

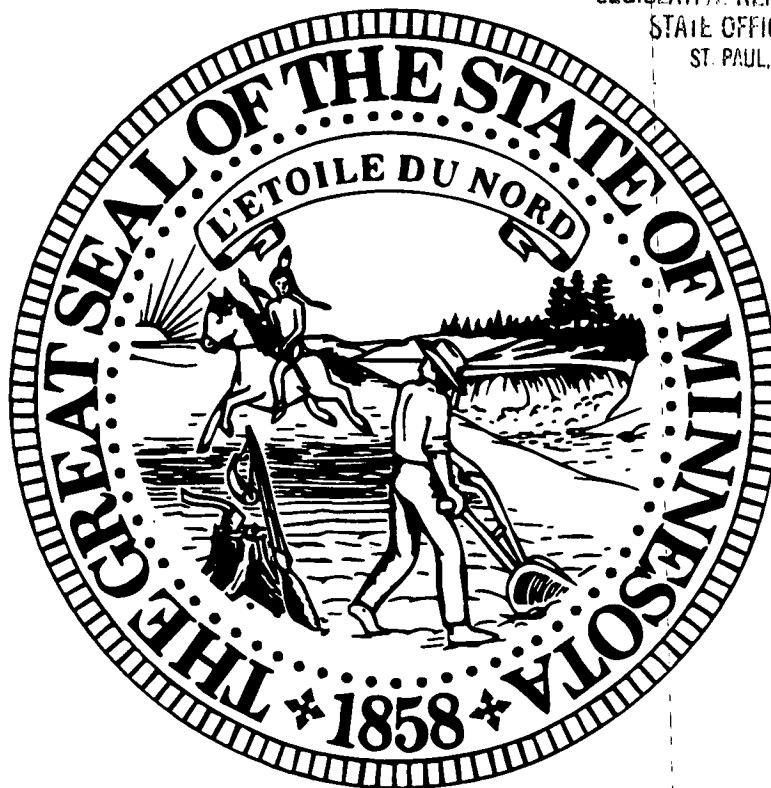
The Minnesota  
**State Register**

Rules and Official Notices Edition

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# State Register

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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.

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# Minnesota Rules: Amendments and Additions

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An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Minnesota Rules: Amendments and Additions

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Hazardous Waste Licensing and Container Management

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

##### Proposed Amendments to and Repeal of Specific Rules Governing Hazardous Waste Management.

**Introduction.** The Minnesota Pollution Control Agency (MPCA) intends to adopt amendments and repeal certain rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 45 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

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

Carol Nankivel  
Hazardous Waste Division  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155-4194  
(612) 297-8371

**Subject of Rule and Statutory Authority.** The proposed rule amendments and repeals address a number of unrelated issues regarding hazardous waste management. The statutory authority to adopt this rule is *Minnesota Statutes*, section 116.07, subd. 4.

The proposed rule amendments are published below. A free copy of the rule is available upon request from the MPCA contact person listed above.

**Comments.** You have until 4:30 p.m. on February 12, 1997, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. 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 February 12,

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

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1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Request to Have MPCA Board Make Decision on Rule.** You have the right to submit a request to the MPCA Commissioner to have the MPCA Board make the decision on whether to adopt the proposed rule. Your petition must be in writing and must be received by the MPCA contact person by 4:30 p.m. on February 12, 1997. Your petition will be granted or denied in the sole discretion of the MPCA Commissioner. Under *Minnesota Statutes*, section 116.02, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants your petition or if an MPCA Board member make a timely request that the decision be made by the MPCA Board.

**Withdrawal of Requests.** 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. If enough requests for hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rules may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the MPCA contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rule.

**Adoption and Review of Rules.** If no hearing is required and the decision is not required to be made by the MPCA Board, the MPCA Commissioner may adopt the rule after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Dated: 30 December 1996

Peder A. Larson  
Acting Commissioner

### 7045.0020 DEFINITIONS.

[For text of subps 1 to 37e, see M.R.]

**Subp. 38. Identification number.** "Identification number" means the number assigned to each generator, transporter, and treatment, storage, or disposal facility by either the Environmental Protection Agency, the state of Minnesota, or a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271, as amended.

[For text of subps 38a to 68, see M.R.]

**Subp. 68a. Petroleum.** "Petroleum" means:

- A. liquid petroleum products as defined in Minnesota Statutes, section 115C.02, subdivision 10;
- B. an unused crude oil or fraction of unused crude oil that is liquid at a temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; or
- C. constituents of gasoline and unused fuel oil as described under items A and B.

[For text of subps 69 to 73d, see M.R.]

**Subp. 73e. Recyclable fuel.** "Recyclable fuel" means any petroleum fuel which is no longer fit for use and which requires reclamation to be used.

**Subp. 73e-73f. Recycle.** "Recycle" means the reclamation, reuse, or use of a hazardous waste.

**Subp. 73f-73g. Regional administrator.** "Regional administrator" means the regional administrator for the United States Environmental Protection Agency, Region V, Chicago, Illinois.

**Subp. 73h. Registered fuel recycling facility.** "Registered fuel recycling facility" means a facility where the owners or operators have notified the commissioner of its waste management activities according to part 7045.0125, subpart 2, item D, and have received acknowledgment or confirmation by the commissioner that the agency is aware of the facility's waste management activities.



Subp. ~~73g.~~ 73i. **Remediation waste.** "Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under part 7045.0275, subpart 3, or 7045.0485, or RCRA, section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing part 7045.0275, subpart 3, or RCRA, section 3004(v) or 3008(h), for releases beyond the facility boundary.

Subp. ~~73h.~~ 73j. **Replacement unit.** "Replacement unit" means a landfill, surface impoundment, or waste pile unit (1) from which all or substantially all of the waste is removed, and (2) that is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or state-approved corrective action.

[For text of subps 74 to 109, see M.R.]

#### **7045.0070 OTHER STANDARDS.**

Nothing in this chapter shall relieve any person from any obligations or duties imposed by any other laws, statutes, rules, standards, or ordinances of the federal, state, or local governments or any agency thereof now in effect or which become effective in the future, including county ordinances adopted under Minnesota Statutes, section 473.811. In the event this chapter conflicts with any such laws, statutes, rules, standards, or ordinances, the more stringent shall apply. Nothing in this chapter shall be construed to require any person to comply with any portion of this chapter if that portion should at any time be preempted by federal law.

#### **7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.**

Subpart 1. **Exempt types of waste.** The following waste may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

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

J. waste resulting from spills or emergency response actions if the exemption is determined by the commissioner to be necessary to expedite the proper management of the spilled material waste and to prevent, abate, or control pollution as an immediate response to an emergency provided the waste, if hazardous, is ultimately taken to managed as a hazardous waste facility as specified in part 7045.0208;

[For text of items K to T, see M.R.]

U. used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use; or

V. used oil rerefining distillation bottoms that are used as feedstock to manufacture asphalt products; or

W. sorbents, soil, and debris contaminated with petroleum fuel from spills and emergencies that are contained and reported in accordance with Minnesota Statutes, section 115.061, except for used oil spills and emergencies.

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

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

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

Subp. 4. **Management of specific hazardous wastes.** Management of the following wastes when recycled, is not subject to regulation under parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380:

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

L. pipeline interface material, provided that the material is transported solely in a pipeline system as defined in *Code of Federal Regulations*, title 49, part 195, as amended, and is:

- (1) used as an ingredient in fuel;
- (2) sent to a refinery for use as an ingredient in a refining process; or

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## Proposed Rules

(3) sent to a processing location for reclamation; and

M. mixtures of different petroleum fuel products that met all fuel specifications required by *Minnesota Statutes*, section 239.761, before being mixed together, and that contain no other added water or waste, provided the mixtures are:

- (1) used as an ingredient in fuel;
- (2) sent to a refinery for use as an ingredient in a refining process; or
- (3) sent to a processing location for reclamation;

N. recyclable fuel, if the following conditions are met:

(1) the recyclable fuel is immediately removed from the generation site by a transporter in compliance with all applicable Minnesota Department of Transportation requirements in Minnesota Statutes, sections 221.033 to 221.035, and Code of Federal Regulations, title 49, parts 171 to 179;

(2) the recyclable fuel is delivered to a registered fuel recycling facility or managed as provided in part 7045.0208 within five calendar days of being accepted by the transporter;

(3) the recyclable fuel is not transferred, stored, or off-loaded between pickup and delivery; and

(4) the recyclable fuel is placed into the recycling process within 24 hours of receipt by a registered fuel recycling facility or, if managed under part 7045.0208, in accordance with the applicable requirements of that part; and

O. gasoline filters contaminated with gasoline if they are burned for energy recovery under subpart 3a, or recycled as scrap metal under item C, and are managed during accumulation and transportation according to the requirements of part 7045.0990, subparts 3 to 5.

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

Subp. 9. **Facility requirements.** Unless exempted specifically in this part or parts 7045.0692 and 7045.0790 to 7045.0990, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

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

D. Owners and operators of fuel recycling facilities that accept recyclable fuel must register with the agency by submitting, on a form prescribed by the commissioner, a notification of the owners' or operators' intent to accept recyclable fuel. The information submitted must include the facility's name and address, a name and telephone number of a designated contact person, and a description of the process and equipment that will be used to manage the recyclable fuel. The facility will be considered to be registered to accept recyclable fuel upon receipt of written confirmation from the commissioner that the agency is aware of waste recycling activities at the facility.

[For text of subs 10 to 12, see M.R.]

