which is otherwise necessary to eliminate dangerous conditions.~~

The state building inspector shall require prefabricated buildings which are so damaged as to no longer comply with the code to be brought into compliance promptly. If those buildings are not brought into compliance with the code within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the state building inspector shall order that the seals be removed from the buildings. Irreparably damaged buildings must be disposed of in accordance with applicable law.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

1360.1300 BUILDING PERMITS.

Subpart 1. **Application for permit.** An application for a building permit to a local building official for the installation of prefabricated buildings pursuant to this code must in addition to any other requirements contain:

A. a statement that application is made for permission to install prefabricated buildings in accordance with the provisions of the code, signed by the applicant or the applicant's agent with the appropriate address;

B. a copy of the site and building plans and specifications and evidence of plan approval by the state building inspector ~~or evaluation agency;~~ and

C. the information required on the data plate (part 1360.2400).

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

1360.1500 CHANGES TO APPROVED PLANS.

A manufacturer who proposes or is required to change approved plans or installation instructions shall request approval of the changes in writing and work may not commence until written approval is received. ~~The changes must be incorporated in the inspection procedures manual.~~

1360.1600 CHANGE OF OWNERSHIP, NAME, OR ADDRESS.

In the event of a change in the ownership, name, or office address of any manufacturer, the manufacturer shall notify the state building inspector, ~~the evaluation agency,~~ or the local enforcement agency in writing within ten days. ~~A manufacturer who changes or adds to the location of the manufacturing facility shall so notify the state building inspector, the evaluation agency, or the local enforcement agency at least 30 days prior to the start of manufacture at such new location.~~

1360.1800 NONCOMPLIANCE.

Noncompliance with the provisions of the code or unauthorized deviation from the approved plans or production procedures may be cause for revocation of the plan approval ~~and authorization to obtain seals.~~

1360.1900 SEALS.

Subpart 1. **R-3 and R-4 U-1 occupancies.** For R-3 and ~~R-4~~ U-1 occupancies, each prefabricated building manufactured pursuant to the code must have permanently attached in a location shown on the approved plans a state seal evidencing certification of compliance with the code by the manufacturer.

Subp. 2. [See repealer.]

1360.2000 ISSUANCE.

A seal must be issued by the state building inspector to the manufacturer upon ~~application and after plan~~ final inspection approval has been issued, and must be issued in accordance with the following:

A. ~~If the state building inspector delegates the issuance of seals to an evaluation or inspection agency, the agency shall obtain approval from the state building inspector for the manner in which they are handled.~~

B. ~~All~~ seals must be serially numbered.

C. A manufacturer's compliance assurance program, submitted in accordance with part 1360.3100, item A must include requirements for issuance, possession of, attachment of, and accounting for all seals to assure that seals are attached only to buildings manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.

D. If the state building inspector or an inspection agency determines that the manufacturer's record of compliance is such that the state building inspector or inspection agency need not maintain an inspector in a given plant at all times, the state building inspector or inspection agency may entrust seals to the custody of one or more employees of the manufacturer, who shall control the use of the seals. These employees must not be given custody of more seals than are necessary to accommodate the manufacturer's anticipated production for one month. If the conditions of custody are violated, the state building inspector or an inspection agency shall immediately regain possession of all seals that have not been applied to the prefabricated buildings and shall take further action with respect to buildings already sealed, and with respect to future seals, which it may deem necessary to assure compliance with the code.

1360.2500 PLAN APPROVAL PROCEDURES.

Plan approval must be obtained from the state building inspector ~~or the evaluation agency~~ for all prefabricated buildings and systems.

Applications, plans, specifications and other documentation must be submitted in sufficient copies as required. Applications must be made in letter form. All documentations and plans must indicate the manufacturer's name, office address, and address of manufacturing facility.

~~A quality control manual prepared by the manufacturer must be submitted. If the manufacturer elects to have each building or system produced individually inspected, a quality control manual need not be submitted.~~

Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets. Each plan must bear the signature and seal of an approved registered architect or professional engineer where required. The plan must indicate the method of evaluation and inspection for all required on-site testing of the systems. Plans must designate all work to be performed on site, including connections of all systems, equipment, and appliances and all work performed in the plant. A three-inch by four-inch clear rectangular space must be provided on all sheets of plans near the title box for the stamp of approval.

The design of plumbing, electrical, heating, and mechanical systems or any structural design or method of construction and data must be in accordance with the Minnesota State Building Code. Grade, quality, and identification of all materials must be specified. Design calculations and test reports must be submitted when required. Plans must be drawn to scale and indicate the location of the approved seal and data plate.

1360.2600 PRODUCTS MANUFACTURED IN MORE THAN ONE LOCATION.

If the manufacturer produces the same products at more than one ~~manufacturing~~ facility, the manufacturer shall provide such additional copies of documentation as may be required.

1360.2700 NONCONFORMING APPLICATION AND PLANS.

In the event that an application is determined to be unsuitable for processing prior to plan check, the applicant must be notified in writing of the unsuitability and the reason for the unsuitability within 30 days of the date the application is received by the state building inspector ~~or evaluation agency~~.

1360.2800 EVIDENCE OF PLAN APPROVAL.

Plan approvals must be evidenced by the stamp of approval of the state building inspector or ~~evaluation~~ the approved local enforcement agency if delegated as authorized by part 1360.0300, subpart 1. One copy of all approved documentation must be returned to the manufacturer.

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Proposed Rules

1360.3600 FEES.

Subpart 1. **Form and amount of payment.** All fees must be in the form of checks or money orders payable to "Minnesota State Treasurer," and addressed to: State of Minnesota Department of Administration, Building Codes and Standards Division, 408 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101.

The seal fee is \$30 per seal. The replacement seal fee for damaged or lost seals is \$10 per seal. For all other work performed by the Minnesota Building Codes and Standards Division such as, but not limited to, the review of plans, specifications, ~~independent agency reports, and~~ inspection, ~~and quality control evaluation,~~ fees must be charged based on the fee schedule in part 1302.0600. Travel expense must be charged at the rates established for state employees by the commissioner of administration.

Subp. 2. [See repealer.]

REPEALER. *Minnesota Rules*, parts 1360.0100, subpart 1; 1360.0200, subparts 3, 4, 9, 10, 11, 17, and 18; 1360.0600; 1360.0900, subparts 2, 3, 5, and 6; 1360.1700; 1360.1900, subpart 2; 1360.2100; 1360.2200; 1360.2300; 1360.2900; 1360.2910; 1360.3000; 1360.3100, subparts 1 and 2; 1360.3200; 1360.3300; 1360.3400; 1360.3500; and 1360.3600, subpart 2, are repealed.

Proposed Permanent Rules Relating to Industrialized/Modular Buildings

Rules as Proposed (all new material)

1361.0100 PURPOSE.

The purpose of this chapter is to govern the construction of industrialized/modular buildings and building components and provide for their certification and labeling pursuant to *Minnesota Statutes*, section 16B.75.

1361.0200 DEFINITIONS.

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

Subp. 2. **Building component.** "Building component" means a subsystem, subassembly, or other system of closed construction designed for use in or as part of a structure, including structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

Subp. 3. **Industrialized Buildings Commission.** "Industrialized Buildings Commission" means the Interstate Industrialized/Modular Buildings Commission, the operating arm of the interstate compact on industrialized/modular buildings in *Minnesota Statutes*, section 16B.75.

Subp. 4. **Industrialized/modular building.** "Industrialized/modular building" means a building of closed construction, constructed so that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage, or destruction, and made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing that is factory-built single-family and multifamily housing, including closed wall panelized housing, and other modular, nonresidential buildings. "Industrialized/modular building" does not include a structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 or prefabricated buildings, as defined in part 1360.0200, subpart 15.

Subp. 5. **Minnesota state building code.** "Minnesota state building code" means the code adopted under *Minnesota Statutes*, section 16B.61, subdivision 1, as identified in part 1300.2400, subpart 6.

Subp. 6. **Model rules and regulations.** "Model rules and regulations" means the model rules and regulations incorporated by reference in part 1361.0700.

1361.0300 INCORPORATION OF MODEL RULES AND REGULATIONS.

Parts I to VII of the July 9, 1993 edition of the Model Rules and Regulations for Industrialized/Modular Buildings as adopted by the Industrialized Buildings Commission and the December 3, 1993 amendments are incorporated by reference and made part of the Minnesota state building code. These parts and amendments are not subject to frequent change and are available in the Minnesota state law library.

1361.0400 CERTIFICATION.

Industrialized/modular buildings and building components sold, offered for sale, or installed in the state must bear an Industrialized Buildings Commission (IBC) seal and data plate evidencing the manufacturer's certification of code compliance. That certification is conclusive on all agencies, instrumentalities, and municipalities of the state.

1361.0500 INSTALLATION.

Industrialized/modular buildings or building components must be installed in compliance with the Minnesota state building code which incorporates by reference the Model Rules and Regulations for Industrialized/Modular Buildings.

Department of Administration

Proposed Permanent Rules Relating to the Plumbing Code

DUAL NOTICE:

Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Department of Administration, Building Codes and Standards Division intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however 25 or more persons submit a written request for a hearing on the rules within 30 days or by June 2, 1994, a public hearing will be held on June 13, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 2, 1994, and before June 13, 1994.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Peggi White
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101
612-296-4626 Voice
TTY/TDD: Twin Cities 612-297-5353 or;
Greater Minnesota 800-657-3529 and ask for voice number

Subject of Rule and Statutory Authority. The proposed rule is about adoption of amendments to the Minnesota State Plumbing Code. The Commissioner of the Department of Administration and the Commissioner of the Department of Health have authority to adopt the rule amendments under *Minnesota Statute* 16B.62 subd. 1, and 326.37 subdivision 1, respectively. However, *Minnesota Statute* 16B.64 requires the Commissioner of Administration to make all determinations regarding any subject matter dealt within the code including those in which another state agency proposed to adopt or amend rules which are incorporated by reference into the code or whenever the commissioner proposes to incorporate those rules into the state building code. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. A free copy of the rule is available upon request from Peggi White.

Comments. You have until 4:00 p.m. on June 2, 1994 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. A free copy of the rule is available from Peggi White.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:00 p.m. on June 2, 1994. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rule may be modified, either as a result of a public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and as printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 13, 1994 will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Peggi White at 612-296-4626 Voice or TTY/TDD

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Twin Cities 612-297-5353 or Greater Minnesota 800-657-3529 and ask for voice number, after June 2, 1994 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on June 13, 1994 in the Building Codes and Standards Division Conference Room, 408 Metro Square Building, 7th & Robert Streets, St. Paul, Minnesota, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Howard L. Kaibel Jr. Judge Kaibel can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401, 612-341-7608.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day 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 this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the comment period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day response period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for the reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. In preparing these rules, the Building Codes and Standards Division and the Department of Health have considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. Although the proposed rules may indirectly affect small businesses, any effect is outweighed by the Division's need to administer a state code of building construction which will provide basic and uniform performance standards for all residents of the state. The division's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115 sub-division 2, for reducing the impact of the proposed rules is addressed further in the statement of need and reasonableness.

Expenditure of Public Money by Local Public Bodies. Pursuant to *Minnesota Statutes* section 14.11 subd. 1, the expenditure of public money will not exceed \$100,000 in either of the two years following the adoption of these rules.

Impact on Agriculture Lands. Pursuant to *Minnesota Statutes*, section 14.11, subd. 2, the adoption of these rules will not have any impact on agricultural land.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, 612-296-5148.

Adoption Procedure if Hearing. If no hearing is required after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or to be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Peggy White listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified 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 rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 12 April 1994

Debra Rae Anderson
Commissioner

Statement of Need and Reasonableness

- I. The Commissioner of the Minnesota Department of Administration proposed to adopt amendments to chapter 4715 of the Minnesota State Building Code entitled the *Minnesota Plumbing Code*. In addition to substantive changes, reorganization and grammatical changes are proposed to improve clarity and to conform with current style requirements.

The present *Minnesota Plumbing Code* Rules, 1990 printing effective July 16, 1990, contains *Minnesota Rules* 4715.0100 to 4715.6000.

The proposed rules contain certain amendments to the *Minnesota Plumbing Code*, chapter 4715.0100 to 4715.6000.

The Department began the present rule notification process on July 8, 1991 publishing a note in the *State Register* (16 S.R. 68) soliciting opinions and information from the public on the rules regarding the Minnesota State Building Code.

II. Statement of Agency's Statutory Authority

The Commissioner of the Department of Administration and the Commissioner of the Department of Health have authority to adopt the rule amendments under *Minnesota Statute* 16B.61 subdivision 1, and 326.37 subdivision 1, respectively. However, *Minnesota Statute* 16B.64 requires the Commissioner of Administration to make all determinations regarding any subject matter dealt with in the code including those in which another state agency proposes to adopt or amend rules which are incorporated by reference into the code or whenever the commissioner proposes to incorporate those rules into the state building code.

16B.61 Subdivision 1. Adoption of the code. Subject to sections 16B.59 to 16B.73, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.73, the commissioner shall administer and enforce the provisions of those sections.

326.37 Subdivision 1. The state commissioner of health may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. Violation of the rules shall be a misdemeanor.

III. Statement of Need

It is necessary to periodically amend the *Minnesota Plumbing Code* in order to maintain the most current plumbing code standards regarding health, sanitation, and safety by regulating the design, construction, quality of materials, use in maintenance of plumbing in buildings and structures. The proposed new *Minnesota Plumbing Code* includes amendments that are needed to address changes in technology, materials, and methods of construction.

IV. Statement of Reasonableness

Minnesota Statutes Chapter 14 requires the agency to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. This means that the agency must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that the need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the department is appropriate. The reasonableness of the proposed rules is discussed below.

A. Reasonableness of the Rules as a Whole

To reflect changes in technology, materials, and methods of construction, various elements of the proposed rules are to be repealed, revised, or contain an entirely new rewrite or section. The proposed amendments to the *Minnesota Plumbing Code* have been recommended by the Minnesota Advisory Council on Plumbing Code and Examinations. The council is authorized under *Minnesota Statute* 326.41 and *Minnesota Rule* part 4715.0330 Subdivision 4. It is comprised of seven

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members, one of whom shall be a practical master plumber, one a practical journeyman plumber, and one a representative of the commissioner. Their purpose according to 4715.0330, Subdivision 4, is to study and make recommendations concerning the uses of new fixtures, appurtenances, materials and methods. When evaluating proposed new system components and methods, the Advisory Council follows the provisions of part 4715.0330 regarding suitable, alternate fixtures, et al. The need and reasonableness of each rule will be discussed below.

B. Reasonableness of Individual Rules

4715.0420 Standards for Plumbing Materials.

This part is amended to include Canadian Standards Association (CSA) as a recognized standards setting organization, and to include certain specific CSA standards in the rule to: hubless cast iron soil pipe; nonreinforced and reinforced concrete pipe; acrylonitrile-butadiene-styrene drain-waste and vent pipe; polyvinyl chloride drain and waste pipe; polyvinyl chloride sewer pipe; acrylonitrile-butadiene-styrene sewer pipe; polyethylene, polyvinyl chloride, and polybutylene water service pipe; and polybutylene and chlorinated polyvinyl chloride water distribution pipe. All of these standards were reviewed by the Advisory Council on Plumbing Codes and Examinations and found to be at least equivalent to other standards for the same type of material which are already included in this part of the rules as authorized by part 4715.0330. The inclusion of these standards was recommended by the advisory council. This part is further amended to delete extraneous notes which indicated the dates when certain previous amendments were made to the code. These are deleted because the practice of adding such dates was discontinued after 1973 even though there have been many changes to this part of the rule subsequent to that date, and it is no longer clear which provisions of the rule are referred to by the amendment.

4715.0420. Subp. 3. VI. Plastic Pipe and Fittings.

6A. This subpart is being amended to use the current technology of "cellular" core in lieu of "foam" core for these types of pipe which include a closed cell cellular core between an inner and outer layer of solid pipe.

6B. This subpart is being added to permit the use of another acceptable plastic pipe material for drain, waste, and vent pipe. It is polyvinyl chloride cellular core pipe, similar in design to the acrylonitrile-butadiene-styrene cellular core pipe already listed in the code. The pipe must be manufactured to comply with ASTM Standard F891 to assure minimum acceptable quality of the pipe.

4715.0510 G. Water Service Pipe

G. Item "G" is amended to delete an extraneous "." in the site of ASTM D2774-72.

4715.0510. H. Water Service Pipe.

H. Item H is added to include another acceptable material for water service pipe, namely "ductile iron". It complies with the same standards as ductile iron pipe used for watermains to ensure integrity of the system and protection of the potable water.

4715.0800 Subp. 4 Mechanical Joints.

This item is amended to include CSA Standard CSA/CAN 3-B70 for neoprene rubber coupling gaskets for mechanical joints in hubless cast iron soil pipe. This standard was reviewed by the Advisory Council on Plumbing and Examinations, and determined to be at least equivalent to the ASTM standard which is already listed in the rule for this type of gasket and should be included in the code.

4715.0800. Subp. 5 Mechanical pipe couplings and fittings.

This amendment is recommended by the Advisory Council to permit the use of a new type of pipe joining system which includes special copper fittings with rolled grooves, together with special ductile iron couplings. Copper tubing used with this system would have field applied cold rolled grooves to accept the couplings. The fittings are required to have approval by the International Association of Plumbing and Mechanical Officials (IAPMO) to assure that the products are properly tested, and as an indication of product acceptance by an international product listing organization. IAPMO is an organization comprised of inspectors, plumbers, engineers, and industry representatives, that evaluate plumbing materials, fixtures, and methods of construction, for safe use in buildings.

This subpart is further amended to permit use of certain galvanized saddle-type fittings, which are secured by steel electroplated U-bolts, for above-ground water distribution. This fitting is also required to have IAPMO approval, to international product listing organization.

4715.0805 Push-on Joints.

This part is amended to clarify that gaskets in cast iron and ductile iron water service lines may not be lead tipped. This is consistent with efforts to eliminate contact of drinking water with lead surfaces in plumbing systems. Lead in drinking water has been implicated as a source of lead consumption for children which results in decreased learning capability.

4715.0810 Subp. 1 Plastic Joints.

This amendment requires that currently recognized push-on type gasketed joints in water service pipe comply with the standard, ASTM D3139. Compliance with this standard is necessary to assure tight joints and minimize the potential for detrimental effect on the portable water.

4715.0870 Flanged Fixture Connections.

This part is amended to clarify that certain types of fixtures, such as floor mounted back outlet water closets, may be installed without a flange at the drainage pipe connection if they are designed by the manufacturer to be used without a flange. The former language appeared to require a flange for all installations, including when not needed or desirable for a functional installation.

4715.1020 Cleanout Materials.

This part is amended to delete some extraneous language which refers to a detail for cleanout covers which has been removed from the code.

4715.1100 Interceptors and Separators Required.

Part 1100 is amended to allow an option for the design of interceptors and separators. Designers may now either follow the specific design and size parameters which previously existed in the rules, or provide an engineered manufactured unit with documentation from the manufacturer and the project engineer stating that the unit is properly designed and sized for the project. This is needed to clarify that such engineered units are acceptable.

4715.1110 Grease Interceptors for Commercial Buildings.

This part is amended to require that air openings on grease trap flow control devices be connected to the plumbing vent system, and that all fixtures be trapped and vented ahead of the grease trap. This is necessary to prevent sewer gasses from entering the building since grease traps can allow internal air bypass.

4715.1120 Oil and Flammable Liquids Separator.

This part is amended to require all enclosed garages over 1000 square feet in floor area to have any drains discharge through a flammable waste trap. This is needed because the former language required a flammable waste trap when four or more vehicles would be housed. During plan review and inspection, an area requirement provides more definite criteria when the future use may not be known.

This part is further amended to clarify that the corrosion resistance coating already required for a metal flammable waste trap must be on both the inside and the outside of the tank. This has always been the intent of the rule, and the way the rule has been enforced, but the clarification will eliminate any doubts as to the intent.

This part is further amended to require the flammable waste trap vent pipe to be metallic material. This change is to provide integrity to the system, including in the event of a fire, when plastic pipe would fail.

This part is further amended to clarify that a sand trap ahead of a flammable waste trap in a car wash is not permitted to have a water seal. This is to prevent flammable liquids from collecting in an open sand trap, which would create a fire or explosion potential.

This part is further amended to prohibit the use of mechanical joints within oil and flammable liquid separators. Mechanical joints are too easily disconnected, allowing removal of the trap seal on the outlet. When this occurs, the separator no longer provides its intended function.

This part is further amended to require a flammable liquid separator to be readily accessible for service and maintenance, and to require proper maintenance by periodic removal of accumulated liquids and solids. This is needed to assure that the separator will continue to perform its intended function, and will not be overloaded which may result in allowing flammable liquids to be discharged from the trap instead of being retained.

4715.1160. Subp. 1, Backwater Valves.

Subp. 1, Where used. This amendment is to clarify the intent of the rule. The original provision was based on the existence of many combined sanitary and storm sewers which increased the likelihood of a sewer being surcharged and resulting in

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backup into buildings. With most combined sewers now being separated, the concern of backup is reduced. This clarification is to provide additional guidance to the administrative authority when reviewing whether the provision for a backwater valve may be waived.

4715.1210 Required Minimum Number of Fixtures.

Because the plumbing fixture reference in the building code periodically changes, it is necessary to make a more general reference as to where the provisions may be found. Part 4715.1215 is repealed to reduce duplication of the requirements and avoid conflict when the plumbing fixture requirements in the building code undergo change.

4715.1240 Bathtubs.

Subp. 2 Whirlpool bathtubs. This part is amended to refer to the current industry standards for whirlpool type bathtubs. The standards which were formerly referenced has been eliminated by the standard setting organization.

Subp. 3. Drop-in bathtubs. This amendment is added to require that all bathtubs that are installed against a wall be provided with a factory applied flange to permit an installation which will have a water-tight joint at the wall. This to prevent water from leaking between the tub and the wall and causing damage to the building finishes or structure. Contractors have often been unable to provide a suitable sealed water-tight joint without such a flange. Tubs without such a flange would only be allowed where tubs are not located against a wall.

4715.1260 Drinking Fountains.

This part is amended to make this part consistent with the requirements in part 4715.2010 subp. 4.

4715.1300 Floor Drains.

Subp. 2 Basement floor drains. This subpart is amended to permit the use of materials other than cast-iron pipe for floor drains. Floor drains of PVC and ABS plastic pipe are now available which can provide a complying, testable installation, and should be permitted by the code.

Subp. 6. Garage and parking area floor drains. This subpart is a new amendment to provide clarity in order to achieve uniform application, and to be consistent with efforts to separate storm water from sanitary sewers. It provides different requirements for open parking areas and enclosed garages. Open parking areas must discharge to the storm sewer, and enclosed garages which are not subject to storm water drainage must discharge to the sanitary sewer. Vehicle maintenance and wash areas must discharge to the sanitary sewer to prevent the possibility of oily or flammable wastes being discharged to storm water retention ponds or surface waters.

4715.1330 Flush Tanks.

This subpart is amended to clarify that flush tanks are a specific type of gravity tank which requires a shut off valve in the water supply line. Such fixtures require periodic maintenance, and the valve allows the fixture to be isolated for maintenance without affecting water supply to other fixtures.

4715.1380 Showers.

Subp. 2. Shower waste outlet. This part is amended to specify the necessary size of the drain and drain cover in showers which have more than one shower head to assure that they will be adequately sized to handle the wastewater flow. The rules previously specified the minimum drain size to serve a single shower head, but did not adequately address installations with multiple heads which would create a greater flow. This part is further amended to require multiple shower installations be constructed with drains located to prevent the wastewater from one shower flowing over the floor area serving another shower. This is needed because some multiple shower facilities have been constructed which requires users to stand in or walk through the wastewater from others. This is an unsanitary situation, and has resulted in complaints from users of such facilities. Both of these amendments to this part are consistent with the requirements for shower installation in the BOCA National Plumbing Code which is a national consensus code.

Subp. 4. Shower compartments. This amendment is to clarify that the minimum dimension of 30 inches in shower stalls is to be measured at the height of the shower control handle(s). This is needed to make it clear where the dimension is intended to be measured. Questions have arisen as to whether the minimum dimension must be provided at the floor level in the shower stall or at some other location.

Subp. 5. Anti-scald devices. This part is amended to refer to the current standard for anti-scald shower valves instead of a previous standard, which is no longer used by the industry. Valves are no longer tested and certified by the old standard.

4715.1440 Protection of Plastic Pipe.

This part is amended to clarify that the 1/16th inch thick requirement for steel plates used to protect pipe passed through studding is for mild steel, and to allow the use of other material which is demonstrated to provide equivalent protection, such as tempered steel of a lesser dimension.

4715.1510 Indirect Waste Piping.

This part is amended to add language on indirect waste piping which is merely relocated from part 4715.1590, subp. 5, and now located in a more appropriate section of the code. This part is further amended to allow the use of alternate materials for indirect waste lines from certain overflow pans and drip outlets, if properly pitched, aligned, supported, and maintained. Such alternate material may include non-rigid plastic tubing which has already come into use, and is found to perform satisfactorily if properly installed.

4715.1590 Receptors or Sumps.

Subp. 4. Standpipe receptors. This part is amended to remove the word "individually" which is extraneous and therefore confusing as to intent. It was also inconsistent with other provisions of this subpart which do not require individual trapping and venting of all clothes washer discharge standpipes.

Subp. 5. Installation of indirect waste piping. This subpart is deleted because the language has been relocated to part 4715.1510.

4715.1710 Water Service

Subp. 2. Separation of water service and building sewer. This part is amended to add a note directing users to a new provision in the rules which specified required isolation distances between buried sewer or drain lines and water wells. The note is provided in this part because it is also a part which specifies isolation distances for sewers.

4715.2000; .2020; .2030; .2100; .2110; .2120; .2150; .2161 Protection of Potable Water Against Backflow and Back-siphonage.

These subparts are amended to clarify that a backflow preventer is sometimes a single unit or device, but other times is an assembly consisting of the device plus isolating valves on each side to permit proper testing and maintenance. This clarification is needed to assure that the same types of valves which the device is tested and certified with are used for field installations, and to permit proper testing.

4715.2110 Types of devices required where an air gap cannot be provided.

This part is further amended to require that waterlines to dental units each be provided with a separate backflow preventer, and that the backflow preventer be a reduced pressure zone type. This amendment is needed because dental units are now considered to have a high risk potential regarding the spread of disease, considering current concerns with blood borne pathogens. If backflow should occur, it could spread blood from one patient into the water which comes in contact with open wounds in another patient. Footnote number 2 is amended to reference the current edition of AWWA-M14 for fire sprinkler system backflow prevention, in place of reference to the previous edition. The edition now referenced reflects current industry standards, and is readily available.

4715.2120 Location of Backflow Preventers.

This part is amended to add specific location requirements for all new backflow preventer installations. They must be located to be accessible for required observation, maintenance, and testing. The range for such accessibility is 12 inches to 6 feet high. This amendment is needed because installers are continuing to locate devices at heights which do not permit the necessary access for maintenance and testing.

4715.2150 Connections not Subject to Backpressure.

Flush tanks. This part is amended to correct a typographical error. The term "C-L" which refers to the critical level was incorrectly shown as "3-L".

4715.2161 Installation of Reduced Pressure Backflow Preventers.

Subpart 2. Testing and maintenance. This part is further amended to allow an authority administering the code to require testing of reduced pressure zone backflow preventers more often than once a year where it is deemed necessary to protect the potable water supply. This flexibility is needed for situations where an installation is problematic, or the degree of hazard is unusually high.

