

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Pollution Control Agency
(Agency or Board)

Regulation No. MPCA 1-13 new

Subject: Rules of Procedure

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STATE OF MINNESOTA
POLLUTION CONTROL AGENCY
RULES OF PROCEDURE

MPCA 1-13

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MPCA 1

DUTY OF CANDOR

In all formal or informal negotiations, communications, proceedings, and other dealings between any person and any member, employee or agent of the Agency, it shall be the duty of each person and each member, employee or agent of the Agency to act in good faith and with complete truthfulness, accuracy, disclosure, and candor. Any violation of the aforesaid duty shall be cause for imposition of sanctions as provided in MPCA 11.

MPCA 2

DEFINITIONS

As used in these Rules of Procedure the following words shall have the meanings given them herein.

(a) AGENCY. "Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minn. Stat. § 116.02 subd. 1.

(b) DAYS. "Days" means calendar days.

(c) DIRECTOR. "Director" means the Executive Director and Chief Executive Officer of the Agency.

(d) EMERGENCY. "Emergency" means imminent and substantial danger to the health and welfare of the people of the state, or any part thereof, as a result of the pollution of air, land, or water.

(e) HEARING OFFICER. "Hearing officer" means the person or persons appointed by the Agency, pursuant to MPCA 9, to call and conduct a hearing.

(f) ORDER. "Order" means any written command or direction made by the Agency or the Director, as provided by law, or made by a hearing officer appointed by the Agency pursuant to MPCA 9.

(g) PARTY. "Party" means any person whose legal rights, duties, or privileges may be determined in a hearing under the provisions of these Rules and any person who has properly intervened in a hearing. The term "party" shall include the Agency when the Agency initiates the hearing pursuant to MPCA 11.

(h) PERMIT. "Permit" means every discharge, emission, and disposal authorization, every construction, installation or

operation authorization, and every other Agency authorization designated "permit" in Minn. Stat. Chapters 115 and 116, as now in force or hereafter amended, including Minn. Stat. §§ 115.03 subd. 1, 115.07, 116.07 subd. 4(a), 116.081, and 116.091, except that "permit" does not include an "order" or a "variance" or "stipulation agreement" as defined in this Rule.

(i) PERSON. "Person" means any human being, any municipality or other governmental or political subdivision or other public department or agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing, but does not include the Minnesota Pollution Control Agency.

(j) PRONOUNS. Any reference to the male in these regulations shall be construed to include the female.

(k) PUBLIC INFORMATIONAL MEETING. "Public informational meeting" means a meeting called by the Agency to solicit public comment and statements on a matter before the Agency.

(l) SCHEDULE OF COMPLIANCE. "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition or standard.

(m) SERVICE: SERVE. "Service" or "serve" means service by

United States mail, postage prepaid, addressed to a person or party at his last known address, unless some other manner of service is specifically required by law.

(n) STIPULATION AGREEMENT. "Stipulation agreement" means any agreement entered into between the Agency and any person or persons establishing a schedule for compliance with applicable statutes, rules, regulations or standards by designated dates.

(o) VARIANCE. "Variance" means an authorization from the Agency which grants an exemption from the requirements of any rule, regulation, or standard of the Agency and which does not require compliance with said rule, regulation, or standard for the duration of the authorization. Variance does not include permits, stipulation agreements, schedules of compliance, or any modifications thereto, or any order of the Agency which allows interim operation during completion of a compliance program, nor does variance include a time extension of an existing variance.

MPCA 3

AGENCY MEETINGS AND OFFICERS

(a) AGENCY OFFICERS

(1) Titles. The officers of the Agency shall consist of Chairman, Vice Chairman, and Director.

(2) Elections

(i) Chairman. The Chairman shall be elected by a majority of all Agency members at each annual meeting for a term of one (1) year. No member elected to the office of Chairman may serve in that capacity more than two (2) full terms consecutively.

(ii) Vice Chairman. The Vice Chairman shall be elected by a majority of all Agency members at each annual meeting for a term of one (1) year. No member elected to the office of Vice Chairman may serve in that capacity more than two (2) full terms consecutively.

(3) Duties

(i) Chairman. The Chairman shall have such duties as are prescribed by rule or regulation of the Agency.

(ii) Vice Chairman. The Vice Chairman shall discharge all duties of the Chairman during the absence or disability of the Chairman.

(iii) Director. The Director shall have such duties as are prescribed by statute or by rule or regulation of the Agency.

(4) Vacancies. Upon a vacancy (i.e., death, resignation, or removal) in the office of Chairman of the Agency, the Vice

Chairman shall become the Chairman until such time as new officers are elected at the next annual meeting. Upon a vacancy in the office of Vice Chairman, a special election shall be held at the next regular meeting, for a term ending at the next annual meeting.

(5) Removal. The Chairman or Vice Chairman may be removed from office by the affirmative vote of two-thirds of all members of the Agency, said vote to be taken at the next regular meeting following the motion for removal.

(b) AGENCY MEETINGS.

(1) Types.

(i) Regular Meetings. Twelve (12) regular monthly meetings of the Agency shall be held each calendar year. A date for each regular meeting shall be set by the Agency. The annual meeting, also conducted as a regular meeting, shall be held on the third Tuesday of the month of July of each year, or such other date as the Agency may designate at least sixty (60) days in advance thereof. The time and place of each regular meeting, including the annual meeting, shall be designated by the Chairman. The Chairman may direct that any regular meeting, except the annual meeting, be postponed or advanced.

(ii) Special Meetings. The Chairman, or in his absence the Vice Chairman, or in their absence the Director of the Agency, may call a special meeting of the Agency when, in his opinion, a meeting is necessary or desirable. The Chairman shall call a special meeting upon receipt of a request from three (3) members of the Agency.

(2) Agency Notice of Meetings

(i) Regular Meetings. The Director shall give written notice of the time and place of each regular meeting to all Agency members at least ten (10) days prior to any regular meeting. The Director shall give written notice of the time and place to all Agency members at least seven (7) days prior to the date of the regular meeting if advanced and at least seven (7) days prior to the regular date if postponed.

(ii) Special Meetings. The Chairman or the Director shall give as much notice as possible to all Agency members prior to any special meeting, which notice shall state the time, place, and subject matter of the meeting. Except as provided in MPCA 4, such notice shall be given at least two (2) days prior to any special meeting.

(3) Public Notice of Meetings. The Director shall give the public the same notice of the time and place of regular and special meetings as is given to the Agency members. The public shall be given notice by mailing a copy of the notice to each person who shall be directly affected by a decision of the Agency on any matter to be considered at the meeting and to those persons whom the Director deems appropriate in the circumstances and by posting a copy of the notice in a conspicuous place at the Agency offices.

(4) Agenda

(i) Preparation. A proposed agenda of business to be conducted shall be prepared by the Director for all regular

meetings of the Agency. Except when the exigencies of time and circumstances warrant, an agenda shall be prepared for all special meetings as far in advance of the special meeting as possible. The agenda shall include a list of all matters to be considered at the meeting. Agency members may place items on the agenda by notifying the Director of such item at least fourteen (14) days prior to a regular meeting. Citizens may request in writing that items be placed on the agenda by notifying the Director at least fourteen (14) days prior to a regular meeting. The Director may in his discretion determine whether or not to place a citizen item on the agenda but he shall advise the Agency of all items he decides not to place on the agenda. Items may be placed on the agenda for a special meeting in the same manner as for regular meetings provided the Director is notified of the item in time to place the item on the agenda.

(ii) Notice of Agenda. The Director shall mail a copy of the agenda for each regular meeting to every member of the Agency and to each person who shall be directly affected by a decision of the Agency on any matter on the agenda and to those persons whom the Director deems appropriate in the circumstances, at least ten (10) days prior to the regular meeting for which the agenda has been prepared. The agenda for a regular meeting shall be available for public inspection in the Agency offices at least ten (10) days prior to the regular meeting for which the agenda has been prepared.

The agenda for a special meeting shall be available for public inspection in the Agency offices as far in advance

of the special meeting as is reasonably possible, provided that except as provided in MPCA 4, the agenda shall be available at least two (2) days prior to the special meeting.

(5) Conduct of Meetings.

(i) Quorum. A majority of the members of the entire Agency shall constitute a quorum, and a quorum must be present for the transaction of business.