### 7045.0137 SMALL AMOUNTS OF UNRELATED CHEMICALS.

For purposes of licensing only under parts 7045.0225 to 7045.0250, a collection of small amounts of unrelated but compatible chemicals as described in part 7045.0230, subpart 4, including those for which the description of any sample or set of samples is not representative of the total waste, has the hazardous waste number of MN02.

### 7045.0208 HAZARDOUS WASTE MANAGEMENT.

Subpart 1. **Management by generator.** A generator must manage hazardous waste by using one of the methods described in items A to D E, unless otherwise specifically exempted under this chapter.

A. A generator may treat or dispose of hazardous waste at an on-site facility as provided under part 7045.0211.

B. A generator may ensure delivery of hazardous waste to an off-site storage, treatment, or disposal facility. If located in the United States, the facility used must be permitted to accept hazardous waste under the agency's permitting procedures, have interim status under parts 7045.0552 to 7045.0642, or be authorized to manage hazardous waste by the Environmental Protection Agency or by a state with a hazardous waste management program authorized by the Environmental Protection Agency.

C. A generator may ensure delivery of hazardous waste to a facility that under part 7045.0125 beneficially uses or reuses, legitimately recycles, or legitimately reclaims the waste, or treats the waste before beneficial use or reuse, legitimate recycling, or legitimate reclamation.

D. A generator may export hazardous waste to a foreign country under the limitations in part 7045.0302.

E. A generator may discharge hazardous waste to a publicly owned treatment works according to the notification requirements, prohibitions, limitations, and other management requirements imposed by the publicly owned treatment works operating authority, by federal statutes and regulations, or by state statutes and rules, providing:

(1) the wastes being discharged are compatible with all piping and appurtenances owned or utilized by the generator and the publicly owned treatment works operating authority which would receive the waste and conduct it to the publicly owned treatment works; and

(2) no piping and appurtenances owned or utilized by the generator and leading to the publicly owned treatment works will release the discharged waste to the environment.

E. A generator may ensure delivery of hazardous waste to a very small quantity generator collection program operated under part 7045.0320.

[For text of subp 1a, see M.R.]

Subp. 2. **Relinquishing control.** A generator must not relinquish control of a hazardous waste if:

A. the generator has reason to believe that the hazardous waste will not be properly managed; or

B. the transporter or the treatment, storage, or disposal facility is not exempt under this chapter and has not:

~~(1) received an identification number from a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271, as amended; or~~

~~(2) received an identification number from the Environmental Protection Agency.~~

C. the transporter is not currently licensed or permitted by the Minnesota Department of Transportation as a hazardous waste transporter, except as exempted in part 7045.0120.

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

**7045.0214 EVALUATION OF WASTES.**

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

Subp. 3. **Wastes generated by treatment, storage, or disposal.** Wastes generated by treatment, storage, or disposal of hazardous waste are as follows:

A. Except as provided in items B, ~~C, and D,~~ E, any waste generated from the treatment, storage, or disposal of hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate, but not including precipitation run-off, is a hazardous waste if it meets the criteria of subpart 2 or if it is derived from a waste that is listed in part 7045.0135.

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

**7045.0221 IDENTIFICATION NUMBER.**

~~Prior to~~ Within 75 days after first generating hazardous waste, prior to any transportation, treatment, storage, or disposal of any hazardous waste, and prior to applying for a license under part 7045.0240, a generator must ~~obtain a generator~~ apply for an identification number on forms provided by the commissioner.

**7045.0230 CONTENT OF INITIAL LICENSE APPLICATION.**

Subpart 1. **Information required.** Except as provided in subpart 1a, an application must be on a form provided by the commissioner and must include the following information:

A. the generator's company name, location address, mailing address, type of business, principal products or service, contact person, telephone number, and ~~EPA~~ identification number or date applied for;

B. a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135, and the physical state, and the source or process from which the wastes are generated;

~~C. a list of all wastes of the generator that have been determined by the generator to be nonhazardous wastes. The list must include the type of waste, the physical state, and the source or process from which the waste was produced;~~

~~D.~~ a list of all used ~~waste~~ oils generated, the physical state, and the source or process from which the waste was produced;

~~E. D.~~ a management plan for each hazardous waste and used oil produced that includes the following information:

(1) the ~~estimated amounts to be produced in a one year period~~ the previous calendar year;

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- (2) the names name and identification numbers number of the transporters to be most frequently used transporter;
- (3) the frequency with which the hazardous waste is expected to be transported or discharged;
- (4) the name of the wastewater treatment works to which a sewer hazardous waste is being discharged;
- (5) the national pollutant discharge elimination system or state disposal permit number for discharges to sewers and waters of the state;
- (6) the names and identification numbers of the designated facilities to be involved in the management of the hazardous waste and, as applicable, the numbers of the Hazardous Waste Facility Permits issued by the agency for those designated facilities located in the state of Minnesota, or the addresses and identification numbers of those designated facilities located outside the state of Minnesota; and
- (7) (4) the methods of treatment and/or disposal management, on and off-site, proposed for each hazardous waste; and
- (8) (5) the date year each hazardous waste was first produced; and
- (9) in the event any tests were conducted to evaluate the waste, the results of all tests conducted; and

F. E, the following certification signed by the generator or authorized representative:

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

E. any additional information regarding the generator or the waste produced and managed by the generator which has been requested by the commissioner.

Subp. 1a. **Very small quantity generator license application.** An application for a very small quantity generator license must be on a form provided by the commissioner and must include the following information:

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

F. the certification required under subpart 1, item F E; and

G. additional information required under subpart 1 as requested by the commissioner.

Subp. 4. [See repealer.]

### 7045.0240 SUBMITTAL OF LICENSE APPLICATION.

Subp. 3. **License application submittal.** Each generator who is producing hazardous waste in Minnesota must submit a license application to the commissioner within 75 days of first producing a hazardous waste by the due date specified by the commissioner. The specified due date shall be within one year of the generator's application for an identification number under part 7045.0221. The generator must at all times manage the waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the waste until at least 15 days after the application is received by the commissioner. The date of receipt is the postmark date if mailed or the agency date of receipt if hand delivered. In the period between 15 days after the generator's license application receipt and the commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the hazardous waste as provided in part 7045.0208 until written response to the generator's license application is received under part 7045.0245. After the commissioner acts on the license application, the generator must manage the waste according to the license conditions and the requirements of this chapter or the generator must cease producing the waste if the license application is denied.

A generator who has notified the commissioner of the generator's waste under this chapter before April 1, 1992, need not submit a license application under this part. A license will be issued by the commissioner after the submittal and approval of the generator's next scheduled report and payment of generator fees under chapter 7046.

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

### 7045.0248 LICENSE RENEWAL APPLICATION.

Subpart 1. **Applicability.** A licensed generator must submit a license renewal application to the commissioner on forms provided by the commissioner. A generator must submit the application by a date specified by the commissioner. Except as provided in subpart 2, The application must contain the following information for each hazardous waste produced during the preceding calendar year:

A. the generator's company name, location address, mailing address, type of business, principal products or service, contact person, telephone number, and EPA identification number any changes to information submitted under part 7045.0230, subpart 1, items A to E;

B. the calendar year covered by the renewal application for large quantity generators, by March 1 of every even-numbered year, the information required for the biennial report required by the EPA under Code of Federal Regulations, title 40, section 262.41;

C. a list of all hazardous wastes generated; their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135; and the physical state;

D. a list of all used and waste oils generated; the type of waste; and the physical state;

E. for each hazardous waste and oil produced during the reported calendar year the following information:

(1) the amounts produced;

(2) the names and identification numbers of the transporters used;

(3) the frequency with which the hazardous waste was transported or discharged;

(4) the name of the wastewater treatment works to which a sewer hazardous waste was discharged;

(5) the national pollutant discharge elimination system or state disposal permit number for discharges to sewers and waters of the state;

(6) the names of the hazardous waste facilities involved in the management of the hazardous waste and, as applicable, the numbers of the hazardous waste facility permits issued by the agency for those facilities located in Minnesota; or the addresses and identification numbers of those facilities located outside of Minnesota;

(7) the methods of treatment and/or disposal for each hazardous waste; and

(8) the date hazardous waste was first produced;

F. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

G. a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available before 1984; and

C. any additional information requested by the commissioner regarding the generator or the waste produced and managed by the generator; and

H. D. the following certification signed by the generator or authorized representative:

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

Subp. 2. [See repealer.]

[For text of subs 3 to 5, see M.R.]

**7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.**

A person having hazardous waste subject to regulation under this chapter who is only a hazardous waste generator for the one-time disposal of hazardous waste which is not currently being produced, must comply with this chapter except as provided in items A and B to D. The exemptions in this part do not apply to generators that generate hazardous waste more than one time.

A. The generator is exempt from parts 7045.0225 to 7045.0250, license and license reporting; except that the generator must submit a management plan meeting the requirements of part 7045.0230, subpart 1, item E, for approval by the commissioner on forms provided by the commissioner.

B. For accumulation requirements, the generator is exempt from the large quantity generator requirements of part 7045.0292. The generator must meet requirements applicable to small quantity generators in part 7045.0292, subparts 5, 9, 10, and 11. A large quantity generator is exempt from part 7045.0292, subpart 1, but must instead comply with part 7045.0292, subpart 5, items A to E, and must meet the requirements of part 7045.0566, relating to preparedness and prevention, and part 7045.1315, subpart 1, item D, relating to waste analysis for restricted wastes.

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C. A small quantity generator is exempt from the requirements of part 7045.0292, subpart 5, items G and H, but instead must meet the requirements of part 7045.0566, relating to preparedness and prevention, and part 7045.1315, subpart 1, item D, relating to waste analysis for restricted wastes.