4715.2215 Thermal Expansion Control.

This is a new provision which is intended to eliminate problems associated with thermal expansion of water in a distribution

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system when a device exists that prevents relief of excess pressure to the municipal watermain. The provision is needed to prevent damage to heating equipment, and possibly other parts of the system, from excessive internal pressures. It is reasonable in that it only requires installation of an expansion control device in systems where the pressure is found to be so high that it will cause the pressure relief valve on the water heater to be actuated.

4715.2280 Water Meter Installation

This is amended to require water meters to be 12 inches above the finish floor level instead of the basement floor level because many water meters are not installed in basements, and the clearance is needed for all installations.

4715.2300 Load on Drainage Piping.

Subp. 1 and 2a. Computation of drain load. This part and a new subpart are amended and added to provide criteria for determining the drain pipe sizing necessary for certain new types of low-water-use appliances and equipment which are added to buildings with the desire of being able to use the existing plumbing system without major alteration. The criteria does not apply to new construction since the smaller size drain line permitted will necessarily limit the type of equipment and appliances which can discharge to the line to only certain specially designed low-water-use or conventional systems. This amendment is consistent with the requirements for intermittent discharge flows in the *Uniform Plumbing Code* which is a national consensus code.

Subp. 3. Table of fixture values for various plumbing fixtures. This part is amended to clarify that only gravity drain type domestic dishwashers, which have their own drain, are to be considered as having a separate fixture unit value when figuring the drainage pipe size. This clarification is needed so that domestic dishwashers with pumped discharge to sink tail pieces are not assigned a fixture unit value in addition to that of the sink. This part is further amended to clarify the proper fixture unit value for classroom sinks, and to clarify that the type of laboratory sink which has a fixture value of only (1) is a cup sink, not a deep counter sink. Requests for interpretation, and nonuniform application have demonstrated that these clarifications are necessary.

4715.2440 Design of Sumps

Subpart 4. Covers. It is necessary to delete the reference to "metal" covers in the first paragraph in order to be consistent with the performance language in the last sentence where "metal or other structurally sound material" (for covers) is referenced.

4715.2820 Methods of Testing.

Subp. 7. Test plugs or caps. This subpart is added to require that plugs or caps placed in rooftop vent openings, during testing of the system, must be visible from the ground. Plumbers sometimes forget or decline to remove the plugs after testing the system, and the plumbing vent system is then prevented from functioning as it lacks openings to the outside. The visibility would allow inspectors or owners to be aware of their presence and require their removal.

4715.3700 Determination of Peak Demand.

Subp. 5. Graph of supply demand for various loads in supply fixture units. This graph is amended to label the lower axis of the graph for clarification.

Subp. 6 and 7. Examples. These examples are amended to make references consistent with headings now used in parts of the code which had previously been changed.

V. Small Business Considerations

Minnesota Statutes 14.115, subdivision 2 (1988) requires the department, when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses:

- (a) the establishment of less stringent compliance or reporting requirements for small businesses;
- (b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) the exemption of small businesses from any or all requirements of the rule.

The division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods listed above the reducing the impact of the rules on small businesses.

Since Chapter 4715 contains no scheduling, deadline or reporting requirements, items (a), (b), and (c) are not applicable.

Chapter 4715 is performance based for all uses, not just for small businesses identified in item (d).

Item (e) is not applicable as *Minnesota Statute 16B.59* requires the commissioner of administration to administer a state code of building construction which will provide basic and uniform performance standards for all residents of the state.

VI. Fiscal Impact

Minnesota Statutes section 14.11, subdivision 1, does not apply because 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 of the rules.

VII. Conclusion

Based on the foregoing the proposed amendments to *Minnesota Rules* Chapter 4715 are both needed and reasonable.

Dated: 12 April 1994

Debra Rae Anderson, Commissioner
Department of Administration

Rules as Proposed

4715.0420 STANDARDS FOR PLUMBING MATERIALS.

[For text of subpart 1, see M.R.]

Subp. 2. **Abbreviations.** Abbreviations in subpart 3 refer to the following:

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

D. CSA, Canadian Standards Association, 178 Rexdale Boulevard, Rexdale (Toronto), Ontario, Canada M9W 1R3;

E. CS, Commercial Standards available from: Commodity Standards Division, Office of Industry and Commerce, U. S. Department of Commerce, Washington, D. C. 20234;

F. E. FS, Federal Specifications available from: Federal Supply Service, Standards Division, General Services Administration, Washington, D. C. 20406;

F. G. NSF, National Sanitation Foundation, Ann Arbor, Michigan 48106;

G. H. FHA, Federal Housing Authority, Architectural Standards Division, Washington, D. C.

Subp. 3. **Standards for plumbing materials.**

	DESCRIPTION	ANSI	ASTM	FS	OTHER
I. CAST IRON PIPE AND FITTINGS					
		A21.2			
		A21.6	A-74	WW-P-401C	CS188
1A	Cast Iron Pipe and Fittings Extra Heavy	A21.8			
1B	Cast Iron Pipe Centrifugally Cast Only and Fittings Service Weight	A21.6 A21.8	A-74	WW-P-401C	CS188
1C	Cast Iron Mechanical (Gland Type) Pipe	A21.11 A21.2 A21.6		WW-P-421a	

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Proposed Rules

	DESCRIPTION	ANSI	ASTM	FS	OTHER
1D	Cast Iron Mechanical (Gland Type) Pipe Cement Lined	A21.8 A21.4 A21.2 A21.6 A21.8			
1E	Cast Iron Short Body Water Service Fittings (2"-12")	A21.10			AWWA C100
1F	Cast Iron Threaded Pipe	A40.5			
1G	High Silicon Pipe, Fittings Cast Iron				
1H	Cast Iron Threaded Fittings Black and Galvanized 125#	B16.4		WW-P-501	
1J	Cast Iron Drainage Fittings Black and Galvanized	B16.12		WW-P-491	
1K	Hubless Cast Iron Pipe and Fittings (Amended 8-31-72)				CISPI Standard 301-69T <u>CSA/CAN 3-B70</u>
1L	<u>Ductile Iron Pipe Flanged</u>	<u>A21.15</u>			<u>AWWA C115</u>
1M	<u>Ductile Iron Pipe Rubber Gasket Joints</u>	<u>A21.51</u>			<u>AWWA C151</u>

II. STEEL AND WROUGHT IRON PIPE FITTINGS

2A Steel Pipe,
Welded and
Seamless
Galvanized,

Proposed Rules

	DESCRIPTION	ANSI	ASTM	FS	OTHER
	Schedule 40 and Above	B36.1 B36.20			WW-P-406 6(1)
2B	Wrought Iron Pipe, Galvanized Schedule 40 and Above	B36.2			
2C	Stainless Steel Pipe	B36.19			
2D	Galvanized Malleable Fittings 150 psi and Above	B16.3	A197		
2E	Steel Unions, Galvanized			WW-V-531 C	

III. COPPER AND COPPER BASE PIPE AND FITTINGS

3A	Red Brass Pipe, Regular and Heavier	H27.1	B42B		
3B	Seamless Brass Tube	H36.1			
3C	Brass or Bronze Threaded Fittings 125 lbs. and Over	B16.15	B62	WW-P-460	
3D	Brass or Bronze Flare Fittings 125 lbs. and Over, Heavy Duty Long Collar Type		B62		
3E	Seamless Copper Tube Type K, Soft Temper	H23.1	B88		

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Proposed Rules

	DESCRIPTION	ANSI	ASTM	FS	OTHER
3F	Seamless Copper Tube Type K, Hard Temper	H23.1	B88		
3G	Seamless Copper Tube Type L, Soft Temper	H23.1	B88		
3H	Seamless Copper Tube Type L, Hard Temper	H23.1	B88		
3H(a)	Welded Copper Alloy 194 Water, Tube, Type "Heavy," Hard Temper		B543-72		OFT194-101A Navfac TS-15400
3H(b)	Stainless Steel Water Tubing, Type SL, Copper Plated Coating (HWT-T439)		A-651		
3J	Seamless Copper Tube, Type M, Hard and Soft Temper	H23.1	B88		
3J(a)	Welded Copper Alloy 194 Water Tube, Type "Standard," Hard Temper		B543-72		OFT194-101A Navfac TS-15400
3J(b)	Stainless Steel Water Tubing, Type SM, Copper Plated Coating (HWT-T439)	A-268	A-651		
3K	Seamless Copper Tube Type DWV	H23.3	B306		
3L	Copper Pipe I.P.S.	H26.1	B42		
3M	Copper Pipe, Threadless Type T P and Fittings	H26.2	B302		

Proposed Rules

	DESCRIPTION	ANSI	ASTM	FS	OTHER
3N	Cast Bronze and Wrought Solder Joint Pressure Fitting	B16.22 H23.1 B16.18			
3O	Cast Bronze and Wrought Solder Joint D W V Fittings	B16.23			
3P	Copper Alloy Water Tube 1/2 Inch and 3/4 Inch		B447 B75		
3Q	Welded Brass Water Tube 1/2 Inch and 3/4 Inch		B587		

IV. LEAD PIPE AND FITTINGS

4A	Lead Pipe AA			WW-P-325-44	
4B	Lead Pipe AAA			WW-P-325-44	
4C	Lead Bends and Traps			WW-P-325-44	
4D	Sheet Lead			QQ-L201d	

V. SILICA AND EARTH PRODUCTS PIPE AND FITTINGS, NONMETALLIC

5A	Asbestos-Cement Pressure Pipe and Fitting		C500 C296	SS-P351	
5B	Asbestos-Cement Water Pipe and Fittings		C500	SS-P-351	AWWA C400
5C	Asbestos-Cement Nonpressure Pipe and Fittings		C428	XX-P-331	

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Proposed Rules

	DESCRIPTION	ANSI	ASTM	FS	OTHER
5D	Asbestos-Cement Perforated Underdrain Pipe and Fittings		C508		
5E	Vitrified Clay Pipe, Standard Strength and Stronger Fittings		C13 C200		
5F	Unglazed Clay Pipe, Extra Strength and Fittings		C278		
5G	Perforated Clay Pipe and Fittings		C211		
5H	Borosilicate Glass Pipe and Fittings 60 psi				
5J	Nonreinforced Concrete Drain Tile <u>Drain Tile</u>		C412		AASHO M178
5K	Nonreinforced Concrete Pipe		C14	SS-P-371	AASHO M86 <u>CSA-A257.1</u>
5L	Perforated Concrete Pipe, Underdrainage		C444		
5M	Reinforced Concrete Pipe		C76	SS-P-375	<u>CSA-A257.2</u>
5N	Reinforced and Prestressed Concrete Pipe, Pressure Type and Fittings				
5O	Bituminized Fiber Drain and Sewer Pipe		D1860	SS-P-1540A	(Amended 8-31-72)
5P	Perforated Bituminized Fiber Pipe for General Drainage		D2311	SS-P-1540A	(Amended 8-31-72)
VI.	PLASTIC PIPE AND FITTINGS DRAIN, WASTE AND VENT				
6A	Acrylonitrile- Butadiene-Styrene (ABS)		D2661	L-P-322a FHA-MPS	HSF14 <u>CSA-B181.1</u> CS270

Proposed Rules

	DESCRIPTION	ANSI	ASTM	FS	OTHER
	Type 1, Schedule 40 Foam <u>Cellular</u> core		F628		
6B	(1) Polyvinyl Chloride (PVC) Schedule 40 Unthreaded Schedule 80 can be threaded <u>Cellular core</u>		D2665 <u>F891</u>	L-P-320a FHA-MPS	NSF14 CS272 <u>CSA-B181.2</u>
6B	(2) Polyvinyl Chloride (PVC) Schedule 30 (3-inch only) BUILDING SEWER		D2949	L-P-001221	
6C	(1) Styrene — Rubber		D2852	(Filed 4-5-73)	CS228
6C	(2) Polyvinyl Chloride (PVC) (Amended 4-5-73)		D3033 D3034 F789	FHA-UM-26 WW-P-00380a	<u>CSA-B182.2</u>
6C	(3) Acrylonitrile- Butadiene-Styrene (ABS)		D2751		<u>CSA-B182.1</u>
WATER SERVICE - Minimum working pressure rating shall be at least 150 psi for municipal water service and 100 psi for other service.					
6D	Polyethylene (PE)	B72.1	D2239 D2737	LP-315a FHA-UM-31C	NSF14 CS255 <u>CSA-B137.1</u>
6E	Acrylonitrile- Butadiene- Styrene (ABS)	B72.3	D2282		NSF14 CS254
6F	Polyvinyl Chloride (PVC)	B72.2	D2241 D1785	L-P-1036 FHA UM-41	NSF14 CS256 <u>CSA-B137.3</u>
6G	Polybutylene		D2662 D2666		NSF14 <u>CSA-B137.7</u>
SPECIAL WASTES (Amended 12-26-72)					

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Proposed Rules

	DESCRIPTION	ANSI	ASTM	FS	OTHER
6H	Polyethylene		D2239	LP 315a	PS10-69 PS11-69 PS12-69
6J	Polypropylene (Type II 24308)		D2146		

WATER DISTRIBUTION - Polybutylene (PB) systems (PB tubing together with recommended fittings) and chlorinated polyvinyl chloride (CPVC) pipe together with fittings must be tested by the manufacturer at 150 psi and 210 degrees Fahrenheit for a period of not less than 48 hours by an independent testing laboratory acceptable to the administrative authority.

6K	Polybutylene		D3309		<u>CSA-B137.8</u> (tubing)
6L	Chlorinated polyvinyl chloride (CPVC)	119.1, 119.2	D2846		NSF14 FHA Bulletin #76 <u>CSA-B137.6</u>

GENERAL DRAINAGE

6M	Polyethylene (corrugated)		F405		
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4715.0510 WATER SERVICE PIPE.

The following materials may be used for water service pipe:

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

G. Plastic pipe 6D, 6E, 6F, and 6G may be used for water service pipe only up to the water meter or pressure tank and provided there is no more than two feet of such piping exposed within the building. These materials shall be installed in accordance with ASTM ~~D-2774-72~~ D 2774-72. Particular care shall be taken to avoid sharp edges in contact with the pipe and to provide for expansion and contraction.

H. Ductile iron pipe 1L and 1M.

4715.0800 MECHANICAL JOINTS.

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

Subp. 4. **Mechanical joints in hubless cast iron soil pipe.** Mechanical joints for hubless cast-iron soil pipe and fittings may be made by using a neoprene sleeve and stainless steel retaining band as specified in CISPI standard 301, by using a transition fitting made of elastomeric material (ASTM C 425 and ASTM C 564) and 300 series stainless steel bands and bolts, or by using a two-part coupling whose housing is fabricated of grey-cast iron (ASTM A 48), with a coupling gasket made of neoprene rubber (ASTM C 564 or CSA/CAN 3-B70), and coupling bolts and nuts made of 18-8 stainless steel.

Subp. 5. **Mechanical pipe couplings and fittings.** Couplings must be made with the housing fabricated in two or more parts of ductile or malleable iron castings in accordance with Federal Specification QQ-I-666c, Grand 11, or with ASTM A47 or ASTM A339. The coupling gasket must be molded synthetic rubber, per ASTM D-735-61, Grade No. R615BZ. Coupling bolts must be oval neck track head type with hexagonal heavy nuts, per ASTM-A-183-60, or ASTM A325.

Pipe fittings used with these pipe couplings must be fabricated of malleable iron castings in accordance with Federal Specifications QQ-I-666c, Grade 11, or with ASTM A47; ductile iron ASTM A339; segweld steel ASTM53 or A106; or IAPMO-approved copper fittings with rolled grooves intended to be used together with copper tubing with cold rolled grooved ends.

These couplings and fittings may be used above ground, for storm drains and leaders, and for water distribution pipe provided exposed parts in contact with water are galvanized, and may be used below ground for water distribution if couplings and fittings are galvanized and the exposed grooves are coal tar enamel coated and wrapped.

Saddle-type fittings secured by steel electroplated U-bolts may be used for aboveground water distribution, if the fittings are galvanized, include a collar fitting into the pipe opening with a gasket, and have IAPMO approval.

All grooving of galvanized pipe must be by the cut groove method.

[For text of subs 6 to 7, see M.R.]

4715.0805 PUSH-ON JOINTS.

Push-on joints may be used in cast iron and ductile iron water service pipe located underground outside the building, and must comply with ANSI-A21.11-85. Lead-tipped gaskets are prohibited.

4715.0810 PLASTIC JOINTS.

Subpart 1. **Joint methods.** Every joint in plastic piping must be made with approved fittings using solvent welded connections, fusion welded connections, insert fittings with metal clamps and screws of corrosion-resistant material or approved crimp rings, threaded joints according to accepted standards, or special IAPMO listed fittings of other types. Large diameter water service pipe may have approved elastomeric-gasket push-on type joints which comply with ASTM D 3139. All solvent materials must meet approved recognized standards. Expansion and contraction joint materials and dimensions must conform to ASTM D 2661 or ASTM D 2665 and shall be of an approved type.

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

4715.0870 FLANGED FIXTURE CONNECTIONS.

Fixture connections between drainage pipes and water closets, pedestal urinals, and earthenware trap standards shall be made by means of brass, plastic, or iron flanges, caulked, soldered, solvent welded, or screwed to the drainage pipe in accordance with the manufacturer's recommendations and approved by the administrative authority. The connection shall be bolted, with an approved gasket, washer, or setting compound between the earthenware and the connection. Floor flanges of other equivalent materials may be used when approved by the administrative authority.

The bottom of the floor flange shall be set on the top of the finished floor or on a structurally firm base. Closet bends or stubs must be cut off so as to present a smooth surface, even with the top of the closet flange. Use of commercial putty or plastic as fixture setting compound is prohibited.

4715.1020 CLEANOUT MATERIALS.

The bodies of cleanout ferrules shall be made to standard pipe sizes, conform in thickness to that required for pipes and fittings of the same material and extend not less than one-fourth inch above the hub. The cleanout cover or plug shall be of brass, cast iron, or approved plastic and be provided with a raised nut or recessed socket for removal.

Neoprene or nardel rubber with a plastic disc and a single stainless steel (300 series) band may be used for a cleanout cover provided that it is exposed and readily accessible. ~~Cleanout covers shall conform to specifications and details as shown in part 4715.4000, subpart 1.~~

4715.1100 INTERCEPTORS AND SEPARATORS REQUIRED.

Interceptors for oil, grease, sand, and other substances harmful or hazardous to the building drainage system shall be provided as stated elsewhere in these rules.

The size, type, and location of each interceptor, and of each separator shall conform to the requirements of this chapter, except that units may be accepted which are engineered and manufactured specifically for the intended function and which are documented by the manufacturer and project design engineer to be properly designed and sized for the specific project, and no waste other than those requiring treatment or separation shall discharge into any interceptor.

4715.1110 GREASE INTERCEPTORS FOR COMMERCIAL BUILDINGS.

A grease interceptor of sufficient size and efficiency shall be installed in the waste line leading from sinks, drains, or other fixtures when, in the opinion of the administrative authority, greasy wastes can be introduced into the drainage system in quantities that can cause line stoppage. Grease interceptors shall be placed as near as possible to the fixture and the grease interceptor shall be vented. No food waste disposer or dishwashing machine shall discharge into the building drainage system through a grease interceptor. Sinks or other fixtures served by grease interceptors shall be trapped and vented ahead of the grease interceptor ~~when the distance from the sink to the grease intercepter exceeds five feet.~~

Grease interceptors, when used, shall have a grease retention capacity in pounds of grease, of at least twice the flow-through rate, in gallons per minute.

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Grease interceptors shall be equipped with devices to control the rate of water flow through the interceptors so that it does not exceed the rated flow of the interceptor. Air openings on flow control devices must connect to the plumbing vent system.

4715.1120 OIL AND FLAMMABLE LIQUIDS SEPARATOR.

Enclosed garages of over 1,000 square feet or housing more than four motor vehicles, repair garages, gasoline stations with grease racks, work or wash racks, auto washes, and all buildings where oily and/or flammable liquid wastes are produced shall have a separator installed into which all oil, grease, and sand bearing and/or flammable wastes shall be discharged before emptying into the building drainage system or other point of disposal, when floor drains or trench drains are provided.

Each separator shall be of watertight construction and of not less than 35 cubic feet holding capacity, be provided with a water seal of not less than three inches on the inlet and not less than 18 inches on the outlet. The minimum depth below the invert of the discharge drain shall be three feet. The minimum size of the discharge drain shall be four inches. The separator may be constructed of monolithic poured reinforced concrete with a minimum floor and wall thickness of six inches, or of iron or steel of a minimum thickness of 3/16 inch, protected with an approved corrosion resistant coating on both the inside and the outside.

The separator must be provided with a nonperforated iron or steel cover and ring of not less than 24 inches in diameter, and the air space in the top of the tank must have a three-inch vent pipe, constructed of approved metallic material, extending separately to a point at least 12 inches above the roof of the building. Drains and piping from motor vehicle areas must be a minimum of three inches in size. Drains discharging to an interceptor must not be trapped. In motor vehicle wash facilities, a sand interceptor which meets the requirements of part 4715.1130, subpart 1, except that no water seal is permitted, may be installed to receive wastes before discharging into a flammable waste separator.

No cleanout, mechanical joint, or backwater valve shall be installed inside the separator which could provide a bypass of the trap seal. Only wastes that require separation shall discharge into the separator, except that a water supplied and trapped sink may be connected to the vent of the separator. Whenever the outlet branch drain serving a separator is more than 25 feet from a vented drain, such branch drain shall be provided with a two inch vent pipe. A backwater valve shall be installed in the outlet branch drain whenever in the judgment of the administrative authority backflow from the building drain could occur. (See part 4715.4000, subpart 4.)

A separator must be installed to be readily accessible for service and maintenance, and must be maintained by periodic removal of accumulated liquids and solids from the separator.

4715.1160 BACKWATER VALVES.

Subpart 1. **Where used.** Drainage piping serving fixtures that are located below the elevation of the curb or property line at the point where the building sewer crosses under the curb or property line, and above the crown level of the main sewer, shall drain by gravity into the main sewer, and shall be protected from back flow of sewage by installing an approved backwater valve, and each such backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or property line.

Further, in every building hereafter erected or remodeled so that the erection or remodeling creates a new dwelling use which is located below the elevation of the point where the building sewer crosses under the curb or property line, all fixtures installed below such point shall be connected to a separate branch drain. Each such branch drain shall be protected by an approved backwater valve and a gate valve. The gate valve shall be located on the sewer connection side of the backwater valve.

Further, the backwater valve and gate valve may be waived by the administrative authority whenever the sanitary sewer does not receive any storm water drainage and the building is located at a sufficient height above the public sanitary sewer so flooding by backflow will not occur, in the opinion of the administrative authority.

[For text of subs 2 to 4, see M.R.]

4715.1210 REQUIRED MINIMUM NUMBER OF FIXTURES.

Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number shown in table S-E (see part 4715.1215) of the Uniform Building Code as amended in SBC 111. Types of building occupancy not shown, or special construction will be considered individually by the administrative authority.

In other than residential installation where toilet facilities are provided to serve members of both sexes, separate facilities should be installed for each sex as required in chapter 1305 of the code.

4715.1240 BATHTUBS.

[For text of subpart 1, see M.R.]

Subp. 2. **Whirlpool bathtubs.** Whirlpool bathtubs and their installation must comply with International Association of Plumbing and Mechanical Officials (IAPMO) standard PS 32-84 ANSI 112.19.7 and ANSI 112.19.8.

Subp. 3. Drop-in bathtubs. Bathtubs which do not have a factory applied flange for installation against a wall are considered drop-in-type and must not be installed against a wall.

4715.1260 DRINKING FOUNTAINS.

Drinking fountains must be constructed of impervious nonoxidizing material and must be so designed that they may be easily cleaned. The water should be carried to the fixture in an independent pipe, and no part of the fixture must be used in conveying water to the jet. The design of the fixture must be such that no part of the supply pipe can be submerged in the fixture; or in the waste pipe from the fixture. The jet must be slanting and the orifice of the jet must be protected in such a manner that it cannot be contaminated by droppings from the mouth or by splashing from the basin. The orifice of the jet must be at least ~~one-half~~ one inch above the rim of the basin. All fountains should be so designed that their proper use is self-evident.

Installation of a combined cold water faucet and drinking fountain bubbler is prohibited for public use. If a drinking fountain bubbler is provided at a public use sink, it must have at least an 18-inch separation from any other faucet spout.

4715.1300 FLOOR DRAINS.

[For text of subpart 1, see M.R.]

Subp. 2. Basement floor drains. Basement floor drains or floor drains installed in floors which are laid directly on the ground shall be provided with either an integral trap constructed with a spigot outlet or ~~cast iron set~~ a "P" trap of cast iron or other approved materials compatible with the drainage pipe with a spigot outlet and provisions for a caulked connection to the drain body. A vacuum breaker shall be installed on the water supply to flush rim floor drains.

[For text of subs 3 and 4, see M.R.]

Subp. 5. [See repealer.]

Subp. 6. Garage and parking area floor drains. Floor area drains in open parking areas, including open areas of parking ramps, must discharge to the storm sewer if available. Floor drains in parking areas which are enclosed, and floor drains in areas open or enclosed which are used for maintenance or as a vehicle wash bay, must discharge to the sanitary sewer if a municipal sewer is available. Oil and flammable liquid separators must be provided if required by part 4715.1120.

4715.1330 FLUSH TANKS.

Subpart 1. Water supply for flush tanks. An adequate quantity of water shall be provided to flush and clean the fixture served. The fixture supply to a flush tank must have a shut-off valve. The water supply to flush tanks equipped for manual flushing shall be controlled by a float valve or other automatic device designed to refill the tank after each discharge and to completely shut off the water flow to the tank when the tank is filled to operational capacity. Provision shall be made to automatically supply water to the fixture so as to refill the trap seal after each flushing, the water supply to flush tanks equipped for automatic flushing shall be controlled by a suitable timing device. (See part 4715.1770, subpart 2.)

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

4715.1380 SHOWERS.

[For text of subpart 1, see M.R.]

Subp. 2. Shower waste outlet. Waste outlets, other than those in bathtubs, serving a single shower shall be at least 1-1/2 inches in diameter and have removable strainers not less than three inches in diameter having strainer openings not less than one-fourth inch in minimum dimension. Waste outlets shall be securely fastened to the waste pipe making a watertight connection thereto. Waste outlets serving showers, except single-head showers, must be at least two inches in diameter and must have removable strainers not less than three inches in diameter. Where each shower space is not provided with an individual waste outlet, the waste outlet must be located and the floor pitched so that the water from one shower does not flow over the floor area serving another shower.

[For text of subp 3, see M.R.]

Subp. 4. Shower compartments. No shower stall or receptor shall have a finished interior dimension which is less than 30 inches, and each shower compartment shall be of a finished size capable of completely encompassing a 30-inch circle measured at the height of the shower control handles, when the door or curtain is closed, and of a horizontal cross sectional area of not less than 900 square inches. The 30-inch requirement shall not apply to a bathtub used as a shower or to showers installed in remodeling.

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Proposed Rules

Subp. 5. **Anti-scald devices.** A shower or combination shower-bath in a new or remodeled installation must be equipped with an anti-scald type shower control valve. The valve must be of the thermostatic or pressure-balancing type in accordance with ANSI/ASSE standard ~~4046-79~~ 1016-90.

The temperature of mixed water to multiple showers must be controlled by a master anti-scald type thermostatic blender, or the showers must be individually equipped with approved anti-scald type shower control valves.

