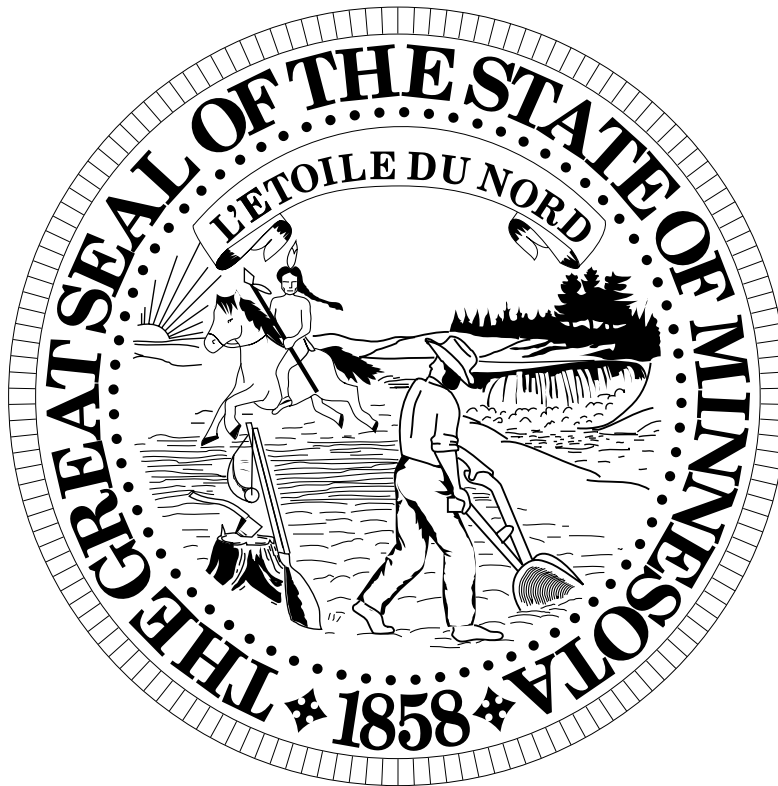


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Vol. 26 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#7	Monday 13 August	Noon Wednesday 1 August	Noon Tuesday 7 August
#8	Monday 20 August	Noon Wednesday 8 August	Noon Tuesday 14 August
#9	Monday 27 August	Noon Wednesday 15 August	Noon Tuesday 21 August
#10	TUESDAY 4 September	Noon Wednesday 22 August	Noon Tuesday 28 August

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PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$122.00 per page, billed in tenths of a page at \$12.20 (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "**Affidavit of Publication**" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

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Legislative Information

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State Capitol, Room 231, St. Paul, MN 55155

Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

House Information Office (651) 296-2146

State Office Building, Room 175, 100 Constitution Ave., St. Paul, MN 55155

Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Minnesota State Court System

Court Information Office (651) 296-6043 Website: www.courts.state.mn.us
Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155

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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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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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*.

Department of Human Services

Proposed Permanent Rules Relating to Merit System Rules

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING: Proposed Amendments to Rules of the Merit System Governing the Affirmative Action Plan, Salary Adjustments and Increases, Establishment of Registers, Appointment from Registers, Temporary Appointments, and the Compensation Plan (*Minnesota Rules*, parts 9575.0090, 9575.0350, 9575.0550, 9575.0650, 9575.0680, and 9575.1500)

Introduction. The Minnesota Department of Human Services intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, **phone:** (651) 296-3996, **fax:** (651) 282-5340.

Subject of Rules and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for 75 county and local human services and social services agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Proposed amendments to part 9575.0090 remove the requirement that there be an affirmative action committee in each county. Amendments proposed to parts 9575.0550, 9575.0650 and 9575.0680 give appointing authorities the flexibility of hiring trainees for up to a period of three years and would provide a means for counties to address labor shortages. Amendments to salary adjustments and increases and the compensation plan, parts 9575.0350 and 9575.1500, provide for a three percent adjustment to the minimum and maximum salaries of nearly all of the classifications covered by Merit System compensation plans.

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

Proposed Rules

The salary ranges of all of the nursing classifications are being adjusted more than three percent to address labor market concerns and the range of the Financial Assistance Supervisor I classification is being adjusted more than three percent to correct compensation inequities.

Additionally, a few new classifications are being added to the compensation plan and several are being abolished.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 256.012. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of these rules is available upon request from the agency contact person listed above. A copy of the proposed rules may also be viewed at any of the Minnesota county human services or social services agencies covered by the Merit System.

Comments. You have until 4:30 p.m., September 12, 2001, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. 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 a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing on the rules must be in writing and must be received by the agency contact person by 4:30 p.m., on September 12, 2001. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency 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.

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 agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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 agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect 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 agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules 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 rules are 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 agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 26 July 2001

Michael O'Keefe
Commissioner

9575.0090 PROHIBITION AGAINST DISCRIMINATION.

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

Subp. 2a. **Affirmative action plan.** Each county agency shall have an affirmative action plan for employees covered by parts 9575.0010 to 9575.1580. The plan must contain:

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

D. ~~provision for participation by the county agency in an affirmative action committee;~~

E. provision for notification of the Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights of periodic hiring goals established by the county agency, for expanded certification purposes; and

~~F. E.~~ provision for compliance with Title I of the Americans with Disabilities Act of 1990, which prohibits discrimination against disabled employees or job applicants.

These requirements may be incorporated as part of a countywide affirmative action plan or provided as an addendum to the plan.

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~2-3/4~~ three percent for employees on the professional, support, clerical, and maintenance and trades salary schedules.

[For text of subs 4 and 5, see M.R.]

9575.0550 ESTABLISHMENT OF REGISTERS.

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

Subp. 2. **Types of registers.** Eligible registers resulting from examinations shall be of ~~three~~ two kinds: open-competitive registers, from which original appointment shall be made; and promotional registers, from which promotions shall be made; ~~and trainee registers, from which trainee appointments shall be made.~~ Other registers or lists of persons eligible for appointment may be established in accordance with other provisions of these rules.

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

Subp. 4. [See repealer.]

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

9575.0680 TEMPORARY APPOINTMENT.

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

Subp. 6. Trainee appointments. An appointing authority may appoint a trainee to fill a classified position. A trainee appointment shall be for the period of training, which shall not exceed three years in duration. Trainees so appointed shall be advanced to the classification for which they are in training upon the satisfactory completion of the training program and shall then serve a probationary period in the regular classification. Trainees who advance to the classification for which they are in training must meet the minimum qualifications of education and experience before a probationary appointment can be made. A trainee appointment may be terminated at any time by the appointing authority.

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, ~~2000~~ 2001.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	2237 <u>2305</u>	3813 <u>3927</u>
Accounting Supervisor	2670 <u>2750</u>	4773 <u>4916</u>
Administrative Assistant I	2792 <u>2876</u>	5247 <u>5374</u>
Administrative Assistant II	3264 <u>3362</u>	5560 <u>5726</u>
Administrative Assistant III	3727 <u>3838</u>	6065 <u>6247</u>
Adult Day Care Center Supervisor	2138	3813
<u>Assistant to Executive Director</u>	<u>2750</u>	<u>4916</u>
Assistant Welfare Director	4991 <u>5141</u>	8055 <u>8297</u>
Business Manager	3645 <u>3754</u>	5933 <u>6111</u>
Chemical Dependency Coordinator	2342 <u>2413</u>	4168 <u>4293</u>
Collections and Accounting Unit Supervisor	2342 <u>2413</u>	4168 <u>4293</u>
Collection Services Supervisor I	2237 <u>2305</u>	3813 <u>3927</u>
Collection Services Supervisor II	2342 <u>2413</u>	4168 <u>4293</u>
Community Health Services Supervisor	2792 <u>3009</u>	4991 <u>5374</u>

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Proposed Rules

Computer Programmer	2138	3813
Contract Services Representative	2445 <u>2518</u>	4361 <u>4491</u>
County Agency Social Worker (Licensing Specialist)	2138	3813
County Agency Social Worker	2237 <u>2305</u>	4168 <u>4293</u>
County Agency Social Worker (Child Protection Specialist)	2237 <u>2305</u>	4168 <u>4293</u>
County Agency Social Worker (Masters Level)	2342 <u>2413</u>	4168 <u>4293</u>
County Agency Social Worker (Masters Level) (Child Protection Specialist)	2342 <u>2413</u>	4168 <u>4293</u>
Day Treatment Supervisor	2559	4361
Day Treatment Therapist	2237	4168
Director of Business Management I	3264 <u>3362</u>	5560 <u>5726</u>
Director of Business Management II	3904 <u>4021</u>	6339 <u>6529</u>
Director of Financial Assistance	3904 <u>4021</u>	6339 <u>6529</u>
Director of Planning	3904 <u>4021</u>	6339 <u>6529</u>
Director of Public Health Nursing	2792 <u>3009</u>	4991 <u>5374</u>
Director of Social Services	3904 <u>4021</u>	6339 <u>6529</u>
Employment Guidance Counselor	2046 <u>2108</u>	3343 <u>3444</u>
Family Service Coordinator II	2046 <u>2108</u>	3343 <u>3444</u>
<u>Family Support Coordinator</u>	<u>2305</u>	<u>4293</u>
Financial Assistance Supervisor I	2342 <u>2518</u>	4168 <u>4491</u>
Financial Assistance Supervisor II	2670 <u>2750</u>	4773 <u>4916</u>
Financial Assistance Supervisor III	2792 <u>2876</u>	5217 <u>5374</u>
Fiscal Manager	2792 <u>2876</u>	5217 <u>5374</u>
Fiscal Officer	2138 <u>2202</u>	3645 <u>3754</u>
Fiscal Supervisor I	2342 <u>2413</u>	4168 <u>4293</u>
Fiscal Supervisor II	2670 <u>2750</u>	4773 <u>4916</u>
Human Services Associate Manager	3645 <u>3754</u>	5933 <u>6111</u>
Information Technology Specialist	2138 <u>2202</u>	3813 <u>3927</u>
<u>Information Technology Specialist, Sr.</u>	<u>2305</u>	<u>4293</u>
Managed Care Supervisor	2138	3813
Management Information Supervisor	2670 <u>2750</u>	4991 <u>5141</u>
Mental Health Program Manager	3264 <u>3362</u>	5560 <u>5726</u>
Mental Health Worker	2445 <u>2518</u>	4361 <u>4491</u>
Nutrition Project Director	2670	4773
Office Services Supervisor	2046 <u>2108</u>	3343 <u>3444</u>
Planner (Human Services)	2445 <u>2518</u>	4361 <u>4491</u>
Psychologist I	2342 <u>2413</u>	4168 <u>4293</u>
Psychologist II	2670 <u>2750</u>	4773 <u>4916</u>
Psychologist III	3563 <u>3670</u>	5560 <u>5726</u>
Public Health Educator	2237 <u>2305</u>	4168 <u>4293</u>
Public Health Nurse	2445 <u>2636</u>	4168 <u>4491</u>
Public Health Nurse (Team Leader)	2559 <u>2750</u>	4361 <u>4692</u>
Public Health Nursing Supervisor	2670 <u>2876</u>	4555 <u>4916</u>
Recreational Therapist	2046	3343
Registered Dietitian	2138 <u>2202</u>	3813 <u>3927</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	2342 <u>2518</u>	3991 <u>4293</u>
Sanitarian	2138 <u>2202</u>	3813 <u>3754</u>
<u>Senior Manager (Admin. Support Services)</u>	<u>4392</u>	<u>7131</u>
Senior Staff Development Specialist	2670 <u>2750</u>	4773 <u>4916</u>
Social Services Supervisor I	2792 <u>2876</u>	5217 <u>5374</u>
Social Services Supervisor II	3195 <u>3291</u>	5683 <u>5854</u>

Proposed Rules

Social Services Supervisor III	3645 <u>3754</u>	5933 <u>6111</u>
Social Work Team Leader	2559 <u>2636</u>	4364 <u>4491</u>
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Support Services and Accounting Supervisor	2445 <u>2518</u>	4364 <u>4491</u>
Support Services Supervisor Trainee	2237 <u>2305</u>	3813 <u>3927</u>
	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Volunteer Services Coordinator	2138 <u>2202</u>	3813 <u>3927</u>
Welfare Director I	3264 <u>3362</u>	5560 <u>5726</u>
Welfare Director II	3645 <u>3754</u>	5933 <u>6111</u>
Welfare Director III	3904 <u>4021</u>	6339 <u>6529</u>
Welfare Director IV	4264 <u>4392</u>	6923 <u>7131</u>
Welfare Director V	4555 <u>4692</u>	7727 <u>7959</u>

Subp. 4. **Support personnel.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accounting Technician	1566 <u>1613</u>	2559 <u>2636</u>
Case Aide	1911 <u>1968</u>	2988 <u>3078</u>
Chemical Dependency Counselor	2046 <u>2108</u>	3343 <u>3444</u>
Child Health Aide	1253 <u>1290</u>	2237 <u>2305</u>
Child Support Officer	2046 <u>2108</u>	3343 <u>3444</u>
Collections Officer	1911 <u>1968</u>	2988 <u>3078</u>
Community Service Aide	1253 <u>1290</u>	2237 <u>2305</u>
Community Support Technician	1911 <u>1968</u>	2988 <u>3078</u>
Coordinator of Aging	2046 <u>2108</u>	3343 <u>3444</u>
Crisis Center Resource Aide	1566 <u>1613</u>	2559 <u>2636</u>
Energy Assistance Program Specialist	1462 <u>1506</u>	2389 <u>2461</u>
Executive Assistant	1911 <u>1968</u>	2988 <u>3078</u>
Family Based Services Provider	1911 <u>1968</u>	2988 <u>3078</u>
Family Service Aide I	1462 <u>1506</u>	2389 <u>2461</u>
Family Service Aide II	1566 <u>1613</u>	2559 <u>2636</u>
Family Service Coordinator I	1716 <u>1768</u>	2792 <u>2876</u>
Financial Assistance Specialist	2046 <u>2108</u>	3343 <u>3444</u>
Financial Worker	1911 <u>1968</u>	2988 <u>3078</u>
Fraud Prevention Specialist	2046 <u>2108</u>	3343 <u>3444</u>
Home Health Aide	1462 <u>1506</u>	2389 <u>2461</u>
Home Health Aide Coordinator	1716 <u>1768</u>	2792 <u>2876</u>
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	2237 <u>2305</u>	3813 <u>3927</u>
Information Systems Specialist	1462 <u>1506</u>	2389 <u>2461</u>
Information Systems Specialist, Sr.	1911 <u>1968</u>	2988 <u>3078</u>
Licensed Practical Nurse	1716 <u>1768</u>	2792 <u>2876</u>
Managed Care Advocate	2042 <u>2108</u>	3343 <u>3444</u>
Managed Care Enroller	1911 <u>1968</u>	2988 <u>3078</u>
Public Health Aide	1253 <u>1290</u>	2237 <u>2305</u>

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

Proposed Rules

Senior Citizen's Aide	4462 1506	2389 2461
SILS Program Coordinator	4944 1968	2988 3078
Social Services Administrative Aide	2046 2108	3343 3444
Support and Collections Specialist	2138 2202	3494 3596
Support Enforcement Aide	4566 1613	2559 2636
Transit Coordinator	4746 1768	2792 2876
Welfare Fraud Investigator	2046 2108	3343 3444
WIC Certifier	4746 1768	2792 2876

Subp. 7. **Clerical.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	4566 1613	2559 2636
Office Support Aide	4078 1110	4944 1968
Office Support Specialist	4278 1317	2285 2354
Office Support Specialist, Sr.	4566 1613	2559 2636

Subp. 10. **Maintenance and trades.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m., on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Automobile/Van Driver	4177 1212	2089 2152
Bus Driver	4253 1290	2237 2305
Janitor	4253 1290	2237 2305
Maintenance Worker	4462 1506	2237 2305

REPEALER. *Minnesota Rules*, parts 9575.0550, subpart 4; and 9575.0650, subpart 3, are repealed.

Department of Health

Proposed Permanent Rules Relating to Merit System Rules

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING: Proposed Amendments to Rules of the MeritSystem Governing the Affirmative ActionPlan, Recommended Adjustments, Establishment of Registers, Appointment from Registers, Temporary Appointments, and the Compensation Plan (*Minnesota Rules*, parts 4670.0610, 4670.1320, 4670.2000, 4670.2500, 4670.2530, and and 4670.4200-4240)

Introduction. The Minnesota Department of Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, **phone:** (651) 296-3996, **fax:** (651) 282-5340.

Subject of Rules and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for county health agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Proposed amendments to part 4670.0610 remove the requirement that there be an affirmative action committee in each county. Amendments proposed to parts 4670.2000, 4670.2500 and 4670.2530 give appointing authorities the flexibility of hiring trainees for up to a period of three years and would provide a means for counties to address labor shortages. Amendments to recommended adjustments and the compensation plan, parts 4670.1320 and 4670.4200-4240, provide for a three percent adjustment to the minimum and maximum salaries of nearly all of the classifications covered by Merit System compensation plans. The salary ranges of all of the nursing classifications are being adjusted more than three percent to address labor market concerns.

Proposed Rules

The statutory authority to adopt these rules is *Minnesota Statutes*, section 144.071. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of these rules is available upon request from the agency contact person listed above. A copy of the proposed rules may also be viewed at any of the Minnesota county health or human services agencies covered by the Merit System.

Comments. You have until 4:30 p.m., September 12, 2001, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. 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 a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing on the rules must be in writing and must be received by the agency contact person by 4:30 p.m. on September 12, 2001. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency 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.

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 agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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 agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect 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 agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules 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 rules are 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 agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 4 April 2001

Jan K. Malcolm
Commissioner

4670.0610 AFFIRMATIVE ACTION PLAN.

Each local agency shall have an affirmative action plan for employees covered by parts 4670.0100 to 4670.4240. The plan must contain:

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

D. ~~provision for participation by the local agency in an affirmative action committee;~~

~~E.~~ provision for notification of the Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights of periodic hiring goals established by the local agency, for expanded certification purposes; and

~~F.~~ E. provision for compliance with Title I of the Americans with Disabilities Act of 1990, which prohibits discrimination against disabled employees or job applicants.

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

Proposed Rules

These requirements may be incorporated as part of a countywide affirmative action plan or provided as an addendum to the plan.

4670.1320 RECOMMENDED ADJUSTMENTS.

The merit system general adjustment recommended for incumbents is ~~2-3/4~~ three percent for employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules.