(ii) Presiding Officer. The Chairman shall preside at all Agency meetings. The Vice Chairman shall preside in the Chairman's absence. The remaining members shall elect a presiding officer from among the members present whenever the Chairman and Vice Chairman are both absent. The presiding officer shall serve only for that meeting or until the Chairman or Vice Chairman shall arrive.

(iii) Agenda. The first order of business at the meeting shall be adoption of the agenda, which may be amended or modified by the Agency at this time.

(iv) Agenda Items. No matter shall be considered at a regular Agency meeting unless it has been placed on the agenda and all relevant public information has been made available for public inspection at least ten (10) days prior to such regular meeting, except where the Agency in its discretion determines otherwise. Public information regarding matters to be considered at a special meeting shall have been made available for public inspection as far in advance of the special meeting as reasonably possible but except as provided in MPCA 4, at least two (2) days prior to the special meeting.

(v) Voting. The affirmative vote of a majority of all the members shall be necessary to make any decision, including the adoption, amendment, or repeal of rules, orders, and regulations as provided by law. All members present, including the Chairman, shall vote or abstain on every matter presented for decision. Any Agency matter which does not receive a majority vote shall be placed on the agenda of the next regular monthly meeting or considered at a special meeting.

(vi) Decisions at Open Meetings. All regular and special meetings of the Agency shall be open to the public, and all decisions of the Agency shall be made at such meetings; provided, however, that if the Chairman, or in his absence, the Vice Chairman, determines that the exigencies of time and circumstances warrant, then an Agency decision may be made by telephone poll, or other appropriate means. The unavailability of any Agency member shall not postpone the making of the decision. If, pursuant to the poll, a majority of all members of the Agency cast an identical vote, the decision of the majority shall be an Agency decision. In the event that an Agency decision is made by telephone poll, or other appropriate means, such decision shall be subject to confirmation at the next Agency meeting.

(vii) Record of Meetings. The Agency shall keep full and accurate minutes of all meetings, including a record of all votes of individual members.

(viii) Parliamentary Procedure. Except as specifically provided in these Rules of Procedure, Robert's Rules of Order shall govern any question of parliamentary procedure which may arise at any meeting of the Agency.

(c) COMMITTEES. The Agency may from time to time establish committees of Agency members as it may deem necessary and desirable to facilitate its work. All committee recommendations shall be duly submitted to the Agency for appropriate action.

(d) EXECUTION OF DOCUMENTS. Contracts, stipulation agreements, and other documents approved by the Agency pursuant to law shall be executed on the Agency's behalf by the Chairman and the Director.

MPCA 4

DECLARATION OF EMERGENCY

(a) DELEGATION TO DIRECTOR. The Agency herewith delegates to the Director the authority to exercise, in accordance with the limitations and procedures hereinafter enumerated, emergency powers granted to the Agency by Minn. Stat. § 116.11.

(b) NOTIFICATION TO AGENCY. If the Director anticipates that emergency conditions may be approaching, he shall keep the Agency informed of such conditions by such means as may be practicable. Upon declaration of an emergency by the Director, he shall immediately notify all Agency members that such emergency has been declared and poll the members on the action taken by the Director. Notification may be by telegram, telephone or any other means practicable. The unavailability of any Agency member shall not postpone the implementation of any emergency or any rules, regulations or orders pursuant thereto. If, pursuant to the poll, a majority of all members of the Agency disapprove of the declaration of emergency, the declaration and the action taken shall be discontinued immediately. If, pursuant to the poll, a majority of all members of the Agency disapprove of the action taken by the Director, but agree that an emergency exists, the action of the Director shall remain in effect until the Agency shall order different action to be taken.

(c) DURATION. Any action taken by the Director pursuant to his declaration of emergency shall remain effective according to the following provisions:

(1) For not to exceed three (3) days, unless approved by a majority of the members of the Agency pursuant to the poll required in section (b); or

(2) If extended beyond three (3) days as provided in subsection (c)(1) hereof, then the period until the date of the next Agency meeting, unless extended by the Agency at such meeting; or

(3) Subsection (c)(1) and (c)(2) notwithstanding, until notice, hearing and determination are effected pursuant to law; or

(4) Said emergency action may be discontinued at any time by the declaration of the Director or by majority vote of the Agency.

(d) REPORT. Any action taken by the Director pursuant to a declaration of emergency shall be included on the agenda of the next meeting of the Agency, at which time the Director shall report to the Agency on the status of the emergency.

(e) AGENCY ACTION. The Agency may by majority vote exercise its emergency powers. The action of the Agency taken in an emergency situation shall remain effective until discontinued by majority vote of the Agency or until notice, hearing and determination are effected pursuant to law.

(f) NOTICE. The notice requirements of MPCA 3 shall not apply when the Agency or the Director are considering the exercise

of their emergency powers, but the Agency and the Director shall give such notice to the public as is possible under the circumstances.

(g) EMERGENCY POWERS. Nothing contained in these Rules of Procedure shall be construed to pre-empt, repeal or conflict with MPCA 4 or any other rule, regulation or statute which provides for acts to be taken or procedure to be followed by the Agency or the Director in an emergency.

MPCA 5

PERMITS

(a) SCOPE. This Rule shall govern the procedure for issuance of all permits by the Agency, except to the extent otherwise specifically provided by statute or regulation.

(b) WRITTEN APPLICATION. In no case shall the Agency grant a permit unless a written application therefor has been made, under oath, to the Agency. The application shall be served upon the Director. The written application shall contain:

(1) The name and address of the applicant and the person who prepared the application;

(2) The signature of the applicant or the authorized representative thereof;

(3) A description of the business, plant, system, or facility for which a permit is sought, including the location thereof;

(4) Such other data or information which is required by any applicable Agency regulation or standard;

(5) Such other relevant data or information which the Agency or the Director deems essential to a determination on the application, including but not limited to the following:

(i) A general description of the materials handled or processed by the applicant which are pertinent to the subject application, and a statement of the nature and quantity of the materials being

discharged, emitted or disposed of, and which can reasonably be expected to be discharged, emitted or disposed of during the period of the required permit, and proposed methods for control of such materials;

(ii) Identification of the applicable regulations or standards under which the applicant seeks the permit and evidence that these regulations and standards will be complied with;

(iii) The nature of the permit sought, including the period of time for which it is sought and a detailed statement of the facts, claims, and reasons relied upon by the applicant in requesting the permit;

(iv) A concise statement of the effect upon the air, water, and land resources of the State and upon the public and other persons affected, including those residing in the area where the permit will take effect, which may result from Agency approval of the requested permit; and

(v) A concise statement of the effect on the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors which may result from approval and from denial of the requested permit.

(c) LISTING AND INSPECTION. Upon receipt by the Agency of a permit application, the receipt shall be noted on a list which

shall be made available for public inspection. The permit application shall also be made available for public inspection.

(d) PUBLIC HEARINGS. Any applicant or any other person may file a request with the Agency pursuant to MPCA 9(b) asking that a public hearing be held on a permit application. All public hearings held on permit applications, whether ordered by the Agency in its discretion or required to be held pursuant to statute or regulation, shall be conducted in accordance with MPCA 9.

(e) AGENCY DECISION. The Agency shall make all final decisions on permit applications and shall approve or deny each permit application, except where otherwise provided by statute or regulation. The Agency may approve a permit subject to such conditions as the Agency may prescribe. In addition, the Director may grant an interim permit when the exigencies of time and circumstance warrant, but such interim permit shall be subject to validation by the Agency.

The Agency shall act on each permit application as expeditiously as possible after submission of the application, or after receipt of the hearing officer's recommendation if a hearing is held. Any person may submit an oral or written statement or recommendation to the Agency regarding a permit application in accordance with MPCA 9(m)(4) or MPCA 13(a).

(f) NOTIFICATION. Every decision of the Agency or Director on a permit application shall be served on the applicant

and upon all persons who entered an appearance at any public hearing held on the application.

(g) AGENCY REMEDIES PRESERVED. During the pendency of a permit application under these guidelines, the Agency may, in its discretion, avail itself of any legal, equitable or administrative remedy provided by law.

(h) AMENDMENT OR MODIFICATION. In the event a permit has been granted by the Agency, the person holding the permit may file with the Agency at any time a written application for modification or amendment of the permit. The application for modification or amendment, and the Agency's consideration of the application, shall comply with the requirements of these Rules.

(i) ASSIGNMENT. No permit may be assigned or transferred by the holder without the approval of the Agency. The Agency may, in its discretion, hold a hearing on any request to assign or transfer a permit.

MPCA 6

VARIANCES

(a) SCOPE.