4715.1440 PROTECTION OF PLASTIC PIPE.

All plastic and copper pipe and tubing passing through studs or plates that are within one and one-fourth inches of the outside of the stud or plate must be protected by the provision of 1/16 inch or 0.060 mild steel plates, at least 1/16 inch thick, attached to the outside of the stud or plate, or equivalent protection.

4715.1510 INDIRECT WASTE PIPING.

Indirect waste piping must be installed so as to permit ready access for flushing and cleaning, and must meet the material requirements of the code. Except as otherwise herein provided, the size and construction of indirect waste piping must be in accordance with parts 4715.2300 to 4715.2660, regulating the installation of waste and vent piping.

Indirect waste pipes from appliances, devices, or other equipment not regularly classed as plumbing fixtures, but which are equipped with drainage outlets, must be trapped, but the traps need not be vented and the waste pipe must be a minimum of three-fourths inch size, but not less than the size of the outlet or tail piece of the fixture, appliance, or equipment served. However, overflow pans and drip outlets need not be trapped and may be the same size as the outlet. Alternate materials may be accepted for drains from overflow pans and drip outlets if proper pitch, alignment, and support are maintained.

4715.1590 RECEPTORS OR SUMPS.

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

Subp. 4. **Stand pipe receptors.** The stand pipe receptor for an automatic clothes washer shall be ~~individually~~ trapped and vented, except that multiple clothes washers in the same room may be discharged to multiple standpipes that are manifolded together and use a single trap. The stand pipe shall extend not more than 30 inches, nor less than 18 inches above its trap, and the trap shall be installed at least six inches above the floor.

Subp. 5. [See repealer.]

4715.1710 WATER SERVICE.

[For text of subpart 1, see M.R.]

Subp. 2. **Separation of water service and building sewer.** Except as permitted ~~below in this subpart~~, the underground water service pipe and the building drain or building sewer shall not be less than ten feet apart horizontally and shall be separated by undisturbed or compacted earth.

NOTE: See chapter 4725 relating to wells and borings regarding separation of buried sewers from wells.

The water service pipe may be placed in the same trench with the building drain and the building sewer provided approval is given by the administrative authority and the following conditions are met:

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

[For text of subp 3, see M.R.]

4715.2000 WATER OUTLETS.

A potable water system shall be protected against backflow and back-siphonage by providing and maintaining at each outlet:

[For text of item A, see M.R.]

B. a backflow preventer device or ~~vacuum breaker~~ assembly to prevent the drawing of contamination into the potable water system.

4715.2020 DEVICES OR ASSEMBLIES FOR THE PROTECTION OF THE POTABLE WATER SUPPLY.

Approved devices or assemblies to protect against backflow and back-siphonage must be installed at any plumbing fixture or equipment where backflow or back-siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

4715.2030 APPROVAL OF DEVICES OR ASSEMBLIES.

Before any device or assembly for the prevention of backflow or back-siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the administrative authority. Devices or assemblies installed in a building potable water

supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

4715.2100 BACKFLOW PREVENTERS.

[For text of item A, see M.R.]

B. Pressure vacuum breaker assembly (PVB):

[For text of subitems (1) to (3), see M.R.]

[For text of items C and D, see M.R.]

E. Reduced pressure zone backflow preventer assembly (RPZ):

[For text of subitems (1) to (3), see M.R.]

[For text of item F, see M.R.]

4715.2110 TYPES OF DEVICES REQUIRED WHERE AN AIR GAP CANNOT BE PROVIDED.¹

Only allowed where no back pressure is possible

	RPZ	DCV IAV	DCVA	PVB	AVB	Hose VB
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[For text of items A to H, see M.R.]

I. Dental units (separate assembly required for each unit)

X	✗		✗	✗	
---	---	--	---	---	--

[For text of items J to CC, see M.R.]

DD. Threaded hose connections, ~~including~~ including: hose bibbs, hydrants, service sinks, laundry trays

X

[For text of items EE and FF, see M.R.]

¹ For installations not listed above in this part, review with the Administrative Authority.

² Installations must comply with AWWA-M14, ~~section 6.3, 1966~~ chapter 6 (1990).

4715.2120 LOCATION OF BACKFLOW PREVENTERS.

Backflow and back-siphonage preventing devices or assemblies must be located so as to be readily accessible, preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

The access area must provide enough space for testing and maintenance of the device. A backflow preventer must not be installed in a pit or other confined area subject to recurrent flooding. When a conductor pipe is provided from a backflow preventer drain, a visible air gap must be provided at the device. New installations must be at least 12 inches, but not more than six feet, above the finished floor or ground level.

4715.2150 CONNECTIONS NOT SUBJECT TO BACK PRESSURE.

Subpart 1. **Requirements.** Where a water connection is not subject to back pressure an atmospheric type vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. Where a valve is installed on the discharge side of a vacuum breaker, that vacuum breaker must be a pressure-type vacuum breaker assembly which complies with part 4715.2030. A list of some conditions requiring protective devices of this kind is given in subpart 2.

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Subp. 2. **Cross-connections where protective devices are required and critical level (C-L) settings for backflow preventers.** Critical level (C-L) is defined as the level to which the backflow preventer (vacuum breaker) may be submerged before backflow will occur. Where the C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.

Fixture or Equipment	Method of Installation
Aspirators and Ejectors	C-L at least 6 inches above flood level of receptacle.
Dental units	On models without built-in vacuum breakers C-L at least 6 inches above flood level rim of bowl.
Dishwashing machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Flushometer (Closet & Urinal)	C-L at least 6 inches above top of fixture supplied.
Garbage can cleaning machine	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Hose outlets	C-L at least 6 inches above highest point on hose line.
Laundry machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 12 inches above highest sprinkler or discharge outlet.
Steam tables	C-L at least 6 inches above flood level.
Tank and vats	C-L at least 6 inches above flood level rim or line.
Trough urinals	C-L at least 30 inches above perforated flush pipe.
Flush tanks	Equip with approved ball cock. Where ball cocks touch tank water equip with vacuum breaker with 3-L C-L at least 1 inch above overflow outlets. Where ball cock does not touch tank water, install

Fixture or Equipment

Method of Installation

ball cock outlet at least 1 inch above overflow outlet or provide vacuum breaker as specified above.

Hose ~~bibs~~ bibbs (Where aspirators or ejectors could be connected)

C-L at least 6 inches above flood level of receptacle served.

4715.2161 INSTALLATION OF REDUCED PRESSURE BACKFLOW PREVENTERS.

Subpart 1. **Notification of installation.** The administrative authority must be notified before installation of a reduced pressure backflow preventer assembly.

Subp. 2. **Testing and maintenance.** The installation of reduced pressure backflow preventers shall be permitted only when a periodic testing and inspection program conducted by qualified personnel will be provided by an agency acceptable to the administrative authority. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. ~~They~~ The administrative authority may require more frequent testing if deemed necessary to assure protection of the potable water. Backflow preventers shall be inspected frequently after initial installation to assure that they have been properly installed and that debris resulting from the piping installation has not interfered with the functioning of the ~~device~~ assembly.

[For text of subp 3, see M.R.]

4715.2215 THERMAL EXPANSION CONTROL.

A device for controlling thermal expansion shall be installed on the water distribution system when thermal expansion within the system, in combination with a check valve or backflow preventer, causes the water pressure to exceed the pressure setting of the pressure relief valve on the water heater.

4715.2280 WATER METER INSTALLATION.

Water meters shall be placed at least 12 inches above the ~~basement~~ finished floor and shall be rigidly supported with a permanent support in order to prevent the meter from vibrating when the water is passing through it.

4715.2300 LOAD ON DRAINAGE PIPING.

Subpart 1. **Computation of drain load.** The load on drainage system piping shall be computed in terms of drainage fixture units in accordance with subparts 2, 2a, and 3, except the administrative authority may allow variations where it is shown by a hydraulic analysis of the piping system, submitted to the administrative authority, that such variation would result in a more desirable flow rate in the piping system.

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

Subp. 2a. Values for intermittent flows. Fixture unit values for intermittent flows from appliances and equipment which are specially designed for low water use, and used for retrofit in existing plumbing systems only, may be determined as follows:

<u>Discharge Capacity</u> (in gallons per minute)	<u>Fixture Unit Value</u>
<u>up to 7-1/2</u>	<u>1 unit</u>
<u>8 to 15</u>	<u>2 units</u>
<u>16 to 30</u>	<u>4 units</u>
<u>31 to 50</u>	<u>6 units</u>

A standpipe used for discharge from such appliances and equipment which is sized using these values must be labeled as intended for special low-water-use equipment only. Drainage piping in new construction must comply with subpart 3.

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Proposed Rules

Subp. 3. Table of fixture unit values for various plumbing fixtures.

Type of Fixture	Fixture Unit Value	Minimum Fixture Trap and Drain Size
Clothes washer (domestic use)	2	1-1/2
Clothes washer (public use in groups of 3 or more)	6 each	
Bath tub with or without shower	2	1-1/2
Bidet	2	1-1/2
Dental unit or cuspidor	1	1-1/4
Drinking fountain	1	1-1/4
Dishwasher, domestic (<u>gravity drain</u>)	2	1-1/2
Dishwasher, commercial	4	2
Floor drain with 2 inch waste	2	2
Floor drain with 3 inch waste	3	3
Floor drain with 4 inch waste	4	4
Lavatory	1	1-1/4
Laundry tray (1 or 2 compartment)	2	1-1/2
Shower stall, domestic	2	1-1/2
Shower (gang) per head	1	
SINKS:		
<u>Classroom, with or without drinking fountain</u>	2	1-1/2
Combination, sink and tray (with disposal unit)	3	1-1/2
Combination, sink and tray (with one trap)	2	1-1/2
Domestic	2	1-1/2
Domestic, with disposal unit	2	1-1/2
Surgeons	3	1-1/2
Laboratory, <u>cup sink</u>	1	1-1/2
Flushrim or bedpan washer	6	3
Service	3	2
Pot or scullery	4	2
Soda fountain	2	1-1/2
Commercial, flat rim, bar, or counter	3	1-1/2
Wash, circular, or multiple (per set of faucets)	2	1-1/2
URINAL pedestal, wall hung, with 3 inch trap (blowout and syphon jet)	6	3
Wall hung with 2 inch trap	3	2
Wall hung with 1-1/2 inch trap	2	1-1/2
Trough (per 6 foot section)	2	1-1/2
Stall	3	2
WATER CLOSET		
Unlisted Fixture or Trap Size	6	3
1-1/4 inch	1	
1-1/2 inch	2	
2 inch	3	
2-1/2 inch	4	
3 inch	5	
4 inch	6	

4715.2440 DESIGN OF SUMPS.

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

Subp. 4. **Covers.** Sumps and receiving tanks must be provided with gastight ~~metal~~ covers, except that float control or switch rods must operate without binding. The cover must be of a bolt and gasket type or equivalent manhole opening to permit access for inspection, repairs, and cleaning. Covers must be metal or other ~~structurally sound~~ structurally sound material that is water-resistant and impervious to moisture, and must be adequate to support anticipated loads in the area of use.

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

4715.2820 METHOD OF TESTING.

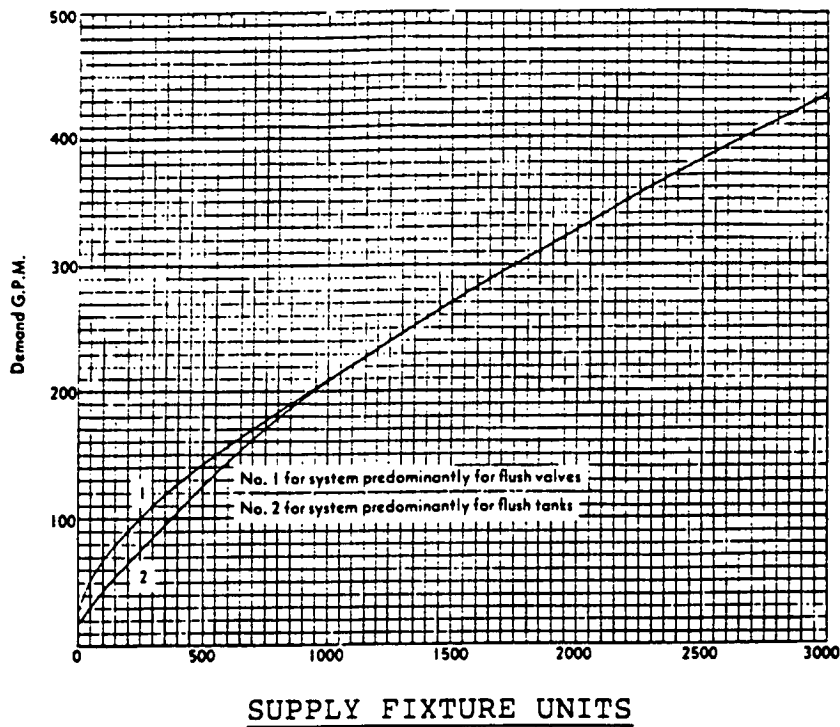
[For text of subs 1 to 6, see M.R.]

Subp. 7. **Test plugs or caps.** Test plugs or caps for roof terminals must extend above or outside the end of the vent pipe to provide a visible indication for removal after the test has been completed.

4715.3700 DETERMINATION OF PEAK DEMAND.

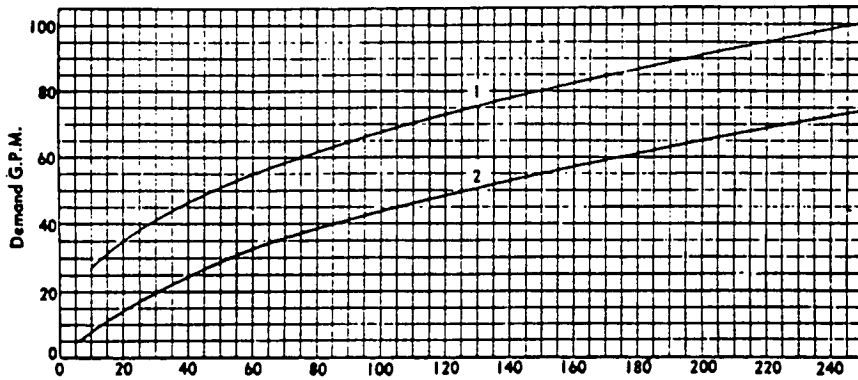
[For text of subs 1 to 4, see M.R.]

Subp. 5. **Graph of supply demand for various loads in supply fixture units.**



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Proposed Rules



SUPPLY FIXTURE UNITS

The estimated demand load in gallons per minute for fixtures used intermittently on any water supply pipe shall be obtained by multiplying the total number of each kind of fixture, supplied through that pipe by its supply fixture unit value from subpart 2, adding the products, and then, referring to the appropriate columns of subpart 4, or using subpart 5, select the demand in GPM. Examples are given below. The additional load of any continuously flowing outlets such as hose outlets shall be computed separately and added to the total demand of intermittently used fixtures. See subpart 6.

[For text of subs 6 to 24, see M.R.]

REPEALER. *Minnesota Rules*, parts 4715.1215; 4715.1300, subpart 5; and 4715.1590, subpart 5, are repealed.

Department of Health

Proposed Permanent Rules Relating to Clean Indoor Air Act

Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Minnesota Department of Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule by 4:30 p.m., June 1, 1994, a public hearing will be held on June 13, 1994. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 1, 1994, and before June 13, 1994.

Agency contact Person. Comments or questions on the rule and written requests for a public hearing on the proposed rules must be submitted to:

Mary Zetterlund
Division of Environmental Health
Minnesota Department of Health
925 S.E. Delaware Street, P.O. Box 59040
Minneapolis, Minnesota 55459-0040
(612) 627-5015
FAX (612) 627-5479

Subject of Rule and Statutory Authority. Authority to adopt rules is contained within the Minnesota Clean Indoor Air Act, sections 144.411 to 144.417. *Minnesota Statutes*, section 144.414, subdivision 1, mandates the commissioner of health, with respect to factories, warehouses and similar places of work, to establish rules to restrict or prohibit smoking in those places of work

where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of nonsmoking employees.

Minnesota Statutes, section 144.417, says the commissioner of health shall adopt rules necessary and reasonable to implement the provisions of the Minnesota Clean Indoor Air Act, sections 144.411 to 144.417, except as provided for in section 144.414.

The proposed rules revise existing *Minnesota Rules*, parts 4620.0100 to 4620.1500 to implement statutory amendments which occurred in 1984, 1987 and most recently in 1992. Proposed new provisions govern smoking in factories, warehouses and similar places of work. Other revisions reflect current evidence on the effects of environmental tobacco smoke (ETS) on nonsmokers, make rule parts gender neutral, and update rule language.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the proposed rules is available on request from Mary Zetterlund.

Comments. You have 30 calendar days, until 4:30 p.m. on June 1, 1994, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the proposed rules. Your comment must be in writing and received by Mary Zetterlund by 4:30 p.m., June 1, 1994. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you have 30 calendar days to request that a hearing be held on the proposed rules. Your request for a public hearing must be in writing and must be received by Mary Zetterlund by 4:30 p.m. on June 1, 1994. Your written request for a public hearing must include your legible name, address, and telephone number and your signature. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as attached and printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 13, 1994, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the proposed rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Mary Zetterlund at (612) 627-5015 after June 1, 1994, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the proposed rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on June 13, 1994, in room 15 of the State Capital, 75 Constitution Avenue, St. Paul, Minnesota, beginning at 9:00 a.m. and continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is George A. Beck. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7601 or FAX (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day 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 this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available for review at the agency

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Proposed Rules

from Mary Zetterlund and at the Office of Administrative Hearings. This statement describes the need for and reasonableness of each provision of the proposed rules. This statement of need and reasonableness includes a summary of all the evidence and argument which the department anticipates presenting at the hearing, if one is held. Copies of the statement are available from the agency at no cost and copies may be obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. *Minnesota Statutes*, section 14.115 requires that an agency consider five factors for reducing the impact of proposed rules on small businesses. A discussion of the impact on small businesses is contained in the Statement of Need and Reasonableness.

Impact on Agricultural Land. The proposed rules will have no direct or adverse impact on agricultural lands. (M.S. section 14.11, subd. 2.)

Expenditure of Public Money by Local Public Bodies. The adoption of the proposed rules does not require the expenditure of public money by local public bodies of greater than \$100,000 in the two years following promulgation. (M.S. section 14.11, subd. 1.)

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions about this requirement may be directed to the Ethical Practices Board, First Floor South, Centennial Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the proposed rules. The rules and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the attorney general or be notified of the attorney general's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request to Mary Zetterlund.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may request to be notified 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 proposed rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rules with the Secretary of State.

Dated: 30 March, 1994

Mary Jo O'Brien, Commissioner
Minnesota Department of Health

This notice and the proposed rules can be made available in alternative formats.

Rules as Proposed

4620.0050 SCOPE AND PURPOSE.

Parts 4620.0050 to 4620.1450 must be read in conjunction with the Minnesota Clean Indoor Air Act, Minnesota Statutes, sections 144.411 to 144.417.

Nothing in parts 4620.0050 to 4620.1450 shall be construed to affect smoking prohibitions imposed by the fire marshal or other laws, ordinances, or regulations.

4620.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~All terms which are defined in Minnesota Statutes, sections 144.411 to 144.417 shall have the meanings attributed to them therein.~~ For the purpose of parts 4620.0100 4620.0050 to 4620.1500 4620.1450, the terms defined herein shall in this part have the meanings given to them.

Subp. 2. **Acceptable ~~smoke-free nonsmoking~~ area.** "Acceptable ~~smoke-free nonsmoking~~ area" means:

A. A contiguous portion of ~~the a~~ public place or public meeting including seating arrangements, measuring a minimum of 200 square feet, where smoking is prohibited; and

B. ~~where~~ at least one of the ~~following~~ conditions in subitems (1) to (3) exists:

(1) There is a continuous, physical barrier such as a wall, partition, or furnishing, of at least 56 inches (1.42 meters) in height ~~to separate~~ separating the smoking-permitted and ~~no-smoking acceptable nonsmoking~~ areas. The barrier may contain doors or portals for exit and entry.

(2) There is a space of at least four feet (1.22 meters) in width ~~to separate~~ separating the smoking-permitted and ~~no-~~

~~smoking~~ acceptable nonsmoking areas. This space may be either an unoccupied area or a section of seating area acting as a buffer zone in which smoking is not permitted, but which itself is not part of the “acceptable ~~smoke-free~~ nonsmoking area.”²

(3) The ventilation system in the room containing both a smoking-permitted and ~~no-smoking~~ an acceptable nonsmoking area ~~has total air circulation (recirculated plus outside air) of not less than six air changes per hour including supply of tempered outside air determined according to rules of the Department of Administration, State Building Code, Minn. Reg. SBC 6007 (e) (3) must provide outdoor air requirements for ventilation of not less than 15 cubic feet per minute per person.~~

Subp. 3. [See repealer.]

Subp. 4. **Bar.** “Bar” ~~shall mean~~ means any establishment or portion of an establishment where one can purchase and consume alcoholic beverages; ~~but excluding. A bar excludes any such establishment or portion of the~~ an establishment having that:

A. has table and seating facilities for serving of meals to more than 50 people at one time; and where

B. has, in consideration of payment, meals are served at tables to the public food service, other than licensure as a limited food service establishment as defined in part 4625.2401, subpart 22, that requires licensure under Minnesota Statutes, chapter 157.

Subp. 4a. Environmental tobacco smoke. “Environmental tobacco smoke” means:

A. smoke from the burning end of a cigarette, pipe, cigar, or other lighted smoking equipment; and

B. exhaled smoke from a smoker.

Subp. 5. **Factory, warehouse, or similar place of work.** “Factory, warehouse, or similar place of work” means the indoor area of any facility of an enterprise not usually frequented by the general public used principally to manufacture ~~or, assemble, or store~~ goods, products, or merchandise not for the purpose of direct retail sale, and ~~shall include~~ includes those areas incidental but related to the primary operation.

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. **Office.** “Office” means any building, structure, or area ~~which is~~ used by the general public or ~~serves~~ serving as a place of work at which the principal activities consist of professional, clerical, or administrative services. ~~This classification shall include~~ An office includes professional offices, offices in financial institutions, business offices, and government offices.

Subp. 9. **One side of the room.** “One side of the room” ~~shall mean~~ means a contiguous portion of ~~the~~ a room, including any seating arrangements.

Subp. 10. **Other person in charge.** “Other person in charge” ~~shall mean~~ means the agent of the proprietor authorized to perform administrative direction to and general supervision of the activities within ~~the~~ a public place at any given time.

Subp. 11. **Place of work.** “Place of work” ~~shall mean~~ means any location at which two or more individuals perform any type of a service for consideration of payment under any type of employment relationship, including but not limited to ~~such an~~ an employment relationship with or for a private corporation, partnership, individual, or government agency. This term ~~shall also include~~ includes any ~~locations wherein~~ location where two or more individuals gratuitously perform ~~services~~ service for which individuals are ordinarily paid. Examples of a place of work include an office, a public conveyance, a factory, a warehouse, or a similar place of work.

Subp. 11a. Private enclosed office. “Private enclosed office” means a room occupied by one person with floor to ceiling walls and a closeable door.

Subp. 12. **Private social function.** “Private social function” ~~shall mean~~ means any function for which all the following conditions are met:

A. the function is a specific social ~~or recreational~~ event for which an entire room or ~~hall~~ building has been reserved for the purpose of entertainment or pleasure and not for the principal purpose of education, sales, or business;

B. the function is limited in attendance to people who have been specifically designated and their guests; and

C. seating arrangements for the function, if any, are under control of the sponsor of the function and not of the person otherwise responsible for the public place.

[For text of subp 13, see M.R.]

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Proposed Rules

Subp. 14. **Public conveyance.** "Public conveyance" means any air, land, or water vehicle used for the transportation of persons whether or not for compensation, including but not limited to airplanes, trains, buses, boats, and taxis. The term includes vans and trucks which may be used to transport persons to, from, and during work or jury duty and those which serve as a place of work, for example, locomotives, police vehicles, or fire vehicles. The term does not include privately owned vehicles when used for private purposes.

Subp. 14a. **Public meeting.** "Public meeting" has the meaning given in *Minnesota Statutes*, section 144.413.

Subp. 14b. **Public place.** "Public place" has the meaning given in *Minnesota Statutes*, section 144.413. For purposes of parts 4620.0050 to 4620.1450, a public place includes all indoor areas used by the general public or serving as a place of work or jury duty. It does not include a place used for a private social function or a private enclosed office.

Subp. 15. **Responsible person.** "Responsible person" means the proprietor or other person in charge as herein defined.

Subp. 16. **Restaurant.** "Restaurant" means any building, structure, or area used as, maintained as, or advertised as, or held out to the public to be an enclosure where meals, for consideration of payment, are made available to be consumed on the premises. For the purpose of these rules, the term "restaurant" shall not depend upon for food service as defined in part 4625.2401, subpart 15, which requires licensure as such under *Minnesota Statutes*, chapter 157, in consideration of payment other than a bar as defined in subpart 4.

Subp. 16a. **Retail store.** "Retail store" means that portion of a commercial occupancy used for the transaction of business or the rendering of a service directly to the public, including shops, markets, and department stores.

Subp. 17. **Room.** "Room" means any indoor area which is bordered on all sides by a floor to ceiling wall or partition of at least 56 inches (1.42 meters). Such ~~The~~ sides shall must be continuous and solid except for ~~door portals~~ closeable doors for entry and exit.

4620.0300 SMOKING PROHIBITED AREAS.

Smoking ~~shall be is~~ prohibited in all sections of public places or public meetings except in areas designated as smoking-permitted areas. The responsible person ~~shall make arrangements~~ must arrange for an acceptable ~~smoke-free~~ nonsmoking area as defined in part 4620.0100, subpart 2. The size and location of any smoking-permitted area shall be determined such that toxic effects of smoking are minimized must minimize environmental tobacco smoke in the any adjacent ~~no-smoking~~ acceptable nonsmoking area in accordance with procedures specified in parts 4620.0050 to 4620.1450.

4620.0400 SMOKING-PERMITTED AREA.

Subpart 1. **Smoking permitted area in one room.** If smoking is to be permitted in an area of a public place or public meeting, the responsible person shall must designate ~~such the~~ the area as "smoking-permitted." One and only one smoking-permitted area shall may be designated per room. However, rooms containing at least 20,000 square feet (1,858 square meters) in total floor space may designate no more than one smoking-permitted area per 20,000 square feet, or fraction thereof, and shall otherwise comply with these rules parts 4620.0050 to 4620.1450.

Subp. 2. **Smoking-permitted area in two or more rooms.** In a public place which contains two or more rooms which are used for the same activity, the responsible person may designate one entire room as smoking-permitted as long as at least a ~~portion~~ of one other comparable room has been designated as a ~~no-smoking~~ an acceptable nonsmoking area.

Subp. 3. **No-smoking Acceptable nonsmoking area within the a room.** In the case of a public place consisting of a single room in which a smoking-permitted area is designated, the responsible person shall ~~be is~~ be responsible for reserving and clearly designating a ~~no-smoking~~ an acceptable nonsmoking area on one side of the room. The responsible person must make reasonable efforts to prevent smoking in nonsmoking areas.

Subp. 4. **Size of the area.** The size of the designated smoking-permitted area shall must not be more than proportionate to the preference of users of that location for a smoking-permitted area, as can be demonstrated by a responsible person. The proportional preference of users of a smoking-permitted area in that location may be demonstrated by the responsible person by evidence of any of the following:

A. the ~~percentage~~ percent of users of the location who express a preference for a smoking-permitted area when the responsible person asks all users for their preference; or

B. the ~~percentage~~ percent of users of the location who request or select a smoking-permitted area when the responsible person does not ask all users for their preference; or

C. the ~~percentage~~ percent of users who are determined by the proprietor to prefer a smoking-permitted area by an alternate method which reasonably indicates the user's preference.