4670.2000 REGISTERS.

Subpart 1. **Establishment of registers.** After such examination the supervisor shall prepare and maintain registers of persons who attain passing scores in the examination. The names of eligible persons shall be placed on registers in the order of their final rating, beginning with the highest, except as modified by veterans' preference. If two or more persons have final ratings that are identical, their names shall be arranged on the register in the order in which their applications for examination were accepted. Remaining tie scores shall be broken by arranging names in alphabetical order.

Eligible registers resulting from examinations shall be of ~~three~~ two kinds: open competitive registers, from which original appointments shall be made; and promotional registers, from which promotions shall be made; ~~and trainee registers, from which trainee appointments shall be made.~~ Other registers or lists of persons eligible for appointment may be established in accordance with other provisions of parts 4670.0100 to 4670.4240.

Promotional registers shall consist of the names of permanent and probationary employees who attain passing scores in the examination for promotion to a class of positions.

~~Trainee registers shall consist of the names of persons who qualify in an examination for a trainee classification or those persons who qualify for appointment to a regular class of positions and who also apply for placement on a trainee subregister of the established register for the regular class of positions.~~

Registers shall normally be established on a statewide basis. Nevertheless, the supervisor may offer examinations on a county or area basis or may establish a county or area subregister of a statewide register. Eligibility for placement on a county or area subregister shall be determined by legal residence in the county or area or, in the case of a promotional register, by employment with the local public health agency.

Layoff lists shall be established by county and shall include the names of permanent and probationary employees who have been laid off from employment because of lack of funds or lack of work in accordance with the provisions of parts 4670.0100 to 4670.4240. Names shall be placed on this list in reverse order of layoff.

The supervisor may establish a reemployment list of the names of former permanent and probationary employees who are eligible under the rules for reinstatement to a class of positions and who apply for placement on this list. Names shall be placed on this list in the manner determined by the supervisor. All persons on such list are equally eligible for appointment, and no rank or position shall be assigned.

The supervisor may establish a transfer list of the names of current permanent employees who are eligible under the rules to transfer to a class of positions and who apply for placement on this list. Names shall be placed on this list in the manner determined by the supervisor. All persons on this list are equally eligible for appointment, and no rank or position shall be established.

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

4670.2500 APPOINTMENT FROM REGISTERS.

The employment of any person from a certification from an open competitive register shall be deemed to be an original appointment. In selecting persons from among those certified by the supervisor for original appointment, the appointing authority may examine their applications, interview them, and check references or perform other background investigations. Final selection and the action taken on each candidate shall be reported to the supervisor in the manner prescribed by the supervisor.

Promotional appointments shall be made in the same manner as original appointments as specified in this part, except that the person appointed is selected from a certification from a promotional register.

~~Trainee appointments shall be made in the same manner as original appointments as specified in this part, except that the person appointed is selected from a certification from a trainee register. A trainee appointment shall be to a specific trainee classification as provided in the classification plan and shall be for the period of training, which shall not exceed one year in duration. Trainees so appointed shall be advanced to the classification for which they are in training upon the satisfactory completion of the training program and shall then serve a probationary period in the regular classification. A trainee appointment may be terminated at any time by the appointing authority.~~

4670.2530 TEMPORARY APPOINTMENT.

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

Subp. 6. Trainee appointments. An appointing authority may appoint a trainee to fill a classified position. A trainee appointment must be for the period of training, which must not exceed three years in duration. Trainees so appointed must be advanced to the classification for which they are in training upon the satisfactory completion of the training program and must then serve a probationary period in the regular classification. Trainees who advance to the classification for which they are in training must meet the minimum qualifications of education and experience before a probationary appointment can be made. A trainee appointment may be terminated at any time by the appointing authority.

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, ~~2000~~ 2001.
Subpart 1. Plan.

	Minimum	Maximum
Assistant Director of Environmental Health	2792 <u>2876</u>	4773 <u>4916</u>
Director of Environmental Health	3495 <u>3291</u>	5447 <u>5610</u>
Director of Public Health Nursing	2792 <u>3009</u>	4994 <u>5374</u>
Public Health Educator	2237 <u>2305</u>	4168 <u>4293</u>
Public Health Nurse	2445 <u>2636</u>	4168 <u>4491</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	2342 <u>2518</u>	3994 <u>4293</u>
Sanitarian	2138 <u>2202</u>	3813 <u>3754</u>

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.
Subpart 1. Plan.

	Minimum	Maximum
Accounting Technician	1566 <u>1613</u>	2559 <u>2636</u>
Home Health Aide	1462 <u>1506</u>	2389 <u>2461</u>
Home Health Aide Coordinator	1746 <u>1768</u>	2792 <u>2876</u>
Inspector	1746 <u>1768</u>	2792 <u>2876</u>
Licensed Practical Nurse	1746 <u>1768</u>	2792 <u>2876</u>
Public Health Aide	1253 <u>1290</u>	2237 <u>2305</u>

4670.4230 CLERICAL COMPENSATION PLAN.
Subpart 1. Plan.

	Minimum	Maximum
Office Support Aide	1078 <u>1110</u>	1944 <u>1968</u>
Office Support Specialist	1278 <u>1317</u>	2285 <u>2354</u>
Office Support Specialist, Sr.	1566 <u>1613</u>	2559 <u>2636</u>

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

Proposed Rules

Department of Public Safety

Proposed Permanent Rules Relating to Merit System Rules

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING: Proposed Amendments to Rules of the Merit System Governing Affirmative Action Plans, Salary Adjustments and Increases, and the Compensation Plan (*Minnesota Rules*, parts 7520.0350, 7520.0650 and 7520.1000-1100)

Introduction. The Minnesota Department of Public Safety intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, **phone:** (651) 296-3996, **fax:** (651) 282-5340.

Subject of Rules and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for several county and local emergency management agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Proposed amendments to part 7520.0350 remove the requirement that there be an affirmative action committee in each appointing authority. Amendments to salary adjustments and increases and the compensation plan, parts 7520.0650 and 7520.1000-1100, provide for a three percent adjustment to the minimum and maximum salaries of all of the classifications covered by Merit System compensation plans.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 12.22, subd. 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of these rules is available upon request from the agency contact person listed above. A copy of the proposed rules may also be viewed at any of the Minnesota local or county emergency management agencies covered by the Merit System.

Comments. You have until 4:30 p.m., September 12, 2001, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. 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 a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing on the rules must be in writing and must be received by the agency contact person by 4:30 p.m. on September 12, 2001. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency 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.

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 agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified either as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect 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 agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules 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 rules are 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 agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 26 July 2001

Jesse Ventura
Governor

7520.0350 PROHIBITION AGAINST DISCRIMINATION.

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

Subp. 2a. **Affirmative action plan.** Each local agency shall have an affirmative action plan for employees covered by parts 7520.0100 to 7520.1100. The plan must contain, at a minimum, the following:

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

C. provision for appointment of a person to provide liaison between the local agency and the Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights and to have responsibility for implementation of the local agency's plan; ~~and~~

D. ~~provision for participation by the local agency in an affirmative action committee;~~

~~E.~~ provision for notification of the Department of Human Services Office for Equal Opportunity, Affirmative Action and Civil Rights of periodic hiring goals established by the local agency, for expanded certification purposes; and

~~F.~~ E. provision for compliance with Title I of the Americans with Disabilities Act of 1990, which prohibits discrimination against disabled employees or job applicants.

These requirements may be incorporated as part of a countywide affirmative action plan or provided as an addendum to the plan.

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~2-3/4~~ three percent for employees on the professional and clerical salary schedules.

[For text of subps 4 and 5, see M.R.]

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~2000~~ 2001; PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Assistant Emergency Management Director	2046 <u>2108</u>	3343 <u>3444</u>
Public Information Officer	2237 <u>2305</u>	3645 <u>3754</u>

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~2000~~ 2001; CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Office Support Aide	1078 <u>1110</u>	1911 <u>1968</u>
Office Support Specialist	1278 <u>1317</u>	2285 <u>2354</u>
Office Support Specialist, Sr.	1566 <u>1613</u>	2559 <u>2636</u>

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

Proposed Rules

Department of Health

Environmental Health Division

Proposed Permanent Rules Relating to Health Risk Values

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING on Proposed Amendment to Rules Governing Health Risk Limits, *Minnesota Rules*, parts 4717.8000 to 4717.8600

Introduction. The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Kathleen Norlien
Minnesota Department of Health
Environmental Health Division
121 East Seventh Place, Suite 220
P.O. Box 64975
St. Paul, MN 55164-0975
Phone: (651) 215- 0876
TTY: (651) 215-0707
Fax: (651) 215-0975
Email: kathleen.norlien@health.state.mn.us

A copy of the rule and the Statement of Need and Reasonableness (SONAR) is available at the department's **web site:** <http://www.health.state.mn.us/>

Subject of Rules and Statutory Authority. Health Risk Values (HRVs) are concentrations of chemicals emitted to air that are unlikely to pose a significant risk of harmful effects when humans are exposed to those concentrations over a specified time. HRVs provide uniform, science-based public health policy guidelines to be used as aids in protecting people from exposure to potentially harmful substances released into the environment.

HRVs include both HRVs for chemicals or defined mixtures of chemicals emitted to the ambient air where the risk for exposure is via inhalation (expressed as a concentration of micrograms of chemical per cubic meter of air, or $\mu\text{g}/\text{m}^3$), and MHRVs (Multimedia Health Risk Values) for those chemicals or defined mixtures of chemicals that are emitted to the air but where non-inhalation routes of exposure are important to human health. The MHRVs proposed are all for oral exposure and are expressed as micrograms of chemical per kilogram body weight per day ($\mu\text{g}/\text{kg}\text{-day}$).

HRVs designed to protect the most sensitive individuals in a population (including but not limited to children, pregnant women and their fetuses, individuals compromised by pre-existing diseases, and elderly persons), but are not necessarily protective of hypersensitive individuals who may respond in an idiosyncratic fashion to an exposure. HRVs are based only on the best peer-reviewed health information available and are not adjusted for such technological considerations as limits of detection or ease of removal.

HRVs are intended for use by state agency programs that manage air pollutants; however, because they are guidelines and their application will be a function of risk management, the rule does not delimit applications. For risk managers in these agencies, HRVs may be used as one set of criteria to evaluate health risk posed by specific chemicals emitted to air.

The initial list of HRVs is not inclusive, and the absence of a chemical from the HRV list does not imply that there are no health risks associated with the emission of that chemical to air. The Department intends to add HRVs for other chemicals to the rule as additional information is analyzed. Periodic review and revision of HRVs will be done to assure that new data of acceptable quality and applicable methodologies are incorporated into the rule.

The statutory authority to adopt the rules is set forth in *Minnesota Statutes*, section 144.12, subd. 1, item 14. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above. A copy of the rules is also available on the Department's **web site:** <http://www.health.state.mn.us/>

Comments. You have until 4:30 p.m., on Wednesday, September 12, 2001, 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 agency 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 a 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 September 12, 2001. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency 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.

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 agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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 agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect 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 agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency. The Statement of Need and Reasonableness is also available on the department's **web site**: <http://www.health.state.mn.us/>

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules 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 rules are 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 agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 1 August 2001

Julie Brunner
Deputy Commissioner

4717.8000 PURPOSE AND SCOPE.

Subpart 1. Purpose. The purpose of parts 4717.8000 to 4717.8600 is to establish health risk values (HRVs) and multimedia health risk values (MHRVs) for chemicals or defined mixtures of chemicals emitted to the ambient air.

Subp. 2. Scope. The HRVs and MHRVs established in parts 4717.8000 to 4717.8600 are intended for use by public agencies or private entities in Minnesota as one set of criteria in evaluating risks to human health by chemical emissions to the ambient air. The chemicals and defined mixtures of chemicals included in parts 4717.8000 to 4717.8600 do not include every toxic chemical emitted to air.

The HRVs and MHRVs were not developed for evaluation of workplace exposures. The Occupational Safety and Health Administration, United States Department of Labor, is responsible for regulating workplace exposures.

4717.8050 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 4717.8000 to 4717.8600, the terms in this part have the meanings given them.

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Subp. 2. Acute health risk value or acute HRV. “Acute health risk value” or “acute HRV” means the concentration of a chemical or defined mixture of chemicals in ambient air, at or below which the chemical or defined mixture of chemicals is unlikely to cause an adverse health effect to the general public when exposure occurs over a prescribed time. For implementation purposes, acute HRVs are compared to one-hour averaged concentrations of chemicals or defined mixtures of chemicals in air. An acute HRV is expressed in units of micrograms of the chemical or defined mixture of chemicals per cubic meter of air ($\mu\text{g}/\text{m}^3$).

Subp. 3. Additional lifetime risk. “Additional lifetime risk” means the probability that daily exposure to a carcinogen over a lifetime will induce cancer. The Minnesota Department of Health uses an additional lifetime risk of $1\text{E}-5$ (1 in 100,000) to set carcinogen exposure guidelines.

Subp. 4. Benchmark concentration or BMC. “Benchmark concentration” or “BMC” means the statistical lower limit on the concentration of the chemical or defined mixture of chemicals that produces a predetermined change in response rate of an adverse effect (called a benchmark response or BMR) compared to background. The change in response rate over background of the BMR is usually in the range of five to ten percent. The benchmark concentration may be used instead of the NOAEL for noncancer endpoints and is expressed in units of milligrams of chemical or defined mixture of chemicals per cubic meter of air (mg/m^3).

Subp. 5. Benchmark dose or BMD. “Benchmark dose” or “BMD” means the the statistical lower limit on the dose of the chemical or defined mixture of chemicals that produces a predetermined change in response rate of an adverse effect (called a benchmark response or BMR) compared to background. The change in response rate over background of the BMR is usually in the range of five to ten percent. The benchmark dose may be used instead of the NOAEL for noncancer endpoints and is expressed in units of milligrams of chemical or defined mixture of chemicals per kilogram of body weight per day ($\text{mg}/\text{kg}\text{-day}$).

Subp. 6. Carcinogen. “Carcinogen” means a chemical or defined mixture of chemicals:

A. listed as a human carcinogen or a probable human carcinogen according to “EPA Classification System for Categorizing Weight of Evidence for Carcinogenicity from Human and Animal Studies,” The Risk Assessment Guidelines of 1986, United States Environmental Protection Agency, Office of Health and Environmental Assessment (August 1987). The classification system is incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change;

B. listed as a “known/likely” carcinogen according to Proposed Guidelines for Carcinogen Risk Assessment, United States Environmental Protection Agency, Office of Research and Development (April 1996). The guidelines are incorporated by reference, are available through the Minitex interlibrary loan system, and are not subject to frequent change; or

C. listed as a substance known to be a human carcinogen or reasonably anticipated to be a human carcinogen in the Report on Carcinogens, United States Department of Health and Human Services, Public Health Service, National Toxicology Program. The report is incorporated by reference and is subject to frequent change. The report is available on the Internet at <http://ntp-server.niehs.nih.gov/newhomeroc/aboutroc.html>.

Subp. 7. Chemical abstracts service registry number or CAS RN. “Chemical abstracts service registry number” or “CAS RN” means the number assigned to a chemical by the Chemical Abstracts Service, a division of the American Chemical Society, 2540 Olentangy River Road, Box 3012, Columbus, Ohio 43210. The chemical abstracts service registry numbers are published in Chemical Abstracts Service Registry Handbook - Number Section, American Chemical Society (1965). The handbook is incorporated by reference, is available through the Minitex interlibrary loan system, and is subject to annual change.

Subp. 8. Chronic health risk value or chronic HRV. “Chronic health risk value” or “chronic HRV” means the concentration of a chemical or defined mixture of chemicals in ambient air, at or below which the chemical or defined mixture of chemicals is unlikely to cause an adverse health effect to the general public when exposure occurs daily throughout a person’s lifetime. For implementation purposes, chronic HRVs are compared to an annual average concentration of a chemical or defined mixture of chemicals in air. A chronic HRV is expressed in units of micrograms of the chemical or defined mixture of chemicals per cubic meter of air ($\mu\text{g}/\text{m}^3$).

Subp. 9. Defined mixture of chemicals. “Defined mixture of chemicals” means a mixture of chemical compounds where the toxicity of that mixture of chemical compounds is quantified as a group, rather than individually, in an analytical procedure. Defined mixtures of chemicals include, but are not limited to, coke oven emissions, diesel particulate, and nickel refinery dust.

Subp. 10. Endpoint of concern or endpoint. “Endpoint of concern” or “endpoint” means an observable and measurable adverse biological event used as a scientifically defensible index of an effect of a low dose chemical exposure. The designation of an endpoint of concern does not exclude other possible observable and measurable biological events.

Subp. 11. Extrarespiratory effect. “Extrarespiratory effect” means a toxic effect produced at a site other than the respiratory system following inhalation of a chemical.

Subp. 12. Extrarespiratory regional dose deposition or RDD_{ER}. “Extrarespiratory regional dose deposition” or “RDD_{ER}” is the estimated amount of inhaled chemical or defined mixture of chemicals that is transported to nonrespiratory tract tissues after

absorption of the chemical has occurred. The default normalizing factor for extrarespiratory effects is body weight. Until clearance and distribution parameters can be incorporated, it is assumed that 100 percent of a deposited dose to the entire respiratory system is available for uptake by the systemic circulation.

Subp. 13. Extrarespiratory regional dose deposition ratio or RDDR_{ER}. “Extrarespiratory regional dose deposition ratio” or “RDDR_{ER}” means the ratio of the extrarespiratory regional dose deposition calculated for an experimental animal to the calculated extrarespiratory regional dose deposition in a human.

Subp. 14. (H_b/g)_A. “(H_b/g)_A” means the blood to gas (air) partition coefficient of a chemical in an experimental animal.

Subp. 15. (H_b/g)_H. “(H_b/g)_H” means the blood to gas (air) partition coefficient of a chemical in a human.

Subp. 16. Health effects assessment summary tables or HEAST. “Health effects assessment summary tables” or “HEAST” means the health effects assessment summary tables prepared by the United States Environmental Protection Agency, Office of Research and Development (1991). The tables are incorporated by reference, are available through the Minitex interlibrary loan system, and are subject to quarter-annual changes.