This Rule shall govern the procedure for issuance of all variances by the Agency, except to the extent otherwise specifically provided by statute or regulation.

(b) WRITTEN APPLICATION. In no case shall the Agency grant a variance unless a written application therefor has been made, under oath, to the Agency. The application shall be served upon the Director. The written application shall contain:

(1) The name and address of the applicant and the person who prepared the application;

(2) The signature of the applicant or the authorized representative thereof;

(3) A description of the business, plant, system, or facility for which a variance is sought, including the location thereof;

(4) The nature of the variance sought, including an identification of the applicable regulations or standards from which a variance is sought, the period of time for which it is sought, and the reasons relied upon by the applicant in requesting the variance;

(5) If the applicant seeks a variance primarily on grounds of economic burden, the application shall be accompanied by financial statements prepared or approved by a certified public accountant, or other person acceptable to the Agency, which shall fairly set

forth the status of the business, plant, system or facility for each of the three financial years immediately preceding the year of the application, and an analysis of the effect of such financial status if the variance is not granted. If the business, plant, system or facility has not been in operation for such period, then the financial statements and said analysis shall be based on the most complete data available;

(6) If the applicant seeks a variance on grounds that compliance is not technologically feasible, the application shall be accompanied by a report from a registered professional engineer, or other person acceptable to the Agency, stating fully the reasons why compliance is not technologically feasible;

(7) Such other or additional data or information which is required by any applicable Agency regulation or standard;

(8) Such other relevant data or information which the Agency or the Director deems essential to a determination on the application, including but not limited to the following:

(i) A general description of the materials handled or processed by the applicant which are pertinent to the subject application, and a statement of the nature and quantity of the materials being discharged, emitted, or disposed of, and which can reasonably be expected to be discharged, emitted or disposed of, during the period of the proposed variance, and proposed methods for the control of such materials;

(ii) A comprehensive proposed plan indicating the steps to be taken by the applicant during the period

of the variance, even if the applicant is seeking a permanent variance, to reduce emission levels or discharges to the lowest limits practical;

(iii) A concise statement of the effect upon the air, water, and land resources of the State and upon the public and other persons affected, including those residing in the area where the variance will take effect, which will result from Agency approval of the requested variance;

(iv) A statement of the alternatives to the proposed operation under the variance which have been considered by the applicant;

(v) A concise statement of the effect on the establishment, maintenance, operation and expansion of business, commerce, trade, traffic, and other economic factors which may result from approval and from denial of the requested variance.

(c) LISTING AND INSPECTION. Upon receipt by the Agency of a variance application, the receipt thereof shall be noted on a list which shall be made available for public inspection. The variance application shall also be available for public inspection.

(d) PUBLIC HEARINGS. A public hearing shall be held on all variance applications except variances from feedlot regulations and standards relating to family farm and family farm corporation buildings used for the raising of livestock, poultry and other animals in which the animals and waste are confined. In any application for a feedlot variance which is exempt from the public

hearing requirement, any person may file a request with the Agency pursuant to MPCA 9(b) asking that a public hearing be held on the application. All public hearings held on variance applications shall be conducted in accordance with MPCA 9.

(e) AGENCY DECISION. The Agency shall make all final decisions on variance applications. The Agency shall approve or deny each application. The Agency may grant a variance upon such conditions as the Agency may prescribe.

The Agency shall act on each variance application as expeditiously as possible after receipt of the hearing officer's recommendation or after submission of the application if no hearing is held. Any person may submit to the Agency an oral or written statement or recommendation regarding a variance application in accordance with MPCA 9(m)(4) or MPCA 13(a).

(f) NOTIFICATION. Every decision of the Agency on a variance application shall be served on the applicant and upon all persons who entered an appearance at any public hearing held on the application.

(g) AGENCY REMEDIES PRESERVED. During the pendencey of a variance application, the Agency may, in its discretion, avail itself of any legal, equitable, or administrative remedy provided by law.

(h) AMENDMENT OR MODIFICATION. In the event a variance has been granted by the Agency, the person holding the variance may file with the Agency at any time a written application for modification or amendment of the variance. The application for modification or amendment, and the Agency's consideration of the application, shall comply with the requirements of these Rules. This provision shall not apply to a time extension of an existing variance.

(i) ASSIGNMENT. No variance may be assigned or transferred by the holder without the approval of the Agency. The Agency may, in its discretion, hold a hearing on any request to assign or transfer a variance.

MPCA 7

STIPULATION AGREEMENTS

(a) DATA OR INFORMATION. Whenever any person or the Agency proposes that a stipulation agreement be entered into, the person who is proposed as a signer of the stipulation agreement shall furnish such information or data as is deemed essential by the Agency or the Director in making a determination regarding the proposed stipulation agreement.

(b) INTERIM OPERATION. The Agency may in its discretion provide under the terms of a stipulation agreement for the operation of existing systems pending completion of compliance under the schedule therefor, and under such further conditions as it may prescribe in the stipulation agreement. Completion of performance under the stipulation agreement shall not relieve any party thereto of any requirement of law or Agency rules or regulations to apply for all necessary permits or variances.

MPCA 8

INFORMAL COMPLAINTS

Any person may file with the Director an informal complaint concerning a pollution source. The informal complaint may be either written or oral and shall state the name and address of the person filing the informal complaint, the name and address of the alleged pollution source, and a description of the matter giving rise to the complaint. A person making an oral complaint may be asked to submit his complaint in writing. Upon receipt of such informal complaint, the Director shall make such investigation as is deemed necessary and appropriate. Within twenty (20) days after the complaint is filed, the Director shall notify the person responsible for the alleged pollution source that an informal complaint has been filed. At any time after a complaint is filed, the Agency may take whatever action it deems necessary and appropriate. The person who filed the complaint shall be notifed of the disposition of his complaint.

MPCA 9

HEARINGS

(a) OBJECTIVES. All hearings required by statute or regulation and all hearings ordered by the Agency in its discretion, other than rule-making hearings conducted pursuant to Minn. Stat. Chapter 15 and other than public informational meetings, shall be conducted in accordance with the procedures set forth in this Rule. No person before this Agency shall have his rights, privileges or duties determined without regard for fundamental fairness. To that end, this Rule is intended to assure that all parties are provided a just and speedy public hearing.

(b) DECISION TO HOLD A HEARING

(1) Public Requests. Any person may request the Agency to hold a public hearing on any matter. The person may submit such request at an Agency meeting if the matter is on the agenda for consideration by the Agency. If the matter is not on an agenda, the person shall request the Director to place such matter on the agenda for the next Agency meeting. Such request shall be made pursuant to MPCA 3(b)(4)(i). The Agency shall not consider a request for a public hearing on a matter unless the matter is properly on the agenda for the Agency meeting. The person requesting that a public hearing be held may accompany his request with a complaint stating his reasons for requesting the hearing, how he has been aggrieved and the relief requested.

(2) Agency Decision. The Agency shall, in its discretion, grant or deny the hearing request. The Agency, upon

its own motion, may order that a public hearing be held on a matter. The Agency may, in its discretion, decline to order a public hearing but order that a public informational meeting be held.

(c) HEARING OFFICERS.

(1) Appointment. All hearing officers shall be appointed by the Agency. Following a decision that a hearing shall be held, the Agency shall appoint a hearing officer. This appointment shall be recorded in the Agency minutes.

(2) Qualifications.

(i) All appointments hereunder shall be consistent with the purpose of obtaining objectivity and impartiality in making decisions.

(ii) The hearing officer may be an employee or a member of the Agency. The Agency may appoint as hearing officer a person who is not an employee or member of the Agency. In such event, the hearing officer shall be an attorney at law licensed to practice in the State of Minnesota, unless some other person is agreed upon by all parties; provided that such hearing officer shall be considered an employee of the Agency for the sole purpose of compensation, if any, and authorization to conduct the hearing and recommend findings of fact and a decision to the Agency. In all other respects he shall be independent of the Agency.

(iii) In all cases, the Agency retains discretion to:

a. Conduct the hearing itself, in which case the Agency shall be the hearing officer;

b. Appoint a hearing panel consisting of two or more persons. Such panel shall not include members of the Agency. The panel shall include at least one attorney at law licensed to practice in the State of Minnesota. The Agency shall appoint a chairman of the hearing panel, who shall be an attorney at law licensed to practice in the State of Minnesota.

(3) Authority. The appointment of the hearing officer shall, to the extent permitted by law, authorize and direct the hearing officer to call and conduct the hearing and recommend a decision to the Agency.