Subp. 5. **Private enclosed office.** Smoking is permitted in a private enclosed office if the door is kept closed while smoking occurs.

4620.0500 SIGNS.

Subpart 1. **Posting.** To advise persons of the existence of ~~“no smoking”~~ acceptable nonsmoking and “smoking-permitted” areas, “No Smoking” and “Smoking Permitted” signs ~~shall~~ must be posted in the ~~appropriate areas~~ places specified in this part. In addition, the statement “Smoking is prohibited except in designated areas,” ~~shall or a similar statement~~ must be conspicuously posted ~~at all major on or immediately inside of all outside~~ entrances to any public place.

Subp. 2. **Statement on sign.** All signs ~~which are~~ used to identify a location where the responsible person prohibits smoking in an entire public place or public meeting ~~shall~~ must use the statement, “No smoking is permitted in this entire establishment,” or a similar statement. The sign ~~shall~~ must be conspicuously posted either on or immediately inside of all outside entrances ~~or in a position within to the establishment~~ public place. All signs ~~which are~~ used to identify a smoking-permitted area ~~shall~~ must use the words “smoking permitted” ~~and/or~~ or use the international smoking symbol or both. Signs which are used to identify a ~~no smoking~~ an acceptable nonsmoking area ~~shall~~ must use the words “no smoking” ~~and/or~~ or the international no-smoking symbol or both.

Subp. 3. **Placement of sign.** All signs ~~which are~~ used to identify smoking-permitted and ~~no smoking~~ acceptable nonsmoking areas ~~shall~~ must be placed at a height and location easily seen by a person in the establishment and must not be obscured in any way. ~~“Smoking permitted” and “no smoking” signs, except signs on tables or seats, shall be in printed letters of not less than 1.5 inches (3.8 centimeters) in height. Whenever either of the international symbols is used, the diameter of the outer circle shall not be less than four inches. In large areas where signs may have to be read from a distance, the following are minimum lettering and symbol sizes which must be used:~~

Furthest distance from which sign is to be read:	Height of lettering	Diameter of outer circle on symbol
<u>Up to: 75 feet</u>	<u>1.5 inches</u>	<u>4 inches</u>
150 feet	4 inches	6 inches
200 feet	6 inches	10 inches
350 feet	8 inches	15 inches
500 feet	12 inches	18 inches

The boundary between a ~~no smoking~~ an acceptable nonsmoking area and smoking-permitted area ~~shall~~ must be clearly designated so ~~that persons may~~ a person can differentiate between the two areas.

Subp. 4. **Size of lettering.** All Signs ~~which are~~ used on tables ~~or, seats, or entrances~~ to designate ~~no smoking~~ acceptable nonsmoking and smoking-permitted areas ~~shall~~ must use printed letters of not less than 0.5 inches (1.3 centimeters) in height. Whenever either of the international symbols is used, the diameter of the outer circle ~~shall~~ must not be less than three inches. ~~When such signs are used, the responsible person shall conspicuously post at least one “No Smoking” sign and one “Smoking Permitted” sign either at the boundary between the two areas or on the walls adjacent to the no smoking and smoking-permitted areas. The size of lettering on signs reading “Smoking Permitted” shall~~ must not exceed the size of lettering on signs reading “No Smoking” in the same public place.

Subp. 5. **Signs used to identify Posting in a bar as smoking area.** All signs ~~which are~~ used to identify a bar that has been designated as a smoking area in its entirety ~~shall~~ must use the statement, “This establishment is a smoking area in its entirety,” or a similar statement. All signs used to identify a bar with food service as specified in part 4620.0100, subpart 4, must have a sign stating, “This establishment is a smoking area in its entirety except when food service is available,” or a similar statement. The sign ~~shall~~ must be conspicuously posted either on or immediately inside of all outside entrances ~~or in a position clearly visible on entry into the establishment.~~

Subp. 6. **Posting in a restaurant.** A restaurant ~~or other public place~~ which has controlled seating (an employee directs patrons to seating or waiting areas) must ask each person whether that person prefers a smoking-permitted or a ~~no smoking~~ nonsmoking area before directing that person to a seat in the appropriate area. At least one sign advising the public of this ~~mechanism shall~~ procedure must be conspicuously posted ~~at on or immediately inside of all outside entrances normally used by the public to the establishment.~~ Similarly, a restaurant or other public place which takes advance reservations ~~shall~~ must ask the person’s preference for a smoking-permitted or ~~no smoking~~ nonsmoking area at the time the reservation is made. A restaurant or other public place which uses controlled seating as defined above ~~shall be~~ is exempt from the sign requirements contained in subparts 3 and 4.

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4620.0600 PERMISSIBLE ASH TRAYS.

Portable ash trays are banned in all ~~no smoking~~ acceptable nonsmoking areas. Only ash stands and permanent ash trays may be used at or near the entrance to a ~~no smoking~~ an acceptable nonsmoking area. Such Ash stands and permanent ash trays shall must be conspicuously labeled with the following message or a similar statement and placed on or near the ash stand:

SMOKING IS PROHIBITED

PLEASE EXTINGUISH ALL SMOKING MATERIALS IMMEDIATELY

4620.0700 COMPLIANCE.

~~Absent irreconcilable conflict,~~ The responsible person shall be expected to must comply with parts 4620.0300 to 4620.0600 and the specific provisions governing that public place in parts 4620.0700 to 4620.1400 ~~4620.0050 to 4620.1450~~. If the provisions of the rules governing specific affected places conflict with or are inconsistent with a general provision of parts ~~4620.0300~~ 4620.0050 to 4620.0600, the specific portion of parts 4620.0700 to ~~4620.1400~~ 4620.1450 shall prevail over the general. The public places specified in this rule shall be expected to must comply with applicable the provisions in parts 4620.0700 to 4620.1450 according to the functional activities taking place in a public area and not according to the nature of a controlling establishment. For example, different rules may apply to component areas of a ~~medical center~~ building according to the actual functional activities activity of each the area, such as a restaurant, office, or ~~health care facility~~ retail space.

4620.0750 EMPLOYEE LUNCHROOM OR LOUNGE.

An employee lunchroom or lounge must be designated as specified in this part.

A. An employer must designate an acceptable nonsmoking area in the employee lunchroom or lounge that meets employee demand. Amenities, such as refrigerators or microwaves, must be located in the nonsmoking area.

B. The demand for a nonsmoking area must be determined as specified in part 4620.0400, subpart 4, or the employer may designate at least 70 percent of the lunchroom or lounge as a nonsmoking area.

C. The employer must also provide a method of separation, as described in part 4620.0100, subpart 2, item B, between the nonsmoking and smoking-permitted areas.

D. If there are two or more employee lunchrooms or lounges, one may be designated as smoking-permitted in its entirety as long as at least one other comparable employee lunchroom or lounge is designated as nonsmoking in its entirety.

E. If there is only one employee lunchroom or lounge and it measures less than 200 square feet, the employer may alternate nonsmoking and smoking-permitted break times. Nonsmoking employees must not be required to take breaks during the time the lunchroom or lounge is designated as smoking-permitted in its entirety.

4620.0950 OFFICE BUILDINGS.

Smoking is prohibited in all offices, except in the following locations:

A. in a private enclosed office if the door is kept closed while smoking occurs; or

B. in a designated smoking-permitted area of an employee lunchroom or lounge as specified in part 4620.0750.

4620.0975 FACTORIES, WAREHOUSES, OR SIMILAR PLACES OF WORK.

Subpart 1. Conditions. In a factory, warehouse, or similar place of work, employees must be:

A. provided outdoor air requirements for ventilation of not less than 15 cubic feet per minute per person during occupied hours; and

B. stationed at least four feet apart.

Documentation of the ventilation rate in item A must be verified by an individual certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. The commissioner will accept a ventilation rate specified in item A which has been verified within the previous 12 months provided changes affecting the operation of the ventilation system have not been made.

Subp. 2. Restriction. If the conditions specified in subpart 1, items A and B, cannot be met, then smoking must be restricted in a factory, warehouse, or similar place of work to the following locations:

A. a private enclosed office if the door is kept closed while smoking occurs; or

B. the designated smoking-permitted area of an employee lunchroom or lounge as specified in part 4620.0750.

4620.1000 RESTAURANTS.

During its hours of operation when a facility which may otherwise be considered a restaurant does not serve food but does serve

alcoholic beverages, the facility shall be considered a bar. When a public place which is a factory, warehouse, or similar place of work contains a restaurant which is intended as an employee eating area and which is incidental to the primary operation, such restaurant shall, for the purposes of this act, be regulated under rules of the Department of Labor and Industry. A restaurant shall be deemed to be in compliance with these rules parts 4620.0500 to 4620.1450 if 30 percent of the seats in the eating area are designated as "Smoking Prohibited."

4620.1025 BARS.

During the hours of operation when food service is available to patrons that requires licensure as a restaurant under Minnesota Statutes, chapter 157, and as a food and beverage service establishment under part 4625.2401, subpart 15, a bar must provide the same percent or greater of nonsmoking seating as required for restaurants in part 4620.1000. During the hours of operation when a bar does not make such food service available, the bar may be designated as smoking-permitted in its entirety.

4620.1200 HEALTH CARE FACILITIES.

The requirement for posting of appropriate signs in parts 4620.0300 to 4620.0600 shall be satisfied in patient or resident rooms if there is at least one sign at the entrance to each floor and wing which states: "Smoking is prohibited except in designated smoking areas." One of the following procedures shall be used in patient or resident rooms:

Subpart 1. Chemical dependency and mental health patients. Smoking by a patient in a licensed chemical dependency treatment program or licensed mental health program located in a hospital, health care clinic, doctor's office, or other health care-related facility is only permitted in a separated room ventilated at a rate of 60 cubic feet per minute per person under the conditions specified in Minnesota Statutes, section 144.414, subdivision 3, paragraph (b).

Subp. 2. Smoking in a nursing home, boarding care facility. Smoking in a nursing home, boarding care facility, or other licensed residential facility is permitted in a patient or resident room if the procedures in item A or B are followed.

A. The responsible person ~~shall~~ must ask all prospective patients or residents or a person authorized to represent the patient or resident whether a smoking-permitted or ~~no-smoking~~ an acceptable nonsmoking area is preferred. The responsible person ~~then~~ shall must assign rooms according to this preference when space is available. When space is not available in a ~~no-smoking non-smoking~~ non-smoking room and a person is admitted to a room originally designated for smoking, smoking ~~shall~~ must be prohibited in that room unless expressly permitted by the nonsmoker.

B. If the responsible person does not assign patient or resident rooms according to the smoking preference of the patient or resident, smoking ~~shall~~ must be prohibited in all such rooms except rooms occupied exclusively by persons who smoke or persons who ~~have expressed~~ express permission for smoking.

Visitors and staff ~~shall~~ must be prohibited from smoking in patient or resident rooms unless the occupants expressly permit.

In hospitals, smoking shall be prohibited in corridors, emergency rooms, treatment rooms, admitting areas, and intensive care units.

Acceptable nonsmoking areas and smoking-permitted areas in commonly used space of the facilities in this subpart must be designated according to part 4620.0400.

4620.1400 COMMON AREAS.

Subpart 1. General. Common areas are areas used by both nonsmokers and smokers such as entry or exit areas, lobby areas, ticket areas, registration areas, common traffic areas, or similar sections of public places shall. These common areas must not be designated in their entirety as a smoking-permitted area if nonsmokers would be required to use the area to participate in activities for which the public place space is intended. These rules Parts 4620.0050 to 4620.1450 shall not be construed to prevent designation of a smoking-permitted area in a portion of the establishment which nonsmokers must briefly cross to reach the intended activity.

Subp. 2. Elevators. Elevators must be designated smoking prohibited in their entirety.

4620.1425 RETAIL STORES.

Smoking is prohibited in all customer areas of retail stores. This prohibition includes customer service and check-out areas. Smoking-permitted areas for employees may be designated according to parts 4620.0400 and 4620.0750. However, designated

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Proposed Rules

smoking-permitted areas for employees must be separate from all customer areas. When a restaurant is located within a retail store, that space licensed as a restaurant must comply with the provisions of part 4620.1000.

RENUMBERING INSTRUCTION. The term "4620.1500" in *Minnesota Rules*, parts 4620.1450 and 4717.7000, shall be changed to "4620.1450."

EFFECTIVE DATE. *Minnesota Rules*, parts 4620.0500, subpart 5; 4620.0950; 4620.0975; and 4620.1025, are effective July 1, 1995.

REPEALER. *Minnesota Rules*, parts 4620.0100, subparts 3, 6, and 7; 4620.0200; 4620.0800; 4620.0900; and 4620.1500, are repealed.

Department of Labor and Industry

Proposed Permanent Rules Relating to Boilers and Power Boats

Notice of Intent to Amend a Rule Without a Public Hearing

The Department of Labor and Industry intends to amend a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act. *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mark Rudek
Division of Boiler Inspection
Code Administration and Inspection Services
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155
(612) 296-1098

Subject of Rule and Statutory Authority. The proposed rule is about boiler operation-standards and licensing. The statutory authority to adopt this rule is *Minnesota Statutes*, sections 183.42, 183.44, 183.54, 183.465 and 183.466 and generally by 175.171 and the rest of Chapter 183. A copy of the proposed rule is published in the *State Register*. These amendments, which will modify Chapter 5225 of *Minnesota Rules*, are intended to update these rules to create definitions for specialized terms used in Chapter 5225; to expand upon the rules regarding an engineer's presence in an operating boiler plant, and to clarify the boiler license examination process, the experience requirements for all classes of boiler licenses, items requiring inspection, and the reporting of repairs and alterations and fees/penalties for non-remittance and/or non-inspection.

Comments. You have until 4:30 p.m., June 1, 1994 to submit written comment in support of or in opposition to the proposed rule amendments and any part or subpart. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on June 1, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule amendments which caused your request, the reason for the request, and any changes you want made to the proposed rule amendments. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule amendments may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule amendments as printed in the *State Register*. If the proposed rule amendments affect you in any way, you are encouraged to participate in the rule-making process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. The statement 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.

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Adoption and Review of Rule. If no hearing is required, after the end of the comment period the agency may adopt the amendments. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule amendments are submitted to the attorney general or be notified of the attorney general's decision on the rule amendments. If you wish to be so notified, or wish to receive a copy of the adopted rule amendments, submit your request to the agency contact person listed above.

Dated: 18 April 1994

John B. Lennes Jr.
Commissioner

Rules as Proposed

5225.0010 SCOPE.

This chapter ~~only~~ addresses the manufacture, installation, repair, operation, safety, and inspection of boilers ~~and~~, pressure vessels, ~~appurtenances, and boats for hire~~ as defined in parts ~~5225.0090~~ 5225.0050 to ~~5225.9000~~ 5225.8700 pursuant to *Minnesota Statutes*, sections ~~183.375 to 183.62~~ chapter 183. ~~Other related codes on high pressure piping, building, electrical, and plumbing are available from State Documents, Department of Administration, 117 University Avenue, Saint Paul, Minnesota, 55155.~~

5225.0050 DEFINITIONS.

Subpart 1. Scope. For the purposes of this chapter and *Minnesota Statutes*, sections 183.375 to 183.62, the following terms have the meanings given them.

Subp. 2. Appurtenance. "Appurtenance" means equipment that is integral to the operation of the boiler as specified in Sections I, IV, VI, and VII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code as incorporated by reference in part 5225.0090.

Subp. 3. Authorized inspector. "Authorized inspector" means a commissioned inspector with a Minnesota certificate of competency who also possesses either an A or B endorsement and is regularly employed by an authorized inspection agency or the jurisdiction.

Subp. 4. Boiler. "Boiler" means a vessel in which steam or other vapor, hot water or other hot liquid is generated for use external to itself.

Subp. 5. Boiler plant. "Boiler plant" means all boilers on a common header and their related appurtenances.

Subp. 6. Chief boiler inspector. "Chief boiler inspector" means the chief of the division of boiler inspection as defined in *Minnesota Statutes*, section 183.375, subdivision 2, appointed by the commissioner.

Subp. 7. Chief engineer. "Chief engineer" means the properly licensed engineer required to be in charge of and responsible for the safe operation of a boiler plant.

Subp. 8. Commissioned inspector. "Commissioned inspector" means one who has passed the exam of the National Board of Boiler and Pressure Vessel Inspectors and possesses a valid National Board Commission and is employed by an authorized inspection agency or the jurisdiction.

Subp. 9. Commissioner. "Commissioner" means the commissioner of the department.

Subp. 10. Department. "Department" means the Department of Labor and Industry.

Subp. 11. Direct supervision. "Direct supervision" by the properly licensed operating engineer of a boiler plant means oversight of an apprentice's activities on a boiler including attendance at the boiler plant at all times.

Subp. 12. Division. "Division" means the Division of Boiler Inspection.

Subp. 13. High pressure boiler. "High pressure boiler" means power boiler as defined in Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Subp. 14. Maintenance. "Maintenance" means attendance to the upkeep and replacement or repair of boilers and appurtenances by an operating engineer in compliance with this chapter.

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Proposed Rules

Subp. 15. Operating engineer. “Operating engineer” means a properly licensed individual who operates and maintains boilers and their appurtenances.

Subp. 16. Operating experience. “Operating experience” means activities in boiler operations and maintenance that include training, observation, and personal participation.

Subp. 17. Operation. “Operation” means the act of manipulating and monitoring, except as provided in *Minnesota Statutes*, section 183.501, paragraph (b), boilers or appurtenances to assure safe operation for the intended purpose in accordance with this chapter.

Subp. 18. Repair firm. “Repair firm” means a company or organization that holds a current “R” repair certificate of authorization issued by the National Board of Boiler and Pressure Vessel Inspectors and performs welded repairs or alterations on boilers or pressure vessels.

Subp. 19. Shift engineer. “Shift engineer” means the operating engineer responsible to the chief operating engineer in charge of and responsible for the safe operation of a boiler plant in the absence of the chief engineer.

5225.0090 INCORPORATION BY REFERENCE.

Subpart 1. **General.** To the extent adopted by *Minnesota Statutes*, chapter 183, and referred to in this chapter, the codes and publications described in this part are incorporated by reference.

Subp. 2. **American Society of Mechanical Engineers Boiler and Pressure Vessel Code Sections I, II, III, IV, V, VI, VII, VIII, IX, X, XI, and B31.1.** The American Society of Mechanical Engineers Boiler and Pressure Vessel Code is written and published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017 and can be purchased from the same source. It is available for inspection at the Hill Reference Library, 80 East Fourth Street, Saint Paul, Science and Engineering Reference Collection, 206 Walter Library, University of Minnesota, 117 Pleasant Street S.E., Minneapolis, Minnesota 55402 55455. It is subject to frequent change. The publication dates vary by subject. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987 and addenda are incorporated.

Subp. 3. **National Board Inspection Code.** The National Board Inspection Code is written and published by the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229 and can be purchased from the same source. It is available for inspection at the Minnesota State Law Library, 117 University Minnesota Judicial Center, 25 Constitution Avenue, Saint Paul, Minnesota 55155. It is subject to frequent change. The publication date varies. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987 and addenda are incorporated.

Subp. 4. **American Society of Mechanical Engineers Codes and — Standards.** The American Society of Mechanical Engineers Codes and — Standards are submitted for publication to the American National Standards Institute, 1430 Broadway, New York, New York 10018 and can be purchased from the same source. They are available for inspection at the Hill Reference Library, 80 West Fourth Street, Saint Paul, Minnesota 55102. They are subject to frequent change. The publication dates vary by subject. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987 and addenda are incorporated.

5225.0100 APPLICATION FOR BOILER OPERATING ENGINEER LICENSE.

Any person desiring to take an examination for a license as a boiler an operating engineer shall make written application under oath, on blanks furnished by the boiler inspector division. The application shall be accompanied by a corroborating affidavit of at least one employer or a boiler an operating engineer possessing not less than a second class engineer's license, certifying to the applicant's operating experience as stated in the application. If affidavits are not obtainable, satisfactory evidence of the applicant's operating experience must be furnished.

5225.0300 EXPIRATION AND RENEWALS.

Subpart 1. **Timing.** Licenses for operating engineers, unless revoked, are valid for one year from the date of issuance, with privilege of renewal without examination, upon application to the Department of Labor and Industry, Boiler Inspection division; and payment of a renewal fee within ten calendar days of the expiration date. The renewal license must be given a consecutive an issue number and the same monthly date as the original issue. An application for renewal may not be presented before 30 days preceding the expiration date of the license. Engineers who fail to renew their licenses before the ten-day grace period has expired are subject to subparts 2 and 3.

Subp. 2. **Renewal application within one year of expiration.** A license that has expired may be renewed within one year of application for renewal may be renewed expiration without an examination on by filing an application for renewal, accompanied by and submitting the expired renewal fee required in part 5225.8600, subpart 2, item C.

Subp. 3. **Renewal Application beyond one year of expiration.** A license that expired more than one year before the date of application for renewal may be renewed by filing an application for renewal, accompanied by the fee required by part 5225.8600,

subpart 2, item C, and passing the examination required by part 5225.0500. After one year after expiration of a license, the license will not be renewed. An applicant must reapply as provided in part 5225.0100.

5225.0400 BASIC LICENSE REQUIREMENT AND DUTY.

No person shall have charge of or as the engineer or operate any steam boiler or boiler plant who does not possess a license of the class required to operate ~~such steam~~ the boiler or boiler plant.

It is the duty of the owner of a boiler or boiler plant and the chief engineer and all boiler inspectors, including those employed by insurance companies, to promptly report to the chief boiler inspector, any boiler or boiler plant in which the engineer has no license or a license of a lower class than that required by law for the horsepower of the boiler or boiler plant.

5225.0410 HIGH PRESSURE BOILER CHIEF ENGINEER.

Each boiler plant over 300 horsepower must have designated a chief class operating engineer of proper grade as the chief engineer of the plant. The chief engineer shall have the responsibility for ensuring the safe operation and maintenance of the boiler plant. The requirements of this section are not met unless the chief engineer has the authority to make decisions to ensure that safety. The chief engineer shall work on the premises at least four hours per day, five days per week, with the exception of excused absences, such as vacation, sick leave, and holiday time.

5225.0500 EXAMINATIONS.

Subpart 1. **Preparation of written examination.** The examination questions will be prepared by the chief boiler inspector. All examinations must be written unless the applicant is unable to read, or write, in which case the examination will be oral for a special or second class license. The right to an oral examination for a first or chief class license shall be determined by the chief boiler inspector based on the applicant's ability to demonstrate reading comprehension of statutes, rules, technical boiler operation manuals, and safety warnings. Decisions of the chief boiler inspector regarding application for oral examination may be appealed to the commissioner under part 5225.3200. A written record of the examination shall be made, and examination papers will be kept on file for a period of at least one year.

Subp. 2. **Minimum grade.** No new license of any class will be granted to any applicant who fails to obtain a score of 75 at least 70 percent in an examination; ~~nor may any other grade of license be granted.~~

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

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

Failure of an applicant to obtain a passing score will not affect the status of any license ~~previously granted~~ currently held, but the fee paid for the examination will not be refunded.

5225.0550 DOCUMENTATION OF EXPERIENCE REQUIREMENTS AND DOCUMENTATION FOR LICENSURE AS A BOILER OPERATOR AN OPERATING ENGINEER.

Subpart 1. **Compliance requirements.** All applicants must comply with this chapter 5225 and *Minnesota Statutes*, sections 183.375 to 183.62. The experience requirements are detailed in this part and documentation requirements are detailed in subpart 2. Applicants with previous experience in a jurisdiction requiring licensure must show proof of compliance with the licensure requirements of that jurisdiction in order to receive credit for the experience. All applicants for licensure as a ~~hobby boiler operator or boiler operator an operating engineer or hobby operating engineer,~~ shall provide documentation of operating experience for the level of class/grade applied for in accordance with subparts 2 to 9 8. To be acceptable for this purpose, operating experience must have occurred within the ten years prior to the license application. The chief boiler inspector may allow earlier operating experience if that experience is pertinent to current operations.

Subp. 2. **Special class experience requirements.** A special class license requires ~~no previous experience and~~ only a signed application form. No previous experience is necessary.

Subp. 3. **Second class experience requirements.**

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A. A second class license requires: one year of operating experience, documented as described in subpart 9, on a boiler of proper size to receive the second class license as documented by:

- (1) one year of special class licensed operation; or
- (2) one year of conventional or nuclear experience as a coal passer, fire tender, oiler, water tender, engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or
- (3) one year of actual experience operating a boiler of sufficient size to qualify for a second class license under *Minnesota Statutes*, section 183.51.

B. Acceptable forms for documentation are:

- (1) an application form; and
- (2) a valid, current Minnesota special class license; or
- (3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a utility plant of a plant of a size equal to or greater than required for a first class license under *Minnesota Statutes*, section 183.51; or a sworn affidavit signed by two or more shift engineers of a plant of a size equal to or greater than required for a first class license under *Minnesota Statutes*, section 183.51; or
- (4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer under *Minnesota Statutes*, section 183.51, subdivisions 10 to 12.

Subp. 4. **First class experience requirements.**

A. A first class license requires three years of operating experience, documented as described in subpart 9, on a boiler of proper size to receive the first class license as documented by:

- (1) one year of special class licensed operation and two years of second class licensed operation; or two years of special class licensed operation and one year of second class licensed operation; or three years of special class licensed operation; or
- (2) three years experience as a coal passer, fire tender, oiler, water tender, engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or
- (3) three years of actual experience operating a boiler of sufficient size to qualify for a first class license under *Minnesota Statutes*, section 183.51.

B. Acceptable forms for documentation are:

- (1) an application form; and
- (2) a valid, current Minnesota boiler operator's license; or
- (3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a utility plant of a size equal to or greater than required for a first class license under *Minnesota Statutes*, section 183.51; or a sworn affidavit signed by two or more shift engineers of a plant of a size equal to or greater than required for a first class license under *Minnesota Statutes*, section 183.51; or
- (4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer under *Minnesota Statutes*, section 183.51, subdivisions 7 to 9.

Subp. 5. **Chief class experience requirements.**

A. A chief class license requires five years of operating experience, documented as described in subpart 9, on a boiler of proper size to receive the chief class license as documented by:

- (1) any combination of five years licensed boiler operation with at least one year as a first class license holder; or
- (2) five years experience as an engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or
- (3) five years of actual experience operating a boiler of sufficient size to qualify for a chief class license under *Minnesota Statutes*, section 183.51, of which at least two years must have been in a supervisory capacity either as a shift engineer in charge or as the chief engineer of the facility from which the claimed experience was obtained.

B. Acceptable forms for documentation are:

- (1) an application form; and
- (2) a valid, current Minnesota first class boiler operator's license; or
- (3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a

supervisory engineer of a facility where the claimed experience was obtained; chief engineer of a utility plant or a plant of a size equal to or greater than required for a first class license under *Minnesota Statutes*, section 183.51; or

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer which must include one year as a licensed first class engineer, under *Minnesota Statutes*, section 183.51, subdivisions 4 to 6.

Subp. 6. **Requirements for Grade A licensure.** The requirements for a Grade A license are:

A. Second Class: one year of ~~documented operation of~~ operating experience on a high pressure boiler, documented as described in subpart 9, which must include one year of operation of a steam engine or turbine.

B. First Class: three years of ~~documented operation of~~ operating experience on a high pressure boiler, documented as described in subpart 9, of which at least two years must include operation of a steam engine or turbine.