Subp. 17. Health risk value or HRV. “Health risk value” or “HRV” means the concentration of a chemical or defined mixture of chemicals in ambient air, at or below which the chemical or defined mixture of chemicals is unlikely to cause an adverse health effect to the general public. The HRV is expressed in units of micrograms of the chemical or defined mixture of chemicals per cubic meter of air ($\mu\text{g}/\text{m}^3$).

Subp. 18. Human equivalent concentration or HEC. “Human equivalent concentration” or “HEC” means the concentration of inhalation exposure for humans of an agent that is believed to induce the same magnitude of a toxic effect as associated with the experimental animal species exposure concentration. HEC derivation may incorporate toxicokinetic information on the particular agent, if available, or use a default procedure, such as assuming that daily oral doses experienced for a lifetime are proportional to body weight raised to the 0.75 power.

Subp. 19. Integrated risk information system or IRIS. “Integrated risk information system” or “IRIS” means the United States Environmental Protection Agency’s electronic database for toxicologic information on chemicals. The IRIS is updated monthly and is available on the Internet at the Web site of the United States Environmental Protection Agency (www.epa.gov/iris/). The database is incorporated by reference and is subject to frequent change.

Subp. 20. Lowest observed adverse effect level or LOAEL. “Lowest observed adverse effect level” or “LOAEL” means the lowest exposure dose or concentration of a chemical or defined mixture of chemicals at which adverse effects have been observed in test animals or human test subjects and where the adverse effects are statistically different from background or a control group. The LOAEL is expressed in units of either milligrams of a chemical or defined mixture of chemicals per cubic meter of air (mg/m^3) for inhalation exposures or units of milligrams of a chemical or defined mixture of chemicals per kilogram of body weight per day ($\text{mg}/\text{kg}\text{-day}$) for multimedia exposures.

Subp. 21. Lowest observed adverse effect level adjusted or LOAEL[ADJ]. “Lowest observed adverse effect level adjusted” or “LOAEL[ADJ]” means the lowest observed adverse effect level for a chemical or defined mixture of chemicals adjusted to a specific period of time. For the chronic HRVs, the concentration in the scientific study is adjusted to a 24-hour per day, seven-day per week exposure period. For acute HRVs, the adjustment may include either a time adjustment to a one-hour exposure period or an adjustment for concentration as indicated in part 4717.8500, subparts 3, 4, and 5.

Subp. 22. $\mu\text{g}/\text{m}^3$. “ $\mu\text{g}/\text{m}^3$ ” means micrograms per cubic meter.

Subp. 23. mg/m^3 . “ mg/m^3 ” means milligrams per cubic meter.

Subp. 24. Modifying factor. “Modifying factor” means a factor used in the derivation of a reference dose or reference concentration. The magnitude of the modifying factor reflects the scientific uncertainties of the study and database not explicitly treated with standard uncertainty factors (e.g., the completeness of the overall database). A modifying factor is greater than zero and less than or equal to ten, and the default value for the modifying factor is one.

Subp. 25. Multimedia health risk value or MHRV. “Multimedia health risk value” or “MHRV” means the total daily dose of a chemical or defined mixture of chemicals that results from an emission to ambient air, at or below which is unlikely to cause an adverse health effect to the general public over a lifetime exposure. Total daily dose is the sum of the exposure doses calculated

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from applicable inhalation or noninhalation exposure pathways. The MHRV is expressed in units of micrograms of the chemical or defined mixture of chemicals per kilogram of body weight per day ($\mu\text{g}/\text{kg}\cdot\text{day}$).

Subp. 26. No observed adverse effect level or NOAEL. “No observed adverse effect level” or “NOAEL” means the highest exposure level at which there are no statistically or biologically significant increases in the frequency or severity of adverse effect between the exposed population and its appropriate control. Some effects may be produced at this level, but they are not considered adverse or precursors to adverse effects. The NOAEL is expressed in units of milligrams of chemical or defined mixture of chemicals per cubic meter of air (mg/m^3) or milligrams of chemical or defined mixture of chemicals per kilogram of body weight per day ($\text{mg}/\text{kg}\cdot\text{day}$).

Subp. 27. No observed adverse effect level adjusted or NOAEL[ADJ]. “No observed adverse effect level adjusted” or “NOAEL[ADJ]” means the no observed adverse effect level for a chemical or defined mixture of chemicals adjusted to a specific period of time. For the chronic HRVs, the concentration is adjusted to a 24-hour per day, seven-day per week exposure period. For acute HRVs, the adjustment may include either a time adjustment to the scientific study data to a one-hour exposure period or an adjustment for concentration as indicated in part 4717.8500, subparts 3, 4, and 5.

Subp. 28. Potency slope or slope factor. “Potency slope” or “slope factor” means an upper bound, approximating a 95 percent confidence limit, on the increased cancer risk from a lifetime exposure to a chemical or defined mixture of chemicals. This estimate, usually expressed in units of proportion (of a population) affected per $\text{mg}/\text{kg}/\text{day}$, is generally reserved for use in the low-dose region of the dose-response relationship, that is, for exposures corresponding to risks less than one in 100. This number is derived from a mathematical extrapolation model that uses toxicologic data specific to each carcinogen. The potency slope for a carcinogen by ingestion is expressed in units of the inverse of milligrams of the chemical or defined mixture of chemicals per kilogram of body weight per day ($\text{mg}/\text{kg}\cdot\text{day}$)⁻¹.

Subp. 29. Reference concentration or RfC. “Reference concentration” or “RfC” means an estimate, with uncertainty spanning perhaps an order of magnitude, of a continuous inhalation exposure to the human population, including sensitive subgroups, that is likely to be without an appreciable risk or deleterious effects during a lifetime. It can be derived from a NOAEL, LOAEL, or benchmark concentration, with uncertainty factors generally applied to reflect limitations on the scientific data available. The RfC is expressed in units of milligrams of the chemical or defined mixture of chemicals per cubic meter of air (mg/m^3).

Subp. 30. Reference dose or RfD. “Reference dose” or “RfD” means an estimate, with uncertainty spanning perhaps an order of magnitude, of a daily oral exposure to the human population, including sensitive subgroups, that is likely to be without an appreciable risk of deleterious effects during a lifetime. It can be derived from a NOAEL, LOAEL, or benchmark dose, with uncertainty factors generally applied to reflect limitations of the scientific data available. The RfD is expressed in units of milligrams of the chemical or defined mixture of chemicals per kilogram of body weight per day ($\text{mg}/\text{kg}\cdot\text{day}$).

Subp. 31. Reference exposure level or REL. “Reference exposure level” or “REL” means the concentration level of a chemical or defined mixture of chemicals at or below which no adverse health effects are anticipated for a specified exposure duration. Reference exposure levels have been derived by the California Environmental Protection Agency, the Office of Environmental Health Hazard Assessment, under the Air Toxics “Hot Spots” Information and Assessment Act of 1987. The exposure levels are available on the Internet at the Web site of the Office of Environmental Health Hazard Assessment (www.oehha.org/air/acute_rels/acutere.html).

Subp. 32. Regional deposited dose or RDD. “Regional deposited dose” or “RDD” means the deposited dose of particles calculated for a respiratory tract region of interest as related to an observed toxicity. For respiratory effects of particles, the deposited dose is adjusted for ventilatory volumes and the surface area of the respiratory region affected and is expressed as milligrams per minute per square centimeter ($\text{mg}/\text{min}\cdot\text{sq. cm}$). For extrapulmonary effects of particles, the deposited dose in the total respiratory system is adjusted for ventilatory volumes and body weight and is expressed as milligrams per minute per kilogram ($\text{mg}/\text{min}\cdot\text{kg}$).

Subp. 33. Regional deposited dose ratio or RDDR. “Regional deposited dose ratio” or “RDDR” means the ratio of the regional deposited dose calculated for a given exposure in the animal species of interest (RDDA) to the regional deposited dose of the same exposure in a human (RDDH). This ratio is used to adjust the exposure effect level for interspecies dosimetric differences to derive a human equivalent concentration (HEC) for particles.

Subp. 34. Regional gas dose or RGD. “Regional gas dose” or “RGD” means the gas dose calculated for the respiratory system region of interest as related to the observed effect for respiratory effects. The deposited dose is adjusted for ventilatory volumes and the surface area of the respiratory region affected. RGD is calculated per minute expressed as milligrams per minute per square centimeter ($\text{mg}/\text{min}\cdot\text{sq. cm}$).

Subp. 35. Regional gas dose ratio or RGDR. “Regional gas dose ratio” or “RGDR” means the ratio of the regional gas dose calculated for a given exposure in the animal species of interest (RGDA) to the regional gas dose of the same exposure in humans (RGDH). This ratio is used to adjust the exposure effect level for interspecies dosimetric differences to derive a human equivalent concentration (HEC) for gases with respiratory effects.

Subp. 36. Respiratory effect. “Respiratory effect” means a toxic effect produced in the respiratory system. Respiratory effects are divided into the categories of upper respiratory effects and lower respiratory effects. Effects in the upper respiratory system consist of effects primarily in the extrathoracic (ET) region, consisting of the nose, mouth, nasopharynx, oropharynx, laryngopharynx, and larynx, and in the upper tracheobronchial (TB) region consisting of the trachea, bronchi, and bronchioles.

The lower respiratory system effects consist of effects primarily in the pulmonary (PU) region, consisting of the respiratory bronchioles, alveolar ducts, alveolar sacs, and alveoli, and effects in the lower tracheobronchial (TB) region, consisting of the trachea and bronchioles to the terminal bronchioles.

Subp. 37. Respiratory system. “Respiratory system” means the nose, mouth, nasopharynx, oropharynx, larynx, trachea, bronchi, bronchioles, and the alveolar ducts, alveolar sacs, and alveoli of the lung.

Subp. 38. Statistical significance. “Statistical significance” means the probability that a result is likely to be due to chance alone. By convention, a difference between two groups is usually considered statistically significant if chance could explain it only five percent of the time or less. Study design considerations may influence the *a priori* choice of a different statistical significance level.

Subp. 39. Subchronic health risk value or subchronic HRV. “Subchronic health risk value” or “subchronic HRV” means the concentration of a chemical or defined mixture of chemicals in ambient air at or below which the chemical or defined mixture of chemicals is unlikely to cause an adverse health effect to the general public when exposure occurs on a continuous basis over a less than lifetime exposure. For implementation purposes, subchronic HRVs are compared to a 13-week averaged concentration of a chemical or defined mixture of chemicals in ambient air. A subchronic HRV is expressed in units of micrograms of the chemical or defined mixture of chemicals per cubic meter of air ($\mu\text{g}/\text{m}^3$).

Subp. 40. Uncertainty factor. “Uncertainty factor” means the numerical factors used to account for the variation in sensitivity among members of the human population; the uncertainty in extrapolating laboratory animal data to humans; the uncertainty in extrapolating from data obtained in a study that involves less than lifetime exposure to lifetime exposure; the uncertainty in using LOAEL data due to the absence of NOAEL data; and the inability of any single study to adequately address all possible adverse outcomes in humans.

Subp. 41. Unit risk. “Unit risk” means the upper bound excess cancer risk from a continuous lifetime exposure to a chemical or defined mixture of chemical concentration at one microgram per cubic meter ($1 \mu\text{g}/\text{m}^3$) in air.

4717.8100 TABLE OF CHRONIC HRVs.

The heading for each item contains the chemical name and, in parenthesis, the CAS RN. Each item lists the chronic HRV, the equation used to develop the chronic HRV, and the variables necessary for the equation. The equations used to develop the chronic HRV are designated as follows: “A” means calculating the NOAEL[HEC] or LOAEL[HEC] or BMC[HEC] under part 4717.8300, subpart 3, and applying the general equation under part 4717.8300, subpart 2; “B” means calculating the NOAEL[HEC] or LOAEL[HEC] or BMC[HEC] under part 4717.8300, subpart 4, and applying the general equation under part 4717.8300, subpart 2; “C” means calculating the NOAEL[HEC] or LOAEL[HEC] or BMC[HEC] under part 4717.8300, subpart 5, and applying the general equation under part 4717.8300, subpart 2; “D” means calculating the NOAEL[HEC] or LOAEL[HEC] or BMC[HEC] under part 4717.8300, subpart 6, and applying the general equation under part 4717.8300, subpart 2; and “E” means applying the equation under part 4717.8400, subpart 2. The endpoint of concern is listed for use in determining a cancer index under part 4717.8550 or a hazard index under part 4717.8600.

TABLE OF CHRONIC HRVs

A.	Acetaldehyde (75-07-0)	
	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>5</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per $\mu\text{g}/\text{m}^3$</u>	<u>2.2E-6</u>
B.	Acetonitrile (75-05-8)	
	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>60</u>
	<u>Endpoint of concern</u>	<u>Mortality</u>

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	<u>Equation</u>	<u>D</u>
	<u>NOAEL [HEC] (mg/m³)</u>	<u>6E1</u>
	<u>Uncertainty factor</u>	<u>1.000</u>
C.	<u>Acrylonitrile (107-13-1)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.1</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>6.8E-5</u>
D.	<u>Ammonia (7664-41-7)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>80</u>
	<u>Endpoint of concern</u>	<u>Upper and lower respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>NOAEL[HEC] (mg/m³)</u>	<u>2.3</u>
	<u>Uncertainty factor</u>	<u>30</u>
E.	<u>Antimony trioxide (1309-64-4)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.2</u>
	<u>Endpoint of concern</u>	<u>Lower respiratory system</u>
	<u>Equation</u>	<u>A</u>
	<u>BMC[HEC] (mg/m³)</u>	<u>7.4E-2</u>
	<u>Uncertainty factor</u>	<u>300</u>
F.	<u>Arsenic (7440-38-2)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.002</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>4.3E-3</u>
G.	<u>Benzene (71-43-2)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>1.3 - 4.5</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>2.2E-6 to 7.8E-6</u>
H.	<u>Benzidine (92-87-5)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.0002</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>6.7E-2</u>
I.	<u>Beryllium (7440-41-7)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.004</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>2.4E-3</u>
J.	<u>Bis(chloromethyl)ether (542-88-1)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.0002</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>6.2E-2</u>
K.	<u>Bromomethane (74-83-9)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>5</u>
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>C</u>

	<u>LOAEL [HEC] (mg/m³)</u>	<u>4.8E-1</u>
	<u>Uncertainty factor</u>	<u>100</u>
L.	<u>1,3-Butadiene (106-99-0)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.04</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>2.8E-4</u>
M.	<u>Cadmium (7440-43-9)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.006</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>1.8E-3</u>
N.	<u>Carbon disulfide (75-15-0)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>700</u>
	<u>Endpoint of concern</u>	<u>Nervous system</u>
	<u>Equation</u>	<u>D</u>
	<u>BMC [HEC] (mg/m³)</u>	<u>1.97E1</u>
	<u>Uncertainty factor</u>	<u>30</u>
O.	<u>2 Chloroacetophenone (532-27-4)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.03</u>
	<u>Endpoint of concern</u>	<u>Upper and lower respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>LOAEL [HEC] (mg/m³)</u>	<u>3E-2</u>
	<u>Uncertainty factor</u>	<u>1.000</u>
P.	<u>Chromium VI (18540-29-9)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.0008</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>1.2E-2</u>
Q.	<u>Coke oven emissions (8007-45-2)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.02</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>6.2E-4</u>
R.	<u>1,2-Dibromoethane (106-93-4)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.05</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>2.2E-4</u>
S.	<u>Dichloromethane (75-09-2)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>20</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>4.7E-7</u>

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Proposed Rules

T. <u>1,3-Dichloropropene (542-75-6)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>BMC [HEC] (mg/m^3)</u> <u>Equation</u> <u>Uncertainty factor</u>	20 <u>Upper respiratory system</u> <u>7.2E-1</u> <u>C</u> <u>30</u>
U. <u>Dichlorvos (62-73-7)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>NOAEL [HEC] (mg/m^3)</u> <u>Uncertainty factor</u>	0.5 <u>Nervous system</u> <u>D</u> <u>5E-2</u> <u>100</u>
V. <u>Diesel particulates (*)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>NOAEL [HEC] (mg/m^3)</u> <u>Uncertainty factor</u>	5 <u>Lower respiratory system</u> <u>A</u> <u>1.55E-1</u> <u>30</u>
W. <u>N,N-dimethylformamide (68-12-2)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>LOAEL [HEC] (mg/m^3)</u> <u>Uncertainty factor</u>	30 <u>Gastrointestinal system</u> <u>and hepatic system</u> <u>D</u> <u>7.9</u> <u>300</u>
X. <u>Epichlorohydrin (106-89-8)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>Unit risk per $\mu\text{g}/\text{m}^3$</u>	8 <u>Cancer</u> <u>E</u> <u>1.2E-6</u>
Y. <u>1,2-Epoxybutane (106-88-7)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>LOAEL [HEC] (mg/m^3)</u> <u>Uncertainty factor</u>	20 <u>Upper respiratory system</u> <u>C</u> <u>4.8</u> <u>300</u>
Z. <u>Ethylene glycol monobutyl ether (111-76-2)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>BMC [HEC] (mg/m^3)</u> <u>Uncertainty factor</u>	13,000 <u>Hematologic system</u> <u>D</u> <u>3.8E2</u> <u>30</u>
AA. <u>Formaldehyde (50-00-0)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>Unit risk per $\mu\text{g}/\text{m}^3$</u>	0.8** <u>Cancer</u> <u>E</u> <u>1.3E-5</u>
BB. <u>1,6-Hexamethylene diisocyanate (822-06-0)</u>	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u>	0.01** <u>Upper and lower</u> <u>respiratory system</u>