(4) Functions.

(i) The functions of the hearing officer shall be to hear and rule on preliminary motions, conduct the hearing, examine witnesses, make such preliminary discovery, interlocutory, or other orders as he deems appropriate, recommend a decision to the Agency, and do things necessary or proper to the performance of the foregoing.

(ii) In the event that a hearing panel is appointed by the Agency, all decisions of the panel shall be made by majority vote. Any member or members of the panel may submit a dissenting recommendation to the Agency.

(5) Disqualification.

(i) Any party may file a petition with the Agency to dismiss a hearing officer. The Agency shall determine the petition and enter its decision on the record.

(ii) The Agency may, for good cause, revoke the appointment of any hearing officer upon the filing of a petition of a party or upon the Agency's own motion.

(iii) A hearing officer shall withdraw from participation in a hearing at any time prior to the final determination if he deems himself disqualified for any reason.

(iv) Whenever a hearing officer is disqualified or removed, the Agency shall appoint another in his place, without the need for hearing evidence already presented.

(d) NOTICE OF DECISION TO HOLD A HEARING. Upon appointment of a hearing officer the Director shall serve upon all known parties a copy of such order and a notice stating:

(1) The matter under consideration for which a hearing will be held;

(2) The name and address of the hearing officer;

(3) The rights of the parties to legal counsel;

(4) That failure to attend any stage of the hearing may prejudice the party's rights, and that a party shall be regarded as present at all stages of the hearing for which notice is given; and

(5) The availability of a copy of these Rules.

(e) PARTIES. Any person whose legal rights, duties, or privileges may be determined in the matter for which the hearing is to be held shall be a party. When a hearing is held pursuant to a request for a hearing, the person or persons requesting the hearing shall be parties to the matter. In any hearing on an application for a permit or variance, the applicant shall be a party. The Agency shall be a party in any hearing to revoke or suspend a permit or variance pursuant to MPCA 11. Any person who has properly intervened in the matter shall be a party.

(f) ANSWER. Within twenty (20) days after receipt of notice that a hearing will be held on a matter for which a complaint has been filed by the Agency or by the person requesting the hearing, an adverse party shall interpose an answer to the complaint. A copy of such answer shall be served on all parties to the matter. The original, together with an attached affidavit of service, shall be filed with the hearing officer within five (5) days after service is completed. A copy of the answer shall also be served upon the Agency.

(g) RIGHT TO COUNSEL. Any party may be represented by legal counsel throughout the hearing.

(h) INFORMAL DISPOSITION. Informal disposition may be made of any matter for which a hearing is scheduled or any issue therein by stipulation, agreed settlement, or consent order at any point therein, subject to the approval of such informal disposition, or any terms thereof, by the Agency.

(i) CONSOLIDATION. The Agency may consolidate two or more

matters for which hearings are scheduled and hold a joint hearing. The requirements of these Rules of Procedure shall be followed when consolidation is ordered. Any party may object to consolidation by filing a petition for severance with the Agency at least twenty (20) days before the hearing. The Agency may sever the matter to which the petitioner is a party from the joint hearing.

(j) PREHEARING CONFERENCE. A prehearing conference may be held at any time at the discretion of the hearing officer prior to each hearing. The prehearing conference shall be an informal proceeding conducted fairly and expeditiously by the hearing officer, for purposes of identifying and simplifying the issues to be determined, identifying and limiting the number of witnesses, and reaching an agreement on any or all issues of law or fact without the necessity for further hearing thereon. Agreements entered into as the result of a prehearing conference shall be put in the form of stipulations and entered on the record. Such agreements are subject to review by and final approval of the Agency. Any final settlement shall be set forth in a settlement agreement or consent order and made a part of the record, subject to final approval by the Agency.

(k) DISCOVERY

(1) Agency Discovery

(i) Information. Upon request of the Agency or the hearing officer, any party to the matter who operates or installs a disposal system or point source or an emission system or facility specified in Minn. Stat. § 116.081 subd. 1 shall furnish to the Agency or the hearing officer

any information which the party may have which is relevant to the matter under consideration.

(ii) Examination of Records. Upon request of the Agency or the hearing officer, any party to the matter who operates or installs a disposal system or point source or an emission system or facility specified in Minn. Stat. § 116.081 subd. 1 shall allow the Agency or any member, employee, or agent of the Agency, when authorized by it and upon presentation of proper credentials, or the hearing officer,to examine and copy any books, papers, records or memoranda pertaining to the matter under consideration.

(iii) Inspection of Premises. Upon request of the Agency or the hearing officer, any party shall allow the Agency, or any member, employee, or agent of the Agency when authorized by it and upon presentation of credentials, or the hearing officer,to enter upon any of the party's property for the purpose of obtaining information or examining records or conducting surveys or investigations.

(i) Other Discovery. The Agency and the hearing officer may exercise their authority under Minn. Stat. §§ 115.04 and 116.091 to obtain relevant information from persons who are not parties to the matter.

(2) Discovery by Parties. Parties other than the Agency shall obtain discovery by examination of those public records which are in possession of the hearing officer or the Agency. Any

party to a matter may request the Agency or the hearing officer to exercise its powers in subparagraph (1) or in the statutes to obtain public information or to issue a subpoena as provided in subparagraph (3). The Agency or the hearing officer may grant or deny such requests. A party may request voluntary disclosure of information by another party.

(3) Subpoenas

(i) Issuance. The Agency,or the hearing officer in the name of the Agency, may issue a subpoena for attendance at the hearing. The subpoena may include a command to produce books, papers, documents, or tangible objects designated therein and reasonably necessary to resolution of the matter under consideration. Every subpoena shall state the title of the matter and shall command each person to whom it is directed to attend and give testimony at the time and place therein specified.

(ii) Quash. The Agency, or the hearing officer if he issued the subpoena, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may quash or modify the subpoena if it is unreasonable and oppressive.

(l) NOTICE OF HEARING. Except as otherwise provided by the Agency for good cause, when permitted by law, the hearing officer shall give notice of the time and place of hearing at least thirty (30) days prior to the hearing by serving a Notice of Hearing upon those persons or groups or associations who are required to be

notified by law. The hearing officer shall also serve a Notice of Hearing upon all parties and upon any person he knows to have a direct and substantial interest in the matter. The Notice of Hearing shall also be suitably posted at the office of the Agency.

Such Notice of Hearing shall identify the parties, include a short and plain statement of the proceeding, and state the statute, regulation, rules, and standards affected. The Notice of Hearing shall also state the name and address of the hearing officer or hearing panel who has been appointed in accordance with these Rules.

(m) THE HEARING

(1) Conduct of Hearing. The hearing shall be public. The parties may cross-examine witnesses, and present evidence, rebuttal testimony, oral argument and written briefs with respect to the issues.

(2) Witnesses. Any party may be a witness or may present witnesses on his behalf. All testimony at a hearing shall be under oath or affirmation. Every party shall have the right of cross-examination of adverse witnesses.

(3) Authority of Board Members and Counsel. Any Agency member, the Director or any staff member designated by him, or counsel to the Agency, may advise the hearing officer and may examine witnesses, but shall not have the authority to rule on objections or motions or overrule the hearing officer on any matter which has been determined by the hearing officer.

(4) Statements by Any Person. Any person may submit

a written statement, under oath, relevant to the subject matter of the hearing prior to or at the hearing. In the absence of special circumstances, any person submitting such a statement shall be subject to cross-examination by any party. If such person is not available for cross-examination upon timely request, the written statement may be stricken from the record, in whole or in part, or may be given such weight as the hearing officer deems appropriate. The hearing officer may in his discretion permit any person to offer oral testimony, whether or not such person is a party to the matter. Any such person offering oral testimony shall be subject to cross-examination by any party.

(5) Rules of Evidence.

(i) Admission. The hearing officer may admit and rely on evidence which possesses probative value commonly accepted by reasonable men. The hearing officer shall give effect to the rules of privilege recognized by law. Information certified confidential shall be treated in accordance with MPCA 10(b). Proposed evidence which is incompetent, irrelevant, immaterial, repetitious, or otherwise objectionable may be excluded.

(ii) Judicial Notice. The hearing officer may take notice of judicially cognizable facts and, in addition, may take notice of technical or scientific facts within his specialized knowledge. Where final determination rests on official notice of material facts not appearing in the evidence in the record, the hearing officer shall serve and file a statement of Notice of Facts upon the

parties. A party is entitled, upon timely request, to an opportunity to rebut such facts.