C. Chief Class: five years of ~~documented operation of~~ operating experience on a high pressure boiler, documented as described in subpart 9, including at least two years acting as a shift engineer, and two years of operation of a steam engine or turbine.

Subp. 8. **Traction engine or Hobby boiler operating engineer license experience and documentation.**

A. Experience. An applicant for a hobby ~~boiler operating engineer~~ license must have at least 25 hours ~~actual experience oper-~~ ating experience on a steam traction engine or hobby boiler under the supervision of a ~~properly licensed operator, or a valid Minnesota second class, or higher, boiler operator's license an~~ operating engineer.

B. Documentation. An affidavit of experience must be ~~submitted signed~~ signed by a person with sufficient knowledge of the applicant's operating experience prior to the applicant taking the examination. The person signing the affidavit must have observed the applicant operating the steam traction engine or hobby boiler and must possess either a valid Minnesota hobby ~~boiler operating engineer~~ license or a valid second class, or higher, Minnesota ~~boiler operator's operating engineer's~~ license. However, if the experience claimed is acquired from outside the state of Minnesota, documentation under the last paragraph of subpart 9 applies.

Subp. 9. **Other acceptable Supporting documentation.** ~~Position descriptions, payroll records, jurisdiction or insurer inspection records, and documentation as to the size of the boilers operated may be used to support the application under subparts 2 to 5. Other operating experience may qualify the applicant for licensure under this part provided that the experience demonstrates the applicant's ability to safely and effectively perform at the level of licensure applied for. A decision of the chief inspector regarding applicability of other experience may be appealed to the commissioner pursuant to part 5225.3200. Acceptable forms of documentation of experience are:~~

A. notarized affidavits, prescribed by the department and signed by the owner, employer, or a person possessing a valid Minnesota second class or higher operating engineer license;

B. documentation from the military or maritime service verifying actual operating experience; or

C. a notarized letter from an employer on the employer's business stationery containing verification of operating experience sufficient to determine the appropriate class and grade of license for which the applicant may apply.

If the documentation described in items A to C cannot be obtained, other forms of documentation in which the information can be verified and which are sufficient to determine the appropriate class and grade, may be submitted to the chief boiler inspector for consideration.

Subp. 10. **Year defined.** For purposes of this chapter, a "year" is at least 2,000 hours. However, in the case of low pressure heating boilers, a year is defined as a 12-month period which includes the heating season operating, and the remainder of the year maintaining, the low pressure boiler.

5225.0600 PROHIBITION AGAINST FALSE STATEMENTS IN APPLICATION.

Any material false statement in an application or affidavit such that the license would not have been granted if the accurate information had been provided, shall render the license void. The license shall not be determined to be void until the license holder has been provided with the opportunity for a meet and confer conference and/or an administrative hearing pursuant to part 5225.0880, subpart 5, and the requirements of the Administrative Procedure Act, and the charge of a materially false statement is upheld. ~~In~~ In lieu of requesting an administrative hearing pursuant to part 5225.0880, subpart 5, the license holder may reapply for licensure by

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providing the proper documentation, retaking the appropriate examination and paying the application fee, or may voluntarily relinquish the license.

5225.0700 LOSS OR DESTRUCTION OF LICENSE.

Upon presentation of a written statement of fact showing application by the license holder stating that a current operating engineer's license issued under the authority of this chapter for display has been lost, destroyed, or not received, a substitute replacement license will be issued for a fee set by the commissioner of labor and industry in part 5225.8600, subpart 2, item D. Upon presentation of a written statement of fact showing that a current operating engineer's license issued under the authority of this chapter in wallet size has been lost, destroyed, or not received, a replacement license will be issued for the fee in part 5225.8600, subpart 2, item D.

5225.0880 DISCIPLINARY PROCEDURES.

Subpart 1. **License revocation suspensions.** The commissioner may suspend or revoke the operating engineer's or pilot's license, direct the person to cease the action or operation, seal the boiler or pressure vessel, or seek a restraining order in district court if the holder of a license of any class, including pilots of boats for hire, or the owner of a boiler or pressure vessel violates any provision of *Minnesota Statutes*, sections 183.375 to 183.62, or this chapter, or operates or allows a boiler or pressure vessel to be operated under unsafe or dangerous conditions, or the holder of a license of any class, including pilots of boats for hire, has obtained a license of any grade based on a materially false application or affidavit, or an owner of a boiler fails to employ properly qualified operating engineers to operate the boiler or fails to make necessary repairs to an unsafe boiler or pressure vessel. In deciding what action to take, the commissioner shall consider the seriousness of the violation, the likelihood of a repeat occurrence, and the actual or potential threat to property or life caused by the violation.

Subp. 2. **Complaints.** All complaints related to license qualification or unsafe operating practices, whether filed by a boiler inspector of the department of Labor and Industry or any other person, must be in writing to the chief boiler inspector on forms prescribed by the commissioner. Notices of unsafe objects shall be prepared by a boiler inspector of the department of Labor and Industry on forms prescribed by the commissioner.

Upon the filing of a complaint with the chief boiler inspector charging the owner or license holder with engaging in a prohibited or unsafe activity described in subpart 1, the chief boiler inspector shall direct an investigation as necessary and report to the commissioner if the chief boiler inspector believes further action is necessary.

Unless the commissioner seeks a restraining order in district court, the commissioner shall serve on the owner or license holder, by first class or certified mail or in person, notice of the alleged violation, the proposed action to be taken, and of the opportunity for a conference and a contested case proceeding under subpart 3.

Subp. 3. **Show cause conference.** If the charge is that a license holder or owner has violated a provision of *Minnesota Statutes*, sections 183.375 to 183.62 or this chapter, or is operating a boiler or pressure vessel in an unsafe or dangerous condition, or with unlicensed or improperly licensed engineers, or a decision of a boiler inspector is being appealed pursuant to part 5225.3200, the commissioner shall give the owner or license holder the opportunity to request a conference to show cause (1) why an order should not be issued suspending or revoking the holder's license or directing the person to cease and desist the prohibited activity or operation, or (2) why the decision of the boiler inspector should not stand.

The person charged may request a show cause conference in writing that must be received by the commissioner within ten working days after the notice provided for in subpart 2 was served. If a timely request is not made, the commissioner may issue the proposed order.

The show cause conference must be scheduled within 20 working days of the receipt of a timely request. Findings and an order must be served and filed by the commissioner within ten working days after the conference is held.

Orders issued under this subpart must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge. An owner or license holder who disagrees with the commissioner's order issued pursuant to this subpart may request a contested case hearing for a final determination in accordance with subpart 7. If a contested case hearing is requested, the commissioner's order shall be stayed pending a final determination after the contested case hearing.

Subp. 4. **Unsafe objects; administrative conference.** If an inspector of the department of Labor and Industry has determined that the operation of a boiler by an unlicensed or improperly licensed person creates an imminent danger to human life or property or that repair or replacement is necessary to ensure safe operation of a boiler or pressure vessel, a notice of unsafe object must be placed on the boiler or pressure vessel. In addition to the notice requirements of subpart 2, the notice of unsafe object must state that the boiler or pressure vessel may not be operated until the object is satisfactorily repaired or replaced and the notice of unsafe object is removed by the inspector, until properly licensed persons are assigned to operate the equipment, or the commissioner orders the notice of unsafe object removed from the boiler or pressure vessel.

The commissioner shall give the owner of the boiler or pressure vessel the opportunity for a conference to show cause why the

boiler or pressure vessel should not remain sealed until repaired or replaced or until properly licensed persons are available to operate the boiler. The owner must request a show cause conference in writing, in person, or by phone, within three working days of the date the notice of unsafe object was placed on the boiler or pressure vessel. If a request for a show cause conference is not timely received, the commissioner may order that the boiler or pressure vessel remain sealed pending repair, replacement, or operation by properly licensed personnel.

The show cause conference must be held within two working days of receipt of a timely request or at a later date upon mutual consent of the parties. Immediately upon completion of the conference, the commissioner must provide a verbal order, to be followed by written findings and an order, that must be served and filed within ten working days after the conference is held.

Orders must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge. An owner who disagrees with the commissioner's order issued pursuant to this part, may request a contested case hearing for a final determination in accordance with subpart 7. Once a notice of unsafe object is placed on the boiler or pressure vessel, the boiler or pressure vessel may not be operated pending a show cause conference or a contested case proceeding until the tag is removed by the inspector, or the commissioner issues an order allowing the object to be placed into service.

Subp. 5. Materially false statement; meet and confer conference. If the charge is that the holder of a license obtained the license based on a materially false application or affidavit, the commissioner shall give the license holder the opportunity for an informal meet and confer session with representatives of the department of ~~Labor and Industry~~. The license holder must request the conference in writing within ten days of the date the notice in subpart 2 was served. The session must be scheduled within 20 working days of the receipt of a timely request.

If no timely request for a meet and confer session is received, or if no mutually acceptable resolution can be reached at the meet and confer session, the commissioner shall initiate a contested case hearing pursuant to the Administrative Procedure Act to determine whether the license should be revoked.

[For text of subps 6 to 8, see M.R.]

5225.0900 DISPLAY OF LICENSE.

Licenses granted must be ~~placed in a glassed frame and~~ be displayed in a conspicuous place in the engine or boiler room. Boiler plants operated by a contract ~~boiler operator~~ operating engineer must have a copy of the operating engineer's license of each person who may be operating the boiler posted in each boiler room.

5225.1000 BOILER HORSEPOWER RATING.

In rating the horsepower of a boiler plant, inspectors shall use the horsepower of each boiler and compute the total horsepower of all boilers connected to the header, whether all the boilers are in use or not. ~~It is the duty of all boiler inspectors, including those employed by insurance companies, to promptly report to the chief boiler inspector, any plant in which the engineer has no license or a license of a lower class than that required by law for the horsepower of the plant.~~

~~Ten kilowatts equals one boiler horsepower for the engineer license requirement.~~

Where the heating surface cannot be discerned, the boiler horsepower shall be determined by calculating Btu boiler-rated input divided by 67,000.

For purposes of operating engineer license requirements, boiler horsepower for conventional boilers and steam coil type generators is determined as provided in Minnesota Statutes, section 183.51, subdivision 15. For electrically operated boilers for this purpose, ten kilowatts equal one boiler horsepower.

5225.1110 BOILER OPERATION STANDARDS; ALL PLANTS.

All boilers, unless specifically exempted by Minnesota Statutes, section 183.56, must be operated, maintained, and attended by an operating engineer in a prudent and attentive manner to avoid endangering human life and property. At a minimum, all operating boilers must be checked daily by an operating engineer in compliance with this chapter. The recommendations of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VI, for low pressure and Section VII, for high pressure must be complied with and a log documenting the compliance must be completed daily by the chief engineer or an operating engineer designated by the chief engineer.

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5225.1140 ATTENDANCE AT HIGH PRESSURE PLANT.

Subpart 1. Attendance. A high pressure boiler plant of 31 to 200 horsepower may be left in operation unattended by an operating engineer for no more than two consecutive hours when the premises are occupied by employees or the public, except as permitted by part 5225.1180, subpart 1.

Subp. 2. Attendance required. A high pressure boiler plant of more than 200 horsepower, when in operation, requires constant attendance by an operating engineer, except as permitted by part 5225.1180, subpart 2.

Subp. 3. Hobby boiler. A hobby boiler may not be left unattended when in operation and members of the public are present. For purposes of this part, a traction engine may be considered as not being in operation when all of the following conditions exist:

- A. the water level is at least one-third of the water gage glass;
- B. the header or dome valve is in a closed position;
- C. the draft doors are closed;
- D. the fire is banked or extinguished; and
- E. the boiler pressure is at least 20 pounds per square inch below the safety valve relieving pressure.

5225.1180 ABSENCE FROM PLANT.

Subpart 1. EXEMPTION. A high pressure boiler plant of 31 to 200 horsepower is exempt from the high pressure attendance requirements of part 5225.1140, subpart 1, and is subject only to the attendance provisions of part 5225.1110 under the following conditions:

A. the boiler is equipped with dual pressure controls and dual low water fuel cutouts and the boiler does not exceed 15 pounds per square inch operating pressure at any time during the operating engineer's absence;

B. the boiler is equipped with fail-safe type safety controls or valves regulating pressure, temperature, water level, and control supply lines. Fuel control and safety devices must meet at least the minimum requirements for automatically fired boilers in Sections I and IV of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code;

C. the valves and controls must be manually switched over by the operating engineer, the dates and time must be entered in the boiler room log, and the entry must be signed by the operating engineer;

D. the building in which the boiler is located is not occupied by the public or employees except for custodial, maintenance, or security personnel; and

E. the boiler is for supplying steam directly to a low pressure header with header safety valves set at or below 15 pounds per square inch and is of adequate capacity to prevent a pressure rise above 15 pounds per square inch in the system. The shutoff valve between the high and low pressure systems must be electrically interlocked with the low pressure control system so that the crossover valve is in the open position while operating on low pressure.

Subp. 2. Absence; shift engineer; over 200 horsepower. The shift engineer in a high pressure boiler plant of over 200 horsepower may leave the boiler room for up to 30 minutes if all boilers are equipped with dual pressure controls and dual low water fuel cutouts, one of which must be the manual reset type. The shift engineer must stay within 500 feet of the boiler room at all times during the shift.

Subp. 3. Limitations. The absences described in part 5225.1140, subpart 1, and this part may not approach nearly continuous absence from the plant. If the chief engineer or shift engineer has found the boiler to be in an unsafe condition, in addition to notifying the chief boiler inspector, absence from the plant is not allowed.

5225.1200 INSURANCE COMPANY INSPECTORS.

Subpart 1. License requirement. All inspectors whether jurisdictional or in the employ of insurance companies performing inspections in Minnesota shall possess a National Board of Boiler and Pressure Vessels Inspectors' Commission issued by the National Board of Boiler and Pressure Vessel Inspectors, and a Minnesota certificate of competency and shall place on inspection reports the serial number of their National Board of Boiler and Pressure Vessel Inspectors' Commission or Minnesota state certificate of competency. The serial number of the applicant's national board commission must be registered with the division before or at the time of application for the Minnesota certificate of competency. A Minnesota state certificate of competency is issued by the Boiler Inspection division according to Minnesota Statutes, section 183.38, subdivision 2.

Subp. 2. [See repealer.]

5225.1225 AUTHORIZED INSPECTOR.

Subpart 1. Qualifications. In order to qualify as an authorized inspector, an applicant shall possess a National Board of Boiler and Pressure Vessel Inspectors' Commission from the National Board of Boiler and Pressure Vessel Inspectors and receive an A

endorsement and obtain a current Minnesota certificate of competency. Persons with a B endorsement as of September 1, 1992, may maintain their status as authorized inspectors by complying with national board requirements and annual renewal requirements if they are supervised by a supervisor with a B endorsement. An authorized inspector may perform any inspection duty, including shop and in-service.

Subp. 2. Examinations. State or insurance company commissioned inspectors seeking a license as an authorized inspector on new construction of boilers or pressure vessels shall qualify for an A endorsement by passing a written examination prepared by the National Board of Boiler and Pressure Vessel Inspectors. The examinations will be held at Saint Paul, Minnesota, by the division at times the commissioner may prescribe.

5225.1300 OPERATORS OF RAILROAD LOCOMOTIVES.

Operators of railroad locomotives which are utilized for such stationary purpose as generating steam for power or heating are required to have the proper class of operating engineer licenses issued by the division of ~~Boiler Inspection~~.

Operators of railroad locomotives engaged in intrastate or interstate commerce and operators of boilers in private residences and dwellings of ~~not more than four~~ with accommodations for five or fewer families are not required to possess operating engineers' licenses issued by the division of ~~Boiler Inspection~~.

5225.1350 PROPERTY DAMAGE OR PERSONAL INJURY REPORT.

Insurance inspectors or owners of boilers shall make a written report to the chief boiler inspector of incidents involving boilers and pressure vessels covered under this chapter that result in personal injury, ~~total~~ destruction of the object, ~~or any~~ property damage ~~involving, or~~ repairs not of a routine nature. These incidents shall be reported on the National Board of Boiler and Pressure Vessel ~~Aecident~~ Inspectors, Incident Report form.

5225.1400 VIOLATIONS.

Failure of any licensee to comply with any provision of the foregoing regulations this chapter shall constitute grounds for suspending the offending operating engineer's license for from ten to 30 days, and for repeated or grave offenses an operating engineer's license may be revoked as provided in part 5225.0880.

INSPECTIONS

5225.2050 MAXIMUM ALLOWABLE WORKING PRESSURE.

The maximum allowable working pressure for boilers and pressure vessels must not exceed that determined for those objects in Section I for high pressure boilers, Section IV for low pressure boilers, or Section VIII for unfired vessels of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

5225.2100 STAMPS ON BOILER AND PRESSURE VESSELS.

Every boiler or pressure vessel, unless specifically exempted by *Minnesota Statutes*, section 183.56, for use in this state must conform in every detail to the boiler and pressure vessel laws of the state as provided in Minnesota Statutes, chapter 183, and rules adopted by the Department of Labor and Industry, and when correctly constructed the this chapter. Each boiler or pressure vessel must be constructed in compliance with and stamped with the respective American Society of Mechanical Engineers Code Symbol Stamp, or international code symbol accepted by the National Board, and the National Board symbol (~~NB~~) registration number or the Minnesota Special (MINN. SPC). Stamping must be witnessed by an Authorized Inspector holding a National Board commis- sion. Information as to construction stamp requirements shall be provided to contractors by the chief boiler inspector. The chief boiler inspector may, at the request of the manufacturer, designate any authorized inspector possessing the qualifications required by part 5225.1200 to make the ~~requested~~ shop inspection, for which the manufacturer shall pay the required fee pursuant to part 5225.8600, subpart 4, plus travel expenses.

All owners of new or used boilers shall notify the division before the installation is completed. Before the equipment is put into service, hydrostatic testing must be applied to the boiler and appurtenances and witnessed by a commissioned inspector who holds a Minnesota certificate of competency. If the boiler and appurtenances are in conformance with adopted standards, the inspector must file the results with the chief boiler inspector and a certificate of inspection will be issued for that object.

5225.2200 ITEMS REQUIRING IN-SERVICE INSPECTION.

Subpart 1. Inspection. The authorized boiler A commissioned inspector holding a Minnesota Certificate of Competency shall

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inspect all boilers or steam generators, fired or unfired pressure vessels, and appurtenances for their safe operation and condition, and all pressure piping connecting them to the appurtenances, and all piping up to the first stop valve, or the second valve when two are required in accordance with inspection requirements in Section 1 of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the National Board Inspection Code. They must be properly prepared for inspection and the inspector given at least 48 hours' notice before the time of the inspection.

~~Any pressure piping to the boiler, steam generator, or pressure vessel appurtenances such as water column, blowoff valve, feed-water regulator, superheater, economizer, or stop valves which are to be shipped connected to the boiler, steam generator, or pressure vessel as a unit, must be hydrostatically tested with the boiler, steam generator, or pressure vessel, and the hydrostatic test must be witnessed by an authorized inspector, and if recognized as being in conformance with accepted procedures by the inspector, so noted on the data sheet by the inspector.~~

Subp. 2. Certificate of inspection. A certificate of inspection will be issued by the division upon the object passing the inspection required by the division and the payment of the appropriate fee.

Subp. 3. Certificate of exemption. An exemption certificate will be issued as provided in part 5225.3150, subpart 2, if the object is in conformance with part 5225.3150, subpart 1.

Subp. 4. Display of certificate. A certificate of inspection or exemption issued by the division must be displayed in a conspicuous place on or near any boiler or pressure vessel subject to this chapter.

5225.2300 EXEMPTIONS EXCEPTIONS TO THIS CHAPTER.

~~Boilers and pressure vessels under the direct jurisdiction of the United States government, those insured which have a current state exemption certificate posted on or near them, those in private residences and dwellings of not more than four families, and railroad locomotives used in intrastate or interstate commerce, pressure vessels used for storage of air, gas, or liquid and gas, having an internal or external pressure of 15 pounds or less per square inch, irrespective of size, or five cubic foot capacity or less for pressures not exceeding 30 pounds per square inch, headers or enlargement of a pipe the cross-sectional area of which is not greater than four times the combined area of the inlets, shall be exempt from state inspection. Locomotives used for plant or industrial transportation, stationary power or heating shall be subject to inspection by the state. The objects described in Minnesota Statutes, section 183.56, clauses (1) to (18), are exempt from this chapter.~~

5225.2400 TITLE TRANSFER TO RELOCATION OF USED BOILERS OR VESSELS.

~~Before the transfer of the title to ownership of or before relocation of a used boiler or pressure vessel and its future use in another location, or the owner shall cause it to be inspected by the state or insurance company boiler a commissioned inspector, and in computing the safe working pressure, the inspector shall use a safety factor of at least six on noncode boilers and pressure vessels having a butt strap joint and at least a factor of seven on a lap seam joint. The maximum allowable working pressure for objects covered under Minnesota Statutes, section 183.411 must not exceed the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for determining working pressure. If the used boiler or pressure vessel changes ownership, the new owner shall arrange the inspection.~~

For purposes of this part, noncode boilers and pressure vessels are those that have not been built to the American Society of Mechanical Engineers Boiler and Pressure Vessel Code specifications.

5225.2600 REPORTING REPAIRS AND ALTERATIONS; REPORTING.

Subpart 1. **Prior notice of repair or alteration.** The owner or person in charge of a boiler, steam generator, or pressure vessel shall notify the ~~Chief Boiler Inspection Division Inspector~~ or, if the object is insured, the owner or person in charge shall notify the insurer, before each welded or riveted repair not of a routine nature and all alterations or any alteration is made to the pressure containing parts of a boiler or pressure vessel; ~~and, The authorized inspector will compute review and accept or reject the computations for the safe working pressure of the repair repaired or alteration altered object.~~

Subp. 2. **Standard of repairs.** The National Board of Boiler and Pressure Vessel Inspectors' repair (R) stamp ~~or applicable American Society of Mechanical Engineers Boiler and Pressure Vessel Code symbol stamp is and current Repair Certificate of Authorization~~ are required for performing any welded or riveted repairs not of a routine nature or any alterations to any boiler or pressure vessel subject to inspection as specified in *Minnesota Statutes*, sections 183.375 to 183.62.

All alterations must be in compliance with the ~~latest edition of the~~ National Board Inspection Code and the ~~referencing sections of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code~~ sections for construction of that object.

Subp. 3. Inspection and reporting. Any welded or riveted repairs or alterations any alteration must be reported by the repair firm to the authorized inspection agency responsible for the in-service inspection of the boiler or pressure vessel by the repair firm as required by the National Board Inspection Code. Required The inspection of the repair or alteration and the certification of repairs and alterations required by subpart 2 must be made by an authorized inspector holding a National Board of Boiler and

~~Pressure Vessel Inspectors' commission,~~ who is employed by an authorized inspection agency under contract with the firm doing the repairs.

~~An authorized inspection agencies are agency is:~~

~~A. a jurisdictional authorized inspection agency;~~

~~B. the Minnesota Department of Labor and Industry, division of Boiler Inspection; and~~

~~C. ~~an~~ B. another governmental regulatory agency which is accepted by the National Board of Boiler and Pressure Vessel Inspectors as an inspection agency; or~~

~~C. the insurance company authorized inspection agency which insures the by Minnesota Statutes, chapter 183, to provide the in-service inspection of the boiler or pressure vessel.~~

~~When a welded repair does not require form R-1 as prescribed by the National Board Inspection Code, then documentation detailing the repair and any test results must be submitted to the chief boiler inspector and the owner by the repair firm, which must retain a copy.~~

It is the responsibility of the ~~organization~~ repair firm making the welded or riveted repair or alteration to ~~provide~~ arrange for inspection, documentation, and certification of the work, and to ensure acceptance of the work by an authorized inspection agency.

Completion of the National Board of Boiler and Pressure Vessel Inspectors' R-1, Report of Welded Repair or Alteration, form is required for all welded or riveted repairs not of a routine nature and all alterations as required by the National Board Inspection Code Chapter 3. It is the responsibility of the ~~organization~~ repair firm to prepare the form, certify it, and submit it to the authorized inspector for acceptance. Distribution of the form must be as provided in the National Board Inspection Code with one copy of the completed form sent to the ~~Minnesota Department of Labor and Industry, Boiler Inspection~~ division.

5225.2610 OWNER REPAIR PROGRAM.

Subject to written approval of their repair program from the department, an owner with ~~boilers~~ a boiler exceeding 200,000 pounds per hour of steam may perform repairs to their boiler systems, ~~excluding or~~ safety relief valves as allowed by and meeting the requirements of Sections I, IV, and VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the National Board Inspection Code. The granting of the approval does not allow repair of high pressure piping under the authority of and as defined by Minnesota Statutes, section 326.461; subject to written approval of their repair program from the Department of Labor and Industry.

The owner repair program must include: organization, design control, material control, control of work, inspection, welding, nondestructive testing, records, repair reporting, and provision for system test and inspection by ~~an authorized national board a~~ commissioned inspector holding a Minnesota Certificate of Competency. Before acceptance of the repair program, the chief boiler inspector must review the program. The program shall not be approved until the chief boiler inspector is satisfied that the program elements listed in this part are complete and acceptable and the allowance for independent third-party inspection controls are adequate and acceptable.

The commissioner of the department of ~~Labor and Industry~~ may withdraw program approval, with cause, upon the recommendation of the chief boiler inspector. The commissioner must provide the owner with written notification of the department's intent to withdraw program approval and the reasons for the action. The owner, upon receipt of the commissioner's notification, has 30 calendar days to implement the required corrective actions to the satisfaction of the chief boiler inspector. The acceptance or rejection of all corrective actions shall be by the chief boiler inspector and must be in writing.

5225.2700 REPAIRS BY INSPECTORS PROHIBITED; EXCEPTION.

Boiler inspectors shall not make any of the repairs they order to boilers. If, however, no competent mechanic is available in the locality in which the boiler is located, the chief ~~of the division of Boiler Inspection~~ boiler inspector may grant permission to the inspector to make emergency or minor repairs.

5225.3000 PROFESSIONAL CONDUCT OF INSPECTORS.

Boiler inspectors shall at all times extend courteous treatment to those whom they serve and to the public, and make special effort to avoid controversy by referring disputes to the office of the chief ~~of the division of Boiler Inspection~~ boiler inspector. Inspectors shall not commence any legal proceedings relating to the enforcement of boiler, license, or inspection laws prior to submitting the

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Proposed Rules

matter to the chief of the division of Boiler Inspection boiler inspector; nor shall they divulge to any person their personal opinions of findings pertaining to their duties as inspectors or disclose to the public any matter of a private nature in the possession of the division.

5225.3100 INSURED COVERAGE REPORT.

Every insurance company insuring a boiler or pressure vessel must notify the Boiler Inspection division inspector in writing within 30 days of the effective date of coverage (including binders). It must also mail a duplicate of the notification to the assured, who shall, until receipt of exemption certificate, display the notice in a conspicuous place near the boiler or pressure vessel. The person, firm, or corporation operating the insured boiler or pressure vessel shall procure and display an exemption certificate as provided in part 5225.3150 within a period of 60 days from the date of coverage, and keep it displayed in a conspicuous place near the boiler or pressure vessel.

If the certificate is not displayed within 60 days from date of coverage the boiler inspector from the division shall make the usual and customary inspection of the boiler or pressure vessel and charge the statutory fee.