	<u>Equation</u>	<u>C</u>
	<u>NOAEL HEC1 (mg/m³)</u>	<u>1E-3</u>
	<u>Uncertainty factor</u>	<u>100</u>
CC.	<u>n-Hexane (110-54-3)</u>	
	<u>Chronic HRV (μg/m³)</u>	2,000
	<u>Endpoint of concern</u>	<u>Nervous system and upper respiratory system</u>
	<u>Equation</u>	<u>D</u>
	<u>LOAEL HEC1 (mg/m³)</u>	<u>7.3E1</u>
	<u>Uncertainty factor</u>	<u>30</u>
DD.	<u>Hydrazine/Hydrazine sulfate (302-01-2)</u>	
	<u>Chronic HRV (μg/m³)</u>	0.002
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>4.9E-3</u>
EE.	<u>Hydrogen chloride (7647-01-0)</u>	
	<u>Chronic HRV (μg/m³)</u>	20
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>LOAEL HEC1 (mg/m³)</u>	<u>6.1</u>
	<u>Uncertainty factor</u>	<u>300</u>
FF.	<u>Hydrogen cyanide (74-90-8)</u>	
	<u>Chronic HRV (μg/m³)</u>	3
	<u>Endpoint of concern</u>	<u>Endocrine system and nervous system</u>
	<u>Equation</u>	<u>D</u>
	<u>LOAEL HEC1 (mg/m³)</u>	<u>2.5</u>
	<u>Uncertainty factor</u>	<u>1,000</u>
GG.	<u>Manganese (7439-96-5)</u>	
	<u>Chronic HRV (μg/m³)</u>	0.2
	<u>Endpoint of concern</u>	<u>Nervous system</u>
	<u>Equation</u>	<u>B</u>
	<u>BMC HEC1 (mg/m³)</u>	<u>1.9E-2</u>
	<u>Uncertainty factor</u>	<u>100</u>
HH.	<u>Methyl methacrylate (80-62-6)</u>	
	<u>Chronic HRV (μg/m³)</u>	700**
	<u>Endpoint of concern</u>	<u>Upper and lower respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>BMC HEC1 (mg/m³)</u>	<u>7.2</u>
	<u>Uncertainty factor</u>	<u>10</u>
II.	<u>Methylene diphenyl diisocyanate (MDI) and polymeric MDI (101-68-8 and 9016-87-9)</u>	
	<u>Chronic HRV (μg/m³)</u>	0.6**
	<u>Endpoint of concern</u>	<u>Upper and lower respiratory system</u>

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Proposed Rules

	<u>Equation</u>	<u>A</u>
	<u>BMC HEC (mg/m³)</u>	<u>6E-2</u>
	<u>Uncertainty factor</u>	<u>100</u>
JJ.	<u>Naphthalene (91-20-3)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>3</u>
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>D</u>
	<u>LOAEL HEC (mg/m³)</u>	<u>9.3</u>
	<u>Uncertainty factor</u>	<u>3.000</u>
KK.	<u>Nickel refinery dust (*)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.04</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>2.4E-4</u>
LL.	<u>Nickel subsulfide (12035-72-2)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.02</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>4.8E-4</u>
MM.	<u>2-Nitropropane (79-46-9)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>20</u>
	<u>Endpoint of concern</u>	<u>Hepatic system</u>
	<u>Equation</u>	<u>D</u>
	<u>LOAEL HEC (mg/m³)</u>	<u>1.6E1</u>
	<u>Uncertainty factor</u>	<u>1.000</u>
NN.	<u>Propylene oxide (75-56-9)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>3</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per μg/m³</u>	<u>3.7E-6</u>
OO.	<u>Styrene (100-42-5)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>1000</u>
	<u>Endpoint of concern</u>	<u>Nervous system</u>
	<u>Equation</u>	<u>D</u>
	<u>NOAEL HEC (mg/m³)</u>	<u>3.4E1</u>
	<u>Uncertainty factor</u>	<u>30</u>
PP.	<u>Toluene (108-88-3)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>400</u>
	<u>Endpoint of concern</u>	<u>Nervous system and upper respiratory system</u>
	<u>Equation</u>	<u>D</u>
	<u>LOAEL HEC (mg/m³)</u>	<u>1.19E2</u>
	<u>Uncertainty factor</u>	<u>300</u>
QQ.	<u>2.4-/2.6-Toluene diisocyanate (26471-62-5)</u>	
	<u>Chronic HRV (μg/m³)</u>	<u>0.08**</u>
	<u>Endpoint of concern</u>	<u>Lower respiratory system</u>
	<u>Equation</u>	<u>D</u>
	<u>NOAEL HEC (mg/m³)</u>	<u>2.3E-3</u>
	<u>Uncertainty factor</u>	<u>30</u>

<u>RR.</u>	<u>Vinyl acetate (108-05-4)</u>	
	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>200</u>
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>NOAEL[HEC] (mg/m^3)</u>	<u>5</u>
	<u>Uncertainty factor</u>	<u>30</u>
<u>SS.</u>	<u>Vinyl chloride (75-01-4)</u>	
	<u>Chronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>1</u>
	<u>Endpoint of concern</u>	<u>Cancer</u>
	<u>Equation</u>	<u>E</u>
	<u>Unit risk per $\mu\text{g}/\text{m}^3$</u>	<u>8.8E-6</u>

* This HRV is for a chemical mixture which, therefore, does not have a chemical-specific number assigned by the Chemical Abstracts Service.

** This HRV may not provide protection for individuals who have been previously sensitized to this chemical.

4717.8150 TABLE OF SUBCHRONIC HRVs.

The heading for each item contains the chemical name and, in parenthesis, the CAS RN. Each item lists the subchronic HRV, the equation used to develop the subchronic HRV, and the variables necessary for the equation. The equations used to develop the subchronic HRV are designated as follows: "A" means calculating the NOAEL[HEC] or LOAEL[HEC] or BMC[HEC] under part 4717.8300, subpart 3, and applying the general equation under part 4717.8300, subpart 2; "B" means calculating the NOAEL[HEC] or LOAEL[HEC] or BMC[HEC] under part 4717.8300, subpart 4, and applying the general equation under part 4717.8300, subpart 2; "C" means calculating the NOAEL[HEC] or LOAEL[HEC] or BMC[HEC] under part 4717.8300, subpart 5, and applying the general equation under part 4717.8300, subpart 2; and "D" means calculating the NOAEL[HEC] or LOAEL[HEC] or BMC[HEC] under part 4717.8300, subpart 6, and applying the general equation under part 4717.8300, subpart 2. The endpoint of concern is listed for use in determining a hazard index under part 4717.8600.

TABLE OF SUBCHRONIC HRVs

<u>A.</u>	<u>Acrolein (107-02-8)</u>	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>0.2</u>
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>LOAEL[HEC] (mg/m^3)</u>	<u>2E-2</u>
	<u>Uncertainty factor</u>	<u>100</u>
<u>B.</u>	<u>Acrylic acid (79-10-7)</u>	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>3</u>
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>LOAEL[HEC] (mg/m^3)</u>	<u>3.3E-1</u>
	<u>Uncertainty factor</u>	<u>100</u>
<u>C.</u>	<u>Allyl chloride (107-05-1)</u>	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>10</u>
	<u>Endpoint of concern</u>	<u>Nervous system</u>
	<u>Equation</u>	<u>D</u>
	<u>NOAEL[HEC] (mg/m^3)</u>	<u>3.6</u>
	<u>Uncertainty factor</u>	<u>300</u>

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Proposed Rules

D. <u>Arsine (7784-42-1)</u>	
<u>HRV ($\mu\text{g}/\text{m}^3$)</u>	0.1
<u>Endpoint of concern</u>	<u>Hematologic system</u>
<u>Equation</u>	<u>D</u>
<u>NOAEL[HEC] (mg/m^3)</u>	<u>1.4E-2</u>
<u>Uncertainty factor</u>	<u>100</u>
E. <u>Chlordane (12789-03-6)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>7</u>
<u>Endpoint of concern</u>	<u>Hepatic system</u>
<u>Equation</u>	<u>B</u>
<u>NOAEL[HEC] (mg/m^3)</u>	<u>6.5E-1</u>
<u>Uncertainty factor</u>	<u>100</u>
F. <u>Chlorine dioxide (10049-04-4)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	0.6
<u>Endpoint of concern</u>	<u>Lower respiratory system</u>
<u>Equation</u>	<u>C</u>
<u>LOAEL[HEC] (mg/m^3)</u>	<u>6.4E-1</u>
<u>Uncertainty factor</u>	<u>1.000</u>
G. <u>Chromic acid mists and dissolved Cr (VI) aerosols (18540-29-9)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	0.02
<u>Endpoint of concern</u>	<u>Upper and lower respiratory system</u>
<u>Equation</u>	<u>C</u>
<u>LOAEL[ADJ] (mg/m^3)</u>	<u>7.1E-4</u>
<u>Uncertainty factor</u>	<u>30</u>
H. <u>Cr(VI) particulates (18540-29-9)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	1
<u>Endpoint of concern</u>	<u>Lower respiratory system</u>
<u>Equation</u>	<u>A</u>
<u>BMC[HEC] (mg/m^3)</u>	<u>3.5E-2</u>
<u>Uncertainty factor</u>	<u>30</u>
I. <u>Cumene (98-82-8)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	4,000
<u>Endpoint of concern</u>	<u>Renal system and endocrine system</u>
<u>Equation</u>	<u>D</u>
<u>NOAEL[HEC] (mg/m^3)</u>	<u>4.35E2</u>
<u>Uncertainty factor</u>	<u>100</u>
J. <u>1,2-Dibromo-3-chloropropane (96-12-8)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	2
<u>Endpoint of concern</u>	<u>Male reproductive system</u>
<u>Equation</u>	<u>D</u>
<u>NOAEL[HEC] (mg/m^3)</u>	<u>1.7E-1</u>
<u>Uncertainty factor</u>	<u>100</u>
K. <u>1,4-Dichlorobenzene (106-46-7)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	800
<u>Endpoint of concern</u>	<u>Hepatic system</u>
<u>Equation</u>	<u>D</u>
<u>NOAEL[HEC] (mg/m^3)</u>	<u>7.5E1</u>
<u>Uncertainty factor</u>	<u>100</u>

L.	1,2-Dichloropropane (78-87-5)	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>10</u>
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>LOAEL HEC1 (mg/m^3)</u>	<u>1.3</u>
	<u>Uncertainty factor</u>	<u>100</u>
M.	Dicyclopentadiene (77-73-6)	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>3</u>
	<u>Endpoint of concern</u>	<u>Renal system</u>
	<u>Equation</u>	<u>D</u>
	<u>LOAEL HEC1 (mg/m^3)</u>	<u>9.6E-1</u>
	<u>Uncertainty factor</u>	<u>300</u>
N.	2-Dimethylamino ethanol (101-01-0)	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>70</u>
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>NOAEL HEC1 (mg/m^3)</u>	<u>1.96</u>
	<u>Uncertainty factor</u>	<u>30</u>
O.	Ethylene glycol monoethyl ether (110-80-5)	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>2,000</u>
	<u>Endpoint of concern</u>	<u>Male reproductive system</u>
	<u>Equation</u>	<u>D</u>
	<u>NOAEL HEC1 (mg/m^3)</u>	<u>6.8E1</u>
	<u>Uncertainty factor</u>	<u>30</u>
P.	Ethylene glycol monomethyl ether(EGME) or 2-methoxyethanol (109-86-4)	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>60</u>
	<u>Endpoint of concern</u>	<u>Male reproductive and hematologic systems</u>
	<u>Equation</u>	<u>D</u>
	<u>NOAEL HEC1 (mg/m^3)</u>	<u>1.7E1</u>
	<u>Uncertainty factor</u>	<u>300</u>
Q.	Hydrogen sulfide (7783-06-4)	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>10</u>
	<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>NOAEL HEC1 (mg/m^3)</u>	<u>1.01</u>
	<u>Uncertainty factor</u>	<u>100</u>
R.	Phosphine (7803-51-2)	
	<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>3</u>
	<u>Endpoint of concern</u>	<u>Decreased body weight</u>
	<u>Equation</u>	<u>D</u>
	<u>NOAEL HEC1 (mg/m^3)</u>	<u>2.5E-1</u>
	<u>Uncertainty factor</u>	<u>100</u>

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Proposed Rules

S. <u>Propylene glycol monomethyl ether (107-98-2)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	20,000
<u>Endpoint of concern</u>	<u>Nervous system</u>
<u>Equation</u>	<u>D</u>
<u>NOAEL[HEC] (mg/m^3)</u>	<u>6.58E2</u>
<u>Uncertainty factor</u>	<u>30</u>
T. <u>Triethylamine (121-44-8)</u>	
<u>Subchronic HRV ($\mu\text{g}/\text{m}^3$)</u>	70
<u>Endpoint of concern</u>	<u>Upper respiratory system</u>
<u>Equation</u>	<u>C</u>
<u>NOAEL[HEC] (mg/m^3)</u>	<u>1.95E1</u>
<u>Uncertainty factor</u>	<u>300</u>

4717.8200 TABLE OF ACUTE HRVs.

The heading for each item contains the chemical name and, in parenthesis, the CAS RN. Each item lists the acute HRV, the equation used to develop the acute HRV, and the variables necessary for the equation. The equations used to develop the acute HRV are designated as follows: "A" means calculating the NOAEL[ADJ] or LOAEL[ADJ] or BMC[ADJ] under part 4717.8500, subpart 3, and applying the general equation under part 4717.8500, subpart 2; "B" means calculating the NOAEL[ADJ] or LOAEL[ADJ] or BMC[ADJ] under part 4717.8500, subpart 4, and applying the general equation under part 4717.8500, subpart 2; "C" means calculating the NOAEL[ADJ] or LOAEL[ADJ] or BMC[ADJ] under part 4717.8500, subpart 5, and applying the general equation under part 4717.8500, subpart 2; "D" means calculating the BMC or BMC[ADJ] under part 4717.8500; and "E" means applying the equation under part 4717.8500, subpart 6. The endpoint of concern is listed for use in determining a hazard index under part 4717.8600.

TABLE OF ACUTE HRVs

A. <u>Ammonia (7664-41-7)</u>	
<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	3,200
<u>Endpoint of concern</u>	<u>Irritant - eye, respiratory system</u>
<u>Equation</u>	<u>D</u>
<u>BMC (mg/m^3)</u>	<u>9.5</u>
<u>Uncertainty factor</u>	<u>3</u>
B. <u>Arsine (7784-42-1)</u>	
<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	200
<u>Endpoint of concern</u>	<u>Hematologic*</u>
<u>Equation</u>	<u>B</u>
<u>NOAEL[ADJ] (mg/m^3)</u>	<u>1.6E1</u>
<u>Uncertainty factor</u>	<u>100</u>
C. <u>Benzene (71-43-2)</u>	
<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	1,000
<u>Endpoint of concern</u>	<u>Reproductive/ developmental</u>
<u>Equation</u>	<u>E</u>
<u>NOAEL (mg/m^3)</u>	<u>1.3E2</u>
<u>Uncertainty factor</u>	<u>100</u>
D. <u>Carbon disulfide (75-15-0)</u>	
<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	6,000
<u>Endpoint of concern</u>	<u>Reproductive/ developmental</u>
<u>Equation</u>	<u>E</u>
<u>NOAEL (mg/m^3)</u>	<u>6.2E2</u>
<u>Uncertainty factor</u>	<u>100</u>

E.	<u>Chlorine (7882-50-5)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	150
	<u>Endpoint of concern</u>	<u>Irritant - respiratory system</u>
	<u>Equation</u>	<u>A</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>1.5</u>
	<u>Uncertainty factor</u>	<u>10</u>
F.	<u>Chloroform (67-66-3)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	150
	<u>Endpoint of concern</u>	<u>Reproductive/developmental</u>
	<u>Equation</u>	<u>E</u>
	<u>LOAEL (mg/m^3)</u>	<u>1.5E2</u>
	<u>Uncertainty factor</u>	<u>1,000</u>
G.	<u>Dichloromethane (75-09-2)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	10,000
	<u>Endpoint of concern</u>	<u>Nervous system</u>
	<u>Equation</u>	<u>B</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>6.8E2</u>
	<u>Uncertainty factor</u>	<u>60</u>
H.	<u>1,4-Dioxane (123-91-1)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	3,000
	<u>Endpoint of concern</u>	<u>Irritant - eye and nasal</u>
	<u>Equation</u>	<u>B</u>
	<u>LOAEL[ADJ] (mg/m^3)</u>	<u>1.8E2</u>
	<u>Uncertainty factor</u>	<u>60</u>
I.	<u>Ethyl benzene (100-41-4)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	10,000
	<u>Endpoint of concern</u>	<u>Reproductive/developmental</u>
	<u>Equation</u>	<u>E</u>
	<u>NOAEL (mg/m^3)</u>	<u>4.3E2</u>
	<u>Uncertainty factor</u>	<u>30</u>
J.	<u>Ethyl chloride (75-00-3)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	100,000
	<u>Endpoint of concern</u>	<u>Reproductive/developmental</u>
	<u>Equation</u>	<u>E</u>
	<u>NOAEL (mg/m^3)</u>	<u>4E3</u>
	<u>Uncertainty factor</u>	<u>30</u>
K.	<u>Ethylene glycol monoethyl ether (110-80-5)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	400
	<u>Endpoint of concern</u>	<u>Reproductive/developmental</u>
	<u>Equation</u>	<u>E</u>
	<u>NOAEL (mg/m^3)</u>	<u>3.7E1</u>
	<u>Uncertainty factor</u>	<u>100</u>

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Proposed Rules

<u>L.</u>	<u>Ethylene glycol monoethyl ether acetate (111-15-9)</u>	100
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>Reproductive/</u>
	<u>Endpoint of concern</u>	<u>developmental</u>
	<u>Equation</u>	<u>E</u>
	<u>LOAEL (mg/m^3)</u>	<u>1.4E2</u>
	<u>Uncertainty factor</u>	<u>1.000</u>
<u>M.</u>	<u>Ethylene glycol monomethyl ether (EGME)(109-86-4) or 2-methoxyethanol</u>	90
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>Reproductive/</u>
	<u>Endpoint of concern</u>	<u>developmental</u>
	<u>Equation</u>	<u>E</u>
	<u>NOAEL (mg/m^3)</u>	<u>9.3</u>
	<u>Uncertainty factor</u>	<u>100</u>
<u>N.</u>	<u>Formaldehyde (50-00-0)</u>	94
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>Irritant - eye and</u>
	<u>Endpoint of concern</u>	<u>respiratory system</u>
	<u>Equation</u>	<u>D</u>
	<u>BMC (mg/m^3)</u>	<u>9.4E-1</u>
	<u>Uncertainty factor</u>	<u>10</u>
<u>O.</u>	<u>Hydrogen chloride (7647-01-1)</u>	2,100
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>Irritant - eye and</u>
	<u>Endpoint of concern</u>	<u>respiratory system</u>
	<u>Equation</u>	<u>A</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>2.1</u>
	<u>Uncertainty factor</u>	<u>1</u>
<u>P.</u>	<u>Hydrogen cyanide (74-90-8)</u>	300
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>Nervous system*</u>
	<u>Endpoint of concern</u>	<u>A</u>
	<u>Equation</u>	<u>3.4E1</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>100</u>
	<u>Uncertainty factor</u>	
<u>Q.</u>	<u>Hydrogen fluoride (7664-39-3)</u>	240
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>Irritant -</u>
	<u>Endpoint of concern</u>	<u>respiratory system</u>
	<u>Equation</u>	<u>B</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>2.4</u>
	<u>Uncertainty factor</u>	<u>10</u>
<u>R.</u>	<u>Hydrogen sulfide (7783-06-4)</u>	80
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	<u>Irritant -</u>
	<u>Endpoint of concern</u>	<u>respiratory system</u>
	<u>Equation</u>	<u>A</u>
	<u>LOAEL[ADJ] (mg/m^3)</u>	<u>1.4</u>
	<u>Uncertainty factor</u>	<u>18</u>