D. A very small quantity generator is exempt from part 7045.0292, subpart 6, but instead must comply with part 7045.0292, subpart 5, items A to E, and must meet the requirements of part 7045.0566, relating to preparedness and prevention, and part 7045.1315, subpart 1, item D, relating to waste analysis for restricted wastes.

### 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **Large quantity generator.** A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

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

D. ~~outdoor~~ storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

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

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

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

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

D. ~~outdoor~~ storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

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

H. the generator complies with the following requirements:

[For text of subitems (1) and (2), see M.R.]

(3) the generator must ensure and document that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies within six months after the date of their employment or assignment to a new position; and

[For text of subitem (4), see M.R.]

Subp. 6. **Very small quantity generator.** A very small quantity generator may accumulate up to 1,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

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

D. ~~outdoor~~ storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

[For text of items E and F, see M.R.]

G. the generator meets the requirements of part 7045.0566, relating to preparedness and prevention; ~~and part 7045.0568, relating to the arrangements with local authorities for emergencies;~~ and

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

[For text of subp 7, see M.R.]

Subp. 8. **Satellite accumulation.** Items A to D apply to all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in part 7045.0135, ~~subpart~~ subparts 2 and 4, item E, per waste stream per each point of generation provided the generator complies with items B to D.

B. The generator must:

[For text of subitems (1) and (2), see M.R.]

(3) comply with parts 7045.0566 and 7045.0568 if a large quantity or small quantity generator, or with part 7045.0566 if a very small quantity generator;

[For text of subitems (4) and (5), see M.R.]

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

Subp. 9. **Transportation time extension.** If waste accumulated under subparts 5 and 6 must be transported 200 miles or more to a facility, the generator may store the waste for an additional 90 days beyond the established limits. In this event, the generator must maintain evidence on site that arrangements have been made for the transport of the waste to the facility and, if requested,

show the evidence to the commissioner. During this time extension a small quantity generator shall not at any time exceed the 3,000 kilogram accumulation limit established in subpart 5 and a very small quantity generator shall not at any time exceed the 1,000 kilogram limit established in subpart 6.

[For text of subp 10, see M.R.]

Subp. 11. **Accumulation requiring a permit.** A large quantity generator who accumulates hazardous waste for more than 90 days, or a small quantity generator who accumulates more than 3,000 kilograms of hazardous waste at any time, is an operator of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0642 and the agency's permitting procedures in chapter 7001 and parts 7023.9000 to 7023.9050 unless the generator has been granted a time extension under subpart 10.

~~For small quantity and very small quantity generators, if the quantity of hazardous waste accumulated at any time exceeds the quantities in subpart 5 or 6, whichever applies, the generator must manage all of the accumulated waste in accordance with all the generator requirements of parts 7045.0205 to 7045.0320. The generator does not lose small quantity or very small quantity generator status, as applicable.~~

#### **7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.**

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

Subp. 5. **Transportation requirements.** An operator or other persons who transport waste collected as a result of a household hazardous waste management program shall transport collected waste in compliance with the requirements in items A to D.

A. A transporter may not accept household hazardous waste from any operator who establishes or operates all or part of a household hazardous waste management program unless the waste is accompanied by either a manifest signed by the generator according to parts 7045.0205 to 7045.0320 or a shipping paper prepared according to subpart 3, item ~~E~~ C, subitem (1).

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

C. If the household hazardous waste is destined for a collection site that has obtained approval from the commissioner under subpart 6, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397, except:

(1) part 7045.0361; and

(2) a shipping paper prepared according to subpart 3, item ~~E~~ C, subitem (1), may be used, in lieu of a manifest, to comply with the requirements of parts 7045.0351 to 7045.0395.

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

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

#### **7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.**

[For text of subs 1 to 9, see M.R.]

Subp. 10. **Transport requirements.** A person or persons who transport waste collected as a result of a collection program licensed under this part shall transport collected waste in compliance with the requirements in items A to D.

[For text of items A and B, see M.R.]

C. If the collected waste is destined for a collection site that has obtained approval from the commissioner under the licensing provisions of this part, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397, except:

(1) ~~a transporter an~~ identification number under part 7045.0361 is not required; and

[For text of subitem (2), see M.R.]

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

#### **7045.0361 IDENTIFICATION NUMBERS.**

A person who transports hazardous waste that originates or terminates in Minnesota must obtain an identification number ~~from the Environmental Protection Agency~~ on forms provided by the agency before transporting the hazardous waste.

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## Proposed Rules

### 7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

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

Subp. 3. **Exemptions.** The requirements of parts 7045.0450 to 7045.0544 do not apply to the following specific waste management units, facilities, or activities, although all other waste management activities of the owner or operator may be regulated:

A. ~~the owner or operator of a facility managing recyclable hazardous wastes subject to regulation under part 7045.0125, 7045.0665, 7045.0675, or 7045.0685; however, this exemption does not apply where part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 makes the requirements of parts 7045.0450 to 7045.0544 applicable by cross-reference;~~

B. ~~a generator accumulating the accumulation of waste on-site in compliance with part 7045.0292;~~

C. ~~a farmer disposing the disposal of waste pesticides from the a farmer's own use in compliance with part 7045.0213, subpart 2;~~

D. ~~the owner or operator of a totally enclosed treatment facility;~~

E. ~~the owner or operator of an elementary neutralization unit, pretreatment unit, or a wastewater treatment unit, but only if the unit does not receive hazardous waste from generators other than the owner or operator of the unit;~~

F. the treatment, storage, or disposal of hazardous waste by the owner or operator of a publicly owned treatment works with respect to the treatment or storage of hazardous waste which is delivered to the treatment works by a transport vehicle or vessel or through a pipe, unless the requirements of parts 7045.0450 to 7045.0544 are included in a permit-by-rule;

G. ~~the owner or operator of that portion of a combustion waste facility which is used to manage hazardous waste produced in conjunction with the combustion of fossil fuels provided that the wastes:~~

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

H. ~~a transporter storing the storage of manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4, at a transfer facility for a period of ten days or less in compliance with part 7045.0365;~~

I. ~~persons with respect to the addition of absorbent material to hazardous waste in a container or the addition of hazardous waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container, and parts 7045.0456, subpart 2, and 7045.0526, subparts 2 and 3, are complied with; or~~

J. (1) ~~except as provided in subitem (2), a person engaged in treatment or containment activities during immediate response to any of the following situations: a discharge of a hazardous waste, an imminent and substantial threat of a discharge of hazardous waste, or a discharge of a material which, when discharged, becomes a hazardous waste;~~

(2) ~~an owner or operator of a facility otherwise regulated by parts 7045.0450 to 7045.0544 who must shall comply with all applicable requirements of parts 7045.0395, 7045.0397, 7045.0454, and 7045.0462 to 7045.0470; or~~

(3) ~~a person who is covered by subitem (1) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of parts 7045.0450 to 7045.0544 and the agency's permitting procedures for those activities; or~~

K. treatment of hazardous waste by a generator in the generator's accumulation tanks or containers in accordance with part 7045.0292. If the treatment involves evaporation of aqueous waste or polymerization of polyester or other chemical fixation treatment processes in open containers, the generator is exempt from parts 7045.0450 to 7045.0544, but before beginning the treatment process must submit to the commissioner the information required under part 7045.0539, subpart 2, items A to C, that is relevant to the treatment activity and must be notified by the commissioner that the treatment activity is approved. The commissioner shall approve the treatment activity if the commissioner finds that the treatment activity will not endanger human health and the environment.

### 7045.0454 PERSONNEL TRAINING.

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

Subp. 5. **Training review.** Facility personnel shall take part at least once per calendar year in an annual a review of the initial training required in subparts 1 to 3.

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

### 7045.0484 GROUNDWATER PROTECTION.

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Concentration limits.** The agency shall specify in the facility permit the concentration limits in the ground water for hazardous constituents which are reasonably expected to be in or derived from waste contained in a regulated unit or which are detected as a result of ground water monitoring at the unit. The concentration of a hazardous constituent:

A. must not exceed the background level of that constituent in the ground water at the time that limit is specified in the permit;



B. for any of the constituents listed in ~~subpart 7~~ as health risk levels in parts 4717.7100 to 4717.7800 or as maximum concentration limits in Code of Federal Regulations, title 40, part 141, must not exceed the lower of the respective value values given in ~~that exhibit those parts~~ if the background level of the constituent is below the value lower of the values given in ~~subpart 7 those parts~~; or

C. must not exceed an alternate limit established by the agency under subpart 8.

Subp. 7. [See repealer.]

[For text of subps 8 to 14, see M.R.]

#### 7045.0526 USE AND MANAGEMENT OF CONTAINERS.

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

Subp. 4. **Management of containers.** A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste or when a generator is treating hazardous waste in that container in accordance with part 7045.0450, subpart 3, item K, or 7045.0552, subpart 3, item K.

A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. Reuse of containers is governed by the United States Department of Transportation regulations, including those set forth in *Code of Federal Regulations*, title 49, section 173.28, as amended.

If exposure of the containers to moisture or direct sunlight may create a hazardous condition or adversely affect the container's ability to contain the hazardous waste, the owner or operator must store the containers in an area with overhead roofing or other covering that does not obstruct the visibility of the labels.

Subp. 4a. Labeling of containers. Containers must be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel. If it is not possible for the labels to be clearly visible for inspection, the information on the labels must be accessible in some other form that will allow ready identification of the contents without having to move the containers.

[For text of subps 5 and 6, see M.R.]