(iii) Burden of Proof. The burden of proving any issue of fact in a proceeding shall be by a preponderance of the evidence.

(6) Transcript.

(i) Record. A verbatim record of the hearing shall be taken by court reporter or by recording equipment. A court reporter shall be used if demanded by any party. Unless the Agency agrees to bear the expense of the court reporter, such expense shall be paid by the party demanding the reporter.

(ii) Cost. If a transcript is requested, the Agency may require the requesting party to pay the reasonable cost of preparing the transcript.

(7) Disruption of Hearing.

(i) Cameras. Television, newsreel, motion picture, still, or other cameras, and lights or other devices used in connection with such cameras, shall be permitted in the hearing room while the hearing is in progress, subject to such conditions and restrictions as the hearing officer may impose in order to avoid disruption of the hearing. Mechanical recording devices, in addition to those provided by the Agency or at its discretion, shall also be permitted in the hearing room during the course of the hearing, subject to such

conditions and restrictions as the hearing officer may impose in order to avoid disruption of the hearing.

(ii) Interference. Pursuant to and in accordance with provisions of Minn. Stat. § 624.72, no person shall interfere with the free, proper, and lawful access to or egress from the hearing room. No person shall interfere with the conduct of the hearing.

(n) DEFAULT. Whenever any party with adequate notice fails to appear at the hearing, the hearing officer may decide all issues in the matter adversely to the defaulting party, may terminate the hearing, may proceed with the hearing, or may take other appropriate action, without further notice to the party. The hearing officer shall consider the rights of other parties to the matter when a party defaults.

(o) HEARING OFFICER RECOMMENDATION. Except as otherwise provided by the Agency for good cause, the hearing officer shall submit his recommendation to the Agency within thirty (30) days after the close of the hearing. Each party to the matter and each person who submitted a statement into the record shall be immediately served a copy of the hearing officer's recommendation.

(p) APPEAL. Any party aggrieved by a decision of the hearing officer during the course of the hearing may appeal such decision to the Agency by submitting notice of such appeal on the Agency anytime after receipt of the hearing officer's recommendation and prior to a final decision on the matter by the Agency. The notice shall be in writing and shall state with particularity the decision

being appealed and the prejudice caused the aggrived party by such decision. The notice shall be served on all other parties to the matter, who may submit a statement in support or opposition to the appeal.

(q) FINAL DECISIONS AND ORDERS.

(1) Agency Decision. The Agency shall make all final decisions and orders in those matters for which a hearing has been held. When required by law, the Agency's decision or order shall be based solely on the record from the hearing. The decision or order shall be accompanied by a concise statement of the findings and conclusions upon each contested issue of fact necessary to the decision.

(2) Time. The Agency shall reach a final decision or order on the matter as expeditiously as possible after receipt of the hearing officer's recommendation.

(3) Manner. The Agency shall place the matter on the agenda for an Agency meeting when it is prepared to reach a decision. The decision or order shall be announced at the Agency meeting and in all cases the decision or order shall be entered in the minutes of the Agency meeting. If the Agency has reached a Proposed Decision prior to the Agency meeting, it shall make such Proposed Decision available to all parties at least ten (10) days prior to the Agency meeting at which it intends to announce its decision or order.

(4) Alternatives. The Agency may accept, modify, or reject the recommendation of the hearing officer, in whole or in

part. The Agency may remand the the matter to the hearing officer for further proceedings. The Agency shall act on each appeal of a decision of the hearing officer which has been served on the Agency.

(5) Notice. Every final decision or order in a matter for which a hearing has been held shall be served on all parties to the matter and on all persons who submitted a statement into the record.

(r) REHEARING.

(1) Agency Right to Reconsider. The Agency may, upon request and good cause shown, or on its own motion, reconsider a final decision. This right may be exercised until it is lost by appeal or the granting of a writ or certiorari or until the time allowed by statute for appeal, or six months, whichever is less, has expired.

(2) Obtaining a Rehearing.

(i) Petition for Rehearing. At any time prior to the Agency's loss of the right to reconsider a final decision, any party to the matter may request a rehearing by filing a Petition for Rehearing. Such petition shall contain:

1. The name and address of the petitioner;
2. The Agency designation for the matter; and
3. The reasons for the petition.

(ii) Agency Action. The Agency shall grant or deny a Petition for Rehearing as part of the record. Such Petition shall be granted upon a showing that there are

irregularities in the hearing, errors of law, or newly discovered material evidence of such importance as likely to have altered the outcome of the hearing. A rehearing Petition may be granted upon a showing of good cause for failure to answer or appear at the hearing. Evidence and argument may be presented at the discretion of the Agency in written or oral form, or both, by any party to the matter with respect to the granting or denial of the Petition.

(3) Notice of Rehearing. Notice of rehearing shall be provided in the same manner prescribed for notice of hearing.

(4) Rehearing Procedure. A rehearing in a matter shall be conducted in the same manner prescribed for a hearing.

(5) Decision After Rehearing. The decision after rehearing shall be made in the same manner prescribed for the decision after a hearing.

(s) SEVERABILITY. The provisions of this Rule are severable, and if any section, subsection, clause, sentence or other provision of this Rule is held invalid for any reason, such invalidity shall not affect the validity of these rules as a whole or the validity of any other section, subsection, clause, sentence, or other provision, which can be given effect without the invalid provision.

MPCA 10

INSPECTION AND CONFIDENTIAL INFORMATION

(a) INSPECTION OF PUBLIC RECORDS. All public records of the Agency, or copies thereof, shall be available for inspection and copying by any person, Monday through Friday, excluding legal holidays, between the hours of 9:00 a.m. and 4:00 p.m. at the Agency offices. No public records shall be removed from said offices. Any inspection or copying of said records shall be made in the presence of an officer, employee, or agent of the Agency. The Agency may charge and collect a reasonable fee for the reproduction of any public records.

(b) CONFIDENTIAL INFORMATION.

(1) Certification. In order to certify records, information, or objects for the confidential use of the Agency, an owner or operator, or other person qualified by law, shall submit to the Director a written statement setting forth those statutory grounds which require the Agency to keep such records, information, or objects confidential. Any certification of records or information which applies to water pollution sources must be approved by the Director. Such records or information shall not be released unless the Director denies the certification request. Whenever the Director shall deny a certification request, he shall notify the certifier of such denial at least three (3) days prior to making the records or information available to the public. The certifier may withdraw such records or information if such an option is available to him.

(2) Filing. All certified records, information, or objects shall be appropriately identified and segregated at the offices of the Agency.

(3) Use.

(i) Agency Use. Certified records, information, and objects, when approved by the Director if required, shall be only for the confidential use of the Agency. However, confidential information may be used by the Agency in compiling or publishing analyses or summaries relating to the general condition of the state's water, air and land resources so long as such analyses or summaries do not identify any owner or operator who has so certified.

(4) Release.

(i) Approval. Confidential information may be released when the Agency is specifically authorized to do so by the person who certified the records, information, or objects.

(ii) Denial of Request. Certified records or information which apply to water pollution sources may be released if the Director denies the certification request. The provisions of subparagraph (b)(1) above shall apply to such release.

(iii) Federal Law. Regardless of whether records or information are certified confidential, the Agency may disclose any information which it is obligated to disclose in order to comply with federal law and regulation, to the extent and for the purposes of such

federally required disclosure. Whenever the Agency is required to release certified information pursuant to federal law, he shall notify the certifier of such requirement at least three (3) days prior to making the records or information available to the public. The certifier may withdraw such information if such an option is available to him.

(iv) Public Hearings. Confidential information which is relevant to a matter for which a public hearing is being held may be considered by the Agency in reaching a decision on the matter but shall not be released to the public unless the Agency is required by statute to release it. When the Agency is required by statute to release the information at the public hearing, the person who certified the information may withdraw the information, but the information shall not be considered by the Agency or the hearing officer in reaching a decision or recommendation on the matter. Whenever confidential information is considered by the Agency or a hearing officer in reaching a decision or recommendation on a matter, that fact shall be so stated on the record.

MPCA 11

SANCTIONS

(a) SANCTIONS.

(1) Violation of Duty of Candor. Anyone who knowingly makes any material misstatement, act, or omission which results in a breach of the duty of candor in MPCA 1 shall be subject to imposition of such sanctions as the Agency deems appropriate in the circumstances, and as may be permitted by law, including, but not limited to, the denial or revocation of any affected permit or variance, or application therefor.