S.	<u>Methanol (67-56-1)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	25,000
	<u>Endpoint of concern</u>	<u>Nervous system</u>
	<u>Equation</u>	<u>B</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>2.5E2</u>
	<u>Uncertainty factor</u>	<u>10</u>
T.	<u>Methyl bromide (74-83-9)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	2,000
	<u>Endpoint of concern</u>	<u>Nervous system*</u>
	<u>Equation</u>	<u>B</u>
	<u>LOAEL[ADJ] (mg/m^3)</u>	<u>1.4E2</u>
	<u>Uncertainty factor</u>	<u>60</u>
U.	<u>Methyl ethyl ketone (78-93-3)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	10,000
	<u>Endpoint of concern</u>	<u>Irritant - eye and respiratory system</u>
	<u>Equation</u>	<u>B</u>
	<u>LOAEL[ADJ] (mg/m^3)</u>	<u>8E2</u>
	<u>Uncertainty factor</u>	<u>60</u>
V.	<u>Nickel and nickel compounds (**)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	6
	<u>Endpoint of concern</u>	<u>Irritant - respiratory system</u>
	<u>Equation</u>	<u>A</u>
	<u>LOAEL[ADJ] (mg/m^3)</u>	<u>3.4E-2</u>
	<u>Uncertainty factor</u>	<u>6</u>
W.	<u>Nitric acid (7697-37-2)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	86
	<u>Endpoint of concern</u>	<u>Irritant - respiratory system</u>
	<u>Equation</u>	<u>A</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>8.6E-2</u>
	<u>Uncertainty factor</u>	<u>1</u>
X.	<u>Phenol (108-95-2)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	5,800
	<u>Endpoint of concern</u>	<u>Irritant - eye and respiratory system</u>
	<u>Equation</u>	<u>C</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>5.8E1</u>
	<u>Uncertainty factor</u>	<u>10</u>
Y.	<u>Phosgene (75-44-5)</u>	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	4
	<u>Endpoint of concern</u>	<u>Irritant - respiratory system*</u>
	<u>Equation</u>	<u>B</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>4E-1</u>
	<u>Uncertainty factor</u>	<u>100</u>

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Proposed Rules

Z.	Sodium hydroxide (1310-93-2)	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	8
	<u>Endpoint of concern</u>	<u>Irritant - eye,</u> <u>skin, and</u> <u>respiratory system</u>
	<u>Equation</u>	<u>B</u>
	<u>LOAEL[ADJ] (mg/m^3)</u>	<u>5E-1</u>
	<u>Uncertainty factor</u>	<u>60</u>
AA.	Styrene (100-42-5)	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	21,000
	<u>Endpoint of concern</u>	<u>Irritant - eye and</u> <u>respiratory system</u>
	<u>Equation</u>	<u>B</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>2.1E2</u>
	<u>Uncertainty factor</u>	<u>10</u>
BB.	Tetrachloroethylene or perchlorethylene (127-18-4)	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	20,000
	<u>Endpoint of concern</u>	<u>Irritant - eye and</u> <u>respiratory and</u> <u>nervous systems</u>
	<u>Equation</u>	<u>C</u>
	<u>LOAEL[ADJ] (mg/m^3)</u>	<u>1.2E3</u>
	<u>Uncertainty factor</u>	<u>60</u>
CC.	Toluene (108-88-3)	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	37,000
	<u>Endpoint of concern</u>	<u>Irritant - eye and</u> <u>respiratory and</u> <u>nervous systems</u>
	<u>Equation</u>	<u>C</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>3.7E2</u>
	<u>Uncertainty factor</u>	<u>10</u>
DD.	1,1,1-Trichloroethane or methyl chloroform (71-55-6)	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	68,000
	<u>Endpoint of concern</u>	<u>Nervous system</u>
	<u>Equation</u>	<u>A</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>6.8E2</u>
	<u>Uncertainty factor</u>	<u>10</u>
EE.	Trichloroethylene (79-01-6)	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	2,000
	<u>Endpoint of concern</u>	<u>Reproductive/</u> <u>developmental</u>
	<u>Equation</u>	<u>E</u>
	<u>LOAEL (mg/m^3)</u>	<u>5.4E2</u>
	<u>Uncertainty factor</u>	<u>300</u>
FF.	Triethylamine (121-44-8)	
	<u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u>	2,800
	<u>Endpoint of concern</u>	<u>Irritant - eye;</u> <u>transient corneal edema</u>
	<u>Equation</u>	<u>C</u>
	<u>NOAEL[ADJ] (mg/m^3)</u>	<u>2.8E1</u>
	<u>Uncertainty factor</u>	<u>10</u>

<p>GG. <u>Vanadium pentoxide (1314-62-1)</u> <u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>LOAEL[ADJ] (mg/m^3)</u> <u>Uncertainty factor</u></p>	<p>30 <u>Irritant -</u> <u>respiratory system</u> <u>C</u> <u>3E-1</u> <u>10</u></p>
<p>HH. <u>Xylenes (1330-20-7)</u> <u>Acute HRV ($\mu\text{g}/\text{m}^3$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>NOAEL[ADJ] (mg/m^3)</u> <u>Uncertainty factor</u></p>	<p>22,000 <u>Irritant - eye and</u> <u>respiratory</u> <u>and nervous systems</u> <u>A</u> <u>2.2E2</u> <u>10</u></p>

* This HRV is for a chemical where there is little magnitude difference between the level where mild irritancy occurs and levels where more severe adverse health effects occur.

** This HRV is for a chemical mixture which, therefore, does not have a chemical-specific number assigned by the Chemical Abstracts Service.

4717.8250 TABLE OF MHRVs FOR MULTIMEDIA EXPOSURE TO AIR TOXICS.

The heading for each item contains the chemical name and, in parenthesis, the CAS RN. Each item lists the MHRV and the variables necessary for the equation. The equations used to develop the MHRV are designated as follows: "A" means applying the equation under part 4717.8350 for noncarcinogenic toxicants and "B" means applying the equation under part 4717.8450 for noncarcinogens. The endpoint of concern is listed for use in determining a cancer index under part 4717.8550 or a hazard index under part 4717.8600.

TABLE OF MHRVs

<p>A. <u>Antimony (7440-36-0)</u> <u>MHRV ($\mu\text{g}/\text{kg}\text{-day}$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>LOAEL ($\text{mg}/\text{kg}\text{-day}$)</u> <u>Uncertainty factor</u></p>	<p>0.4 <u>Hematologic system</u> <u>A</u> <u>3.5E-1</u> <u>1,000</u></p>
<p>B. <u>Arsenic (7440-38-2)</u> <u>MHRV ($\mu\text{g}/\text{kg}\text{-day}$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>Potency slope [$\text{mg}/\text{kg}\text{-day}$]⁻¹</u></p>	<p>0.007 <u>Cancer</u> <u>B</u> <u>1.5</u></p>
<p>C. <u>Benzo[a]pyrene (50-32-8)</u> <u>MHRV ($\mu\text{g}/\text{kg}\text{-day}$)</u> <u>Endpoint of concern</u> <u>Equation</u> <u>Potency slope [$\text{mg}/\text{kg}\text{-day}$]⁻¹</u></p>	<p>0.001 <u>Cancer</u> <u>B</u> <u>7.3</u></p>

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Proposed Rules

D. <u>Cadmium (7440-43-9)</u>	
<u>MHRV ($\mu\text{g}/\text{kg}\text{-day}$)</u>	0.5
<u>Endpoint of concern</u>	<u>Renal system</u>
<u>Equation</u>	<u>A</u>
<u>NOAEL ($\text{mg}/\text{kg}\text{-day}$)</u>	<u>5E-3</u>
<u>Uncertainty factor</u>	<u>10</u>
E. <u>Manganese (7439-96-5)</u>	
<u>MHRV $\mu\text{g}/\text{kg}\text{-day}$</u>	140
<u>Endpoint of concern</u>	<u>Nervous system</u>
<u>Equation</u>	<u>A</u>
<u>NOAEL ($\text{mg}/\text{kg}\text{-day}$)</u>	<u>1.4E-1</u>
<u>Uncertainty factor</u>	<u>1</u>
F. <u>Methylmercury (22967-92-6)</u>	
<u>MHRV ($\mu\text{g}/\text{kg}\text{-day}$)</u>	0.1
<u>Endpoint of concern</u>	<u>Nervous system and developmental</u>
<u>Equation</u>	<u>A</u>
<u>BMD ($\text{mg}/\text{kg}\text{-day}$)</u>	<u>1E-3</u>
<u>Uncertainty factor</u>	<u>10</u>
G. <u>Nickel (7440-02-0)</u>	
<u>MHRV ($\mu\text{g}/\text{kg}\text{-day}$)</u>	20
<u>Endpoint of concern</u>	<u>Decreased body and organ weights</u>
<u>Equation</u>	<u>A</u>
<u>NOAEL ($\text{mg}/\text{kg}\text{-day}$)</u>	<u>5</u>
<u>Uncertainty factor</u>	<u>300</u>
H. <u>Polychlorinated biphenyls (PCB) (1336-36-3)</u>	
<u>MHRV ($\mu\text{g}/\text{kg}\text{-day}$)</u>	0.05
<u>Endpoint of return</u>	<u>Developmental</u>
<u>Equation</u>	<u>A</u>
<u>LOAEL ($\text{mg}/\text{kg}\text{-day}$)</u>	<u>5E-4</u>
<u>Uncertainty factor</u>	<u>10</u>
I. <u>2,3,7,8-Tetrachlorodibenzo[p]dioxin (TCDD) (1746-01-6)</u>	
<u>MHRV ($\text{pg}/\text{kg}\text{-day}$)*</u>	0.07
<u>Endpoint of concern</u>	<u>Cancer</u>
<u>Equation</u>	<u>B</u>
<u>Potency slope [$\text{mg}/\text{kg}\text{-day}$]⁻¹</u>	<u>1.5E5</u>
	<u>* $\text{pg}/\text{kg}\text{-day}$ (picograms per kilogram per day)</u>

4717.8300 EQUATIONS FOR CALCULATION OF HRVs FOR NONCARCINOGENIC TOXICANTS.

Subpart 1. **Scope.** This part establishes the method for determining the health risk values (HRVs) for noncarcinogenic toxicants.

Subp. 2. **General equation; calculating HRV for noncarcinogenic toxicant.** The equation for calculating an HRV for a noncarcinogenic toxicant is:

$$\text{HRV} \equiv \frac{\text{NOAEL}[\text{ADJ}] \text{ or } \text{LOAEL}[\text{ADJ}] \text{ or } \text{BMC}[\text{ADJ}]}{(\text{Uncertainty factor})(\text{Modifying factor})} \times 1,000$$

or

$$\text{HRV} \equiv \frac{\text{NOAEL}[\text{HEC}] \text{ or } \text{LOAEL}[\text{HEC}] \text{ or } \text{BMC}[\text{HEC}]}{(\text{Uncertainty factor})(\text{Modifying factor})} \times 1,000$$

Where:

- A. HRV is expressed in units of micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air;
- B. NOAEL[ADJ] or [HEC], LOAEL[ADJ] or [HEC], or BMC[ADJ] or [HEC] is expressed in units of milligrams per cubic meter (mg/m^3) of air;
- C. uncertainty factor and modifying factor are unitless;
- D. the default value for modifying factor is one unless otherwise specified in part 4717.8100 or 4717.8150; and
- E. 1,000 is a factor to convert milligrams to micrograms.

Subp. 3. Equation for NOAEL[HEC], LOAEL[HEC], or BMC[HEC]; particles with respiratory effect. The equation for calculating a NOAEL[HEC], LOAEL[HEC], or BMC[HEC] for a particle having a respiratory effect is:

$$\frac{\text{NOAEL[HEC] or LOAEL[HEC] or BMC[HEC]}}{\text{NOAEL[ADJ] or LOAEL[ADJ] or BMC[ADJ]}} = \text{RDDR}$$

Where:

- A. NOAEL[HEC], LOAEL[HEC], or BMC[HEC] is expressed in units of milligrams per cubic meter (mg/m^3) of air;
- B. NOAEL[ADJ], LOAEL[ADJ], or BMC[ADJ] is expressed in units of milligrams per cubic meter (mg/m^3) of air; and
- C. RDDR is the regional deposited dose ratio and is unitless.

Subp. 4. Equation for NOAEL[HEC], LOAEL[HEC], or BMC[HEC]; particles with extrarespiratory effect. The equation for calculating a NOAEL[HEC], LOAEL[HEC], or BMC[HEC] for particles with an extrarespiratory effect is:

$$\frac{\text{NOAEL[HEC] or LOAEL[HEC] or BMC[HEC]}}{\text{NOAEL[ADJ] or LOAEL[ADJ] or BMC[ADJ]}} = \text{x RDDR}_{\text{ER}}$$

Where:

- A. NOAEL[HEC], LOAEL[HEC], or BMC[HEC] is expressed in units of milligrams per cubic meter (mg/m^3) of air;
- B. NOAEL[ADJ], LOAEL[ADJ], or BMC[ADJ] is expressed in units of milligrams per cubic meter (mg/m^3) of air; and
- C. RDDR_{ER} is the regional deposited dose ratio for extrarespiratory effects and is unitless.

Subp. 5. Equation for NOAEL[HEC], LOAEL[HEC], or BMC[HEC]; gas with respiratory effect. The equation for calculating the NOAEL[HEC], LOAEL[HEC], or BMC[HEC] for a gas having a respiratory effect is:

$$\frac{\text{NOAEL[HEC] or LOAEL[HEC] or BMC[HEC]}}{\text{NOAEL[ADJ] or LOAEL[ADJ] or BMC[ADJ]}} = \text{x RGDR}$$

Where:

- A. NOAEL[HEC], LOAEL[HEC], or BMC[HEC] is expressed in units of milligrams per cubic meter (mg/m^3) of air;
- B. NOAEL[ADJ], LOAEL[ADJ], or BMC[ADJ] is expressed in units of milligrams per cubic meter (mg/m^3) of air; and
- C. RGDR is the regional gas dose ratio in the specific region of the respiratory tract and is unitless.

Subp. 6. Equation for NOAEL[HEC], LOAEL[HEC], or BMC[HEC]; gas with extrarespiratory effect. The equation for calculating the NOAEL[HEC], LOAEL[HEC], or BMC[HEC] for a gas having an extrarespiratory effect is:

$$\text{NOAEL[HEC]} = \frac{\text{NOAEL[ADJ]} \times (\text{Hb/g})\text{A}}{(\text{Hb/g})\text{H}}$$

or

$$\text{LOAEL[HEC]} = \frac{\text{LOAEL[ADJ]} \times (\text{Hb/g})\text{A}}{(\text{Hb/g})\text{H}}$$

or

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

Proposed Rules

$$\text{BMC}[\text{HEC}] = \text{BMC}[\text{ADJ}] \times \frac{(\text{Hb/g})\text{A}}{(\text{Hb/g})\text{H}}$$

Where:

A. NOAEL[HEC], LOAEL[HEC], or BMC[HEC] is expressed in units of milligrams per cubic meter (mg/m³) of air;

B. NOAEL[ADJ], LOAEL[ADJ], or BMC[ADJ] is expressed in units of milligrams per cubic meter (mg/m³) of air; and

C. (Hb/g)A/(Hb/g)H is the ratio of the blood:gas (air) partition coefficient of the chemical in the experimental animal to the blood:gas (air) partition coefficient of the chemical in a human; the ratio is unitless. If (Hb/g)A > (Hb/g)H or if the partition coefficient values are unknown, (Hb/g)A/(Hb/g)H = 1.0.

4717.8350 EQUATION FOR CALCULATION OF MHRV FOR NONCARCINOGENIC TOXICANTS.

Subpart 1. Scope. This part establishes the method for determining the multimedia health risk value (MHRV) for a noncarcinogenic toxicant emitted to the air.

Subp. 2. Equation for MHRV for noncarcinogenic toxicant. The equation for calculating an MHRV for a noncarcinogenic toxicant is:

$$\text{MHRV} \equiv \frac{\text{NOAEL or LOAEL or BMD}}{(\text{Uncertainty factor})(\text{Modifying factor})} \times 1,000$$

Where:

A. MHRV is expressed in units of micrograms of chemical or defined mixture of chemicals per kilogram of body weight per day ($\mu\text{g}/\text{kg}\text{-day}$);

B. NOAEL, LOAEL, or BMD is expressed in units of milligrams of chemical or defined mixture of chemicals per kilogram body weight per day (mg/kg-day);

C. uncertainty factor and modifying factor are unitless;

D. the default value for modifying factor is one unless otherwise specified in part 4717.8250; and

E. 1,000 is a factor to convert milligrams to micrograms.

4717.8400 EQUATION FOR CALCULATION OF HRVs FOR CARCINOGENS.

Subpart 1. Scope. This part establishes the method for determining the health risk values (HRVs) for a carcinogen.

Subp. 2. Equation for carcinogens. The equation for determining the HRV for a carcinogen is:

$$\text{HRV} \equiv \frac{\text{Additional lifetime risk}}{\text{Unit risk}}$$

Where:

A. HRV is expressed in units of micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air;

B. unit risk is expressed in units of micrograms of the chemical or defined mixture of chemicals per cubic meter of air; and

C. additional lifetime risk is unitless.

4717.8450 EQUATION FOR CALCULATION OF MHRV FOR CARCINOGENS.

Subpart 1. Scope. This part establishes the methods for determining the multimedia health risk values (MHRVs) for carcinogens emitted to the air.

Subp. 2. General equation for calculating MHRVs for carcinogens. The general equation for calculating MHRVs for carcinogens is:

$$\text{MHRV} \equiv \frac{\text{Additional lifetime risk}}{\text{Potency slope}} \times 1,000$$

Where:

- A. MHRV is expressed in units of micrograms per kilogram of body weight per day ($\mu\text{g}/\text{kg}\text{-day}$);
- B. potency slope is expressed in units of the inverse of milligrams per kilogram of body weight per day $(\text{mg}/\text{kg}\text{-day})^{-1}$;
- C. additional lifetime risk is unitless; and
- D. 1,000 is a factor to convert milligrams to micrograms.