Subp. 7. **Special requirements for ignitable or reactive waste.** Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line when physically possible based on the dimensions of the property. When it is not physically possible to place containers at least 50 feet from the property line, based on the dimensions of the property, the ignitable or reactive waste must be placed at least as far as the specified minimum distance from property line found in Table Number 79.503-F of the Minnesota Uniform Fire Code as incorporated by reference in part 7510.3310. Nothing in this subpart shall relieve the facility owner or operator from the obligation to comply with any local, state, or federal law governing storage of these wastes.

[For text of subps 8 and 9, see M.R.]

#### 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

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

Subp. 3. **Exemptions.** The requirements of parts ~~7045.0522~~ 7045.0552 to ~~7045.0642~~ 7045.0648 do not apply to the following specific waste management units, facilities, or activities, although all other waste management activities of the owner or operator may be regulated:

A. the treatment, storage, or disposal of hazardous waste by the owner or operator of a publicly owned treatment works which treats, stores, or disposes of hazardous waste. The owner or operator of a publicly owned treatment works is subject to the requirements of parts 7045.0450 to 7045.0544 to the extent they are included in a permit-by-rule granted to such a person, under the agency permitting procedures;

B. The owner or operator of a facility managing recyclable hazardous wastes subject to regulation under part 7045.0125, 7045.0665, 7045.0675, or 7045.0685; however, this exemption does not apply where part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 makes the requirements of parts 7045.0522 to 7045.0642 applicable by cross-reference;

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## Proposed Rules

C. A generator accumulating the accumulation of waste on-site in compliance with part 7045.0292, except to the extent the requirements are included in part 7045.0292-;

D. A farmer disposing the disposal of waste pesticides from the a farmer's own use in compliance with part 7045.0213, subpart 2-;

E. ~~The owner or operator~~ of a totally enclosed treatment facility-;

F. ~~The owner or operator~~ of an elementary neutralization unit, pretreatment unit, or wastewater treatment unit, if the unit does not receive hazardous waste from generators other than the owner or operator of the unit-;

G. ~~The owner or operator~~ of that portion of a combustion waste facility which is used to manage hazardous wastes produced in conjunction with the combustion of fossil fuels if the wastes:

(1) are generated on-site;

(2) traditionally have been and actually are mixed with and codisposed or cotreated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from coal combustion; and

(3) are necessarily associated with the production of energy, such as boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, and cooling tower blowdown-;

H. A transporter storing the storage of manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4 at a transfer facility for a period of ten days or less in compliance with part 7045.0365-;

I. Persons with respect to the addition of absorbent material to hazardous waste in a container or the addition of hazardous waste to absorbent material in a container if these actions occur at the time hazardous waste is first placed in the container, and part 7045.0562, subpart 2, and 7045.0626, subparts 2 and 3, are complied with-;

J. (1) except as provided in subitem (2), a person engaged in treatment or containment activities during immediate response to any of the following situations: a discharge of a hazardous waste, an imminent and substantial threat of a discharge of a hazardous waste, or a discharge of a material which, when discharged, becomes a hazardous waste-;

(2) ~~An owner or operator~~ of a facility otherwise regulated by parts 7045.0552 to 7045.0642 shall comply with all applicable requirements of parts 7045.0395, 7045.0397, 7045.0558, and 7045.0566 to 7045.0576-; or

(3) a person who is covered by subitem (1) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of parts 7045.0552 to 7045.0642 and the agency's permitting procedures for those activities-; or

K. treatment of hazardous waste by the generator in the generator's accumulation tanks or containers in accordance with part 7045.0292. If the treatment involves evaporation of aqueous waste or polymerization of polyester or other chemical fixation treatment processes in open containers, the generator is exempt from parts 7045.0552 to 7045.0642, but before beginning the treatment process must submit to the commissioner the information required under part 7045.0539, subpart 2, items A to C, that is relevant to the treatment activity and must be notified by the commissioner that the treatment activity is approved. The commissioner shall approve the treatment activity if the commissioner finds that the treatment activity will not endanger human health and the environment.

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

### 7045.0558 PERSONNEL TRAINING.

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

Subp. 5. **Training review.** Facility personnel shall take part at least once per calendar year in an annual a review of the initial training required in subparts 1 to 3.

[For text of subps 6 and 7, see M.R.]

### 7045.0594 CLOSURE.

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

Subp. 2. **Closure performance standard.** The owner or operator shall close the facility in a manner minimizing the need for further maintenance. Closure procedures must result in controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, postclosure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere, in accordance with all closure requirements including the requirements of parts 7045.0628, subpart 2; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and 7045.0642, subpart 5.

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

**7045.0626 USE AND MANAGEMENT OF CONTAINERS.**

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

Subp. 4. **Management of containers.** A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste or when a generator is treating hazardous waste in that container in accordance with part 7045.0450, subpart 3, item K, or 7045.0552, subpart 3, item K.

A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. Reuse of containers is governed by United States Department of Transportation regulations, including those set forth in *Code of Federal Regulations*, title 49, section 173.28, as amended.

The owner or operator shall store containers which if exposed to moisture or direct sunlight may create a hazardous condition or adversely affect the container's ability to contain the hazardous waste, in an area with overhead roofing or other covering that does not obstruct the visibility of the labels.

**Subp. 4a. Labeling.** Containers must be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel. If it is not possible for the labels to be clearly visible for inspection, the information on the labels must be accessible in some other form that will allow ready identification of the contents without having to move the containers.

[For text of subps 5 and 6, see M.R.]

Subp. 7. **Special requirements for ignitable or reactive waste.** Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line, when physically possible based on the dimensions of the property. When it is not physically possible to place containers at least 50 feet from the property line, based on the dimensions of the property, the ignitable or reactive waste must be placed at least as far as the specified minimum distance from property line found in Table Number 79.503-F of the Minnesota Uniform Fire Code as incorporated by reference in part 7510.3310. Nothing in this subpart shall relieve the facility owner or operator from the obligation to comply with any local, state, or federal law governing storage of these wastes.

[For text of subp 8, see M.R.]

**7045.0665 USE CONSTITUTING DISPOSAL.**

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

Subp. 1b. **Evaporation disposal prohibition.** Generators must not by intentional evaporation dispose of hazardous waste. The following specific treatment activities by generators, when conducted in accordance with part 7045.0450, subpart 3, item K, or 7045.0552, subpart 3, item K, are not prohibited:

A. volume reduction through evaporation of water from an aqueous hazardous waste that does not contain any volatile hazardous constituents; and

B. polymerization to solidify polyester wastes or other chemical fixation processes which must be conducted in open containers to allow heat and pressure to be vented for safety reasons.

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

**7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.**

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Standards applicable to burners of hazardous waste fuel.** Owners and operators of industrial furnaces and boilers identified in subpart 2, item B, that burn hazardous fuel are subject to the requirements in items A to F.

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

D. Generators who accumulate hazardous waste fuel before burning on site within the accumulation time period allowed in part 7045.0292 must comply with that part. Small quantity generators who accumulate hazardous waste fuel before burning on site within the accumulation time period allowed in part 7045.0292 must comply with that part. Burning by the generator of a hazardous waste that is a sludge or is or contains a waste listed in part 7045.0135 for reasons other than ignitability or is or contains a waste that is toxic [lethal] under part 7045.0131, subpart 6, is subject to the additional requirements of item E, subitem (2).

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## Proposed Rules

[For text of items E and F, see M.R.]

### 7045.0855 STANDARDS FOR USED OIL GENERATORS.

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

#### Subp. 2. Storage.

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

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulation, title 40, part 280, subpart F, as amended, a generator must stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A generator who ~~disposes~~ discharges more than five gallons of used oil is subject to the notification requirements of *Minnesota Statutes*, section 115.061.

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

Subp. 4. **Off-site shipments.** Except as provided in items A and B, generators must ensure that their used oil is transported only by transporters who have obtained ~~EPA~~ identification numbers.

A. Generators may, without notifying the EPA that they are transporting used oil, transport used oil that is generated at the generator's site; used oil generated at another site by the generator, such as used oil generated by contractors at other businesses from servicing equipment; and do-it-yourselfer used oil to a ~~licensed~~ used oil collection center or a ~~licensed~~ used oil aggregation point owned by the generator provided that the generator transports no more than 55 gallons of used oil at any time in a vehicle owned by the generator or owned by an employee of the generator.

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

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

### 7045.0990 USED OIL FILTERS.

Subpart 1. **Definitions.** The definitions in this subpart apply to this part.

A. "Used oil filter broker" means any person or business who accepts used oil filters from used oil filter ~~collectors~~ transporters for purposes of sending used oil filters to a used oil filter recycling intermediary or recycler.

B. "Used oil filter ~~collector~~ transporter" means any person or business who ~~collects~~ transports used oil filters directly from used oil filter generators for the purposes of sending the used oil filters to a used oil filter recycling intermediary or recycler. Scrap metal collectors who incidentally receive small amounts of used oil filters with other scrap metal they collect are not considered used oil filter collectors.

C. "Used oil filter processor" means a person or business who accepts used oil filters from used oil filter generators, brokers, or ~~collectors~~ transporters for purposes of making the filters more amenable for recycling.

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

Subp. 2. **General requirements.** No person shall dispose of used oil filters or portions of used oil filters in solid waste or in or on the land. Used oil filter brokers, ~~collectors~~ transporters, processors, recyclers, and generators are subject to regulation under this part and must ensure that used oil filters and portions of used oil filters are managed as specified in this subpart.

Unless disposed of as hazardous waste, used oil filters and portions of used oil filters must be recycled either by scrap metal recycling or burning for energy recovery. Used oil filters and portions of used oil filters may be recycled under the scrap metal exemption of part 7045.0125, subpart 4, item C, if they meet the definition of scrap metal. Used oil filters and portions of used oil filters that meet the definition of scrap metal may be burned for energy recovery under part 7045.0805, item A, provided that the scrap metal portion of the used oil filters is recovered and recycled. Used oil filters and portions of used oil filters which do not meet the definition of scrap metal may be burned for energy recovery under part 7045.0805, item A.