(2) Violation by Permit Holder or Variance Holder. Any permit holder or variance holder who violates a provision of a permit or variance, or any applicable statute, rule, regulation, standard, or order, may be subject to action by the Agency for revocation or suspension of such permit or variance.

(3) Violation of Order. Any person who violates any lawful order shall be subject to imposition of such sanctions as the Agency deems appropriate in the circumstances, and as may be permitted by law.

(b) IMPOSITION OF SANCTIONS. In the case of any alleged violation as described in MPCA 11(a) above, the Agency may, in its discretion, seek to impose an appropriate sanction. No revocation, suspension, or other sanction may be imposed except upon hearing in accordance with MPCA 9.

(c) JUDICIAL RELIEF. Notwithstanding whether the Agency has pursued an administrative sanction under these Rules, nothing contained herein shall preclude the Agency from seeking any judicial relief available to the Agency by law for any violation described herein.

MPCA 12

CONFLICT OF INTEREST

Any member of the Agency who has a direct and substantial financial or employment interest relating to any matter before the Agency, which interest is reasonably likely to affect his impartiality or judgment in the matter, shall make known such interest and shall refrain from participating in, or voting upon, such matter.

No employee or agent of the Agency, including the Director, shall engage in any outside employment or other conduct which is likely to affect adversely the effectiveness or efficiency of any functions or duties he performs for the Agency.

MPCA 13

PUBLIC PARTICIPATION IN AGENCY MATTERS

(a) PARTICIPATION.

(1) Agency Matters. Any person shall be permitted to participate in any matter in which the Agency is involved in carrying out its statutory duties and obligations. Participation shall include the right to submit statements, the right to attend meetings and conferences and to share in discussions, and the right to receive such notice of progress in the matter as is adequate to exercise such rights. Any person who wishes to receive notice of progress in an Agency matter shall advise the Director of such desire. Thereafter, the Director shall give such person adequate notice of pending events in the matter.

Whenever any person submits a written statement or recommendation to the Agency on any matter, the Agency shall notify each person adversely affected by such statement or recommendation. The Agency shall allow each person adversely affected such opportunity to respond as is appropriate in the circumstances.

(2) Agency Meetings.

(i) Agenda Items for which No Public Hearing Was Held. Upon request made prior to an Agency meeting, any person who desires to present a statement on a matter which is on the agenda for such meeting and for which no public hearing was held, shall be afforded an opportunity to present oral or written statements to

the Agency at the meeting, within such limits of time and manner as the Agency may establish under the circumstances. Such request shall be submitted to the Director at least three (3) days prior to the meeting. Upon request made during an Agency meeting, any person who desires to present a statement on such an agenda matter may be afforded an opportunity to do so, within such limits of time and manner as the Agency may establish under the circumstances. The Agency may allow any person adversely affected by any oral or written statement submitted herewith additional time in which to respond to such statement.

(ii) Agenda Items for which a Public Hearing Has Been Held. When a public hearing has been held on an agenda matter, any person shall be permitted to submit written statements or arguments to the Agency at any time up to three (3) days before the meeting. When the Agency's decision is limited to the record created at the hearing, written statements or arguments shall be limited to comments or arguments regarding evidence in the record. Adverse parties shall be notified of statements and arguments which are submitted and may be granted additional time in which to respond.

(b) INTERVENTION.

Any person shall be permitted to intervene as a party in any matter for which a public hearing will be held by the Agency.

Prior to intervention, the intervenor shall file with the Agency or the hearing officer a verified pleading asserting that the matter involves conduct that has caused or is likely to cause pollution, impairment, or destruction of the air, water, land or other natural resources located within the state or asserting that the matter involves conduct that is in conformance with the pollution laws and policies of the State. Any party who has properly intervened shall have all the rights of any other party to the hearing.

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
DEC 21 1973
BY Edna Standenmaier
AUTH. SIGNATURE
3:30 p.m.

APPROVED AS TO FORM AND LEGALITY
Dec 21 1973
WARREN SPANNAUS, ATTORNEY GENERAL
BY Patrick W. Y
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 21 1973 - 3:15 pm
Arlen I. Erdahl
Secretary of State

STATEMENT OF COMPLIANCE
WITH MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Alan R. Mitchell, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Alan R. Mitchell

ALAN R. MITCHELL
Special Assistant
Attorney General

Dated: November 28, 1973.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Rules of Procedure for the Minnesota Pollution Control Agency

ORDER FOR HEARING

To effectively implement Minn. Stat. §§ 116.07 subd. 3 and 4 and 15.0412 subd. 1 (1971) and Minn. Laws 1973, ch 374, § 7, the Minnesota Pollution Control Agency deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Agency by Minn. Stat. §§ 116.07 subd. 3 and 4 and 15.0412 subd. 1 (1971 and Minn. Laws 1973, ch. 374, § 7.

NOW THEREFORE, IT IS ORDERED that a public hearing on the proposed rules captioned above be held in the Board Room of the State Department of Health Building, 717 Delaware Street, S.E., Minneapolis, Minnesota, on September 25, 1973, commencing at 9:00 a.m. and continuing until all persons, representatives, organizations or other interested parties have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose.

Dated this 22nd day of August, 1973.

MINNESOTA POLLUTION CONTROL AGENCY

Grant J. Merritt
Executive Director

CERTIFICATE OF AGENCY'S

AUTHORIZING RESOLUTION

I, Grant J. Merritt, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that a resolution was adopted at the meeting of the Agency duly and properly called and held on the 21st day of August, 1973; that a quorum was present at said meeting; that the resolution was passed by a majority of those present; that the resolution is set forth in the minutes of said meeting and has not been rescinded or modified; that the resolution authorized the Minnesota Pollution Control Agency staff to call a public hearing for the purpose of promulgating Rules of Procedure and to perform all acts necessary to the holding of said hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of November, 1973.

Executive Director

Notary Public
23 APRIL 1976
ANOKA COUNTY

STATE OF MINNESOTA

POLLUTION CONTROL AGENCY

COUNTY OF HENNEPIN

In the Matter of the Adoption
of Proposed Rules of Procedure
for the Minnesota Pollution
Control Agency

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minnesota Statutes 1971, sections 15.0412, 115.03, and 116.07, in the above-entitled matter in the City of Minneapolis, Minnesota, in the Board Room of the State Department of Health Building, 717 Delaware Street, S.E., on Tuesday, September 25, 1973, commencing at 9:00 A.M. and continuing until all interested persons, representatives, and organizations have had an opportunity to be heard concerning the adoption of the proposed Rules of Procedure for the Minnesota Pollution Control Agency, by submitting oral or written data, statements, comment or argument. Statements or briefs may be submitted in writing without the necessity for appearance at the hearing. The record shall remain open for receipt of written statements for a minimum of twenty (20) days after the close of the hearing. A definite closing date will be set at the hearing.

A brief outline of the proposed Rules of Procedure is as follows:

MPCA 1	Duty of Candor
MPCA 2	Definitions
MPCA 3	Agency Meetings and Officers
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MPCA 9	Hearings
MPCA 10	Inspection and Certification of Records
MPCA 11	Sanctions
MPCA 12	Conflict of Interest

The Agency also proposes to repeal existing Rules of Procedure MPCA 1, 2, and 3.

Copies of the proposed Rules of Procedure are available from the Minnesota Pollution Control Agency 717 Delaware Street, S.E., Minneapolis, Minnesota 55440. Copies will also be available at the hearing. The rules are proposed rules only and are subject to alterations or modifications as the Agency deems necessary and appropriate from its consideration of all the evidence adduced at the public hearing and all statements entered into the record.

Dated this 20th day of August, 1973.

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

By 

Grant J. Merritt
Executive Director

PROPOSED DRAFT: August 15, 1973

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY
RULES OF PROCEDURE

MPCA 1-12

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MPCA 1

DUTY OF CANDOR

In all formal or informal negotiations, communications, proceedings, and other dealings between any person and any member, employee or agent of the Agency, it shall be the duty of such person to act in good faith and with complete truthfulness, accuracy, disclosure, and candor. Any violation of the aforesaid duty shall be cause for imposition of sanctions as provided in MPCA 11.

MPCA 2

DEFINITIONS

As used in these Rules of Procedure the following words shall have the meanings given them herein.

(a) AGENCY. "Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minn. Stat. § 116.02 subd. 1.

(b) DIRECTOR. "Director" means the Executive Director of the Agency, its chief executive officer.