4717.8500 EQUATIONS FOR CALCULATION OF HRVs FOR ACUTE TOXICITY.

Subpart 1. Scope. This part establishes the method for determining the health risk value (HRV) for toxicants having acute toxicity effects.

Subp. 2. General equation for calculating an HRV for an acute irritant. The equation for calculating an HRV for an acute irritant is:

$$\text{HRV} \equiv \frac{\text{NOAEL or NOAEL [ADJ]}}{(\text{Uncertainty factor})(\text{Modifying factor})} \times 1,000$$

or

$$\text{HRV} \equiv \frac{\text{LOAEL or LOAEL [ADJ]}}{(\text{Uncertainty factor})(\text{Modifying factor})} \times 1,000$$

or

$$\text{HRV} \equiv \frac{\text{BMC or BMC [ADJ]}}{(\text{Uncertainty factor})(\text{Modifying factor})} \times 1,000$$

Where:

- A. HRV is expressed in units of micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air;
- B. NOAEL, NOAEL [ADJ], LOAEL, LOAEL [ADJ], BMC, or BMC [ADJ] is expressed in units of milligrams per cubic meter (mg/m^3) of air;
- C. uncertainty factors and modifying factor are unitless;
- D. the default value for modifying factor is one unless otherwise specified in part 4717.8200; and
- E. 1,000 is a factor to convert milligrams to micrograms.

Subp. 3. Equation for acute irritant; study exposure time from 30 minutes to one hour. The equation for calculating a NOAEL, LOAEL, or BMC for an acute irritant based on data from a scientific study where the exposure time ranges from 30 minutes up to, but not including, one hour is:

$$\text{NOAEL (study) or LOAEL (study) or BMC (study)} \times \text{exposure duration (study)} = \text{NOAEL [ADJ] or LOAEL [ADJ] or BMC [ADJ]} \times 60$$

Where:

- A. NOAEL (study), LOAEL (study), or BMC (study) is expressed in units of milligrams of a chemical or defined mixture of chemicals per cubic meter (mg/m^3) of air used in the study as the exposure concentration;
- B. exposure is expressed in units of minutes of exposure or time to effect used in the study; and
- C. NOAEL [ADJ], LOAEL [ADJ], or BMC [ADJ] is expressed in units of milligrams per cubic meter (mg/m^3) of air.

Subp. 4. Equation for acute irritant; study exposure time from one to two hours. The equation for calculating a NOAEL [ADJ], LOAEL [ADJ], or BMC [ADJ] for an acute irritant based on data from a study where the exposure time or adverse health effect onset time ranges from one hour up to and including two hours when data from the study are used without being adjusted for time of exposure is:

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Proposed Rules

$$\frac{\text{NOEL (study) or LOEL (study) or BMC (study)}}{\text{NOEL [ADJ] or LOEL [ADJ] or BMC [ADJ]}}$$

Where:

A. NOEL (study), LOEL (study), or BMC (study) is expressed in units of milligrams of a chemical or defined mixture of chemicals per cubic meter (mg/m³) of air used in the study as the exposure concentration; and

B. NOEL [ADJ], LOEL [ADJ], or BMC [ADJ] is expressed in units of milligrams per cubic meter (mg/m³) of air.

Subp. 5. Equation for acute irritant; study exposure time from two to eight hours. The equation for calculating a NOEL [ADJ], LOEL [ADJ], or BMC [ADJ] for an acute irritant based on data from a study where the exposure time or adverse health effect onset time is greater than two hours but less than or equal to eight hours is:

$$\frac{(\text{NOEL (study)}^n \text{ or LOEL (study)}^n \text{ or BMC (study)}^n)}{(\text{exposure duration or onset of critical effect})} = \text{NOEL [ADJ] or LOEL [ADJ] or BMC [ADJ]}$$

Where:

A. NOEL (study), LOEL (study), or BMC (study) is expressed in units of milligrams of a chemical or defined mixture of chemicals per cubic meter (mg/m³) of air used in the study as the exposure concentration;

B. the default value for n is 2 unless noted otherwise;

C. the exposure duration represents the time at which the critical effect occurred. This most often is the exposure duration, but in some instances the critical effect may differ from the exposure duration, depending on the critical endpoint being observed; and

D. NOEL [ADJ], LOEL [ADJ], or BMC [ADJ] is expressed in units of milligrams per cubic meter (mg/m³) of air.

Subp. 6. Calculation of HRV for chemical causing reproductive/developmental toxicity. The equation for calculating an HRV for a chemical or defined mixture of chemicals causing reproductive/developmental toxicity is:

$$\text{HRV} = \frac{\text{NOEL or LOEL or BMC}}{(\text{Uncertainty factor}) (\text{Modifying factor})} \times 1,000$$

Where:

A. HRV is expressed in units of micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air;

B. NOEL, LOEL, or BMC is expressed in units of milligrams per cubic meter (mg/m³) of air;

C. uncertainty factor and modifying factor are unitless;

D. the default value for modifying factor is one unless otherwise specified in part 4717.8200; and

E. 1,000 is a factor to convert milligrams to micrograms.

CANCER INDEX AND HAZARD INDEX

4717.8550 PROCEDURE FOR DETERMINING CANCER INDEX FOR SIMULTANEOUS EXPOSURE TO MULTIPLE CARCINOGENS.

Subpart 1. Cancer index. To evaluate simultaneous exposure for multiple carcinogens, a cancer index must be calculated using the procedure in this part.

Subp. 2. Carcinogenic HRVs. For health risk values (HRVs) that have cancer endpoints, items A to C apply.

A. A cancer index is determined for chemicals or defined mixtures of chemicals with an inhalation endpoint of cancer using the following equation:

$$\text{Cancer Index} = \frac{E_{C1}}{\text{HRVC1}} \pm \frac{E_{C2}}{\text{HRVC2}} \pm \dots \pm \frac{E_{Cn}}{\text{HRVCn}}$$

Where:

(1) E_{Cn} represents the measured or modeled ambient air concentration as expressed in units of micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of the first, second, through the nth carcinogen; and

(2) $HRVC_n$ represents the chronic HRV of the first, second, through n^{th} carcinogen as expressed in units of micrograms per cubic meter ($\mu g/m^3$).

B. A cancer index of one is equivalent to a cumulative HRV. A cancer index greater than one exceeds the cumulative HRV.

Subp. 3. Carcinogenic MHRVs. For mixtures of multimedia health risk values (MHRVs) that have cancer endpoints, items A to C apply.

A. A cancer index is determined for chemicals or defined mixtures of chemicals with an endpoint of cancer using following equation:

$$\text{Cancer Index} \equiv \frac{D_{C1}}{MHRVC1} \pm \frac{D_{C2}}{MHRVC2} \pm \dots \pm \frac{D_{Cn}}{MHRVCn}$$

Where:

(1) D_{Cn} represents the calculated lifetime averaged daily dose of the first, second, through the n^{th} carcinogen as expressed in units of micrograms per kilogram of body weight per day ($\mu g/kg-d$); and

(2) $MHRVC_n$ represents the MHRV of the first, second, through the n^{th} carcinogen as expressed in units of micrograms per kilogram of body weight per day ($\mu g/kg-d$).

B. A cancer index of one is equivalent to a cumulative MHRV. A cancer index greater than one exceeds the cumulative MHRV.

4717.8600 PROCEDURE FOR DETERMINING HAZARD INDEX FOR ASSESSING SIMULTANEOUS EXPOSURE TO MULTIPLE NONCARCINOGENIC TOXICANTS.

Subpart 1. Hazard index. When simultaneous exposure is evaluated for multiple noncarcinogenic toxicants, a hazard index must be calculated using the procedure in this part.

Subp. 2. HRVs with noncarcinogenic effects. For health risk values (HRVs) that have endpoints other than cancer, items A to D apply.

A. The chemicals or defined mixtures of chemicals detected in the air must be first grouped by endpoint of concern and by HRV type (acute, subchronic, chronic).

B. A separate hazard index is then calculated for each same endpoint of concern group within the chronic, subchronic, and acute categories.

C. When two or more chemicals or defined mixtures of chemicals have the same endpoint, a hazard index must be determined using the following equation:

$$\text{Hazard Index} \equiv \frac{E_{ST1}}{HRVST1} \pm \frac{E_{ST2}}{HRVST2} \pm \dots \pm \frac{E_{STn}}{HRVSTn}$$

Where:

(1) E_{STn} represents the measured or modeled ambient air concentration of the first, second, through the n^{th} noncarcinogenic toxicant in air as expressed in units of micrograms per cubic meter ($\mu g/m^3$); and

(2) $HRVST_n$ represents the HRV of the first, second, through the n^{th} noncarcinogenic toxicant as expressed in units of micrograms per cubic meter ($\mu g/m^3$).

D. A hazard index of one or less indicates a combined concentration of chemicals unlikely to cause an adverse health effect to the general public.

E. A hazard index of one equals the cumulative HRV.

Subp. 3. MHRVs with noncarcinogenic effects. For multimedia health risk values (MHRVs) that have endpoints other than cancer, items A to C apply.

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Proposed Rules

A. The chemicals or defined mixtures of chemicals measured or modeled in ambient air must first be grouped by endpoint of concern.

B. When two or more chemicals or defined mixtures of chemicals have the same endpoint, a hazard index must be determined using the following equation:

$$\text{Hazard Index} \equiv \frac{D_{ST1}}{MHRV_{ST1}} \pm \frac{D_{ST2}}{MHRV_{ST2}} \pm \dots \pm \frac{D_{STn}}{MHRV_{STn}}$$

Where:

(1) D_{STn} represents the calculated dose of the first, second, through the n^{th} noncarcinogenic toxicant as expressed in micrograms per kilogram of body weight per day ($\mu\text{g}/\text{kg}\cdot\text{d}$); and

(2) $MHRV_{STn}$ represents the MHRV of the first, second, through the n^{th} noncarcinogenic toxicant as expressed in micrograms per kilogram of body weight per day ($\mu\text{g}/\text{kg}\cdot\text{d}$).

C. A hazard index of one or less indicates a combined concentration of chemicals unlikely to cause an adverse health effect to the general public.

D. A hazard index of one equals the cumulative MHRV.

4717.8050 INCORPORATION BY REFERENCE.

“EPA Classification System for Categorizing Weight of Evidence for Carcinogenicity from Human and Animal Studies,” The Risk Assessment Guidelines of 1986, United States Environmental Protection Agency, Office of Health and Environmental Assessment (August 1987), is available through the Minitex interlibrary loan system.

Proposed Guidelines for Carcinogen Risk Assessment, United States Environmental Protection Agency, Office of Research and Development (April 1996), are available through the Minitex interlibrary loan system.

Report on Carcinogens, United States Department of Health and Human Services, Public Health Service, National Toxicology Program, is available on the Internet at <http://ntp-server.niehs.nih.gov/newhomeroc/aboutroc.html>.

Chemical Abstracts Service Registry Handbook – Number Section, American Chemical Society (1965), is available through the Minitex interlibrary loan system.

Health effects assessment summary tables (HEAST), United States Environmental Protection Agency, Office of Research and Development (1991), are available through the Minitex interlibrary loan system.

Integrated risk information system (IRIS), United States Environmental Protection Agency, is available on the Internet at www.epa.gov/iris/.

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.

Expedited and 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.

Peace Officer Standards and Training Board

Adopted Permanent Rules Relating to Training and Licensing Rule Repeals

The rules proposed and published at *State Register*, Volume 25, Number 31, pages 1333-1336, January 29, 2001 (25 SR 1333), are adopted with the following modifications:

6700.1000 LICENSE RENEWAL.

Subp. 3. **Certificate of renewal.** The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education. The appropriate fees are \$90 for renewal of a peace officer license and \$45 for renewal of a part-time peace officer license. The required hours of continuing education are:

A. ~~no hours for part-time peace officers and peace officers who have been licensed for less than six months;~~

~~B.~~ 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months;

~~C.~~ B. 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months; and

~~D.~~ C. 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

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

REPEALER. *Minnesota Rules*, parts 6700.0900, subpart 12; 6700.1120; ~~6700.1130~~; 6700.1700, subparts 2, 5, 6, 7, 8, 9, 10, and 11; and 6700.1900, are repealed.

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Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* § 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Natural Resources

Adopted Exempt Permanent Game and Fish Rules Relating to Designated Experimental Waters

Notice is hereby given that the above entitled rule has been adopted through the process prescribed by *Minnesota Statutes*, section 97C.001.

Dated: 30 July 2001

Allen Garber
Commissioner of Natural Resources

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subps 1 to 46, see M.R.]

Subp. 47. **Sunfish possession limits.** ~~Effective May 11, 1996,~~ While on or fishing in the following waters the daily and possession limit for sunfish is ten. It is unlawful for anyone to have in possession, regardless of where taken, any sunfish in excess of the daily and possession limit while fishing in these waters. A person who is in transit, taking the most direct route back to the person's lodging or docking, and not fishing, may possess sunfish in excess of the daily and possession limit if the sunfish were legally taken from connecting waters or the Wisconsin waters of the Mississippi.

Name	Location	County	End Date
	[For text of items A to D, see M.R.]		
E. <u>Mississippi River Pool 5</u>	<u>Lock and Dam 4 to Lock and Dam 5</u> <u>T.110N, R.9W,</u> <u>S.19,20,29,30,31,</u> <u>32, T.109N, R.9W,</u> <u>S.4,5,8,9,16,17,</u> <u>18,19,20,21,22,27,</u> <u>28,29,32,33,34,35,</u> <u>T.108N, R.9W,</u> <u>S.1,2, T.108N,</u> <u>R.8W, S.7,17,18</u>	<u>Wabasha</u> <u>Winona</u>	<u>3/1/2010</u>

Exempt Rules

<u>Pool 5A</u>	<u>Lock and Dam 5 at Minneiska to Lock and Dam 5A at Goodview T.108N, R.8W, S.16,17,21,22,23, 25,26,27,28,34, 35,36, T.108N, R.7W, S.30,31, T.107N, R.8W, S.1,2, T.107N, R.7W, S.4,5, 6,7,8,9</u>	<u>Winona</u>	<u>3/1/2010</u>
<u>Pool 8</u>	<u>Lock and Dam 7 near Dresbach to Lock and Dam 8 at Reno T.105N, R.4W, S.28,33,34, T.104N, R.4W, S.2,3,10,11,12, 13,14,15,22,23, 24,25,26,27,34, 35,36, T.104N, R.3W, S.30,31, T.103N, R.4W, S.1,2,11,12,13, 14,24,25,35,36, T.103N, R.3W, S.6, T.102N, R.4W, S.1,2,11, 12,13,14,24,25, T.102N, R.4W, S.36, T.102N, R.3W, S.31</u>	<u>Winona Houston</u>	<u>3/1/2010</u>

[For text of subs 48 to 65, see M.R.]

EFFECTIVE DATE. Minnesota Rules, part 6264.0300, subpart 47, item E, is effective November 1, 2001.

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Exempt Rules

Pollution Control Agency

Policy and Planning Division

Proposed Permanent Rules Relating to Funding Priorities for Municipalities With Sewer Extension Moratoriums

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING: Proposed Amendment to Rule Governing Wastewater Treatment Assistance, Minnesota Rules Chapter 7077

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rule amendments under the expedited rulemaking process set forth in the rules of the Office of Administrative Hearings, part 1400.2410 and the Administrative Procedures Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until September 13, 2001.

Agency Contact Person. Comments or questions on the rules must be submitted to:

Randy Hukriede
Minnesota Pollution Control Agency
Brainerd Office
1800 College Road South
Baxter, Minnesota 56425
Phone: (218) 828-6076
Toll Free: (800) 657-3864

Subject of Expedited Rule and Statutory Authority. The MPCA is proposing to amend *Minnesota Rules*, Parts 7077.0175, 7077.0185, and 7077.0195. These rules provide criteria used to prioritize municipal wastewater treatment projects (projects) for grant or loan assistance. Projects are ranked on a Project Priority List (PPL) and an Intended Use Plan (IUP) list based on points awarded using these criteria. The proposed expedited rule amendments will add points to communities subject to a sewer extension moratorium (moratorium).

The statutory authority to adopt rules for the administration of the financial assistance program for wastewater treatment projects is *Minnesota Statutes*, section 116.182, subdivision 5. The Legislative directive to include whether a community has a moratorium on development as a factor in prioritizing projects on the IUP and authority to adopt rules under the expedited rulemaking process is *Minnesota Session Laws*, Chapter 492, Section 22 (2000). The expedited process does not require a proposer to publish a *Request for Comment Notice*, to write a *Statement of Need and Reasonableness*, or to conduct a public hearing. However, both an administrative law judge and the Governor must approve the proposed rules before the proposer can publish a *Notice of Adoption*. A copy of the proposed rule follows this notice.

Rule background. In the Chapter 7077 rules, various criteria are used to award points to projects competing for financial assistance from the Public Facilities Authority, the Department of Trade and Economic Development, and the United States Department of Agriculture. The greater the potential environmental benefits from a project, the more points it receives. Assistance is limited, so a project's rank on the PPL can be a significant issue for a community seeking funding.

The MPCA can prohibit a community that has reached the capacity of its wastewater treatment system from extending sewers to new users by imposing a moratorium. The MPCA applies a moratorium to mitigate environmental damage and to encourage proper wastewater treatment. A moratorium suspends community growth, with a potential side effect of economic hardship. This amendment adds 10 points to increase the priority for projects with a moratorium to reduce this potential hardship.

The MPCA believes that the rules should continue to rank projects based on their potential for reducing environmental harm. For example, a project with a phosphorus limit receives 17 priority points, whereas a project gets only 5 points if it impacts a boating/canoeing waterway. The MPCA believes that the rules should award fewer points for a moratorium, which can be largely a planning issue, than for an environmental issue such as a phosphorus limit.

Communities must address environmental obligations as they grow. The formula should neither penalize communities that plan well, nor reward those that do not. Since a moratorium is issued to reduce environmental harm, it warrants more than the 5 points awarded for a use-based boating/canoeing designation. However, a community with a moratorium should not receive as many points as one that has a phosphorus limit in their permit. Therefore, the MPCA concludes that it is reasonable for the formula to add 10 points for a moratorium.