5225.3150 INSURANCE COMPANY INSPECTIONS.

Subpart 1. Annual inspection report. An insurance company insuring a boiler or pressure vessel pursuant to Minnesota Statutes, section 183.57, shall mail the annual inspection report to the chief boiler inspector within 15 days of the inspection and a copy to the owner or operator of the boiler. If a report is not filed with the department within 45 days of the date the annual inspection is due, a department boiler inspector shall make the required inspection and charge the insurance company at the shop inspection rate for the inspection, including the reasonable costs of the inspection such as the mileage, meals, and hotel expenses incurred.

Subp. 2. Certificate. The division shall issue a certificate of exemption from division inspection for each boiler or pressure vessel for which it has received an inspection report from the insurer. Exemption from inspection by the division does not signify exemption from any of the other requirements of Minnesota Statutes, chapter 183, or this chapter. The fees are as provided in part 5225.8600, subpart 6. The certificate of exemption expires when the boiler or pressure vessel is due for its next inspection under Minnesota Statutes, section 183.57, subdivision 1.

5225.3200 APPEALS.

Any person aggrieved by any action or decision of a boiler inspector may request a reconsideration by the commissioner, in the manner provided for a conference under part 5225.0880, subpart 3; ~~who~~. The commissioner may affirm, modify, or rescind the action or decision. The parties affected by an action or decision of the commissioner may request a hearing at the Office of Administrative Hearings under Minnesota Statutes, sections 14.57 to 14.70 14.69, and as provided in part 5225.0880, subparts 7 and 8.

BOILER SAFETY

5225.4000 BLOWOFF TANKS.

Sizes of blowoff tanks are given in the following table:

Up to three boiler horsepower pipes not to exceed 18 inches in diameter may be used, provided the volume of the water seal is at least equal to one gauge of water of the boiler to which it is connected and vapor space is at least 50 percent of the volume and boiler pressure is not over 100 pounds per square inch.

Boiler Rating	Tank Size
3 to 10 H.P.	24" x 36"
11 to 25 H.P.	24" x 48"
26 to 50 H.P.	30" x 36"
51 to 75 H.P.	30" x 48"
76 to 150 H.P.	36" x 54"
151 to 250 H.P.	36" x 60"
251 to 600 H.P.	42" x 66"
Over 600 H.P.	48" x 72"

Blowoff tanks must meet the requirements of the National Board Inspection Code 27, Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems.

5225.4100 SAFETY VALVES.

Every high pressure or low pressure boiler must have at least one safety valve. A high pressure boiler of more than 500 square feet of water heating surface must have two or more safety valves. All safety valves must meet the requirements of Section I, IV, or

VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code requirements, and be so stamped, and be set no higher than the maximum allowable working pressure on the inspector's certificate for that boiler.

Every safety valve must be connected to the boiler independent of any other connections, and attached as close as possible to the boiler, without any unnecessary pipe or fitting and must stand in an upright position. No valve of any description may be placed between the required safety valve or valves and the boiler, nor on the discharge pipe between the safety valve and the atmosphere point of discharge. All safety valves must discharge at a point of safety not less than seven feet from running boards, platforms, or adjacent areas. No reduction in pipe size is allowed in discharge piping from a safety valve. The discharge pipe must be of sufficient size to allow complete discharge without back pressure.

5225.4200 WATER GAGE.

When the boiler operating pressure exceeds 100 pounds per square inch, the watergage glass must be fitted with either a gate gate-type or plug-valved plug-type valved drain to a safe discharge point.

The lowest visible part of the water gage glass must be at least two inches above the lowest permissible water level. If the lowest water gage shutoff valve is more than seven feet above the floor or platform from which it is operated, the operating mechanism must indicate by its position whether the valve is opened or closed. Installation must meet the requirements of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for high pressure boilers or Section IV for low pressure boilers.

5225.4300 WATER COLUMN SHUTOFFS.

When shutoffs are used in pipe connections between a boiler and water column or between a boiler and the shutoff valves required for the gage glass they must be either outside-screw-and-yoke or leverlifting type gate valves or stopcocks with levers permanently fastened and marked in line with their passage, or other through-flow construction to prevent stoppage by deposits of sediment. These valves must indicate by the position of the operating mechanism whether they are in open or closed position; and the valves or cocks shall be locked or sealed open. Where ~~stopcocks~~ valves are used they must be a type with the plug held in place by a guard or gland.

~~Apparatus which does not permit the escape of an appreciable amount of steam may be placed in the pipes connecting a water column or gage glass to a boiler.~~

The steam and water connections to a water column, including all pipe, fittings, valves, and drains must be readily accessible for internal inspection and cleaning by providing a cross or fitting with a back outlet at each right-angle turn, or by using pipe bends or fittings which will permit the passage of a rotary cleaner. The water column shall be fitted with at least a three-fourths inch pipe size ~~cock~~ or valve drain with a suitable connection to a safe discharge point.

5225.4400 STEAM GAGE.

For steam boilers the steam gages must meet the requirements of Section I for high pressure boilers, and section IV for low pressure boilers of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code to correctly record pressure.

Each steam gage must be connected to a siphon of at least one-fourth inch pipe size and be fitted with a ~~cock~~ valve provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the ~~cock~~ valve is open. If the pipe is longer than ten feet, a shutoff valve or ~~cock~~ valve arranged so that it can be locked or sealed open may be used near the boiler.

The dial of the steam gage must be graduated to approximately double the pressure at which the safety valve is set but in no case to less than 1-1/2 times this pressure.

5225.4500 VALVES AND FITTINGS.

Valves and pipe fittings must conform to the American Society of Mechanical Engineers Boiler and Pressure Vessel Code which adopts American National Standards Institute standards for the maximum allowable working pressure. Fusion welded joints are permitted if the welding procedure and operator are qualified as required in Section IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

All valves and fittings on all feedwater piping from the boiler up to and including the first stop valve and the check valve must be equal at least to the requirements of the standard accepted by Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for pressure 1.25 times the maximum allowable working pressure of the boiler.

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All valves and fittings for ~~feed-water~~ feedwater piping between the required check valve and the globe or regulating valve, and including any bypass piping up to and including the shutoff valves in the bypass, must be equal at least to the saturated requirements of ~~any standard accepted by set out in Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.~~ The ~~valves and fittings must have a pressure rating must be at least~~ equal to the expected operating pressure required to feed the boiler for a saturated steam temperature corresponding to the minimum set pressure of any safety valve on the boiler drum or ~~for the actual temperature of the water, whichever is greater.~~

Valves and fittings made of any material permitted by Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for pressure ratings of 125 pounds or more and marked as required by the code may ~~be take up to 20 percent reduction in pressure rating when used for feed line and blowoff service up to 80 percent of the rated pressure.~~

5225.4700 COMMON MAIN CONNECTION.

When two or more boilers are connected to a common steam main, the steam connection from each boiler having a manhole opening must be fitted with two stop valves having an ample free-blow drain between them. The stop valves installed on high pressure steam boilers must consist ~~preferably of either~~ one automatic nonreturn valve, set next to the boiler and a second valve of the outside-screw-and-yoke type; or ~~as an alternative,~~ two valves of the outside-screw-and-yoke type ~~must be used.~~ The free blow drain must ensure complete removal of all condensate and steam from between the two stop valves.

5225.4800 BLOWOFF PIPING; VALVES AND FITTINGS.

Each boiler must have a bottom blowoff pipe fitted with a valve or cock in direct connection with the lowest water space practicable.

All fittings between the boiler and valves must be of steel for pressure over 100 pounds per square inch.

For pressures up to 200 pounds per square inch cast iron valves may be used if they meet the requirements of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, which adopts the American National Standards Institute Standard for 250 pounds; and if of steel must be equal to the requirements of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, which adopts the American National Standards as given in the American Society of Mechanical Engineers Boiler and Pressure Vessel code Institute Standard. For pressures over 200 pounds per square inch the valves or cocks must be of steel and at least equal to the requirements of Section I of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code which adopts the American National Standards Institute Standard.

5225.4900 BLOWOFF VALVES PIPING.

On all stationary boilers, when the allowable working pressure exceeds 100 pounds per square inch, each bottom blowoff pipe must have two slow-opening valves, or one slow-opening valve and a quick-opening valve or a cock complying with Section VII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code requirement. The quick-opening valve, if used, must be located nearest the boiler.

The bottom blowoff pipes of every traction and/or portable boiler must have at least one slow-or-quick-opening blowoff valve or cock conforming to the American Society of Mechanical Engineers Boiler and Pressure Vessel Code Section VII requirement.

Blowoff valves and cocks must be located in a convenient and accessible place, using extension valve stems if necessary to secure safe operation.

5225.5000 FEED PIPING AND CHECK VALVE.

The feed-pipe must be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler; ~~and.~~ When two or more boilers are fed from a common source, there must be a globe or regulating valve on the branch to each boiler between the check valve and the source of supply. Wherever globe valves are used on feed piping, the inlet must be under the disk.

A combination stop-and-check valve in which there is only one seat and disk, and a valve stem is provided to close the valve when the stem is screwed down, must be considered only as a stop valve, and a check valve must be installed as provided in the first paragraph of this part.

5225.5100 FEEDWATER SUPPLY.

A high pressure boiler having more than 500 square feet of water heating surface (50 BHP) must have at least two means of feeding. Each source of feeding must be capable of supplying water to the boiler at a pressure of three percent higher than the highest setting of any safety valve on the boiler. For boilers that are fired with solid fuel not in suspension, and for boilers whose setting or heat source can continue to supply sufficient heat to cause damage to the boiler if the feed supply is interrupted, one such means of feeding must not be susceptible to the same interruption as the other, and each source must provide sufficient water to prevent damage to the boiler.

When electrically driven feed pumps are used and there is no other reliable independent source of electrical supply, there must be

maintained ready for service steam-driven feed pumps or injectors (inspirators) of sufficient capacity to safeguard the boilers in case of failure of electric power.

5225.5200 ELECTRICALLY HEATED GENERATORS ELECTRIC BOILERS.

All appliances required for electric steam ~~generators~~ boilers shall be attached in accordance with the following:

A cable at least as large as one of the incoming power lines to the ~~generator~~ boiler must be provided for grounding the ~~generator~~ boiler shell. This cable must be permanently fastened on some part of the ~~generator~~ boiler and must be grounded in an approved manner. A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen or guard must be located so that it will be impossible for anyone working around the ~~generator~~ boiler to accidentally come in contact with the high tension circuits.

Each kilowatt of electrical energy consumed by an electric steam ~~generator~~ boiler, operating at maximum rating, must be considered the equivalent of one square foot of heating surface of a fire tube boiler when determining the required amount of safety valve relieving capacity.

NAVIGATION OF POWER BOATS ON INLAND WATERS

5225.6050 INCORPORATION BY REFERENCE.

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

Subp. 3. **Use of terms.** For the purpose of parts 5225.6000 to 5225.8600, the following terms in incorporated sections of *Code of Federal Regulations* have the meanings given in items A and B.

A. "Officer in charge, marine inspection," or "officer in charge" means a "chief boiler inspector."

B. "Marine inspector" means a "designated boat inspector" and is used in this chapter to mean a boat inspector who is designated by the chief boiler inspector of the department of ~~Labor and Industry~~.

5225.6140 INSPECTION OF BOATS.

Subpart 1. **Inspections required.** Annual inspection by the department of ~~Labor and Industry~~ is required of any boat that is not under the jurisdiction of the Coast Guard.

Subp. 2. **Inspections optional.** Boats that are less than 21 feet in length may be inspected by the department of ~~Labor and Industry~~ at the owner's request if the owner pays for the inspection. Boats under 21 feet must meet the safety equipment requirements established by the Minnesota Department of Natural Resources.

Subp. 3. **Inspection standards.** The department of ~~Labor and Industry~~, division of ~~Boiler Inspection~~, shall conduct the inspection according to *Code of Federal Regulations*, title 46, subparts 175.20, 176.05-5, 176.05-10, and 176.25, and the requirements in parts 5225.6000 to 5225.8600.

5225.6150 LICENSE REQUIREMENTS.

Subpart 1. **General.** The operation of a boat requires a valid, current Minnesota pilot's license issued by the ~~Department of Labor and Industry~~, division of ~~Boiler Inspection~~.

Subp. 2. **Requirements for licensure.** An applicant for a pilot's license must:

A. fill out an application on forms provided by the ~~department of Labor and Industry~~ division;

B. submit an affidavit from a person who can attest to the piloting experience of the applicant as provided in subpart 3;

C. pass an examination prepared by the chief boiler inspector as described in part 5225.0500, subpart 1, with a score of at least ~~75~~ 70 percent; and

D. pay the license fee as provided in part 5225.8600.

Subp. 3. **Experience documentation.** An applicant must have at least 15 hours of training experience operating a boat. The training experience must be supervised by a licensed pilot. The applicant must submit an affidavit completed by the supervising licensed pilot attesting to the applicant's training experience. The applicant must submit the affidavit before taking the examination.

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Subp. 4. **Exemptions from affidavit and examination requirement.** The affidavit and examination requirement shall be waived for an applicant possessing a ~~valid, unlimited,~~ current United States Coast Guard pilot's license. An applicant possessing a ~~valid, unlimited,~~ current United States Coast Guard pilot's license must complete an application and pay the fee set by part 5225.8600. ~~The affidavit and examination requirement must not be waived for those holding a limited United States Coast Guard license.~~

Subp. 5. **Effect of failure of examination.** An applicant who fails to pass the examination is not eligible to take another examination for ten days. The fee paid for the examination shall not be refunded.

5225.6160 LICENSE EXPIRATION AND RENEWAL.

Subpart 1. **Timing.** Licenses for pilots, unless revoked, are valid for one year from the date of issuance, with privilege of renewal without examination upon application to the ~~Department of Labor and Industry, Boiler Inspection~~ division, and payment of a renewal fee within ten calendar days of the expiration date. The renewal license must be given a consecutive issue number and the same monthly date as the original issue. An application for renewal may not be submitted before 30 days preceding the expiration date of the license. Pilots who fail to renew their licenses before the ten-day grace period has expired are subject to the requirements in subparts 2 and 3.

Subp. 2. **Application for renewal within one year of expiration.** A license that has expired may be renewed within one year of expiration without an examination by filing an application for renewal and submitting the expired renewal fee required in part 5225.8600, subpart 2, item C.

Subp. 3. **Renewal application after one year of expiration.** ~~A license that has expired more than one year before submitting an application for renewal may be renewed by submitting an application for renewal, passing the examination described in part 5225.6150, subpart 2, item C, and paying the fee required in part 5225.8600, subpart 2, item C. After one year after the expiration of a license, the license will not be renewed. An applicant must reapply as provided in part 5225.6150.~~

5225.6700 REPORTS OF DAMAGE.

A pilot of a boat shall report in writing to the office of the chief boiler inspector of the department of ~~Labor and Industry~~ any accident causing either death, an injury that requires hospitalization, or damage in excess of \$1,000. In the event of a death, the report must be made within 48 hours. In the event of an injury or property damage, the report must be made within five days. The pilot shall also promptly report any other pilot who does not properly discharge the duties of a pilot and any person who flashes a light into the face of a pilot or otherwise commits an act that endangers the safety of a pilot or passengers of a boat.

5225.6940 DESIGN CHANGES.

Subpart 1. **Approval of design.** The division of ~~Boiler Inspection~~ must be notified before any design change is made to a boat that changes the length, draft, center of gravity, or superstructure of the boat. Drawings, sketches, or written specifications of the changes must be reviewed and approved by a marine architect designated by the boiler division. The marine architect shall make a report regarding the proposed design changes to the chief boiler inspector. Final approval or disapproval of design changes will be made by the chief boiler inspector. All costs of the review by the architect must be paid by the boat owner.

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

5225.8600 FEES.

[For text of subpart 1, see M.R.]

Subp. 2. Engineer licenses.

[For text of item A, see M.R.]

B. The fees for license renewal under ~~part~~ parts 5225.0300 and 5225.6160 are as follows:

- (1) chief engineer, \$25;
- (2) first class engineer, \$20;
- (3) second class engineer, \$15;
- (4) special engineer, \$10; and
- (5) pilot, \$10.

C. The fees for expired renewals under part 5225.0300, subpart 2, and 5225.6160, subpart 2, are as follows:

- (1) chief engineer, \$50;
- (2) first class engineer, \$30;
- (3) second class engineer, \$25;

- (4) special engineer, \$20; and
- (5) pilot, \$30.

D. The fee for replacement of a lost license of any class is \$15.

[For text of subs 3 to 6, see M.R.]

Subp. 7. **Vessel Boat inspections.** The fees for vessel boat inspections under *Minnesota Statutes*, section 183.545, subdivision 1, are as follows:

- A. boat under 30 feet, \$50;
- B. boat from 30 to no more than 40 feet, \$60;
- C. boat over 40 to no more than 50 feet, \$70; and
- D. boat over 50 feet, \$80.

Subp. 8. **Hobby boilers.** The inspection fee for hobby boilers or traction boilers, not previously certified in Minnesota is \$75. The inspection fee for ~~an~~ a subsequent inspection of a hobby or traction boiler is \$45.

Subp. 9. **Date due.** As provided in *Minnesota Statutes*, section 183.54, subdivision 2, fees for inspection are payable at the time of the delivery of the certificate.

Subp. 10. **Failure to pay fee.** If the fee is not paid within 30 days from the date of the inspection under *Minnesota Statutes*, section 183.54, subdivision 3, completion of delivery of the certificate will not occur. If the fee is not paid within 60 days from the date of the inspection, the commissioner may assess a penalty under *Minnesota Statutes*, section 183.001, or seal the object inspected.

5225.8700 PENALTY.

Boilers and boats subject to inspection under *Minnesota Statutes*, chapter 183, must be inspected at least annually. Pressure vessels must be inspected at least every two years except as provided under *Minnesota Statutes*, section 183.45. An owner or chief operating engineer who fails to have an inspection in a timely manner shall pay to the division a penalty in the amount of \$500 for each three-month period that passes until the inspection occurs.

REPEALER. *Minnesota Rules*, parts 5225.1100; 5225.1200, subpart 2; 5225.3400; 5225.3500; and 5225.9000, are repealed.

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Adopted Rules

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 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.

Board of Accountancy

Adopted Permanent Rules Relating to the Code of Professional Conduct

The rules proposed and published at *State Register*, Volume 18, Number 32, pages 1818-1825, February 7, 1994 (18 SR 1818), are adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to Minnesota Family Investment Program

The rules proposed and published at *State Register*, Volume 18, Number 30, pages 1696-1741, January 24, 1994 (18 SR 1696), are adopted with the following modifications:

Rules as Adopted

9500.4030 APPLICATION FOR ASSISTANCE.

Subp. 10. **Changes in residence during application.** The requirements in subparts 8 and 9 apply without regard to the length of time that an applicant remains, or intends to remain, a resident of the county in which the application is made. When an applicant leaves the county where application was made but remains in the state, part 9500.4330 applies and the local agency may request additional information from the applicant about changes in circumstances related to the move. If an applicant in an MFIP county is selected to participate in MFIP and moves to another MFIP county, the applicant remains an MFIP applicant. If an applicant in an MFIP county is selected to participate in MFIP and moves to a non-MFIP county, the applicant is no longer an MFIP applicant and must be considered an applicant for aid to families with dependent children, family general assistance, and food stamps. If an applicant who is originally selected to participate in MFIP moves from a non-MFIP county to an MFIP county, the applicant must be considered for MFIP.

9500.4090 DOCUMENTING, VERIFYING, AND RECERTIFYING ELIGIBILITY.

Subp. 4. **Factors to be verified.** The local agency must verify the following at application:

P. inconsistent information, if related to eligibility;

Subp. 5. **Items that must be verified at recertification.** The local agency must verify the following at recertification:

G. inconsistent information, if related to eligibility.

9500.4220 CASE MANAGEMENT.

Subp. 7. **Education and training activities.** The case manager and the caregiver must consider the criteria in items A to E before including education and training activities in the employability plan.

A. The caregiver and case manager must agree:

(3) the caregiver ~~has the academic ability to successfully complete~~ can meet the requirements for admission into the program; and

(4) there is a reasonable expectation that the caregiver will complete the training program based on such factors as the caregiver's current MFIP assessment; previous education, training, and work history; current motivation; and changes in previous circumstances.

B. ~~The caregiver and case manager must consider family income that could be earned by immediate entry into paid employment which will be foregone during pursuit of education or training. A comparison must be made between income foregone during by delaying immediate entry into paid employment while in pursuit of education or training and the probable income which will be earned following the education or training. The advantages and disadvantages to the family must be discussed with respect to both options.~~

9500.4230 REDUCTION OR DISCONTINUATION OF SUPPORT SERVICES.

Support services such as transportation and child care assistance will be reduced or discontinued for the time allotted for activities in which the caregiver is not participating ~~or making satisfactory progress consistent with the terms of the family support agreement or employability plan.~~ For issues of satisfactory progress, when timely request for conciliation conference or appeal was made, support services shall continue until conciliation is complete or a fair hearing decision is rendered.

9500.4270 MFIP CHILD CARE.

Subp. 5. **Child care assistance in a two-parent assistance unit.** A local agency may authorize child care assistance in a two-parent assistance unit when the assistance unit is eligible for child care under subpart 3 or 4, and:

B. one caregiver is working or has an employability plan and is in compliance with the requirements in the employability plan and the other caregiver is unable to care for a dependent child as determined by a medical doctor or by an assessment by the local social services agency; ~~or~~

C. both caregivers are working and the terms of employment make both caregivers unavailable to care for the dependent child during the hours child care is requested; ~~or~~

D. one caregiver is working and one caregiver has an employability plan and is in compliance with the requirements of the employability plan and neither caregiver is available to care for the dependent child during the hours child care is requested.

Department of Public Service

Energy Division

Adopted Permanent Rules Relating to the Minnesota Energy Code

The rules proposed and published at *State Register*, Volume 18, Number 32, pages 1831-1847, February 7, 1994 (18 SR 1831), are adopted with the following modifications:

Rules as Adopted**7670.0100 AUTHORITY; SCOPE; APPLICABILITY.****Subp. 7. Plans and specifications.**

A. General. With each application for a building permit, and when required by the building official, plans and specifications shall be submitted. The building official may require that plans and specifications be prepared by an engineer or architect licensed to practice by the state. Designs submitted under the provisions of part 7670.0460 must be prepared by an engineer or architect licensed to practice in Minnesota.

EXCEPTION: In accordance with *Minnesota Statutes*, section 326.02, subdivision 5, work performed by an electrical contractor or master plumber as defined in and licensed pursuant to *Minnesota Statutes*, chapter 326, shall not be required to be prepared by an engineer or architect licensed to practice in the state.

7670.0610 BUILDING MECHANICAL SYSTEMS.

Subp. 15. **Duct insulation.** Ducts must be insulated in accordance with this subpart.

Minimum Required Duct Insulation
(see table notes for letter interpretations)

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

Duct Location	Cooling only or heating and cooling	Heating only
Exterior of building, attics, garages, and ventilated crawl spaces	C, V, and W	C and W
Inside of building and in unconditioned spaces ¹ TD less than <u>25°F</u> or <u>equal to 15°F</u>	None required	None required
TD greater than <u>25°F</u> <u>15°F</u> and less than or <u>equal to 40°F</u>	A and V	A
TD greater than 40°F	B and V	B
Within conditioned space or in basements with insulated walls	None required	None required
Intake and exhaust ducts ²	A and V	A
Within cement slab or within ground	B	B

NOTES:

¹Duct insulation is not required at the following locations:

- (a) ceilings which form plenums; and
- (b) for that portion of the duct which is located within a wall or a floor-ceiling space with conditioned space on both sides.

²Exhaust ducts within a heated space must be insulated for a distance of three feet from the duct outlet.

A = A material with installed minimum thermal resistance of R-3.3. Examples:

- 1.5-inch, 0.60 lb/cu ft mineral fiber, slag, or fiberglass blankets;
- one-inch, 1.5 to 3.0 lb/cu ft mineral fiber blanket duct liner;
- one-inch, 3.0 to 10.0 lb/cu ft mineral fiber board.

B = A material with installed minimum thermal resistance of R-5.0. Insulation encased in cement or within ground must be approved for that application and be installed on the bottom and sides of plenums. Examples:

- 2.5-inch, 0.60 lb/cu ft mineral fiber, slag, or fiberglass blankets;
- 1.5-inch, 1.5 to 3.0 lb/cu ft mineral fiber blanket duct liner;
- 1.5-inch, 3.0 to 10.0 lb/cu ft mineral fiber board;
- one-inch, 1.35 lb/cu ft extruded polystyrene board.

C = A material with installed minimum thermal resistance of R-8.0. Examples:

- four-inch, 0.60 lb/cu ft mineral fiber, slag, or fiberglass blankets;
- two-inch, 1.5 to 3.0 lb/cu ft mineral fiber blanket duct liner;
- two-inch, three to ten lb/cu ft mineral fiber board.

The example of materials listed under each type is not meant to limit other available thickness or density combinations with the equivalent installed resistance based on the insulation only.

V = Vapor retarder with all joints sealed.

W = Approved weatherproof barrier.

TD = the design temperature differential between the air in the duct and the ambient temperature outside of the duct.

Subp. 16. **Duct construction.** Ductwork must be constructed and erected in accordance with chapter 1346, Uniform Mechanical Code, adopted by the Department of Administration.

Ducts must be sealed in accordance with this subpart. Pressure sensitive tape must not be used as the primary sealant for ducts designed to operate at static pressure of 1 in. water gauge or greater. In accordance with the Uniform Mechanical Code, section 706(e), adopted by chapter 1346, return air ducts conducting air into a furnace through the same space as the furnace must be continuously airtight.

Minimum Required Sealing

Location	Design Static Pressure	Sealing Required
All locations	Greater than three inches water gauge	Joints, seams, and all <u>duct</u> wall penetrations must be sealed. Ductwork must be no <u>equal to or less than leakage Class 6</u> as defined in section 4 of the HVAC Duct Leakage Test Manual.*
Outside conditioned space	3.0 inches water gauge and less	All transverse joints and longitudinal seams must be sealed.
All locations <u>except ducts within return, relief, and exhaust plenums</u>	3.0 to <u>greater than 0.25 inches</u> water gauge inclusive	All transverse joints must be sealed.
<u>Ducts within return, relief, and exhaust plenums</u>	<u>3.0 to 0.25 inches water gauge inclusive</u>	<u>All transverse joints must be sealed.</u>

*Leakage testing may be limited to representative sections of the duct system, but in no case shall such tested sections include less than 25 percent of the total installed duct area for the design pressure class.

7670.0800 ELECTRICAL POWER AND LIGHTING.

Subp. 2. **Lighting power budget.**

B. Minimum requirements.

(2) Fluorescent lamp ballasts.

(c) Fluorescent lamp ballasts must have a power factor equal to or greater than 80 percent.

EXCEPTION: Ballasts for circline lamps and compact fluorescent lamps.