(c) EMERGENCY. "Emergency" means imminent and substantial danger to the health and welfare of the people of the state, or any part thereof, as a result of the pollution of air, land, or water.

(d) HEARING OFFICER. "Hearing officer" means the person or persons appointed by the Agency, pursuant to MPCA 9, to conduct and hear a proceeding.

(e) ORDER. "Order" means any written command or direction made by the Agency or the Director, as provided by law, or made by a hearing officer appointed by the Agency pursuant to MPCA 9.

(f) PARTY. "Party" means any person whose legal rights, duties, or privileges may be determined in a proceeding under the provisions of these Rules and any person who has properly intervened in a proceeding. The term "party" shall include the Agency when the Agency initiates the proceeding pursuant to MPCA 11.

(g) PERMIT. "Permit" means every discharge, emission, and disposal authorization, every construction, installation or operation authorization, and every other Agency authorization designated "permit" in Minn. Stat. Chapters 115 and 116, as now in force or

hereafter amended, including Minn. Stat. § 115.03, subd. 1; § 115.07; and Minn. Stat. § 116.07, subd. 4(a); § 116.081; and § 116.091; except that "permit" does not include an "order", or a "variance" or "stipulation agreement" as defined in this Rule. A "permit" necessarily presupposes full compliance with all applicable regulations and standards of the Agency, unless a schedule of compliance is specified in the permit.

(h) PERSON. "Person" means any human being, any municipality or other governmental or political subdivision or other public department or agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing, but does not include the Minnesota Pollution Control Agency.

(i) PROCEEDING. "Proceeding" means any matter for which a hearing is required by law or which has been ordered by the Agency pursuant to any provision of these rules. Proceeding does not include a rule-making hearing conducted pursuant to Minn. Stat. ch. 15.

(j) SCHEDULE OF COMPLIANCE. A "schedule of compliance" is a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition or standard.

(k) SERVICE: SERVE. "Service" or "serve" means service by United States mail, postage prepaid, addressed to a person or party at his last known address, unless some other manner of service is specifically required by law.

(l) STIPULATION AGREEMENT. "Stipulation agreement" means any agreement entered into between the Agency and any person or persons establishing a schedule for compliance with applicable statutes, rules, regulations or standards by designated dates.

(m) VARIANCE. "Variance" means an authorization from the Agency which grants an exemption from the requirements of any rule, regulation, or standard of the Agency and which does not require compliance with said rule, regulation, or standard for the duration of the authorization. Variance does not include permits, stipulation agreements, schedules of compliance, or any modifications thereto, or any order of the Agency which allows interim operation during completion of a compliance program, nor does variance include a time extension of an existing variance.

MPCA 3

AGENCY MEETINGS AND OFFICERS

(a) OFFICERS OF THE AGENCY. The officers of the Agency shall consist of Chairman, Vice Chairman, and the Executive Secretary and Chief Executive Officer.

(1) Chairman. The Chairman of the Agency shall be elected by a majority of all Agency members at each annual meeting for a term of one (1) year. No member elected to the office of Chairman may serve in that capacity more than two (2) full terms consecutively.

(2) Vice Chairman. The Vice Chairman of the Agency shall be elected by a majority of all Agency members at each annual meeting for a term of one (1) year. No member elected to the office of Vice Chairman may serve in that capacity more than two (2) full terms consecutively. It shall be the duty of the Vice Chairman to discharge all duties of the Chairman during the absence or disability of the Chairman.

(3) Executive Secretary and Chief Executive Officer. The Executive Secretary and Chief Executive Officer of the Agency is the Director of the Agency as provided by Minnesota Statutes, Chapter 116, and he shall have such duties as are therein defined and as are granted by rule or regulation of the Agency.

(b) VACANCIES. Upon a vacancy (i.e., death, resignation, or removal) in the office of Chairman of the Agency, the Vice Chairman shall become the Chairman until such time as new officers are elected at the next annual meeting. Upon a vacancy in the

office of Vice Chairman, a special election shall be held at the next regular meeting, for a term ending at the next annual meeting.

(c) REMOVAL. The Chairman or Vice Chairman may be removed from office by the affirmative vote of two-thirds of all members of the Agency, said vote to be taken at the next regular meeting following the motion for removal.

(d) AGENCY MEETINGS.

(1) Regular Meetings. Twelve (12) meetings of the Minnesota Pollution Control Agency shall be held each year. Unless otherwise specified by the Agency each regular meeting, shall be held on the third Tuesday of each month. The annual meeting, also conducted as a regular meeting, shall be held on the third Tuesday of the month of July of each year, or such other date as the Agency may designate at least sixty (60) days in advance thereof. The time and place of each regular meeting, including the annual meeting, shall be designated by the Chairman of the Agency, who shall require the Director of the Agency to give written notice of the time and place to all Agency members not less than ten (10) days prior to any regular meeting. The Chairman of the Agency may direct that any regular meeting, except the annual meeting, be postponed or advanced and require the Director to give written notice of the time and place to all Agency members not less than seven (7) days prior to the date of the meeting if advanced, and or not less than seven (7) days prior to the regular date if postponed. The Director shall give such notice of the advancement or postponement to the public as is reasonable.

(2) Special Meetings. The Chairman or Vice-Chairman

of the Agency, or in their absence the Director of the Agency, may call a special meeting of the Agency when, in his opinion, a meeting is necessary or desirable. The Chairman shall call a special Agency meeting upon receipt of a request from three (3) members of the Agency. The Chairman or the Director shall give as much notice as possible to all Agency members prior to any special meeting, which notice shall state the time, place, and subject matter of the meeting. The Director shall give such notice of the special meeting to the public as is reasonable.

(e) QUORUM. A majority of the members of the entire Agency shall constitute a quorum, and a quorum must be present for the transaction of business.

(f) VOTING. The affirmative vote of a majority of the members present shall be necessary to make any decision, including the adoption, amendment, or repeal of rules, orders, and regulattions as provided by law. All members present, including the Chairman, shall vote or abstain on every matter presented for decision. No action or decision of the Agency shall be finally determined by an equally divided vote of the Agency members, or by a majority vote of less than four (4) Agency members, but shall be placed on the agenda of the next regular monthly meeting or considered at a special meeting.

(g) DECISIONS AT OPEN MEETINGS. All regular and special meetings of the Agency shall be open to the public, and all decisions of the Agency shall be made at such meetings; provided, however, that if the Chairman, or in his absence, the Vice-Chairman, determines that the exigencies of time and circumstances warrant,

then an Agency decision may be made by telephone poll, or other appropriate means. The unavailability of any Agency member shall not postpone the making of the decision. If, pursuant to the poll, a majority of all members of the Agency cast an identical vote, the decision of the majority shall be an Agency decision. In the event that an Agency decision is made by telephone poll, or other appropriate means, such decision shall be subject to confirmation at the next Agency meeting.

(h) AGENDA. A proposed agenda of business to be conducted shall be prepared for all regular meetings of the Agency. Except when the exigencies of time and circumstances warrant, an agenda shall be prepared for all special meetings as far in advance of the special meeting as possible. The agenda shall include a list of all matters to be considered at the meeting. The first order of business at the meeting shall be adoption of the agenda, which may be amended or modified by the Agency at this time.

The agenda shall be available for public inspection at least ten (10) days prior to a regular meeting. The agenda for a special meeting shall be made available for public inspection as far in advance of the special meeting as is reasonable.

(i) FILING OF AGENDA MATTERS. Except where the Agency in its discretion determines otherwise, no matter shall be considered at a regular Agency meeting unless it has been placed on the Agenda and all relevant public information has been made available for public inspection, at least ten (10) days prior to such regular meeting. Public information regarding matters to be considered at a special meeting shall be made available for public inspection as far in advance of the special meeting as is reasonable.

(j) NOTICE OF AGENDA. The Director shall mail a copy of the Agenda to every member of the Agency and to each person who shall be directly affected by a decision of the Agency on any matter on the agenda and to those persons whom the Director deems appropriate in the circumstances, at least ten (10) days prior to the meeting for which the agenda has been prepared.

(k) RECORD OF MEETINGS. The Agency shall keep full and accurate minutes of all meetings, including a record of all votes of individual members.