Modifications. The agency may modify the proposed expedited rule if the modifications do not make the rule substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). If the final rule is identical to the rule originally published in the *State Register*, the agency will publish a *Notice of Adoption* in the *State Register*. If the final rule is different from the rule originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rule affects you in any way, you are encouraged to participate in the rulemaking process.

Adoption and Review of Expedited Rule. The agency may adopt the rules at the end of the comment period. The rule 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 rules are submitted to the office. If you want to be so notified or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

7077.0175 EXTRA POINTS FOR WASTEWATER TREATMENT SYSTEMS WITH AN NPDES PERMIT.

Subpart 1. **Determining extra points.** A project shall be assigned extra points under subparts 2 to ~~7~~ 8 if applicable. To qualify for the points under subparts 3 and 5 to ~~7~~ 8, the municipality must make a written request for the points and submit supporting documentation to the commissioner according to part 7077.0115, subpart 3, item A.

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

Subp. 8. Sewer extension moratorium. When the municipality is regulated by a sewer extension moratorium issued by the agency, ten points must be assigned.

7077.0185 EXTRA POINTS FOR WASTEWATER TREATMENT SYSTEMS WITH AN SDS PERMIT.

Subpart 1. **Determining extra points.** A project shall be assigned extra points under subparts 2 to 6 and part 7077.0175, subparts 3 to ~~7~~ 8. To qualify for the points, the municipality must make a written request for the points and submit supporting documentation to the commissioner in accordance with part 7077.0115, subpart 3, item B.

[For text of subps 2 to 6, see M.R.]

7077.0195 EXTRA POINTS FOR WASTEWATER TREATMENT SYSTEMS WITHOUT AN NPDES OR SDS PERMIT.

Subpart 1. **Determining extra points.** A project shall be assigned extra points, as appropriate:

- A. under subparts 2 to 8;
- B. under part 7077.0175, subparts 5 to ~~7~~ 8 ; and
- C. under part 7077.0185, subparts 5 and 6.

To qualify for the points, the municipality must make a written request for the points and submit supporting documentation to the commissioner in accordance with part 7077.0115, subpart 3.

[For text of subps 2 to 8, see M.R.]

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

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Public Utilities Commission

ORDER ACCEPTING APPLICATION AS SUBSTANTIALLY COMPLETE, AND NOTICE AND ORDER FOR HEARING: In the Matter of the Application by Lakehead Pipe Line Company, Limited Partnership for a Certificate of Need for a Large Petroleum Pipeline Facility

ISSUE DATE: August 7, 2001

DOCKET NO. PL-9/CN-01-1092

Gregory Scott	Chair
Edward A. Garvey	Commissioner
Marshall Johnson	Commissioner
LeRoy Koppendrayer	Commissioner
Phyllis A. Reha	Commissioner

PROCEDURAL HISTORY

On March 26, 2001, Lakehead Pipe Line Company, Limited Partnership (Lakehead or the Company) indicated its intent to seek a certificate of need application for approval to construct a large petroleum pipeline facility in northwestern Minnesota. In anticipation of that filing, Lakehead sought an exemption from certain application requirements pursuant to *Minnesota Rules* part 7853.0200, subp. 8. The Commission granted the exemption. *In the Matter of Lakehead Pipe Line Company Request for an Exemption from Filing Certain Information for New Pipeline*, Docket No. PL-9/CN-01-398 ORDER (April 20, 2001).

On July 17, 2001, Lakehead submitted its certificate of need application, initiating this docket. This project fit the definition of "large energy facility" pursuant to *Minnesota Statutes* § 216B.2421, subd. 2(c). Lakehead is required to obtain a certificate of need before siting or building a large energy facility, under *Minnesota Statutes* § 216B.243.

On July 18, 2001, the Commission issued its NOTICE OF COMMENT PERIOD ON THE COMPLETENESS OF LAKEHEAD'S CERTIFICATE OF NEED APPLICATION, which provided a July 24, 2001 deadline for filing written comments on the completeness of Lakehead's application.

On July 24, 2001, the Minnesota Department of Commerce (the Department) filed comments stating that based on its review, and consistent with the Commission-authorized exemption, Lakehead had met the filing requirements for completeness.

The Commission met on July 31, 2001 to consider this matter.

FINDINGS AND CONCLUSIONS

I. JURISDICTION

The Commission has jurisdiction over applications for certificates of need for large energy facilities under *Minnesota Statutes* § 216B.243. The statute requires the Commission to hold at least one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. *Minnesota Statutes* § 216B.243, subd. 4.

II. FINDING FILING SUBSTANTIALLY COMPLETE

The Department concludes that Lakehead's application contains all the information required by statute and Commission rule, with the possible exception of the materials for which the Commission has granted an exemption. The Commission invited comment on this matter, and no party has expressed a contrary conclusion.

Upon review of the Company's filing, and on the basis of the record, the Commission finds that Lakehead's filing is substantially complete. The Commission clarifies that its assessment of the completeness of the filing does not prejudice the merits of Lakehead's application, which will be thoroughly examined in the course of this docket.

III. REFERRAL FOR CONTESTED CASE PROCEEDINGS

The Commission finds that it cannot satisfactorily resolve all issues raised by the Company's application on the basis of its filing and the single public hearing required under the statute. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

IV. PUBLIC PARTICIPATION

Minnesota Statutes § 216B.243, subd. 4 encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated statistical analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by **phone:** (651) 297-4562 and by **fax:** (651) 297-7073. His address is 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge. The Commission will require the Company to publish notice of the public and evidentiary hearings in relevant newspapers to encourage public participation.

V. PROCEDURAL OUTLINE**A. Administrative Law Judge**

The Administrative Law Judge assigned to this case is Allan W. Klein. His address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138; (612) 341-7609.

B. Hearing Procedure

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statutes* §§ 14.57-14.62; the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Certificate of Need Rules, *Minnesota Rules*, parts 7853.0010 to 7853.0800. Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155, (651) 297-3000, and are available on the World Wide Web at: <http://www.leg.state.mn.us/leg/statutes.htm>

Under these rules formal parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under *Minnesota Rules* part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Any person intending to appear at the hearing as a formal party must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing. Failure to appear at the hearing may result in facts and issues being resolved against the party who fails to appear.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions. They should take note that any material introduced into evidence may become public data unless a party objects and requests relief under *Minnesota Statutes* § 14.60, subd. 2.

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under *Minnesota Rules*, part 1400.5900 should be directed to David L. Jacobson, or to James Alexander, Assistant Attorney General, 700 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 282-9965.

The times, dates, and places of public and evidentiary hearings will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

C. Parties and Intervention

Current parties to this proceeding are Lakehead and the Minnesota Department of Commerce.

Other persons wishing to become formal parties to this proceeding shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. *Minnesota Rules*, part 1400.6200.

Commissioner's Orders

D. Prehearing Conference

A prehearing conference will be held on Wednesday, August 29 at 9:30 a.m., in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.

All parties and persons intending to intervene should attend the conference, prepared to discuss time frames and scheduling. Other matters which may be discussed include the scope of the hearing, the locations and dates of hearings, discovery procedures, and similar issues.

E. Time Constraints

Under *Minnesota Statutes* § 216B.243, subd. 5, the Commission is required to act on the Company's application within six months of receipt of a substantially complete filing. The Commission asks the Administrative Law Judge to conduct contested case proceedings in light of these time constraints. Parties should note the six-month statutory time frame at the outset and be prepared for the expedited hearing schedule that time frame requires.

F. Application of Lobbying Provisions

The lobbying provisions of the Ethics in Government Act, *Minnesota Statutes* §§ 10A.01 *et seq.*, apply to certificate of need proceedings. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Minnesota Campaign Finance Board, **phone:** (651) 296-1720, with any questions.

G. Ex Parte Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at *Minnesota Rules*, parts 7845.7300 to 7845.7400, which all parties are urged to consult.

ORDER

1. Lakehead's application is substantially complete.
2. A contested case proceeding shall be held on the Company's certificate of need application.
3. The contested case proceeding shall begin with a prehearing conference on Wednesday, August 29, 2001, at 9:30 a.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.
4. At least one public hearing shall be held in this matter at a time and place determined by the Administrative Law Judge after consultation with the Commission.
5. All parties to this proceeding may serve information requests on any other party. Information requests shall be answered within ten days of receipt.
6. Lakehead shall publish notice of the public and evidentiary hearings at least 10 days in advance in newspapers of general circulation throughout its service area. The Company shall work with Commission Staff to develop a plan to meet this requirement, including a proposed text, a list of the newspapers it proposes to use, and proposed publication dates. The Commission authorizes Staff to approve the plan, with the Company retaining the right to Commission review.
7. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION
Burl W. Haar
Executive Secretary

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or (800) 627-3529 (TTY relay service).

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
Suite 1700
100 Washington Square
Minneapolis, Minnesota 55401-2138

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
Suite 350
121 Seventh Place East
St. Paul, Minnesota 55101-2147

Commissioner's Orders

In the Matter of the Application by
Lakehead Pipe Line Company, Limited
Partnership for a Certificate of Need for a
Large Petroleum Pipeline Facility

MPUC Docket No. PL-9/CN-01-1092

OAH Docket No.

NOTICE OF APPEARANCE

Name and Telephone Number of Administrative Law Judge:

Allan W. Klein
(612) 341-7609

TO THE ADMINISTRATIVE LAW JUDGE:

You are advised that the party named below will appear at the above hearing.

NAME OF PARTY:

ADDRESS:

TELEPHONE NUMBER:

PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:

OFFICE ADDRESS:

TELEPHONE NUMBER:

SIGNATURE OF PARTY OR ATTORNEY: _____

DATE: _____

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking 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.

Board of Animal Health

Notice of Quarterly Meeting

The Board of Animal Health will hold its quarterly meeting on Friday, September 21, 2001 at 9:30 a.m., at the VFW in Hutchinson, Minnesota.

Department of Commerce

Minnesota Joint Underwriting Association

Notice of Activation to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

property insurance for grain pellet producing plants

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota, 55401-2138, on Friday, September 28, 2001, at 9:30 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statute* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.1500-1400.8400, (1985). Questions regarding the procedure may be directed to Administrative Law Judge Beverly J. Heydinger, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on Wednesday, September 12, 2001, at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at the hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute, ordinance, or otherwise required by law, or is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements of the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, Minnesota 55101. Their phone number is (651) 222-0484.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other

steps as are appropriate to protect their interest and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* parts 1400.1500-1400.8400).

Anyone wishing to oppose activation beyond the 180 days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class, then the class is activated beyond the 180 day period without further action.

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

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

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

Dated: 1 August 2001

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.

Upon submission of an application for placement of general liability insurance coverage under section 62I.13 in a class of business for which the market assistance plan and the joint underwriting association are not then activated, where the applicant has been refused coverage within the meaning of section 62I.13, subdivision 2, the commissioner may by notice in the *State Register* activate the market assistance plan and the joint underwriting association on Minnesota risks for the class of business. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING

Subdivision 1. Administrative Law Judge. The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and the administrative law judge assigned to hear the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subdivision 2. Notice. The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class, then the class is activated beyond the 180-day period without further action.

Subdivision 3. Contested case: report. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subdivision 4. Decision. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subdivision 5. Waiver of modification. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Official Notices

Subdivision 6. Case presentation. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Department of Labor and Industry

Labor Standards Unit

Notice of Addition to Commercial Prevailing Wage Rates

An **additional rate** has been made to the Commercial Wage Rates certified 12/18/00, for **Labor Code 425, Taper**, in **Martin County**.

A copy of the corrected certification may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306 or by calling (612) 296-6452. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich
Commissioner

Department of Natural Resources

Division of Fisheries

REQUEST FOR COMMENTS on Planned Rules and Rule Amendments Governing Fish and Aquatic Wildlife, *Minnesota Rules*, Chapters 6216, 6254, 6256, 6260, 6262, 6264, 6266 and 6270

Subject of Rule. The Minnesota Department of Natural Resources requests comments on its planned rules and rule amendments governing various fish and aquatic wildlife matters, specifically:

1. Changes in commercial minnow regulations including closing waters to harvest to protect the endangered Topeka Shiner and clarifying trap use and design specifications;
2. Changes in commercial turtle regulations including trap use, numbers, checking, tagging, recording, and design specifications; establishing turtle seasons and size limits; and establishing guidelines for possessing turtle eggs and the protection of turtle nests;
3. Changes in commercial fishing regulations including notification of lost or stolen nets and setting quotas on certain lakes to meet safe harvest levels;
4. Clarify that it is illegal to fish for a species during its closed season and to sort fish after a limit is obtained;
5. Establish a daily and possession limit of 50 cisco on waters within the Leech Lake Reservation in Cass, Itasca, and Beltrami counties;
6. Add Friday to the days listed for Take a Kid Fishing Weekend;
7. Technical corrections in dates for fishing seasons;
8. Close or restrict fishing on lakes including St. James Lake in Watonwan County; and make a technical change for the existing fishing restrictions on Little Rock Creek in Morrison County and Red Lake in Beltrami County;
9. Establish a seasonal fishing closure on Lake Superior from Chester Creek to the Duluth ship channel in St. Louis County and on Gull River within the City of East Gull Lake in Cass County;
10. Add the Red Wing and Alma dams (Goodhue and Wabasha counties) on the Mississippi River to the list of dams with 300 ft fishing closures;
11. Allow the use of live leeches in designated stream trout lakes;
12. Clarification of fishing reciprocity and fish possession and transportation language for border waters and Lake Superior;

13. Changes to commercial fishing regulations on Minnesota-Wisconsin border waters including the closing of mussel harvest, adopting turtle language that is consistent with other turtle rule changes; and splitting the catfish title in the general fishing regulations into channel and flathead catfish;
14. Changes on the Minnesota - Canadian border waters to make the current sturgeon and walleye harvest restrictions permanent, modify fishing equipment that is allowed on the Rainy River, and any other changes associated with Canadian border waters;
15. Revisions to allow some motorized uses, proper sign posting, and trail development on Aquatic Management Areas;
16. Designate various aquatic plants as prohibited or regulated exotic species, including some or all of the aquatic plants on the federal noxious weed list; and
17. Make additional changes in the rules to improve consistency of fishing and commercial fishing regulatory processes.

Persons Affected. The rules may affect anglers, Lake Superior charter boat captains, aquatic fish farms, commercial bait harvesters, and commercial turtle operators. Individuals or businesses, such as resorts, motels, stores, and guides, that provide goods or services to anglers may also be affected. Individuals and businesses who buy or sell exotic species of aquatic plants for ornamental or consumption purposes may be affected. Individuals and businesses who use, or own property on, Minnesota waters may be affected.

Statutory Authority. The adoption of the rules is authorized by *Minnesota Statutes*, sections 84D.12, subd. 1; 86A.05, subd. 14; 86A.06; 86A.07, subd. 3; 97A.045, subds. 2, 3, and 4; 97A.081; 97A.445, subd. 1; 97A.501, subds. 1 and 2; 97C.001, subd. 3; 97C.005, subd. 3; 97C.395, subds. 1 and 2; 97C.401, subd. 1; 97C.415, subd. 1; 97C.505, subds. 1, 3, 5, and 6; 97C.605, subd. 3; 97C.811, subd. 3.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing, by e-mail, or orally until 4:30 p.m. on October 31, 2001. The Department does not contemplate appointing an advisory committee to comment on the possible rules. Direct communication with interested and affected parties, public news releases, and communication via the DNR website will be used to provide input for the possible rules.

Rules Drafts. The department has not yet prepared a draft of the possible rules.

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 possible rules should be directed to:

Linda Erickson-Eastwood
Department of Natural Resources
500 Lafayette Road, Box 12
St. Paul, Minnesota 55155-4012
Phone: (651) 296-3325 or 1-888-MINNDNR
Email: linda.erickson-eastwood@dnr.state.mn.us
DNR Web Site: www.dnr.state.mn.us
TTY: users may call the Department of Natural Resources at (800) 657-3929.

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 the agency contact person at the address or telephone number 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 rules 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.

Dated: 3 August 2001

Allen Garber, Commissioner
Department of Natural Resources

Public Employees Retirement Association

Notice of Meeting of the Board of Trustees

A regular meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, August 16, 2001, at 9:30 a.m., in the PERA offices, 514 St. Peter St., Suite 200 – Skyway Level, St. Paul, Minnesota.

State Grants & Loans

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.

Department of Economic Security

Rehabilitation Services Branch

Notice of Availability of Funds for Extended Employment Pilot Project for Individuals with Traumatic Brain Injury

The Department of Economic Security announces a request for proposals for a pilot project to provide the ongoing support services necessary for supported employment of persons with the traumatic brain injury in Minnesota. Requests for proposals will be available to interested parties on 8/13/2001.

Any non-profit organization may apply for funding. A minimum of \$135,000 in project funds will be made available through this RFP. The pilot project will make funds available through 6/30/2003. The use of the funds will be to support consumer directed on-going employment services for supported employment

A bidder's conference will be held on August 21st, 2001 from 1:30 p.m., to 3:30 p.m., at the:

MN Department of Economic Security's Annex office
Firststar Building
101 E 5th St
Skyway Level #204
St. Paul, MN 55101

For information on this Request for Proposals for Extended Employment Services or bidder's conference, contact:

Abigail Neuman
Program Coordinator
Rehabilitation Services - Extended Employment
390 North Robert Street - 1st Floor
St. Paul, MN 55101
Phone: (651) 296-9157
Fax: (651) 297-5159
Toll free: (800) 328-9095
TTY: (651) 296-3900
Email: abigail.neuman@state.mn.us

Completed applications for funding will be due no later than 2:00 p.m., September 21, 2001.

Department of Health

Community Health/Tobacco Prevention and Control

Request for Proposals for an Integrated Marketing, Communications and Media Campaign - Up to \$14,000,000

The Minnesota Department Health (MDH) is looking for an advertising agency to lead the charge in continuing a successful marketing campaign for Target Market. Target Market is a statewide, youth-led, adult-guided tobacco control movement of 12- to 17-year olds, focused on tobacco industry manipulation.

MDH is seeking proposals for a two-year time period (January 1, 2002 - December 31, 2003). Target Market is part of the MN Youth Tobacco Prevention Initiative. The statewide goal is to reduce youth tobacco use rates by 30 percent by 2005. The agency will need to demonstrate their capacity to handle all aspects of a communications campaign themselves, or specify how the agency will partner with other firms to accomplish the goals of the program.