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

Official Notices

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

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

Department of Health

Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Monticello - Big Lake Community Ambulance, Monticello, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from **Monticello - Big Lake Community Ambulance**, 1013 Hart Blvd., Monticello, Minnesota for a change in type of license from Basic to Advanced Ambulance Service for the current primary service area which includes portions of Sherburne and Wright Counties.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 - 14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on June 9, 1994 at Monticello -Big Lake Community Hospital, Conference Room, 1013 Hart Blvd., Monticello, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3 (g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* §§ 14.57 -14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Peter C. Erickson, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7606, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* 1400.6200 on or before May 23, 1994. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before June 1, 1994.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the

Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 20 April 1994

Mary Jo O'Brien
Commissioner of Health

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations for Macalester College

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of **Macalester College**, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on May 18, 1994 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$24,500,000 to finance a project generally described as (a) acquisition of land and road and athletic field improvement thereon, (b) acquisition and installation of cooling tower for air conditioning at Janet Wallace Fine Arts Center, (c) roof replacement at Janet Wallace Fine Arts Center, Dupre Hall, Olin Hall and Rice Hall, (d) improvement to and new equipment for Rice and Olin Halls, and (e) improvement to and new equipment for Kirk Hall (collectively, the "Project"), all owned or to be owned and operated by the College and located on its main campus, the principal street address of which is 1600 Grand Avenue, St. Paul, Minnesota 55105.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 2 May 1994

By Order of the Minnesota Higher
Education Facilities Authority
Joseph E. LaBelle
Executive Director

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, May 19, 1994, in the Minnesota Historical Society History Center, Cargill Commons, MacMillan Education Wing, St. Paul, Minnesota. The State Review Board will meet for a light dinner at 5:30 p.m. and an informational presentation on program activities will be made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7 p.m. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (612) 296-5434.

Department of Jobs and Training

Rehabilitation Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Vocational Rehabilitation Services: Consumer Financial Participation

NOTICE IS HEREBY GIVEN that the State Department of Jobs and Training, Division of Rehabilitation Services (DRS), is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rules governing consumer financial participation in the cost of interpreter, notetaker, or reader services, *Minnesota Rules* part 3300.5040, subpart 6; and part 3300.5060, subpart 4, item A; subpart 6, item A; and subpart 8, item A. These rules, as published in the notice of adoption in the *State Register*, Monday, April 18, 1994, pages 2250-2251, currently do not exempt interpreter, notetaker or reader services from consumer financial participation.

Official Notices

The amendment of the rule is authorized by *Minnesota Statutes*, section 268A.03 (m), which requires the commissioner to adopt, amend, suspend or repeal rules necessary to implement or make specific the programs that the commissioner administers. The commissioner administers the vocational rehabilitation program under *Minnesota Statutes*, section 268A.03 (b).

DRS requests information and opinions concerning the subject matter of the proposed rule amendment. Amendment of the rules is being considered as a result of public input. Groups and individuals have informed the Commissioner of Jobs and Training and DRS that, in their view, it is not permissible to require consumer participation in the cost of interpreters, notetakers, readers, or other services necessary to insure effective communication. These commenters have pointed out that federal regulations implementing the Americans with Disabilities Act, Title 28, *Code of Federal Regulations*, Part 35, section 35.130 (f), prohibit public agencies from placing a surcharge on an individual with a disability to cover the cost of auxiliary aids necessary for effective communication. DRS invites comment on this topic, and also invites comment about whether it should also add a definition of "auxiliary aids for effective communication" to the definitions in the rules on vocational rehabilitation services, *Minnesota Rules*, part 3300.5010. A definition of "auxiliary aids for effective communication" could reference the definition of "auxiliary aids and services" in federal regulations, Title 28, *Code of Federal Regulations*, Part 35, section 35.104: "(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments; (2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective means of making visually delivered materials available to individuals with visual impairments; (3) Acquisition or modification of equipment or devices; and (4) Other similar services and actions."

Written statements should be addressed to:

Pam Belknap, Rehabilitation Specialist
Division of Rehabilitation Services
First Floor
390 North Robert Street
St. Paul MN 55101

Statements may be made by telephone to Pam Belknap at (612) 297-8269 (voice) or (612) 296-9141 (TDD).

Statements of information or opinions shall be accepted until a notice of hearing or a notice of intent to adopt noncontroversial rules without a hearing is published in the *State Register*. An additional public comment period of at least 30 days will take place following the publication of a notice of a hearing or a notice to adopt rules without a hearing. DRS does not intend to establish an advisory task force on this subject. DRS anticipates that the rulemaking process will be completed in July of 1994 if the proposed rules are noncontroversial, or in September of 1994 if a hearing is held because the proposed rules are controversial.

Dated: 20 April 1994

R. Jane Brown
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective May 2, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

Beltrami County: MN/DNR Region 1 Headquarters Elevator Addition-Bemidji.

Carlton County: MN Psychopathic Center New 100 Bed Construction-Moose Lake, Fond Du Lac Reservation Min No Aya Win Health Clinic-Cloquet, Carlton Water Treatment Plant Dehumidification Installation.

Cook County: Cook county Community Clinic & North Shore Hospital-Grand Marais.

Goodhue County: Kenyon Sr. High & Wanamingo Jr. High 1994 Boiler Room Asbestos Abatement.

Grant County: West Central Area School Sitework-Barrett.

Hennepin County: U of M Halon System Telecom Addition, Minneapolis Public Schools Blacktop Sitework-Minneapolis. Spring Lake Park High School/Board of Education Building/Westwood Jr. High Reroofing-Spring Lake Park. St. Kevin's Church & School Hazardous Materials Abatement.

Isanti County: Westview High School Renovation-Braham.

Lincoln County: Tyler School Remodeling-Tyler.

Nobles County: Adrian High School Remodeling-Adrian.

Pennington County: Thief River Falls Challenger Elementary School Sitework-Thief River Falls.

Ramsey County: MWWTP West Screen & Grit Building/Administration Building Ramp & Warehouse Loading Dock; Bailey Hall 1994 Roof Replacement; Animal Science & Vet Medicine 1994 Reroofing; Food Science & Nutrition 1994 Reroofing; Greenhouse Headhouse 1994 Reroofing; East Consolidated School Carpet Replacement; Fort Snelling Pathways-St. Paul.

St. Louis County: U of M/Duluth Student Apartment Complex Phase I; Heller Hall & Bohanson Hall Domestic Water Piping Replacement; Duluth Central School Electrical Sitework-Duluth. Kinney Crisis Shelter Addition & Renovation-Kinney. Natural Harvest Community Market, Mesabi Humane Society Building Expansion-Virginia. Soudan Underground Mine Park Surface Tour/Accessibility Remodeling-Near Soudan.

Wabasha County: ISD #810 High School Remodeling-Plainview.

Washington County: Woodbury & Pine Hill Elementary Schools Reroofing-Woodbury & Cottage Grove. Oltman Jr. High Repair & Restoration-St. Paul Park. Park High/Hillside/Crestview/Pullman, Pinehill & Armstrong Elementary Remodeling-St. Paul Park & Cottage Grove.

Winona County: St. Charles Elementary Portable Classroom-St. Charles.

Wright County: River Street Interceptor/Main Lift Station-Delano.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective May 2, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

Aitkin County: Aitkin County Growth Industrial Facilities-Aitkin.

Anoka County: Linwood Elementary Fire Alarm Upgrade, Champlin Elementary School-Champlin, Sorteberg Elementary School-Coon Rapids.

Blue Earth County: Mankato Public School 1994 Masonry Restoration-Mankato.

Dakota County: Farmington Kindergarten Center Remodeling-Farmington, 1994 Rosemount Schools Reroofing-Rosemount.

Goodhue County: Red Wing Technical College 1994 Addition & Remodeling-Red Wing.

Hennepin County: Osseo Public Schools Communications Cabling-Osseo, Maple Grove, & Various; Northrup Memorial Auditorium Sprinkler System, HCMC 1994 Reroofing & Parking Facility Deck Protection, Energy Center, Chemical Dependency Center, M.S. Metals Building, & Medical Research Facility 1994 Reroofing, Minneapolis Armory Stabilization, U of M Centennial & Comstock Hall 1994 Reroofing, City Hall Courthouse Elevators 1/2/3 & 4, U of M Centennial Hall Southwest Basement-Minneapolis, Comm/OPS Center Modifications, Facility Management Office Addition, Carousel Bag Belt Security-MSP International Airport, Greenwood Elementary School 1994 Reroofing-Wayzata, Oxbow Creek Connecting Link Addition & Alteration-Champlin.

Koochiching County: Bronco Arena & Falls Elementary-International Falls.

Marshall County: Newfolden Elementary School-Newfolden.

Olmsted County: Rochester City Hall-Rochester, Chatfield Jr. & Sr. High School 1994 Reroofing-Chatfield.

Ramsey County: MWWTP SCI Stack & Scrubber Demolition, Cleveland Jr. High School Elevator Addition, Humboldt Sr. High School Accessibility Improvements, Battle Creek Middle School, River Front Education Center-St. Paul, Harmony Elementary School Fire Code Upgrade-Maplewood.

St. Louis County: Creek Ridge Sportsman's Club-Ely, Lincoln Jr. High, Hibbing High, Green Haven, Jefferson, Washington Elementary Door Replacement-Hibbing, U of M/Duluth Building Maintenance Painting-Duluth.

Sherburne County: Sr. Housing/Apartment-St. Cloud.

Washington County: Forest Lake High School Improvements-Forest Lake, Ohman Jr. High Tunnel Asbestos Abatement-St. Paul Park.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Pollution Control Agency

Ground Water and Solid Waste Division

and the

Department of Agriculture

Agronomy Services Division

Notice of Proposed Update of the Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

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

Pursuant to *Minnesota Statutes* § 115B.17 (1993), the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health, welfare, or the environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility

Where the hazardous substance or pollutant or contaminant is an agricultural chemical, as defined in *Minnesota Statutes* § 18D.01, subd. 3, the Commissioner of Agriculture is authorized under MERLA to take any removal or remedial action deemed necessary with regard to such releases or threatened releases, *Minnesota Statutes* §§ 115B.17; 115B.20; and 18D.1051 (1993).

Minnesota Statutes § 115B.17, subd. 13 (1984), required the MPCA to establish priority rules regarding releases or threatened releases of hazardous substances, and pollutants or contaminants. The revised priority rules, *Minnesota Rules* ch. 7044, became effective on April 5, 1993.

Minnesota Statutes § 115B.17, subd. 13, also requires the MPCA to adopt the PLP and to update the list annually according to the criteria set forth in the priority rules. Before any update of the PLP is adopted by the MPCA, it must be published in the *State Register* and a 30-day public comment period must be provided. This notice is, therefore, published to inform the public that the MPCA and MDA propose to update the PLP and to solicit public comment on the proposed deletions.

The MPCA is proposing to delete the following four MPCA sites from the PLP, as specified under *Minnesota Rules* pt. 7044.0950 (1993): Weisman Scrap, Winona; Hopkins Agricultural Chemical/Allied Chemical, Minneapolis; Lansing Ground Water Contamination, Lansing; and Amdura, St. Paul.

In addition, the Commissioner of Agriculture is proposing to delete the following MDA site from the PLP: Central Co-Operative Oil Association, Medford.

The MPCA and MDA invite members of the public to submit written comments on these proposed deletions from the PLP *only*. All written comments with regard to these proposed deletions must be received no later than 4:30 p.m., June 2, 1994.

Written comments regarding the proposed MPCA site deletions should be submitted to: Gary L. Krueger, Program Development Section, Ground Water and Solid Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155-4194.

Written comments regarding the proposed MDA site deletion should be submitted to: Teresa L. McDill, Agronomy Services Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107

Requests for a complete updated PLP or information on a specific site currently listed on the PLP can be directed to the MPCA's Public Information Office at the above address or by telephoning 612/296-7283.

The MDA is the administering state agency for the following five PLP sites: Castle Rock Ground Water Contamination, Castle Rock; Cedar Services, Minneapolis; Howe Chemical Soil Contamination, Martin County; Lewiston Ground Water Contamination, Lewiston; and Perham Municipal Airfield, Perham. Any questions regarding these sites should be directed to the above MDA address.

All written comments received by the above deadline will be considered by the MPCA and the MDA in establishing the updated PLP.

Charles W. Williams
Commissioner- Minnesota Pollution Control Agency

Elton Redalen
Commissioner-Minnesota Department of Agriculture

Public Utilities Commission

Issue Date: April 22, 1994 Docket No. IP-1/CN-94-004

Notice and Order for Hearing In the Matter of the Application by LSP-Cottage Grove, L.P. for a Certificate of Need for a Large Generating Facility

Before the Minnesota Public Utilities Commission

Don Storm	Chair
Tom Burton	Commissioner
Marshall Johnson	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner

Procedural History

I. The Application

On February 22, 1994 LSP-Cottage Grove, L.P. (LSP or the Company), an affiliate of LS Power Corporation, filed an application for a certificate of need to build a natural gas fired 232-megawatt cogeneration plant in Cottage Grove. The plant is intended to supply energy to Northern States Power Company and is scheduled to come on line in the summer of 1997.

On March 29, 1994 the Company made a supplementary filing. On April 20, 1994 the Commission accepted the supplemented application as being in proper form and substantially complete.

A copy of the Company's application is on file in the offices of the Department of Public Service, Suite 200, 121 Seventh Place East, St. Paul, Minnesota 55101-2145 and is open for public inspection during regular office hours.

Findings and Conclusions

II. Jurisdiction and Referral for Contested Case Proceedings

The Commission has jurisdiction over applications for certificates of need for large generating facilities under *Minnesota Statutes* § 216B.243 (1992). The statute requires the Commission to hold at least one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. *Minnesota Statutes* §216B.243, subd. 4 (1992).

The Commission finds that it cannot satisfactorily resolve all issues raised by the Company's application on the basis of its filing and the single public hearing required under the statute. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

III. Issues to be Addressed

A. Substantive Issues

Minnesota Statutes § 216B.243 (1992) and *Minnesota Rules*, parts 7849.0010- 7849.0400 set forth criteria which must be met to establish need for proposed large energy facilities, including the proposed cogeneration plant. Parties to this proceeding shall address whether the proposed facility meets these criteria.

B. Case Management Issue

Because this case is subject to a six-month statutory deadline, and because construction must begin soon if the proposed plant is to meet NSP's projected energy needs, the Commission has referred this application for contested case proceedings as soon as it was substantially complete. The Commission is concerned, however, by the fact that LSP and Northern States Power Company have not yet signed a contract. At present, LSP is not bound to build the proposed plant and NSP is not bound to buy the energy the plant will produce.

If these parties do not reach an agreement, the three state agencies currently involved in this case will have spent significant amounts of public resources for no significant public benefit. Any parties intervening after issuance of this Notice and Order for Hearing would be similarly harmed. To protect the resources of the parties and the credibility of the certificate of need process, the Commission conveys its concern to the Administrative Law Judge and urges him to set limits on how far this case may proceed without a signed contract.

IV. Public Participation

Minnesota Statutes § 216B.243, subd. 4 (1992) encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

Official Notices

The Commission has designated statistical analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by telephone at (612) 297-4562 and by FAX at (612) 297-7073. His address is Suite 350, 121 7th Place East, St. Paul, Minnesota 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge. The Commission will require the Company to publish notice of the public and evidentiary hearings in newspapers throughout the state, to encourage public participation.

V. Procedural Outline

A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Steve M. Mihalchick. His address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138; (612) 349-2145.

B. Hearing Procedure

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statutes* §§ 14.57-14.62 (1992); the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, *Minnesota Rules*, parts 7830.0100 to 7830.4400 and *Minnesota Rules*, parts 7849.0010 to 7849.0400. Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155, (612) 297-3000.

Under these rules formal parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under *Minnesota Rules*, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Any person intending to appear at the hearing as a formal party must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing. Failure to appear at the hearing may result in facts and issues being resolved against the party who fails to appear.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions. They should take note that any material introduced into evidence may become public data unless a party objects and requests relief under *Minnesota Statutes* § 14.60, subd. 2 (1992).

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under *Minnesota Rules*, part 1400.5900 should be directed to Anu Seam, Special Assistant Attorney General, Suite 350, 121 7th Place East, St. Paul, Minnesota 55101-2147, (612) 296-0413.

The times, dates, and places of public and evidentiary hearings will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

C. Parties and Intervention

Current parties to this proceeding are LSP and the Department of Public Service. NSP, whose system configuration and energy needs are central issues, has appeared for purposes of providing information and will continue to play that role. NSP will be subject to information requests on the same terms as a party, whether or not the company chooses to become a party.

Other persons wishing to become formal parties to this proceeding shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. *Minnesota Rules*, part 1400.6200.

D. Prehearing Conference

A prehearing conference will be held on Monday, May 16, 1994 at 9:30 a.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.

All parties and persons intending to intervene should attend the conference, prepared to discuss time frames and scheduling. Other matters which may be discussed include the scope of the hearing, the locations and dates of hearings, discovery procedures, and similar issues.

E. Time Constraints

Under *Minnesota Statutes* § 216B.243, subd. 5 (1992), the Commission is required to act on the Company's application within six months of receipt of a substantially complete filing. The Commission asks the Administrative Law Judge to conduct contested case

proceedings in light of these time constraints. Parties should note the six-month statutory time frame at the outset and be prepared for the expedited hearing schedule that time frame requires.

F. Application of Lobbying Provisions

The lobbying provisions of the Ethics in Government Act, *Minnesota Statutes* §§ 10A.01 *et seq.* (1992), apply to certificate of need proceedings. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Minnesota Ethical Practices Board, telephone number (612) 296-1720, with any questions.

G. *Ex Parte* Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at *Minnesota Rules*, parts 7845.7300 to 7845.7400, which all parties are urged to consult.

Order

1. A contested case proceeding shall be held on the Company's certificate of need application.
2. The contested case proceeding shall begin with a prehearing conference on Monday, May 16, 1994, at 9:30 a.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.
3. At least one public hearing shall be held in this matter at a time and place determined by the Administrative Law Judge after consultation with the Commission.
4. All parties to this proceeding may serve information requests on any other party and on Northern States Power Company. Information requests shall be answered within ten days of receipt.
5. The Company shall publish notice of the public and evidentiary hearings at least 10 days in advance in newspapers of general circulation throughout NSP's service area. The Company shall work with staff to develop a plan to meet this requirement, including a proposed text, a list of the newspapers it proposes to use, and proposed publication dates. The Commission authorizes staff to approve the plan, with the Company retaining the right to Commission review.
6. This Order shall become effective immediately.

By Order of the Commission
Burl W. Haar
Executive Secretary

Public Utilities Commission

Notice of Investigation and Solicitation of Comments from Interested Parties for a Local Calling Scope Investigation P999/C1-94-296

Background

The Public Utilities Commission intends to investigate the appropriate local calling scope of telephone subscribers in Minnesota. The Commission is interested in examining whether a standard local calling area is appropriate for all local subscribers, or if another method for determining the appropriate local calling scope is better.

Local calling scopes are areas of special concern to the Commission. Traditionally, these areas are priced to recover a revenue requirement and are typically priced on an unlimited use basis. Extended area service, whether implemented under the previous *Minnesota Rule* 7815.1500, or *Minnesota Statutes* § 237.161, has given subscribers increased range in calling under their local flat rate structure, but for varying prices.

Current local calling areas are diverse and are provided under a variety of prices. Some exchanges have a calling area of under 500 access lines, with only one 3 digit prefix, or NXX, available under a non-toll price. Other exchanges have access to a number of other NXXs without a toll charge for only a nominal additional or no additional charge. Yet other exchanges have recently added NXXs for a significant addition to the local rate. Finally, there is the Twin Cities Metro Calling area, arguably the largest toll free calling area in the country, with different prices in the different exchanges, but where each subscriber has toll free access to over a million lines.

Solicitation of Comments

The Commission seeks guidelines for establishing a well defined local calling scope which is equitable, reasonably priced, pre-

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serves universal service, and is understandable to customers. At this time the Commission does not intend to decrease the size of existing local calling scopes in this proceeding.

The Commission seeks comments regarding the following:

- What should be the scope of this investigation?
- What issues should be addressed in this investigation?
- Is a contested case hearing necessary to address the issues?
- What public hearings are appropriate, and at what point in the procedure should they take place?

The Commission has identified the following possible issues. Parties are invited as part of their responses to this solicitation, to comment on whether these issues should be included in the case.

1. How large should a local calling area be, ideally? What service characteristics should a local calling area have?
2. What social considerations should govern the size of a local calling area? How is Universal Service to be encouraged through the local calling area size and pricing structure?
3. How should a local calling area be priced; i.e. on what cost or non cost foundation, and what pricing structure should be used?
4. How does the pricing of local service affect the optimal size of the local calling area; e.g. flat rate vs. measured vs. metered: cost based rates vs. residually priced rates?
5. How does the advent of competition in some areas affect the optimal local calling area size or pricing?
6. If an exchange or calling area is smaller than the optimal local calling area, what general methods should be used to attain the optimum; e.g. petitioning and commission decision or customer voting, automatic extensions of the calling area, other?
7. Should local calling areas which include, or could include, parts of the Twin Cities Metropolitan Calling Area be treated differently from the rest of Minnesota?
8. Should the pricing of existing local calling areas be included in this investigation? If yes, how? Should the Metro Calling Area be treated differently from existing calling areas in the rest of Minnesota?
9. How should the Commission implement any decisions it makes regarding the local calling scope and possible prices.
10. Once an optimum local calling size is determined, what long term goals should the Commission adopt for addressing current calling areas which may be larger than the optimum size or contain areas in conflict with the optimum local calling size?
11. If the Commission receives petitions to remove EAS routes recently, or not so recently installed, how should they be handled?

Parties commenting must file 15 copies with the Commission at the above address by **June 17, 1994**. Parties wishing copies of the comments of others should contact Clodet Pratt of the Department of Public Service, at 612/296-6913.

The Commission anticipates that this case will be concluded by June 1, 1996.

The Commission does not intend to establish an advisory task force for this case. However, parties who file comments are invited to meet with Commission staff on Thursday, July 7, 1994 from 9:00 a.m. until noon in the Commission's conference room B at 121 7th Place East, Suite 350, (Metro Square Building), St. Paul, MN 55101.

If you wish to remain as an interested party on this case, and would like notice of further proceedings, you must contact the Commission on or before June 30, 1994. Please call Joy Gullikson at 612/297-7071, or contact her in writing at the above address. If you intend to meet with Commission staff on July 7th, please inform Ms. Gullikson no later than Wednesday, July 6th, 1994.

Dated: 20 April 1994

Burl W. Haar
Executive Secretary

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174

of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by May 24, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1993 Annual Compilation and Statistical Report is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1992 fiscal year. The 1993 Annual Compilation also indicates members with terms that are scheduled to end in January 1994 as open for application. The cost of the 1993 Annual Compilation is \$5.95 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1993 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

Chemical Abuse Prevention Resource Council
Department of Public Safety, Office of Drug Policy and Violence Prevention,
316 Transportation Bldg., St. Paul, MN 55155. 612-297-4749
Minnesota Statute 299A.31.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Per diem plus expenses.

VACANCY: Two vacancies: Representing either financial aid services, chemical dependency treatment, prosecution, defense, judiciary, corrections, drug abuse professionals or religious leaders. One term expires January 1995, one term expires January 1996.

The council is to serve as an advisory body to the governor and legislature on all aspects of alcohol and drug abuse; assist state agencies in coordination of drug policies, programs and services; oversee comprehensive data collection, research and evaluation of alcohol and drug program activities; evaluate whether law enforcement narcotics task forces should be reduced in number and increased in geographic size; and review and approve state agency plans regarding the use of federal funds for programs to reduce chemical abuse or reduce the supply of controlled substances. The council consists of nineteen members: the commissioners of Public Safety, Education, Health, Corrections, and Human Services, the director of the Office of Strategic and Long Range Planning and the attorney general each appoint one member from their employees; the speaker of the house and the subcommittee for committees of the senate each appoint a legislative member; the governor appoints ten members from throughout the state representing the following: public health, education including preschool, elementary and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities and other community representatives. Meetings held the second Thursday of the month at various locations (call 297-4749 for time and locations).

Council on Asian-Pacific Minnesotans
205 Aurora Ave., Suite 100., St. Paul, MN 55103. 612-296-0538.
Minnesota Statutes 3.9226.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Representative of the Malaysian community for a term expiring in January 1997.

The council advises the governor and legislature on issues confronting Asian-Pacific people in this state. The governor appoints nineteen members who represent the Asian-Pacific community of this state. The legislature appoints two senators and two representatives who are non-voting members. Quarterly meetings (special meetings as needed), hosted by various agencies throughout the state of Minnesota.

Governor's Council on Geographic Information
Minnesota Land Management Information Center, 330 Centennial Building,
St. Paul, MN 55155. 612-296-1211.
Executive Order 93-17.

APPOINTING AUTHORITY: Director of the Office of Strategic and Long Range Planning.

COMPENSATION: Travel expenses.

VACANCY: Eighteen vacancies: Members should have knowledge and interest in the GIS field representing state government, higher education, local government, federal government, and GIS users in the private sector.

The council provides leadership and direction in the efficient and effective development, management, and use of geographic

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information resources by all levels of government in Minnesota. The council recommends and promotes standards, policies, and guidelines for developing and sharing geographic information, and provides a formal forum for exploring issues and initiatives related to the successful use of Minnesota's geographic information. The council consists of eighteen members with knowledge and interest in the geographic information systems (GIS) field, and represents state government, local government, the federal government, higher education, and GIS users in the private sector. Council meetings are held in St. Paul at least four times annually. Members are expected to serve on at least one committee.

Governor's Interagency Coordinating Council on Early Childhood Intervention

987 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-296-7032.

Minnesota Statutes 120.17, subd. 11a.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Private provider of services for children with disabilities under age 5 for a term expiring in January 1995.

The council advises, assists and recommends policies to the governor and the Minnesota Departments of Commerce, Education, Health, Human Services and Jobs and Training to provide interagency collaboration in the development of Minnesota's comprehensive, coordinated, multidisciplinary system of early intervention services for young children under age five with disabilities and their families. The council consists of at least seventeen members but not more than twenty-five, including: at least five parents, including persons of color, of children with disabilities under age twelve, including at least three parents of a child with a disability under age seven; five representatives of public or private providers of services for children with disabilities under age five, including a special education director, county social service director, and a community health service or public health nursing administrator; one member of the senate, one member of the house of representatives, one representative of teacher preparation programs in early childhood-special education or other preparation programs in early childhood intervention, at least one representative of advocacy organizations for children with disabilities under age five, one physician who cares for young children with special health care needs, one representative each from the commissioners of Commerce, Education, Health, Human Services, and Jobs and Training, and a representative from Indian health services, or a tribal council. Meetings held at least six times during the year.

Hazardous Waste Management Planning Council

Minnesota PCA, Hazardous Waste Div., 520 Lafayette Rd, St. Paul, MN 55155. 612-297-8336.

Minnesota Statutes 115A.12.

APPOINTING AUTHORITY: MN Pollution Control Agency.

COMPENSATION: Reimbursed for expenses.

VACANCY: Eighteen vacancies: Six public members, six representatives of local government units, and six representatives of hazardous waste generators and private hazardous waste management firms.

The council makes recommendations to the MN Pollution Control Agency on industrial waste management planning, waste management facility development, and industrial waste reduction issues and programs. The council may have up to eighteen members and includes public members, representatives of local government units, hazardous waste generators and private hazardous waste management firms. Meetings once a month. The council expires June 30, 1994.

Intergovernmental Information Systems Advisory Council (IISAC)

Dept. of Administration, Room 320, Centennial Office Bldg.,

658 Cedar St., St. Paul, MN 55155. 612-297-5530.

Minnesota Statutes 16B.42.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: \$55. per diem plus expenses for public members.

VACANCY: One vacancy: Elected or appointed official from a 4th class city (under 10,000 population.)

The council promotes the use and electronic exchange of information between state and local governments through a grant program and also acts as a liaison in the area of information systems. Twenty-five members (fourteen elected or appointed government officials, seven representatives of state agencies and four public members) include two each from counties outside of the metro area, 2nd and 3rd class cities within and outside of metro area, and 4th class cities; one member each from Metropolitan Council, outstate regional body, counties within metro area, 1st class cities, school districts within and outside metro area, state department officials, and four from the state community at large. Members are appointed for four year terms. The full council meets the second Wednesday of every other month. Members are required to serve on a working committee which may meet more frequently.