#### Subp. 3. Requirements for generators.

[For text of items A and B, see M.R.]

##### C. Off-site shipments:

(1) Used oil filter generators must ensure that used oil filters are not in a condition to readily release any free-flowing oil when they leave the generator site.

(2) Used oil filter generators may transport used oil filters that they generate to another ~~licensed~~ site owned by the generator or to a used oil filter processor, recycler, ~~collector~~ transporter, or broker, in their own vehicles without meeting the requirements of subpart 4. Used oil filter generators transporting their own used oil filters must ensure that used oil and used oil filters do

not escape from the containers used during transport. Used oil filter generators must keep records of all shipments of used oil filters from their sites, including the date of the shipment, the quantity of used oil filters shipped, and the facility to which the used oil filters were delivered. These records must be kept at the ~~licensed~~ site for at least three years after the date of shipment.

(3) Used oil filter generators must only allow used oil filters to be taken off-site by used oil filter ~~collectors~~ transporters that are licensed by the commissioner to transport used oil filters under subpart 4, or by scrap metal collectors as specified in subpart 4. Used oil filter generators must keep records of all shipments of used oil filters from their sites, including the name, address, and license number of the ~~collector~~ transporter, the date of the shipment, and the quantity of used oil filters shipped. Used oil filter generators must keep these records at the ~~licensed~~ site for at least three years after the date of shipment.

**Subp. 4. Requirements for used oil filter ~~collectors~~ transporters.**

A. Any person who ~~collects~~ transports used oil filters from used oil filter generators, other than scrap metal collectors who receive incidental quantities of used oil filters with other scrap metal and persons handling used oil filters as hazardous waste, must be licensed as a used oil filter ~~collector~~ transporter by the commissioner. Used oil filter ~~collectors~~ transporters must keep a copy of their license in each vehicle used to transport used oil filters and at sites used to store used oil filters. To obtain a license and remain licensed, the used oil filter ~~collector~~ transporter must submit the following information and meet the requirements of this subpart. All persons transporting used oil filters must submit the following information regarding the operations of their used oil filter transporting business in writing to the commissioner:

(1) the name, address, and telephone number of the ~~collector~~ transporter and all facilities the ~~collector~~ transporter uses for used oil filter transportation purposes;

(2) the name of a contact person for the ~~collector~~ transporter and all facilities the ~~collector~~ transporter uses for used oil filter transportation purposes;

(3) a list of the names, addresses, and telephone numbers of all used oil filter brokers, processors, and recyclers that will be used to recycle used oil filters handled by the ~~collector~~ transporter;

(4) an approximation of the service area of the ~~collector~~ transporter; and

(5) an approximation of the amount of used oil filters the ~~collector~~ transporter expects to collect on an annual basis.

The commissioner shall issue a used oil filter collector license and license number to persons that submit the above information. The collector must notify the commissioner in writing immediately when any of the above information changes and provide the correct information. The commissioner shall suspend or revoke the license of any used oil ~~collector~~ transporter not in compliance with the requirements of this subpart.

**B. Storage and transportation:**

(1) Used oil filter ~~collectors~~ transporters must store and transport used oil filters in leakproof containers labeled with the words "Used Oil Filters." The containers must be closed or otherwise covered to prevent precipitation from entering the container and to prevent used oil filters and used oil from exiting the container during transport and storage.

(2) Used oil filter ~~collectors~~ transporters may only send used oil filters to used oil filter recycling intermediaries or recyclers. Used oil filter ~~collectors~~ transporters must send at least 75 percent of the used oil filters they take possession of each year for recycling.

**C. Recordkeeping and receipts:**

(1) Used oil filter ~~collectors~~ transporters must keep records of each volume of used oil filters they accept, including the name and address of the company offering the used oil filters, the date of shipment, and the quantity of the shipment. Used oil filter ~~collectors~~ transporters must give a receipt to used oil filter generators containing the above information, the used oil filter ~~collector's~~ transporter's name and used oil filter ~~collector~~ transporter license number, and a signed certification that the used oil filter ~~collector~~ transporter will ensure that the used oil filters they are accepting will be recycled.

(2) Used oil filter ~~collectors~~ transporters must keep records of each volume of used oil filters they deliver to a used oil filter broker, processor, or recycler. These records must include the name and address of the facility receiving the used oil filters, the date of receipt, and the volume of used oil filters delivered.

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

## Adopted Rules

D. By March 1 of every year beginning in 1997, used oil filter ~~collectors~~ transporters must report to the commissioner in writing the amount of used oil filters in pounds ~~collected~~ transported by the ~~collector~~ transporter in the previous calendar year, and the amount of used oil filters in pounds the used oil filter ~~collector~~ transporter delivered to used oil filter brokers, processors, and recyclers in the previous calendar year. The reported amounts ~~collected~~ transported must distinguish between the amount of used oil filters ~~collected~~ transported from generators in Minnesota and the amount of used oil filters ~~collected~~ transported from generators outside of Minnesota. The report must also contain a signed certification from the used oil filter ~~collector~~ transporter certifying that the ~~collector~~ transporter sent used oil filters only to used oil filter recycling intermediaries or recyclers.

E. Used oil filter ~~collectors~~ transporters that generate used oil from their operations must comply with parts 7045.0805 and 7045.0855, as applicable.

### Subp. 5. Requirements for used oil filter brokers, processors, and recyclers.

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

B. Used oil filter ~~collectors~~ transporters must send at least 75 percent of the used oil filters they take possession of each year for recycling.

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

## 7045.1330 WASTE SPECIFIC PROHIBITIONS; CALIFORNIA LIST WASTES.

Subpart 1. **Application.** Effective July 8, 1987, the following hazardous wastes are prohibited from land disposal:

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

B. liquid waste that is identified as hazardous wastes waste under part 7045.0131, subparts 2 to 5 and 7, or 7045.0135, subparts 1 to 4, containing polychlorinated biphenyls (PCB's) at concentrations greater than or equal to 50 ppm;

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

[For text of subps 2 and 3, see M.R.]

**INSTRUCTION TO REVISOR.** The revisor shall change the terms "EPA identification number," "Environmental Protection Agency identification number," and "United States EPA 12-digit identification number" to "identification number" in Minnesota Rules, chapter 7045.

**REPEALER.** Minnesota Rules, parts 7045.0020, subpart 21b; 7045.0230, subpart 4; 7045.0248, subpart 2; and 7045.0484, subpart 7, are repealed.

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

### Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

### Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Department of Health

### Adopted Permanent Rules Relating to X-ray Equipment Operation

The rules proposed and published at *State Register*, Volume 21, Number 14, pages 456 and 457, September 30, 1996 (21 SR 456), are adopted as proposed.

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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## Minnesota Comprehensive Health Association

### Notice of Meeting of Executive Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Executive Committee will be held on Wednesday, January 8, 1997, at the Minnesota Department of Commerce, 3rd floor conference room, 133 East 7th Street, St. Paul, at 10:00 A.M.

For additional information, please call Lynn Gruber at (612) 593-9609.

## Minnesota Department of Health

### Health Policy and Systems Compliance Division

### Notices Related to Essential Community Provider Designation

**NOTICE IS HEREBY GIVEN** that applications for Essential Community Provider designation have been received from the applicants listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding these applications. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

**Clay County Public Health**

715 North 11th Street, Suite 303

Moorhead, Minnesota 56560

**Date application was received: December 17, 1996**

**Indian Health Board of Minneapolis**

1315 East 24th Street

Minneapolis, Minnesota 55404-3959

**Date application was received: December 17, 1996**

**Stanley C. Gallagher, D.O.**

403 - 12th Street North

Wheaton, Minnesota 56296

**Date received: December 12, 1996**

**Western Human Development Center, Inc.**

1106 East College Drive

P.O. Box 450

Marshall, Minnesota 56258

**Date application was received: December 16, 1996**

Dated: 18 December 1996

Anne M. Barry, Commissioner  
Minnesota Department of Health

## Official Notices

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### Minnesota Housing Finance Agency

#### Notice of Public Hearing on the Low Income Housing Tax Credit Allocation Plan

The Minnesota Housing Finance Agency (MHFA) will hold a public hearing pursuant to Section 42 of the *Internal Revenue Code* of 1986, as amended. The public hearing will be held at the time and place listed below:

Wednesday, January 15, 1997  
1 p.m. - 3 p.m. - Jelatis North  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Low Income Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the Allocation Plan developed by MHFA, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of the MHFA. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Washington and Dakota Counties.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearing, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing.

Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of the Allocation Plan may be picked up at the address listed below and by mail or phone at (612) 297-3294, and by requesting a copy of the Low Income Housing Tax Credit Allocation Plan.

Minnesota Housing Finance Agency  
Multifamily Underwriting  
Low Income Housing Tax Credit Program  
400 Sibley Street, Suite 300  
St. Paul, MN 55101

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective December 30, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Alterations to Centennial Jr. High School-Blaine; Additions and Alterations to Centennial Sr. High School-Blaine; Addition & Remodeling of Woodcrest Elementary School-Fridley; Lift Station Pump Replacement Anoka RTC-Anoka.

**Blue Earth:** Energy Conservation Measures for ISD #77-Mankato.

**Chisago:** Close Custody Correctional Facility-Rush City.

**Hennepin:** Pipe Reinsulation Various Buildings North Hennepin Community College-Brooklyn Park; Williams Arena Loft Addition Elevator Fabrication & Installation U of M-Minneapolis; Deferred Maintenance Contract Keewaydin Elementary School-Minneapolis.