The youth of the Target Market movement are very involved in the planning and implementation of this tobacco use prevention initiative. The agency should demonstrate a commitment to fully integrating these youth into the entire campaign to encourage a sustained youth movement around the reduction of tobacco use.

To be considered for funding, proposals must be received by 4:00 p.m., CDT, Wednesday, September 5, 2001 at the Minnesota Department Health, 85 East Seventh Place, Suite 300, St. Paul, MN 55101. If proposals are sent by U.S. mail or other delivery service, it is wholly the responsibility of the Proposer to ensure that the proposal package is properly addressed and physically delivered on time. **Late proposals will not be considered.**

Please direct all questions to:

Minnesota Department Health
Community Health Division
Michele Vig, Tobacco Prevention and Control Section
Phone: (651) 281-9794
Email: michele.vig@health.state.mn.us

Direct all requests for copies of the full Request for Proposal to:

Community Health Division
Tobacco Prevention and Control Section
P.O. Box 64882
St. Paul, MN 55164-0882
Phone: (651) 215-8952
Fax: (651) 215-8958
Email: tpcweb@health.state.mn.us

Department of Health

Request for Proposals for Lead-Safe Housing Grants

The Minnesota Department of Health intends to award two-year grants totaling up to \$25,000 to one or more boards of health for provision of temporary lead-safe housing and relocation costs for families displaced by lead hazard reduction in their primary residence. Awards will be made by November 15, 2001, after which grant contracts must be executed by the Department of Health and the grantees. **An incomplete application will not be funded.** Additional information will not be accepted after the due date for applications.

Applications must be postmarked October 15, 2001, or hand delivered by 4:00 p.m., on October 15, 2001, to:

Daniel Locher
Division of Environmental Health
121 East Seventh Place, Suite 360
PO Box 64975
St. Paul, Minnesota 55164-0975

These grants are competitive and applicants for previous grants should be aware that each application must stand on its own merits. Information that may have been submitted in previous applications and Department staff's personal knowledge of the applicant will not be considered in scoring. Exception: an applicant who previously received a grant but who failed to fulfill the terms of that grant will not be considered for funding.

Eligible Applicants

Applicants must be boards of health with responsibility under *Minnesota Statutes*, section 144.9504, for responding to reports of elevated blood lead levels.

Eligible Costs

Eligible costs include moving costs and rent for a temporary residence for any low-income resident temporarily relocated during lead hazard reduction. Eligible costs include the following:

1. inspection of housing prior to rental;

State Grants & Loans

2. rental of temporary housing found by inspection to be free of deteriorating lead-based paint, bare lead-contaminated soil and dust, and lead-contaminated drinking water;
3. cleaning of the housing after occupancy;
4. moving expenses up to \$250 per family; and
5. staff training costs related to provision of lead-related health education to families using lead-safe, temporary housing.

Examples of Itemized Budget Line Items:

Administrative costs	Inspection costs	Apartment lease
Salary & fringe benefits	Transportation	Damage deposit
Training	Cleaning	Motel room backup
Utilities	Exterminator services	
	Furnishings & supplies	
	Total cost	

The Department of Health cannot reimburse a grantee for any expenses incurred before a grant contract is fully executed. The Department will require in the grant contract that invoices must be submitted quarterly with narrative progress reports.

Application Contents

Applicants must include documentation that the board of health authorized the application. This documentation may be a board resolution specific to this application or a resolution that authorizes an individual to apply for grant applications on behalf of the board. The applicant must also state that no one under the age of 18 years will perform regulated lead work under this grant. Applicants must submit three copies of the application. The application must contain the items listed in the checklist below.

A. Project Narrative

1. identify the board of health for which the application is submitted;
2. provide a board resolution authorizing application;
3. affirm that minors will not perform regulated lead work;
4. describe the clientele and service area in terms of people living in an area of high risk for toxic lead exposure; and
5. describe the service to be provided.

B. Itemized Budget

1. describe documentation of expenditures for invoices;
2. list line items and dollar amounts; and
3. specify the total amount requested.

C. Schedule

1. estimate the planned starting date;
2. identify milestones; and
3. estimate an end date.

Pollution Control Agency

Applications Accepted for Resource Investigation and Project Implementation Grants and Loans Through the State Clean Water Partnership Program and the Federal Clean Water Act Section 319 Grant Program

The Minnesota Pollution Control Agency (MPCA) hereby announces that it will accept applications for resource investigation (phase I) and project implementation (phase II) grants and loans through the state Clean Water Partnership (CWP) Program. At the same time the MPCA is accepting applications for the federal Clean Water Act Section 319 Non-point Source grant program (319 program). This year the MPCA is again administratively combining these two funding programs and running their application periods concurrently. All applications will be considered for both funding sources, if eligible.

In 1987, the Minnesota Legislature established the CWP Program (*Minnesota Statutes* §§ 103F.70 through 103F.761) to protect and improve surface and ground water in Minnesota through financial and technical assistance to local units of government. Section 319 provides federal grant money for nonpoint pollution abatement and water resource restoration.

Applications will be accepted from local units of government interested in leading a nonpoint source water pollution control project. Applications will be also be accepted from other entities besides local units of government, but such applications would only be eligible for 319 program money.

Project funding is awarded for three types of projects:

- 1) Demonstration/education projects with statewide or regional applicability demonstrating new or innovative technology or best management practices, or for developing educational programs related to nonpoint source pollution
- 2) Resource investigation (phase I) projects involving the completion of a diagnostic study and implementation plan that identifies the combination of activities necessary to improve or protect water quality, and
- 3) Projects implementing the activities identified during the phase I investigation or consistent with the Watershed Restoration Action Plan developed as part of the application

In order to be eligible for implementation money the project applicants must have completed an approved phase I diagnostic study (or equivalent) or a Watershed Restoration Action Strategy in accordance with the standards established by the U.S. Environmental Protection Agency (USEPA). Ineligible Section 319 costs include activities addressing permit requirements such as feedlots or storm water permits. Any non-permitted feedlots addressed with Section 319 money must have a Comprehensive Manure Management Plan

This year there will be a pre-project cap of \$250,000 (combination of grant and/or loan) awarded per year for up to three years for a total of \$750,000.

Minnesota Rules 7076.0100 through 7076.0290 and USEPA 319 program guidance provide the criteria and procedural conditions under which the MPCA may award assistance. In addition, there will be two criteria that will be emphasized to evaluate projects. The first is whether a watershed partnership sponsoring a project is self-sustaining or has plans in place to become self-sustaining within three years time. The MPCA is attempting to encourage watershed districts or organizations, conservation districts, or other entities to become prepared to carry on the necessary work beyond the life of the financial assistance award. This criterion is not applicable to short-term projects with a stated end date. The second criterion the evaluation teams will be using is whether the projects applying for implementation money have done a comprehensive assessment and planning process in the watershed or around the water body of concern. Such assessments might consist of a CWP phase I or equivalent, completed basin or watershed plan specific to the project, wellhead protection plan, or other recent comprehensive studies specific to the project.

All completed applications must be received by **4:30 p.m., on Tuesday, October 16, 2001**, in order to be eligible. Incomplete applications will not be considered for funding.

An information package is available for all interested parties. The package includes: 1) the CWP/319 application; 2) a copy of *Minnesota Rules* 7076.0100 through 7076.0290; 3) other guidance documents. The application, rules, and guidance documents are also available for downloading on the MPCA web site www.pca.state.mn.us/water/financial.html. Request additional information and the CWP/319 application information package from:

Cathy Jensen
Minnesota Pollution Control Agency
Policy and Planning Division
Community and Area-wide Programs
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone: (651) 297-8383

State 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 \$25,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: agency name and address, name of agency contact person, description of project and tasks, cost estimate and final submission date and time of completed proposal. Certain quasi-state agencies and MnSCU institutions are exempted from these provisions. In accordance with *Minnesota Rules* 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. Certified Economically Disadvantaged Businesses and individuals shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 282-5799.]

Department of Finance

Request for Proposal for Master Equipment Lease Purchase Financing Program

Request for Proposal to provide a Master Equipment Lease Purchase Financing Program for the State of Minnesota Internal Service Funds operated by the Commissioner of Administration. The Department of Finance expects to Finance the purchase of approximately \$12,700,000 of Equipment during the first year of the contract and approximately \$11,900,000 of equipment during the second year of the contract. The Department of Finance is seeking proposals from qualified firms to provide lease purchase financing pursuant to a Master Equipment Lease Purchase Agreement.

Deadline for submission of the Proposal is no later than **1:00 p.m., Tuesday, September 4, 2001.**

For further information or to obtain a copy of the complete proposal materials, contact Susan Gurrola, State Department of Finance, 658 Cedar Street, 4th Floor, St. Paul, Minnesota 55155, **phone:** (651) 296-8373 or **email:** Sue.Gurrola@state.mn.us

Department of Transportation

Office of Research Services

Notice of Availability of a Contract to Conduct Laboratory and Field Studies

The Department of Transportation (Mn/DOT) is requesting proposals to enter into a contract to obtain services of a consultant for the purpose of conducting laboratory and field studies of various models of fixed and mobile pavement temperature sensors and compare them to baseline readings to determine the accuracy of each sensor and sensor type. Results of this accuracy analysis will be published on the Aurora Consortium's web site to provide information to members that will assist them in their procurement decisions for their road/weather information systems.

The Aurora Consortium is a joint program of collaborative research, evaluation and deployment of advanced technologies for detailed road weather monitoring and forecasting. Members seek to implement advanced road and weather information systems that fully integrate state-of-the-art roadway and weather forecasting technologies with coordinated multi-agency weather monitoring infrastructures.

Call or write for the full RFP which will be sent free of charge to interested vendors:

Karen Billiar, M.S. 330
Office of Research and Strategic Services
Department of Transportation
395 John Ireland Boulevard, Rm. 175
St. Paul, MN 55155
Phone: (651) 282-2266
Fax: (651) 215-0443

All proposals must be sent to and received by reception staff at the above address not later than **3:00 p.m., Central Daylight Time, August 31, 2001.**

This Request for Proposal does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Department of Transportation
Program Support Group
Office of Consultant Services**

Request For Proposals for Aerial Vertical Photography and Photogrammetric Services

The Minnesota Department of Transportation (State) is soliciting proposals for the following ten items:

- Item 1: Aerial Photography (Ground Controlled, Post Processed Aero-Triangulation)**
- Item 2: Aerial Photography (On Board, Aero-Triangulation Solution)**
- Item 3: Photogrammetric Lab Services**
- Item 4: Aero-Triangulation**
- Item 5: Planimetric Feature Compilation (All Visible Features)**
- Item 6: Digital Terrain Model Compilation (DTM Type: Fine / 1 FT. C.I.)**
- Item 7: Digital Surface Model Compilation (Coarse \geq 2 FT. C.I.)**
- Item 8: Digital Orthophoto**
- Item 9: Photogrammetric Scanning**
- Item 10: Photogrammetric Data/Services (New Technologies)**

The selected Contractors will have Master Agreements under the Transportation (T-Contract) Program. The Program Duration will be three years (October 1, 2001 through September 30, 2004), with the possibility of two one year extensions, at the discretion of State. The total Program cost is estimated to be \$10,000,000.00, which will be divided amongst the selected Contractors on the Program. Request for Proposals will be available by mail from this office starting **August 13, 2001**. Written request (direct mail or fax) is required to receive the Request for Proposal. After **August 20, 2001**, the Request for Proposal must be obtained in person from the State office of Consultant Services Agreement Administrators.

Agreements Administrator:
Calvin C. Robinson
Consultant Agreements Administrator
Minnesota Department of Transportation
The Transportation Building, 7th Floor North
Office of Consultant Services, Mail Stop 680
395 John Ireland Boulevard
St. Paul, Minnesota 55155-1899
Fax: (651) 282-5127

Proposals must be received at the above address no later than 2:00 p.m, Central Daylight Time, on **September 04, 2001**. **Late proposals will not be considered. No time extensions will be granted.**

All proposals must be received by the Office of Consultant Services no later than 2:pm, Central Daylight Time, September 4, 2001, according to the time and date stamp on the Office of Consultant Services Reception desk. Late proposals will not be considered.

Please note that State's Transportation Building, 395 John Ireland Boulevard, Saint Paul, Minnesota, has a newly implemented Security System. All visitors to the building, including couriers must check in at First Floor Information desk. Please consider this in your delivery and response time.

This Request For Proposal does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice will be borne by the Contractor.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Notice of Request for Proposals (RFP) for Architectural/Engineering Services for the Empire Wastewater Treatment Plant Expansion

MCES Project Number 800900

MCES Contract Number 01P088

The Metropolitan Council is requesting Architectural/Engineering Services proposals for design and construction support services for a 12 mgd expansion of the Empire Wastewater Treatment Plan. **The project schedule has been accelerated.** The revised anticipated project schedule is shown below.

<i>Issue Request for Proposals</i>	August 21, 2001
<i>Receive Proposals</i>	September 27, 2001
<i>Evaluation of Proposals and Selection of Consultant</i>	October 2001
<i>Start of Work</i>	November 2001
<i>Completion of Construction Contract Documents</i>	August 2002
<i>Substantial Completion of Construction</i>	August 2004

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Amanda Petersen, Administration Assistant, Contracts and Procurement Unit
Metropolitan Council Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Notice of Request for Proposals (RFP) for Architectural/Engineering Services USAF/MNANG Building and Site Improvements for Light Rail Transit

Metro Transit Project Number 65895

Metropolitan Council Contract Number 01P085

The Metropolitan Council is requesting architectural/engineering design services proposals for various site improvements on the property of the 934th Airlift Wing and the Minnesota Air National Guard at Fort Snelling, Minnesota. The project includes the design of an approximately 18,000 square feet unheated storage building (Bldg. 619). Also included is the design of several other amenities and site work.

The project schedule is shown below:

<i>Issue Request for Proposals</i>	August 13, 2001
<i>Pre-proposal Conference/Site Visit</i>	August 29, 2001
<i>Receive Proposals</i>	September 14, 2001
<i>Evaluation Complete</i>	September 28, 2001
<i>Negotiations Complete</i>	October 5, 2001
<i>Notice To Proceed</i>	October 2001
<i>Construction Contract Bidding</i>	January 9, 2002
<i>Project Completion</i>	December 31, 2002

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a Letter of Interest to:

Amanda Peterson, Administrative Assistant
Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Inquiries regarding technical aspects of the project should be directed to Chris Weyer at (612) 349-7540.

Minnesota Statutes, Section 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Notice of Request for Proposals (RFP) for Employment Drug and Alcohol Testing Metropolitan Council Contract Number 01P064

The Metropolitan Council is requesting testing services for its Federal Transit Administration Mandated drug and alcohol testing program. This RFP also includes such employment testing under the Federal Highway Administration.

The anticipated project schedule is shown below.

<i>Issue Request for Proposals</i>	August 6, 2001
<i>Receive Proposals</i>	September 6, 2001
<i>Interviews (if required)</i>	September 12-18, 2001
<i>Evaluation Complete</i>	September 24, 2001
<i>Negotiations Complete</i>	October 5, 2001
<i>Notice To Proceed</i>	October 31, 2001

All firms interested in receiving an RFP package are invited to submit an email or written request to:

Amanda Petersen, Administrative Assistant
Contracts and Procurement Unit
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.petersen@metc.state.mn.us

Non-State Contracts & Grants

(Note: RFPs are not available in electronic form.)

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Notice of Request for Proposals (RFP) for Consulting Engineering Services for the Mound Lift Station L25 Relocation Facility Planning and Design

MCES Project Number 990140

MCES Contract Number 01P080

The Metropolitan Council is requesting consulting engineering services proposals for the MCES Mound Lift Station L25 Relocation Facility Planning and Design. The project includes design engineering services to prepare contract documents for a lift station to be located on the south side of Lynwood Avenue, east of Belmont Avenue in downtown Mound, Minnesota. The consultant will be expected to synthesize previous MCES design and operation successes with the consultant's own knowledge, experience and creativity, in order to advance the functionality, operability and reliability of MCES lift station design. A key emphasis will be a thorough review of the specifications governing critical equipment and mechanical components.

The project schedule is shown below.

<i>Issue Request for Proposals</i>	August 6, 2001
<i>Receive Proposals</i>	August 30, 2001
<i>Evaluation Complete</i>	September 12, 2001
<i>Negotiations Complete</i>	September 14, 2001
<i>Environment Committee</i>	September 25, 2001
<i>Metropolitan Council Authorization</i>	October 4, 2001
<i>Notice To Proceed</i>	October 2001
<i>Design Complete</i>	January 2002
<i>Project Completion</i>	April 1, 2003

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a Letter of Interest to:

Amanda Petersen, Administrative Assistant
Contracts and Procurement Unit
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Email: amanda.petersen@metc.state.mn.us

Inquiries regarding technical aspects of the project should be directed to Bill Moeller at **(651) 602-4504**.

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

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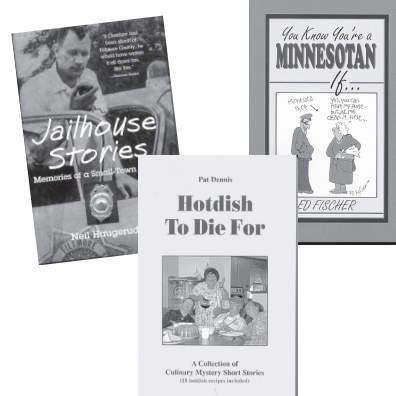
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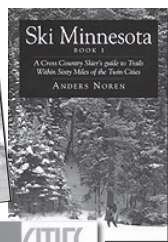
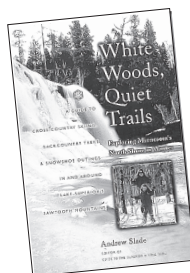
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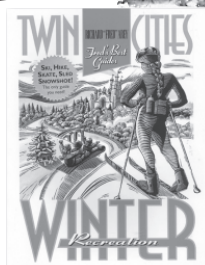
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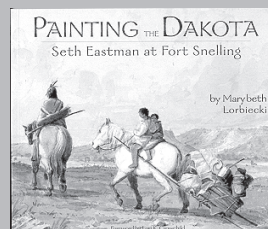
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Seth Eastman at Fort Snelling

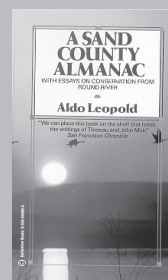
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A Sand County

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