Market Assistance Program Committee

133 E. 7th St., Attn: L. Esau, St. Paul, MN 55101. 612-297-4634.

Minnesota Statutes 62I.09.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: None.

VACANCY: Twelve vacancies: Six representatives of insurers, two insurance agents, two public members, and two representatives of groups insured by the Minnesota Joint Underwriting Association.

The committee reviews applicants of the Minnesota Joint Underwriting Association to ascertain if coverage is available in private insurance. The committee consists of twelve members including six representatives of insurers, two insurance agents, two public members, and two representatives of groups insured by the Minnesota Joint Underwriting Association. Meeting schedule varies, usually monthly or bimonthly.

Market Development Coordinating Council

Minnesota Office of Waste Management, 1350 Energy Lane, St. Paul, MN 55108. 612-649-5750.

Minnesota Statutes 115A.12(1).

APPOINTING AUTHORITY: Office of Waste Management.

COMPENSATION: Expenses.

VACANCY: Twelve vacancies: Representatives of local government, private recyclers and recycling markets.

The council develops and coordinates statewide strategy for developing markets for recyclable materials and advises the Office of Waste Management on expenditure of Market Development funds. The council consists of not less than nine nor more than eighteen members: one representative each from the Department of Trade and Economic Development, Department of Administration, Pollution Control Agency, Greater Minnesota Corporation, Metropolitan Council, Legislative Commission on Waste Management; also representation from local government, private recycling markets and collectors. Monthly meetings at the Office of Waste Management in St. Paul.

Medical Services Review Board

Dept. of Labor and Industry, Rehabilitation & Medical Affairs, 443 Lafayette Rd., St. Paul, MN 55155. 612-296-8213.

Minnesota Statutes 176.103.

APPOINTING AUTHORITY: Commissioner of Labor and Industry.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Three vacancies: three medical practitioners to serve as alternates for one year terms.

The board advises the Department of Labor and Industry on medical matters relating to workers' compensation, makes determinations on inappropriate, unnecessary or excessive treatment under *Minnesota Statutes 176.103, subd. 2*, and may issue penalties for violation of rules following a contested case procedure under chapter 14 under *Minnesota Statutes 176.103, subd. 3*. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer or insurer member, one physical therapist, and one public member plus alternates. The commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board.

Minnesota-Wisconsin Boundary Area Commission

619 2nd St., Hudson, WI 54016. 612-436-7131.

Minnesota Statutes 1.31.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Reimbursed for expenses.

VACANCY: One vacancy: Citizen of the State of Minnesota.

The commission studies, makes recommendations, coordinates intergovernmental activities and provides public information on the use, development and protection of the St. Croix and Mississippi rivers that form the interstate border of Minnesota and Wisconsin. Members include five commissioners from each state, each Minnesota member has a four year term. Terms are staggered. Bi-monthly commission meetings; more frequent committee meetings.

Minnesota Health Care Commission

717 Delaware St. SE, Mpls., MN 55414. 612-623-5555.

Minnesota Statutes 62J.08.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

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VACANCY: Two vacancies: One member representing labor unions (cannot be AFL-CIO) and one member representing rural physicians for four year terms expiring in June 1998.

The commission shall make recommendations to the commissioner of Health and the legislature regarding health care cost containment and help improve accessibility, affordability and quality of health care in Minnesota. The commission consists of twenty-five members, including ten members appointed by the governor: one representing health plan companies, one rural physician, two members representing health care providers other than hospitals, physicians, and nurses, two members representing employers, three members representing consumers, one of whom shall be over the age of 65, and one member representing labor unions other than the AFL-CIO Minnesota. Two additional consumer members shall be appointed, one under the rules of the Senate, one under the rules of the House of Representatives. Ten members shall be appointed by organizations outside the state government. Those organizations have been notified by letter that they should provide the name of their appointees to the Governor's office, when received, those names will be forwarded to the Secretary of State's office. The remaining three members of the commission shall be the commissioners of Commerce, Employee Relations, and Human Services. The governor and legislature shall coordinate appointments to the Commission to ensure gender balance and proportionate geographic representation among the members of the commission. Members must file with the Ethical Practices Board. Meeting schedule and location is not determined at this time.

Minnesota Pollution Control Agency

520 Lafayette Rd. N., St. Paul, MN 55155. 612-296-6300.

Minnesota Statute 116.02.

APPOINTING AUTHORITY: Governor. Senate confirmation.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: One member for a term expiring in January 1997.

The agency shall meet the variety and complexity of problems relating to water, air and land resources of the state consistent with the maximum enjoyment and use thereof in furtherance of the welfare of the people. The agency consists of nine members, including one member who must be knowledgeable in the field of agriculture. Monthly meetings. Members must file with the Ethical Practices Board.

Minnesota Zoological Board

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

Minnesota Statutes 85A.01.

APPOINTING AUTHORITY: Governor, Zoo board.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota Zoo. To the extent possible, members will be appointed who are residents of various geographical regions of the state. Members should have the ability to raise significant funds from the private sector. This position is appointed by the Minnesota Zoo Board.

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

Rehabilitation Review Panel

Dept. of Labor and Industry, Special Compensation Fund 443 Lafayette Rd., St. Paul, MN 55101. 612-296-2117.

Minnesota Statutes 176.102, Subdivision 3.

APPOINTING AUTHORITY: Commissioner of Labor and Industry.

COMPENSATION: \$55 per diem and reimbursed for expenses.

VACANCY: Two vacancies: One employer/insurer (alternate), and one labor representative (member).

The panel advises the Department of Labor & Industry on rehabilitation matters relating to workers compensation and may issue penalties for violation of rules following a contested case hearing under Chapter 14 under *Minnesota Statutes 176.103, subd. 3.* Members include two representatives each from employers, insurers, rehabilitation and medicine, one representative of chiropractors, four representing labor plus three alternates. The commissioner of Labor and Industry, or designee, is an ex-officio member. Members must file with the Ethical Practices Board.

Solid Waste Management Advisory Council

MN PCA, Solid Waste Div., 520 Lafayette Rd., St. Paul, MN 55155-4194. 612-296-7395.

Minnesota Statutes 115A.12.

APPOINTING AUTHORITY: MN Pollution Control Agency.

COMPENSATION: Reimbursed for expenses.

VACANCY: Nine to twenty-one positions: Please see the description of this council in the Information About Agencies section of this announcement.

The council makes recommendations on solid waste management activities. The council may have nine to twenty-one members, with equal numbers of citizen members, representatives of local government units, and representatives of the solid waste industry; at least three members experienced in the private recycling industry and at least one member experienced in each of the following areas: state and municipal finance, solid waste collection, processing and disposal, and solid waste reduction and resource recovery. Meetings held the first Friday of each month, from 11:30am to 3:00pm at the MN Pollution Control Agency, 520 Lafayette Rd., St. Paul.

Special Education Advisory Council

Learning Improvement Team, 811 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-296-0313.

Public Law 94-142.

APPOINTING AUTHORITY: State Board of Education.

COMPENSATION: Reimbursed for expenses.

VACANCY: Eight vacancies: Knowledgeable of the unique needs of children and youth with disabilities; knowledgeable of regular and special education; able to advise the State Board of Education and the Minnesota Department of Education in developing special education policies.

The council assists the state in developing policies, plans and practices that will assure effective and efficient special education programs for learners with disabilities ages birth to 21. The fifteen member council represents parents of children with disabilities, consumers, advocacy organizations, special education teachers and administrators, regular education teachers and administrators, and higher education teacher training programs, as well as Congressional Districts. Members are appointed for three year terms. The council generally meets five times each school year. Meetings are one and one-half days in length. Reimbursement is provided for travel costs, lodging and meals.

State Curriculum Advisory Committee

601 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-297-7368.

Minnesota Statutes 126.665.

APPOINTING AUTHORITY: Commissioner of Education.

COMPENSATION: None.

VACANCY: Two vacancies: One at-large position to be filled by a State Board of Education member, and one position for a resident of Education Cooperative Service Unit Region Three; must have been a former or current member of a local curriculum advisory committee. Must be a parent, teacher, school administrator or a member or a local Board of Education.

The committee advises the State Board and Department of Education on the planning, evaluation, and reporting process. The committee consists of eleven members including nine members, one appointed from each educational cooperative service unit, and two at-large members.

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, May 19, 1994 at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

State Grants

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

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

Department of Health

AIDS/STD Prevention Services Section

Request for Proposals for Mental Health Services Programs

Purpose

The Minnesota Department of Health (MDH) has funds available to provide support for mental health services for individuals with HIV disease who do not have adequate insurance coverage. The purpose of this grants program is to:

- increase access to mental health services for low income (<300% of poverty) HIV-infected individuals whose insurance will not cover these services;
- document the need for and use of these services by persons with HIV disease so that this information may be shared with the broader HIV community, including persons with HIV disease, and medical and social service providers.

Amount

Funding of up to **\$30,000** is available to fund nonprofit organizations; health, mental health, and social service providers; and community health agencies for the development, implementation, and evaluation of mental health services for persons with HIV disease. Programs will be funded up to an amount of \$3,000.

Duration

The grant period is established for 12 months, July 1, 1994 - June 30, 1995. Continuation funding may be available, and will be dependent upon the availability of federal HIV services funds to the MDH and satisfactory performance by the grantee.

Eligibility

Nonprofit organizations; health, mental health, and social service providers; and community health agencies that can demonstrate administrative, organizational, programmatic, and fiscal capacity to develop, implement, and evaluate mental health services to persons with HIV disease are eligible to apply for these funds.

Procedure for Grant Application

The request for proposals packet is available upon request, including instructions, format, necessary forms, and selected readings. A technical assistance meeting will be held on Tuesday, May 10, from 10:30 a.m. - 12:00 p.m. Call for information. For further information about this Request for Proposals, you may contact Fraser Nelson at the address below or at 612/623-5721. No other MDH personnel may be contacted concerning this Request for Proposal.

Agencies seeking MDH funding for HIV services programming are required to submit 12 copies of the completed proposal by 4:00 p.m., Wednesday, June 15, 1994.

Proposals are to be submitted by the specified date and time to:

Fraser Nelson, HIV Services Coordinator
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 Delaware Street S.E., P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 623-5721

Department of Health

AIDS/STD Prevention Services Section

Request for Proposals for Rural HIV Services Programs

Purpose

The Minnesota Department of Health (MDH) has funds available to enhance or create health and social services to meet the needs of persons affected by or living with HIV disease living outside the seven county metropolitan region of Minnesota. The purpose of this grants program is to:

- provide direct support services to persons living with HIV disease in the non-metro area of the state;
- support existing volunteer based service providers and organizations already providing services to persons with HIV disease in the non-metro area to both create new services and to support existing services; and to
- target funds to regions of the state with fewer than 30,000 residents.

Amount

Funding of up to **\$60,000** is available to fund non-profit organizations; health and social service providers and community health agencies for the development, implementation, and evaluation of direct care services for persons with HIV disease in the non-metro Minnesota. Providers of these services will be selected on a competitive basis.

Duration

The grant period is established for twelve months, July 1, 1994 - June 30, 1995. Continuation funding may be available, and will be dependent upon the availability of federal HIV services funds to the MDH and satisfactory performance by the grantee.

Eligibility

Nonprofit organizations, health and social service providers and community health agencies that can demonstrate administrative, organizational, programmatic, and fiscal capacity to develop, implement, and evaluate direct care services to persons with HIV disease in non-metro Minnesota are eligible to apply for these funds.

Procedure for Grant Application

The request for proposals packet is available upon request, including instructions, format, necessary forms, and selected readings. A technical assistance meeting will be held on Tuesday, May 10, from 1:00 - 3:00 p.m. Call for information. For further information about this Request For Proposals, you may contact Fraser Nelson at the above address or at 612/623-5721. No other MDH personnel may be contacted concerning this Request For Proposals.

Agencies seeking MDH funding for HIV services programming are required to submit twelve (12) copies of the completed proposal by 4:30 p.m., Wednesday, June 15, 1994.

Proposals are to be submitted by the specified date and time to:

Fraser Nelson, HIV Services Coordinator
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 Delaware Street S.E., P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 623-5721

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Commerce

Notice of Request for Proposals for Defense Counsel for the Minnesota Joint Underwriting Association

The Department of Commerce, on behalf of the MJUA, is requesting proposals from qualified firms to provide defense counsel to the Minnesota Joint Underwriting Association (MJUA). The MJUA intends to compile a list of qualified firms which the MJUA Board may draw upon in the event a lawsuit is brought against one of its insureds.

Proposals should include:

1. Evidence of competency including backgrounds, training and experience of specific lawyers within the firm.
2. A fee schedule including hourly rates for specific lawyers as well as legal assistants and clerical staff.
3. A minimum of three references.

Please submit proposals by June 1, 1994, to:

Beth Eulberg
Minnesota Joint Underwriting Association
Pioneer P.O. Box 1760
St. Paul, MN 55101
(612) 222-0484

Department of Commerce

Notice of Request for Proposals for Board Counsel for the Minnesota Joint Underwriting Association

The Department of Commerce, on behalf of the MJUA, is requesting proposals from qualified law firms to provide board counsel to the Minnesota Joint Underwriting Association (MJUA). Proposals should include:

1. Evidence of competency, including backgrounds, training and experience of specific lawyers within the firm.
2. A fee schedule including hourly rates for specific lawyers as well as legal assistants and clerical staff.
3. A minimum of three references.

Please submit proposals by June 1, 1994, to:

Beth Eulberg
Minnesota Joint Underwriting Association
Pioneer P.O. Box 1760
St. Paul, MN 55101

Department of Commerce

Notice of Request for Proposals for Services to be Provided to the Minnesota Joint Underwriting Association for the Purpose of Conducting a Balance Sheet Audit

The Minnesota Joint Underwriting Association intends to contract with one organization to provide the services according to the specifications issued.

Professional, Technical & Consulting Contracts

Interested parties should call (612) 222-0484 to obtain the Formal Request for Proposals (RFP).

Any questions relating to the RFP, or the services to be provided, should be directed to:

Beth Eulberg
Minnesota Joint Underwriting Association
Pioneer P.O. Box 1760
St. Paul, MN 55101

Proposals must be submitted by June 1, 1994.

Department of Commerce

Notice of Request for Proposals for Actuarial Services for the Minnesota Liquor Liability Assigned Risk Plan

The Minnesota Joint Underwriting Association intends to contract with an independent actuary to establish its reserves for the Minnesota Liquor Liability Assigned Risk Plan and to report to the Board of Directors regarding those reserves.

Any questions regarding to the procedure or the requested services may be directed to:

Beth Eulberg
Minnesota Joint Underwriting Association
Pioneer P.O. Box 1760
St. Paul, MN 55101
(612) 222-0484

Proposals must be submitted by June 1, 1994.

Department of Health

Division of Disease Prevention and Control AIDS/STD Prevention Services Section

Notice of Request for Proposals for Coordination Services to Organize, Schedule, Administer and Evaluate Grant Training Sessions and Meetings

NOTICE IS HEREBY GIVEN that the AIDS/STD Prevention Services Section, Division of Disease Prevention and Control, Minnesota Department of Health (MDH) is seeking proposals from qualified agencies for coordination services to organize, schedule, administer, and evaluate MDH grantee training sessions and meetings.

Background

The MDH has \$71,500 of state and federal funds for training and meeting coordination services for the period, July 1, 1994 - December 31, 1996. Continuation funding will be dependent upon the availability of HIV prevention and services funds to the MDH, and satisfactory performance by the contractor during the initial contract period.

Eligibility

- Any public or private agency that can demonstrate administrative, organizational, programmatic, and fiscal capacity to plan, schedule, administer, and evaluate MDH grantee training, workshops and meeting sessions.

Minimum Expectations

The selected agency for the contract will be required to: maintain all arrangements with the hosting facilities; handle correspondence related to support requirements; arrange support requirements; compile all training and meeting materials; conduct and oversee the registration process; insure that support services during the training, workshop, and meeting sessions run smoothly; handle payment of all expenses related to training, workshop, and meeting support; maintain records of all income and expenses associated with all training, workshop and meetings; develop and implement an evaluation process including a summary of each activity or event; insuring that the training activities are a continuing education activity that meets all the criteria of the various professional organizations; and submit a final summary report.

Professional, Technical & Consulting Contracts

Proposal Information

Proposals are due to the MDH by 4:00 p.m., Friday, May 27, 1994. Late proposals will not be accepted. Notice of awards will be made on or after June 24, 1994. The complete Request for Proposals is available from:

Camilla Mateka-Lundberg
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 623-5698

Department of Human Services

Cambridge Regional Human Services Center

Notice of Request for Proposals for Psychiatric Consultation Services

A Brief Description of the Project or Tasks:

Psychiatric Consultation: Three board certified or eligible psychiatrists to provide psychiatric consultation to clients of Cambridge Regional Human Services Center, an approximately 150 bed state facility providing services to developmentally disabled clients. Frequency: Approximately one day per week.

Estimated Cost: One at \$36,000 per year, one at \$31,200 per year and one at \$29,500 per year.

Agency Contact Person: David Paulson, M.D.

Final date completed proposals will be accepted: May 23, 1994.

Request for Proposal is available upon request.

Department of Human Services

Willmar Regional Treatment Center

Notification of Request for Proposals for Protestant Chaplain Services

NOTICE IS HEREBY GIVEN that the Willmar Regional Treatment Center, Mental Health Division, Department of Human Services, is seeking the following services for the period starting July 1, 1994 - June 30, 1995. These services are to be performed as requested by the Administration of the Willmar Regional Treatment Center; Willmar, MN.

1. Services of 1 full-time Protestant Chaplain to conduct services and other ministries to Mentally Ill, Developmentally Disabled and Chemically Dependent patients. Estimated amount of the contract will not exceed \$40,364.00 yearly.

Questions: 612-231-5396 - Stephen Grams

WRITTEN RESPONSES/BIDS FOR R.F.P.'S FOR THE ABOVE SERVICE MUST BE RECEIVED BY: May 11, 1994.

ADDRESSED TO: Mr. Stephen Grams, Business Manager; Willmar Regional Treatment Center; Box 1128; Willmar, MN 56201.

Pollution Control Agency

Water Quality Division

Request for Proposals for Chemical Analysis of Particulate and Dissolved Fractions of Water Samples for Trace Organic Compounds

The Minnesota Pollution Control Agency (MPCA) Water Quality Division is seeking proposals from qualified laboratories to

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perform chemical analyses of pre-concentrated, time-integrated water samples collected with a high volume filtration and extraction system. Particulates will be collected on filter(s) while the dissolved compounds are extracted on a resin column.

The purpose of the project is to support a pilot study of loadings of potential bioaccumulative compounds to Lake Superior. Initially four sites in the Duluth/Superior area will be sampled 10 to 25 times each from June 1994 to September 1995.

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

A. Sample Collection Methods

Sample columns contain Amberlite XAD-2 resin, and filters are standard 142 mm diameter glass fiber. The volume of sample pumped through the filter/extraction device necessary to achieve detection has not been established, but the volume will likely be 50-100 liters. The water at the collection sites will vary in solids concentrations, but all sites will likely require multiple filters. Filters will be wrapped in foil, placed in plastic bags and labeled as they are removed from the sampler. When a sufficient volume has been pumped through the sampler, the column will be removed, capped, packed on ice and shipped/delivered with filters to the laboratory.

B. Project Parameters

PARAMETERS	LEVEL OF DETECTION COLUMN EXTRACT	LEVEL OF DETECTION FILTERED SOLIDS
PCBs (total)	10.0 ng	10.0 ng
Pesticides		
alpha-BHC	1.0 ng	1.0 ng
toxaphene	10.0 ng	10.0 ng
octachlorostyrene*	1.0 ng	1.0 ng
heptachlorepoxide	1.0 ng	1.0 ng
hexachlorobenzene	0.5 ng	0.5 ng
oxychlordane	4.0 ng	4.0 ng
chlordanes	0.5 ng	0.5 ng
p,p' DDT,	1.0 ng	1.0 ng
p,p' DDD	0.5 ng	0.5 ng
trans/cis nonachlor	0.5 ng	0.5 ng
Dieldrin	0.5 ng	0.5 ng
PAHs		
acenaphthylene	3.0 ng	3.0 ng
acenaphthene	6.0 ng	6.0 ng
chrysene	3.0 ng	3.0 ng
flourene	4.0 ng	4.0 ng
phenanthrene	3.0 ng	3.0 ng
flouranthene	2.0 ng	2.0 ng
pyrene	2.0 ng	2.0 ng
benzo (a) pyrene	4.5 ng	4.5 ng
benzo (b) anthracene	3.0 ng	3.0 ng
benzo (b) flouranthane	4.0 ng	4.0 ng
benzo (k) flouranthane	4.0 ng	4.0 ng
dibenzo (a,h) anthracene	6.0 ng	6.0 ng
ideno (123cd) pyrene	5.5 ng	5.5 ng
benzo (ghi) perlyene	4.5 ng	4.5 ng
Dioxins**		
2,3,7,8 TCDD & TCDF and the 4 planar PCB congeners no. 77, 105, 126, 169.	1.5 pg	1.5 pg

*Octachlorostyrene may be excluded from proposals or bid separately.

** Dioxins may be excluded from proposals, or bid on separately from PCBs and pesticides.

Professional, Technical & Consulting Contracts

C. Reporting Results

Proposers must be able to provide written reports of analytical findings within 90 days of sample arrival at the laboratory.

D. Department Contracts

Prospective responders who have any questions regarding this request for proposal may call or write:

Daniel Helwig (612) 296-7215
Assessment and Planning
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Mr. Helwig is the only employee authorized to answer questions regarding this RFP.

E. Proposal Contents

Proposals must include a detailed description of column elution and clean-up methods, filtered solids analytical methods, extract analytical methods, quality assurance practices, instrumentation capabilities, and laboratory experience and key personnel. The exact number of analyses required for this project is not known at this time. Parameter concentrations and stream flows will have to be assessed over time to determine variability; therefore we are requesting proposals include the following:

1. Provide a price list for the parameters identified in B. (specify whether the filtered solids and column extract are priced separately or combined)
2. A bid for analysis of 40 extract samples and 40 filtered solids for the parameters listed in B.
3. Resin column cleaning and repacking charges.
4. Any additional internal quality assurance sample charges (if not included in pricing)
5. Standard sample and priority sample turnaround times and charges.

F. Award

The contract will be awarded on the following criteria:

1. Bid for analysis of 40 extract samples and 40 filtered solids samples for the parameters listed in B.
2. Rigor of quality assurance practices in the Standard Operating Procedures.
3. Ability to meet detection limits specified in B.
4. Laboratory experience with trace organics analyses of extracts from resin columns.
5. Resin column cleaning and repacking charges.
6. Any additional internal quality assurance sample charges (if not included in pricing).
7. Standard and priority sample turnaround times and charges.

G. Submission of Proposal

All proposals must be directed to the following and received no later than 5:00 p.m., June 2, 1994:

Daniel Helwig
Assessment and Planning
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Late proposals will not be accepted. Please submit 4 copies of the proposal, each signed by an authorized member of the firm. Proposals are to be sealed in mailing envelopes or packages with the responders name and address clearly written on the outside. Prices and terms of the proposal as stated must be valid for the length of the project.

Professional, Technical & Consulting Contracts

H. Affirmative Action

In accordance with the provisions of *Minnesota Statutes*, 1993 supplement, section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

I. Worker's Compensation

The successful responder will be required to submit acceptable evidence of compliance with Worker's Compensation Insurance coverage requirements prior to execution of the contract.

Department of Public Safety

Office of Traffic Safety

Request for Proposals for Observational Study of Seat Belt Use

The Department of Public Safety is seeking proposals to design a statistically representative survey of safety belt use in Minnesota and enter and analyze the data from one wave of the survey. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Contact: Susan J. Palmer
Telephone: (612) 296-8512
TTY: (612) 282-6555
Address: Department of Public Safety
Office of Traffic Safety
444 Cedar Street
Suite 100 B, Town Square
St. Paul, Minnesota 55101

Estimated cost of the contract is \$25,000.00. The Department will retain an option to renew the data analysis task of the contract in future years (estimated to be no more than \$5,000.00). Final date for submitting proposals is Monday, May 23, 1994 by 4:00 PM.

State University Board

Southwest State University

Notice of Request for Proposals for Consulting Services in Development of a Marketing Plan

Southwest State University is seeking proposals from qualified firms to provide assistance in the development of a marketing plan which will include a marketing audit, market research, and master marketing plan recommendations.

A copy of the contract requirement is available from:

Mr. Charles Mrybach
Director of Student Enrollment
Southwest State University
Marshall, MN 56258
Telephone: 507-537-6261

The deadline for receipt of proposals is May 20, 1994.

Information for Health Care Services

Health Care Facilities Directory

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

Minnesota Health Statistics -- 1990

Minnesota Center for Health-Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

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Minn. Rules Chapter 7510.3100 - 7510.3280. State fire safety standards for buildings, smoke detectors and alarms and changes to the Uniform Fire Code. Also rules governing storage and handling of flammable materials. 3-80 SR \$6.00



Uniform Fire Code 1991

National fire standards. Includes requirements for inspections, fire extinguishers, storage and handling of combustible materials, fireworks and more. 19-37 SR \$48.75

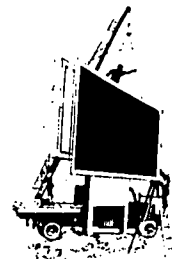
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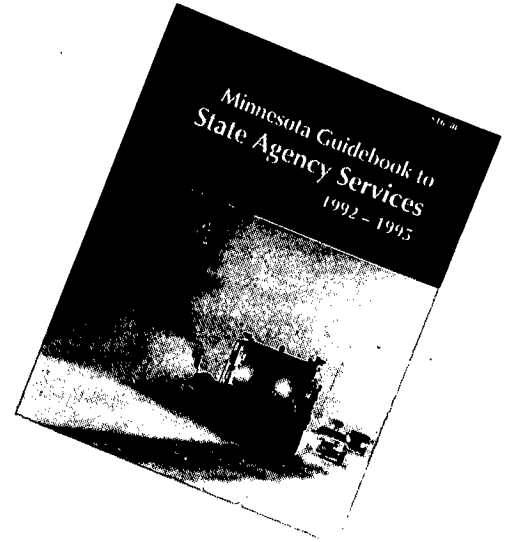
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Minnesota Guidebook to State Agency Services 1992-95

An obvious "headliner" on any list for the business reference desk.
The perfect "owner's manual" to Minnesota state government is a great reference tool for:

- * applying for grants, bidding on contracts
- * addresses, phone numbers and key contact people for each agency
- * license requirements and fees
- * gaining access to government services
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- * understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.

A MUST for the Minnesota business person. 710 pp. **Stock No. 1-11 SR** ~~REDUCED PRICE -- \$16.00~~ **NOW \$9.95**



Minnesota Manufacturer's Directory 1994

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available.
742 pp. **Stock No. 40-2 SR \$95.00**

Healing Arts (Physician's) Directory 1991

Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp.
Stock No. 1-1 SR \$19.95

State Agency Telephone Directory

Orders are now being taken for the 1994 Directory.
This directory lists all State of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in Greater Minnesota. 264pp. **Stock No. 1-87 SR \$12.95**

Airport Directory 1993

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size)
Stock No. 1-8 SR \$5.95

Law Enforcement Directory 1993

Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$ 7.00**

Directory of Chemical Dependency Programs '92-93

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp.
Stock No. 1-12 SR \$17.00

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