**Ramsey:** Asbestos Removal Phase IV MNDOT Building-St. Paul; State Capitol Complex Asbestos Abatement-St. Paul; Miscellaneous Construction at St. Paul Cedar & East St. Paul National Guard Armories-St. Paul; Sanitary Sewer Connections at the St. Paul Cedar Street National Guard Armory-St. Paul; St. Paul Technical College Medical Laboratory Training Room Remodel - St. Paul.



**Waseca:** New Richland Care Center Remodeling and Fit-up-New Richland.

**Washington:** MN/DOT Oakdale Survey Remodel-Oakdale; Stonebridge Elementary School Expansion & Remodeling-Stillwater; Marine Elementary School Fire Protection & Code Correction-Marine on the St. Croix; Lily Lake Elementary School Fire Protection and Code Corrections-Stillwater; Withrow Elementary School Expansion & Remodeling-Hugo; Oakland Jr. High School Remodeling & Fire Protection-Lake Elmo; Afton-Lakeland Elementary School Fire Protection & Code Corrections-Lakeland; Fire Suppression Sprinkler System MN/DOT Metro East Headquarters-Oakdale.

Copies of the certified wage rate 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.

Gary W. Bastian, Commissioner

## Minnesota Department of Labor and Industry

### Notice of Membership of Rulemaking Advisory Committees

This publication contains the membership of rulemaking advisory committees that commented on rules under active consideration this year. This publication refers to those committees where the membership list has not been published in the *State Register*. This is being published in the *State Register* to comply with *Minnesota Statutes*, section 14.101, subd. 2. If you have any questions about this publication contact Mary Miller, Legal Services, by mail at the Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155 or by telephone at (612) 296-8726. TDD users may call the Department of Labor and Industry at (612) 297-4198.

For the Department's proposed **Workers' Compensation Collective Bargaining Rules**, Chapter 5229 [proposed], the following organizations participated in Rules Advisory Committee meetings: Department of Labor and Industry; Associated General Contractors of Minnesota; Minnesota Mechanical Contractors Association; SMARCA, Inc.; Cheme Contracting Corporation; Robinson Rubber Products Co.; Minnesota Building and Construction Trades Council; Teamsters (Drivers) Local 221; Iron Workers No 512; Minnesota Statewide District Council of Carpenters; Pipe Fitters No. 539; Sheet Metal Workers No. 10; Wilson McShane Corporation; Berkley Risk Services; W. A. Lang Company; Koll, Morrison, Charpentier & Crawford; Minnesota Workers' Compensation Insurance Association; Miller, O'Brien, & Bloom; Felhaber, Larson, Fenlon, & Vogt; Painters Local No. 386; Minnesota Painting and Wall Covering Employers Association; The St. Paul Companies; CNA Insurance Companies; and Zenith Administrators.

For the Department's **Equitable Apportionment Arbitration Rules**, Chapter 5229 the following organizations participated in rules work group meetings: Liberty Mutual Insurance Company; State Fund Mutual Insurance Company; Western National Mutual Insurance; CNA Insurance Company; Berkley Administrators; St. Paul Companies; City of Minneapolis-Workers' Compensation Unit; Workers' Compensation Court of Appeals; Office of Administrative Hearings; Workers' Compensation Reinsurance Association; Department of Labor and Industry; and Karen Swanton.

For the Department's proposed **Workers' Compensation Joint Rules of Practice Amendments**, Chapter 1415, the following persons participate in the Rules Advisory Committee: Mike Aafedt; Lorrie Bescheinen; John Brian, III; Rory Foley; Thomas Gilde; Rolf Hagen; Steven Hawn; Barbara Heck; Lorelei Hoyer; Penny Johnson; Lawrence Koll; Andy Lynn; Tim McCoy; Mary Miller; Tom Mottaz; David Odlaug; William Pederson; Peter Pustorino; David Stofferahn; Sara Stoltman; and Jim Waldhauser.

Dated: 16 December 1996

Scott Brener  
Assistant Commissioner

## Minnesota Pollution Control Agency

### Hazardous Waste Division

#### **Request for Comments on Planned Amendment to Rules Governing Hazardous Waste, Specifically Amendments Applicable to Permitting of Hazardous Waste Facilities, Generators of Hazardous Waste, Transportation of Hazardous Waste, Hazardous Waste Facilities, and Hazardous Waste Facility Fees, *Minnesota Rules* Chs. 7001, 7045 and 7046.**

**Subject of Rule.** The Minnesota Pollution Control Agency (MPCA) requests comments on its planned amendments to the rules governing the permitting of hazardous waste treatment, storage, disposal and recycling facilities, the generation of hazardous waste, the transportation of hazardous waste, the management of hazardous waste and hazardous waste facility fees. The MPCA is considering rule amendments that would create a system of tiered permits to complement its current "Part B" hazardous waste permit system. The tiered-permitting system would include handlers of hazardous waste who are not currently required to obtain a hazardous waste facility permit. These handlers would be required to comply with varying permit requirements based on the hazards posed by the wastes managed and activities conducted. The permit requirements would in general be less stringent or extensive than the requirements imposed by a Part B permit.

The following general types of requirements are currently being considered for inclusion in a system of tiered permits:

- Notification
- Reporting
- Record-Keeping
- Performance Standards
- Financial Assurance for liability, cleanup and closure costs
- Insurance
- Waste Management Plan
- Inspections
- Training
- Contingency Plan
- Closure Plan

The facilities affected by this rulemaking would likely be required to pay an annual facility fee as a part of the permitting process. The MPCA requests information and opinions on waste management activities that should be included in this system, and appropriate permit requirements.

**Persons affected.** The amendment to the rules would likely affect the following partial list of facility types:

1. Hazardous waste recyclers
2. Transfer facilities
3. Fluorescent lamp recyclers
4. Fluorescent lamp storers
5. Underground storage tank handlers
6. Tank bottoms handlers
7. Fuel-Water separators

**Statutory Authority.** *Minnesota Statutes*, section 116.07 authorizes the MPCA to adopt standards for the management and processing of hazardous waste.

**Public Comment.** Interested persons or groups may submit comments or information on this planned rule in writing or orally until further notice is published in the *State Register* that the MPCA intends to adopt or withdraw the rules. The MPCA has not yet

prepared a draft of the planned rule amendment. Written or oral comments, questions and requests for more information on this planned rules amendment should be addressed to:

Tad Schindler  
Regulatory Compliance Section  
Hazardous Waste Division  
Minnesota Pollution Control Agency  
520 Lafayette Road  
Saint Paul, MN 55155-4194  
612/297-8378

**Industry Workgroup.** The MPCA has formed a group of potentially affected companies and met with them to develop appropriate requirements for the various industry groups. This group will continue to meet throughout the rulemaking process to assist the MPCA in drafting and finalizing rules. Persons interested in volunteering to work in this workgroup should contact Tad Schindler at the address shown above.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format such as large print, Braille, or cassette tape. To make such a request, please contact Tad Schindler at the address listed above.

**Note:** Comments submitted in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt a rule is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Peder Larson, Acting Commissioner  
Minnesota Pollution Control Agency

## Minnesota Pollution Control Agency

### Air Quality Division

#### **Request for Comments on Planned Miscellaneous Amendments to Air Quality Rules, *Minnesota Rules* chs. 7005 (Definitions), 7007 (Permits), 7009 (Ambient Air Standards), 7011 (Standards of Performance), 7017 (Monitoring and Testing), and 7019 (Reporting)**

**Subject of Rule:** The Minnesota Pollution Control Agency (MPCA) requests comments on its planned miscellaneous amendments to rules *Minnesota Rules* ch. 7005, ch 7007, ch. 7009, ch. 7011, ch. 7017, and ch. 7019. The MPCA is considering rule amendments that will clarify rule intent, change format to simplify interpretation, correct typographical errors, eliminate redundant or outdated requirements, correct conflicting requirements, account for new technology, eliminate overly burdensome requirements, streamline administrative procedures, and/or simplify implementation. The rule will propose to include U.S. Environmental Protection Agency suggestions that are part of the conditions needed to obtain full federal approval of the MPCA's permit program. As an example, portions of the rules for which changes are planned include, but are not limited to: the insignificant activities in *Minnesota Rules* 7007.1300, the shutdown breakdown procedures in *Minnesota Rules* 7019.1000, administrative permit amendments in *Minnesota Rules* 7007.1400, and the registration permit general requirements in *Minnesota Rules* 7007.1110. The informal name given to this rule making is the "omnibus" rule making. It is part of an ongoing effort to maintain and improve the MPCA's existing rules.

**Persons Affected:** The amendments to the rules would likely affect air emission facilities with registration permits, facilities with individual state or Part 70 permits, and facilities with individual air emissions permits that plan on making modifications. The MPCA does not contemplate appointing an advisory committee to comment on the planned rule.

**Statutory Authority:** *Minnesota Statutes* § 116.07, subd. 4, authorizes the MPCA to adopt rules and standards for the prevention, abatement and control of air pollution.

**Public Comment:** Interested persons or groups may submit comments, suggestions for additional changes that meet the criteria above, or information on this planned rule in writing or orally until 4:30 p.m. on January 29, 1997. The MPCA has not yet prepared

## Official Notices

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a draft of the planned rule amendments. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned rule should be addressed to:

Mary Jean Fenske  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
(612) 297-5472

Comments submitted in response to this notice will not be included in the formal rule making record when a proceeding to adopt a rule is started.

Peder Larson  
Acting Commissioner

## Department of Transportation

### Petition of the City of Ham Lake for a variance from State Aid requirements for BIKE PATH WIDTH

NOTICE IS HEREBY GIVEN that the Ham Lake City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed construction project on Municipal State Aid Street No. 101 (Jackson Street), between Andover Boulevard and McKay Drive in the City of Ham Lake, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9995, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow an 8 foot bike path width, in lieu of the required 3 meter wide bike path on the proposed construction project on Municipal State Aid Street No. 102 (Jackson Street), between Andover Boulevard and McKay Drive in the City of Ham Lake, Minnesota.

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

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

Dated: 19 December 1996

Patrick B. Murphy  
Division Director  
State Aid for Local  
Transportation

## Department of Transportation

### Petition of the City of Blaine for a variance from State Aid requirements for STREET WIDTH

NOTICE IS HEREBY GIVEN that the Blaine City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed resurfacing project on Municipal State Aid Street No. 126 (Able Street) between Trunk Highway No. 10 and 89th Avenue Northeast and Municipal State Aid Street No. 116 (Polk Street Northeast), between 89th Avenue Northeast and 91st Avenue Northeast in the City of Blaine.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9946, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 9.1 meter curb-to-curb street with parking permitted on one side of the street; in lieu of the required 9.6 meter curb-to-curb street with parking allowed on one side of the street on the proposed resurfacing project on Municipal State Aid Street No. 116 (Able Street and Polk Street Northeast) in the City of Blaine, Minnesota.

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

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

Dated: 15 December 1996

Patrick B. Murphy  
Division Director  
State Aid for Local  
Transportation

## **Board of Veterinary Medicine**

### **Request for Comments on Planned Amendment to Rules Governing Application Fees, Minnesota Rules Part 9100.0400**

**Subject of Rule.** The Minnesota Board of Veterinary Medicine requests comments on its planned amendment to rules governing application and examination fees for veterinary licensure. The board is proposing to eliminate the surcharge currently assessed candidates taking the National Board Examination (NBE) and the Clinical Competency Test (CCT), having candidates pay the cost of the NBE and CCT directly to the provider of the examinations and instituting an application fee of \$50 for all persons taking any of the licensing exams.

**Persons Affected.** The amendment to the rules would affect veterinarians applying for an initial license to practice veterinary medicine in Minnesota.

**Statutory Authority.** *Minnesota Statutes*, sections 156.02, 156.03, 156.072 and 214.06 authorize the board to establish and adjust fees.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on Friday, February 28.

**Rule Drafts.** The board has not yet prepared a draft of the planned amendment.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared and requests for more information on these planned rules should be addressed to:

Roland C. Olson, DVM, Executive Director  
Minnesota Board of Veterinary Medicine  
2828 University Avenue SE #540  
Minneapolis, MN 55414  
(612) 617-2170

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 19 December 1996

Roland C. Olson  
Executive Director

# State Grants and Loans

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan 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 and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Trade and Economic Development

### Business and Community Development - Office of Regional Initiatives

#### Request for Applications: Community Development Corporations Certification 1997-1998

##### Introduction

The Minnesota Legislature, during the 1993 and 1995 sessions, amended the statutes governing community development corporations. *Minnesota Statutes* 116J.982 includes specific standards and procedures for a CDC to become "certified" and therefore eligible to receive grants and enter into contracts with the State.

To become certified, a CDC must fulfill all basic eligibility standards and provide documentation indicated on the application form which is available by contacting the Department of Trade and Economic Development (DTED) at the address and telephone number indicated below.

##### Benefits of Certification

Only certified CDCs will be able to apply for grant funds provided by legislation and available through DTED. During FY97 a total of \$50,000 is available to CDCs.

Grant funds will be available for several purposes: (1) specific economic development projects within the designated area, (2) dissemination of information about, or taking applications for, programs operated by the Commissioner, or (3) developing the internal organizational capacity to engage in economic development activities.

Organizations designated as certified CDCs will receive regular updates of information from DTED on departmental programs and initiatives, so that the CDC can be an effective intermediary for providing information in its service area.

At the discretion of the Commissioner of the Minnesota Housing Finance Agency (MHFA), certified CDCs may enter into contracts with MHFA for purposes of housing activities associated with economic development activities.

A certified CDC is also exempt from real estate licensure requirements of *Minnesota Statutes* 82.80 (Call DTED to receive a copy of this section of the statutes).

##### Deadlines for Certification Applications

To be eligible for FY97 grant funds, applications for certification must be received by the Department of Trade and Economic Development by 2:30 p.m., February 6, 1997. CDCs that the Commissioner determines meet the certification criteria will be notified that they are certified, and will be provided with information about the grant program for FY97.

##### Summary of Amended Legislation

*Minnesota Statutes* 116J.982 sets forth a number of requirements and qualifications for certification. These are summarized below.

##### Incorporation

A community development corporation must be a non profit corporation under *Minnesota Statutes* 317A, the "Minnesota Non Profit Corporation Act." It stipulates the requirements for incorporation as a non profit organization; evidence from the Secretary of State's Office that the CDC has met those requirements will be required as part of the certification process. The CDC must also be tax exempt under section 501 ( c ) (3) of the *Internal Revenue Code Service* (I.R.S.), and also be able to document that status.

If a corporation is a non profit but has not yet received its notification from the I.R.S. that it is a 501 ( c ) (3) it may still apply to become a state certified CDC; on the application the corporation will then be asked whether it has applied to the I.R.S. and when it plans to attain that status.

##### Purpose of the Corporation

The major purpose of the corporation must be economic development, redevelopment, housing in its designated area. Articles of incorporation or bylaws will be required to document the organization's purpose.

**Designated Area**

The CDC must designate a low income area as the geographic community in which it will operate. Within the cities of the first class ( Minneapolis, St. Paul and Duluth), a designated community must be an identifiable neighborhood or combination of neighborhoods, but it may not be the entire city. In other parts of Minnesota, a designated community may be one of the following: a home rule charter or statutory cities, townships, unincorporated areas or a combination of area. A designated community can't include an entire economic development region or cross regional boundaries. Those regions are the twelve regions established under *Minnesota Statutes* 462; contact DTED if you have any questions about geographic areas covered by those regions.

**Low Income Requirements**

For purposes of the Community Development Corporation certification grants program, "low income" means 80% of median gross income below the Housing and Urban Development (HUD) low income level. Low income standards vary on a local basis. To receive 1997 low income criteria applicable for your community, please telephone Gerry Wenner at DTED, 612/297-1844 or 800/657-3858.

"Low income area" means an area in which 10% of the population have low incomes, or there are one or more recognized areas such as a census tract, city township, or county in which 15% of the population have low incomes.

The HUD low income guidelines will be helpful in determining whether the non profit corporation's board of directors meets the low income requirements (see "board membership" below).

**Board Membership**

A CDC's board membership can fulfill the requirements of certification in either of two ways:

- 1) The corporation's membership and board of directors must be representative of the designated area. At least 20% of the directors must have low incomes, or reside in low income areas. At least 60% of the directors must be residents of, or employed in, the designated area. Other directors must be in business, financial, or civic leaders or representatives at-large of the designated area. At least 40 percent of the directors must reside in the designated community.
- 2) A corporation which meets board structure requirements for a (CHDO) under United States 24 CFR part 92.2, can meet the board membership requirements for CDC certification under *Minnesota Statutes*. (The CHDO certification was developed to establish organizations eligible to receive funds under the HOME program.) Information on the community development housing corporation program requirements can be obtained by calling Denise Rogers at the Minnesota Housing Finance Agency, 612/296-8206 or 800/657-3769.

**Professional, Technical & Consulting Contracts**

Whichever route the CDC selects, it will be required to provide documentation of how it meets these criteria.

In addition, the corporation is advised that it must not discriminate against any person(s) on the basis of a statute protected under *Minnesota Statutes* 363, the Minnesota Human Rights Act. For more information on the provisions of that act contact the Department of Human Rights, 612/296-5663.

**Technical Qualifications**

The corporation must be skilled in the analysis and packaging of economic development, redevelopment, or housing projects, and must be familiar with available public and private funding sources. During the past three years, the corporation must have completed two or more economic development, redevelopment, or housing projects within the designated area. For these projects to qualify, the organization must have had primary responsibility for coordinating the execution and completion of the activity.

If the corporation does not presently have these skills within the organization, it must be able to describe how it will obtain these skills during the certification period, with its precise plan and schedule for acquiring the training or skills.

**Certification Period**

Certification is for two years from the date of certification, and can be renewed. DTED will provide re-certification materials to those organizations seeking renewal of their status.

**For More Information**

If you have additional questions or would like to receive an application please contact:

Gerry Wenner  
Office of Regional Initiatives  
DTED  
500 Metro Square Building  
121 7th Place East  
St. Paul, Minnesota 55101  
Phone: (612) 297-1844 (800) 657-3858

# 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, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

## Department of Administration

### State Designer Selection Board

#### Request for Proposals for a Department of Corrections (DOC) Project

##### To Minnesota Registered Design Professionals:

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

The State Designer Selection Board has been requested to select a consultant for a Department of Corrections (DOC) project. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., Tuesday, January 21, 1997, to:

Mary Closner, Executive Secretary  
State Designer Selection Board  
Department of Administration  
50 Sherburne Avenue, Room G-10  
St. Paul, Minnesota 55155-3000  
Phone: (612) 296-4655

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

- 1) **Six (6) copies of the proposal will be required plus one additional unbound copy in black and white for micro fiche purposes only.\***
- 2) All data must be on 8½" x 11" sheets, soft bound. No more than 20 printed faces will be allowed (see the following bullet points for clarification).
  - **Any letters directed to the Board shall be bound into the proposal and all pages will be counted as printed face(s). It is not necessary to do a cover letter to Mary Closner.**
  - **Blank dividers (with printed tab headings only) are not counted as faces.**
  - Front and back covers of proposals are not counted as faces.
  - **None of the statutory, mandatory, or optional information, except as required in 3) below, shall appear on the dividers or covers.**
- 3) **The front cover of the proposal must be clearly labeled with the project number, as listed in 7) below, together with the designer's firm name, address, telephone number, \*\*fax number, and the name of the contact person. The back cover shall remain blank.**
- 4) **Brief Proposal Summary:**

All proposals shall begin with a summary which includes only the following items:

- a) Name of firm and its legal status;
- b) Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, as well as Minnesota registration numbers for all (e.g. architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geotechnical);
- c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in 4 b) above, along with adequate staff to meet the requirements of work;



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## Professional, Technical & Consulting Contracts

- e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firms(s) submitting this proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

**NOTE:** Please call Mary Closner and leave your address or fax number to receive a copy of the acceptable format for providing this information.

- f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees anywhere in the United States 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 submitted**; therefore, the proposal shall include one of the following:
1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
  3. A statement certifying that the firm has not had a cumulative total of more than 20 full-time employees at any time during the previous 12 months, anywhere in the United States. Any questions regarding this topic may be directed to the Department of Human Rights, (612) 296-5663 Phone & (612) 296-9042 Fax.

5) **Additional Mandatory Proposal Contents:**

- a) A section containing graphic material (e.g. photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in 4 b) above have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
  - b) Expanded resumes showing qualification of individuals, listed in 4(b) above, administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A discussion of the firm's understanding of and approach to the project.
  - d) A listing of relevant past projects.
- 6) Design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:
- a) Enclose a *self-addressed stamped* postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a *self-addressed stamped* mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

Any questions concerning the Board's procedures or their schedule for the projects herein described may be referred to Mary Closner at (612) 296-4655.

7) **PROJECT 12A-96 (Original project was 12-96)**

**Department of Corrections (DOC)  
Brainerd Regional Human Service Center (BRHSC)  
Capital Improvements  
Brainerd, Minnesota**

1. **PROJECT DESCRIPTION:**

The 1996 Legislature appropriated \$1.5 million for "capital improvements to the BRHSC to establish a correctional facility for medium and minimum security inmates." In order to move forward with this project, it is required that we receive architectural and engineering services.

## Professional, Technical & Consulting Contracts

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The project involves two buildings as follows:

- A. Building 5 (currently unoccupied) - built in 1959. This is a large two-story structure with an elevator. There is sufficient room for 210 minimum-custody inmates in the building, and there is sufficient program space available in the building for education, chemical dependency, and other group activities. A cottage industry may also be a possibility in what will need to be flexible space as programs evolve.
- B. Building 7 (currently unoccupied) - built in 1961. This is a single story building with an elevator to a partial basement that would be available for program space. The building would have a capacity of 90 inmates in two and four-person rooms.

### 2. REQUIRED SERVICES:

The architect/engineer will be required to assist the facility and DOC staff in formalizing the operational program; developing a space program; and providing schematic design; a project estimate; complete design and construction documents as well as overseeing the construction. It is anticipated that the expertise required would include architects and engineers well versed in applicable codes, including ADA, structural, mechanical, electrical, and civil engineers, as well as persons qualified to provide fire protection engineering as approved by the State Fire Marshall's Office.

### 3. PROJECT SCHEDULE:

It is requested that these two buildings be available for inmate occupancy by October 1997.

### 4. INFORMATIONAL MEETING/SITE INSPECTION:

A site tour will be limited to short-listed firms and will be scheduled prior to the final interviews.

### 5. PROJECT CONTACT:

Questions concerning the project should be referred to:

**James B. Zellmer, Director**  
Institution Support Services  
Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55108-5219  
Phone: (612) 642-0247  
Fax: (612) 603-0150

### 6. STATE DESIGNER BOARD SCHEDULE FOR PROJECT 12A-96:

Tuesday, January 21, 1997 - Proposal Due Date  
Tuesday, January 28, 1997 - Short List  
To Be Announced - Site Visit (Short-Listed Teams Only)  
Tuesday, February 11, 1997 - Interviews & Award

**\*The addition of the black and white copy is for time and money savings only. If you do not submit this unbound, file copy, you will *not* be disqualified. We will simply break down one of the bound copies you submit and recycle the components that are unusable for micro fiche (i.e., photos, tabs, decorative covers, laminated inserts, blank covers).**

Douglas Wolfangle, P.E., Chair  
State Designer Selection Board

## Office of Environmental Assistance

### Notice of Request for Proposals from Professional and Technical Service Providers to Provide Contracted Assistance for the Reuse and Recycling Business Assistance Center (RBAC) Program

The Minnesota Office of Environmental Assistance (OEA) is soliciting proposals from professional and technical service providers to furnish contracted assistance to selected businesses through OEA's Reuse and Recycling Business Assistance Center (RBAC). The following industries will be targeted but other recycling and/or reuse manufacturing opportunities will be considered: 1.) Forestry Products {wood fiber} 2.) Plastics 3.) Composites. The professional and technical services will assist selected start-up and expanding manufacturing businesses to evaluate and/or refine value-added recycling and reuse opportunities. The OEA will contract for assistance on a task or project specific basis. The scope of work may include, but is not limited to, any or all of the following activities:

- 1.) Evaluate and verify market research.
- 2.) Develop market objectives, strategies, decisions and programs.
- 3.) Analyze materials processing and handling.
- 4.) Evaluate and test manufacturing technology and/or equipment.
- 5.) Product performance testing and/or evaluating product performance test data.
- 6.) Analyze product applications, critical property requirements, and product specifications, and evaluate potential material use in different products.
- 7.) The analysis of processing parameters by product, assessment of existing systems to control product properties, and evaluation of need for process modifications.
- 8.) Research and/or analyze transportation issues.
- 9.) Research and/or analyze material sourcing issues.

Providers of the professional and technical services utilized in the RBAC Program will be required to develop detailed project recommendations and submit a final report to the OEA.

This request for proposal is for professional and technical services that the OEA cannot estimate its total need for. Professional and technical contracted assistance will be provided "on call," based on the requirements set forth by specific businesses within the targeted industries. The Minnesota Office of Environmental Assistance will determine the specific businesses to which contracted assistance will be provided.

The total amount of funding allocated for RBAC Program contracted assistance is \$125,000.00.

For a copy of the complete Request for Proposal, please call or write to:

Timothy Nolan  
Office of Environmental Assistance  
520 Lafayette Road, 2nd Floor  
St. Paul, MN 55155-4100  
(612) 215-0259  
MN Toll Free 1-800-657-3843

This request for proposal will remain open until 1:00 P.M. CST on June 30, 1997. All proposals must be submitted to the Office of Environmental Assistance, 520 Lafayette Rd., 2nd Floor, St. Paul, Minnesota 55155, Attention Timothy Nolan.

## Minnesota Public Utilities Commission

### Request for Proposals from Veterinarians, Electrical Engineers, and Electrical Inspectors for Pilot Field Study on Possible Effects of Various Electrical Conditions on Dairy Cow Health and Milk Production

The Public Utilities Commission is seeking proposals from veterinarians, electrical engineers, electrical inspectors and other qualified experts to assist with a pilot field study on possible effects of various electrical conditions on dairy cow health and milk production. **Interested parties are to respond to Dr. Patricia Hoben, Research Director, Suite 350, 121 Seventh Place East, St. Paul, MN 55101-2147 no later than 4:00 p.m. on Tuesday, January 28, 1997.** A full copy of the Request for Proposals may be obtained by leaving full name, address, telephone and fax numbers with Dr. Hoben at telephone (612) 282-6443, fax (612) 297-7073 or [patricia@pucgate.puc.state.mn.us](mailto:patricia@pucgate.puc.state.mn.us) (e-mail). All parties must register their request with the Commission so they may receive any addenda to or clarifications of the Request for Proposals. Ten copies of the proposal are required. **Please refer to the actual Request for Proposal for all specific issues.**

The pilot field study will examine electrical and non-electrical conditions on farms with and without dairy herd health and milk production problems in order to identify possible correlations between specific conditions and poor health and production. The Commission is seeking RFP responses from potential contractors who are interested in contributing to the pilot field study as members of a research team. The field study is expected to take place in Minnesota from approximately April 1997 through September 1997. Persons with the following general skills are being sought as contractors for the research team:

- A veterinarian with significant experience in the diagnosis, treatment and prevention of dairy herd health and production problems.
- An electrical inspector who can evaluate dairy farm electrical systems with respect to requirements of the National Electric Code and the National Electric Safety Code as they apply to secondary grounded neutral systems and stray voltage.
- An electrical engineer or person with comparable experience and skills in conducting electrical measurements in and around the dairy farm. Example measurements include steady state and transient stray voltage and related measurements, ground currents, magnetic fields, electrical characteristics of grounding systems and soil, power quality and others.

According to the legislation that authorizes this research (Act of May 5, 1994, chapter 573, Sec. 1, Subd. 5, 1994 *Minnesota Law* 926), the Commission cannot contract with researchers who will, during the time period covered by the contract, also be employed or contracted by, or receiving funding from, public or municipal utilities or cooperative electric associations for research or investigations of stray voltage or use of the earth as a conductor of electric current.



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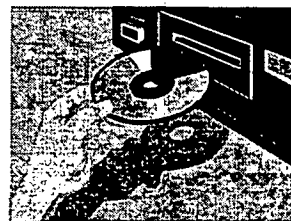
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