(l) PRESENTATION OF STATEMENTS. Upon request made prior to an Agency meeting, any person who desires to present a statement on a matter which is scheduled for consideration by the Agency at such Agency meeting, except the adoption, repeal or amendment of a rule or regulation pursuant to Minn. Stat. ch. 15, shall be afforded an opportunity to present oral or written statements to the Agency, within such limits of time and manner as the Agency may establish under the circumstances. Upon request made during an Agency meeting, any person who desires to present a statement on a matter under consideration may be afforded an opportunity to do so within such limits of time and manner as the Agency may establish under the circumstances.

(m) COMMITTEES. The Agency may from time to time establish committees of Agency members as it may deem necessary and desirable to facilitate its work. All committee recommendations shall be duly submitted to the Agency for appropriate action.

(n) EXECUTION OF DOCUMENTS. Contracts, stipulation agreements, and other documents approved the Agency pursuant to law shall be executed on the Agency's behalf by the Chairman and the Director.

(o) PARLIAMENTARY PROCEDURE. Except as specifically provided in these Rules of Procedure, Robert's Rules of Order shall govern any question of parliamentary procedure which may arise at any meeting of the Agency.

DECLARATION OF EMERGENCY

(a) DELEGATION TO DIRECTOR. The Agency herewith delegates to the Director the authority to exercise those emergency powers granted to the Agency by Minn. Stat. § 116.11, said powers to be exercised in conformity with said statute and the procedures hereinafter enumerated.

(b) NOTIFICATION TO AGENCY. Forthwith upon declaration of an emergency by the Director, he shall notify all Agency members that such emergency has been declared, and poll the members on the action taken by the Director. Notification may be by telegram, telephone or any other means practicable. The unavailability of any Agency member shall not postpone the implementation of any emergency or any rules, regulations or orders pursuant thereto. If, pursuant to the poll, a majority of all members of the Agency disapprove of the declaration of emergency, the declaration and the action taken shall be discontinued immediately. If, pursuant to the poll, a majority of all members of the Agency disapprove of the action taken by the Director, but agree that an emergency exists, the action of the Director shall remain in effect until the Agency shall order different action to be taken.

(c) DURATION. Any action taken by the Director pursuant to his declaration of emergency shall remain effective according to the following provisions:

(1) For three (3) days, unless approved by a majority of the members of the Agency pursuant to the poll required in section (b); or

(2) If extended beyond three (3) days as provided in subsection (c)(1) hereof, then the period until the date of the next Agency meeting, unless extended by the Agency at such meeting; or

(3) Subsection (c)(1) and (c)(2) notwithstanding, until notice, hearing and determination are effected pursuant to law; or

(4) Said emergency action may be discontinued at any time by the declaration of the Director or by majority vote of the Agency.

(d) REPORT. Any action taken by the Director pursuant to a declaration of emergency shall be included on the agenda of the next meeting of the Agency, at which time the Director shall report to the Agency on the status of the emergency.

(e) AGENCY ACTION. The Agency may by majority vote exercise its emergency powers. The action of the Agency taken in an emergency situation shall remain effective until discontinued by majority vote of the Agency or until notice, hearing and determination are effected pursuant to law.

(f) EMERGENCY POWERS. Nothing contained in these Rules of Procedure shall be construed to pre-empt, repeal or conflict with any rule, regulation or statute which provides for acts to be taken by the Agency or the Director in an emergency or procedure for conduct by the Agency or Director in such a situation.

MPCA 5

PERMITS

(a) SCOPE. This Rule shall govern the procedure for issuance of all permits by the Agency, except to the extent otherwise specifically provided by statute or regulations.

(b) WRITTEN APPLICATION. In no case shall the Agency grant a permit unless a written application therefor has been made, under oath, to the Agency. The application shall be served upon the Director. The written application shall contain:

(1) The name and address of the applicant, and the person who prepared the application;

(2) The signature of the applicant or the authorized representative thereof;

(3) A description of the business, plant, system, or facility for which a permit is sought, including the location thereof;

(4) A general description of the materials handled or processed by the applicant, which are pertinent to the subject application, and a statement of the nature and quantity of the materials being discharged, emitted or disposed of, and which can reasonably be expected, to be discharged, emitted or disposed of during the period of the required permit, and proposed methods for control of such materials;

(5) Identification of the applicable regulations or standards under which the applicant seeks the permit and evidence that these regulations and standards will be complied with.

(6) The nature of the permit sought, including the period of time for which it is sought and a detailed statement of the facts, claims, and reasons relied upon by the applicant in requesting the permit;

(7) A concise statement of the effect upon the air, water, and land resources of the State and upon the public and other persons affected, including those residing in the area where the permit will take effect, which may result from Agency approval of the requested permit;

(8) A concise statement of the effect on the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors which may result from approval and from denial of the requested permit; and

(9) Such other or additional relevant data or information which is required by any applicable Agency regulation or standard, or which the Agency or the Director deems essential to a determination on the application.

Any requirement for information or data to be contained in the application may be waived by the Agency in appropriate circumstances upon request of the applicant. Failure to submit the information required by this section shall not delay the processing of the permit application, but no permit shall be granted until the required information is submitted or the necessary waiver obtained from the Agency.

(c) LISTING AND INSPECTION. Upon receipt by the Agency of a permit application, the receipt shall be noted on a list which shall be made available for public inspection. The permit application shall also be made available for public inspection.

(d) PUBLIC HEARINGS. Any applicant or any other person may file a written request with the Agency asking that a public hearing be held on a permit application. The Agency may, upon the receipt of a request for a public hearing, or upon its own motion, order that a public hearing be held on a permit application. All public hearings, whether ordered by the Agency in its discretion or required to be held pursuant to statute or regulation, shall be conducted in accordance with MPCA 9.

(e) AGENCY DECISION. The Agency shall make all final decisions on permit applications, except where otherwise provided by statute or regulation. In addition, the Director may grant an interim permit when the exigencies of time and circumstance warrant, but such interim permit shall be subject to validation by the Agency.

The Agency shall approve or deny each permit application. The Agency may approve a permit subject to such conditions as the Agency may prescribe.

The Agency shall act on each permit application as expeditiously as possible after submission of the application, or after receipt of the hearing officer's recommendation if a hearing is held. When no hearing is held, any person on the Agency staff may submit to the Agency a statement or recommendation regarding a permit application. Such statement or recommendation shall be served upon the applicant. The Agency may grant the applicant addtional time to respond to any statement or recommendation.

(f) NOTIFICATION. Every decision of the Agency or Director on a permit application shall be served on the applicant and upon all persons who entered an appearance at any public hearing held on the application.

(g) AGENCY REMEDIES PRESERVED. During the pendency of a permit application under these guidlines, the Agency may, in its discretion, avail itself of any legal, equitable or administrative remedy provided by law.

(h) AMENDMENT OR MODIFICATION. In the event a permit has been granted by the Agency, the person holding the permit may file with the Agency at any time a written application for modification or amendment of the permit. The application for modification or amendment, and the Agency's consideration of the application, shall comply with the requirements of these Rules.

(i) ASSIGNMENT. No permit may be assigned or transferred by the holder without the approval of the Agency. The Agency may, in in its discretion, hold a hearing on any request to assign or transfer a permit.

MPCA 6

VARIANCES

(a) SCOPE.

This Rule shall govern the procedure for issuance of all variances by the Agency, except to the extent otherwise specifically provided by statute or regulation.

(b) WRITTEN APPLICATION. In no case shall the Agency grant a variance unless a written application therefor has been made, under oath, to the Agency. The application shall be served upon the Director. The written application shall contain:

(1) The name and address of the applicant and the person who prepared the application;

(2) The signature of the applicant or the authorized representative thereof;

(3) A description of the business, plant, system, or facility for which a variance is sought;

(4) A general description of the materials handled or processed by the applicant, which is pertinent to the subject application, and a statement of the nature and quantity of the materials being discharged, emitted, or disposed of, and which can reasonably be expected to be discharged, emitted or disposed of, during the period of the proposed variance, and proposed methods for the control of such materials.

(5) The nature of the variance sought, including an identification of the applicable regulations or standards from which a variance is sought, the period of time for which it is sought, a detailed summary of the facts, claims, and reasons relied upon by the applicant in requesting the variance,

and a comprehensive proposed plan indicating the steps to be taken by the applicant during the period of the variance, even if the applicant is seeking a permanent variance, to reduce emission levels to the lowest limits practical.

If the applicant seeks a variance on grounds of economic burden, the application shall be accompanied by financial statements, prepared or approved by a certified public accountant, which shall fairly set forth the status of the business, plant, system or facility for each of the three financial years immediately preceding the year of the application, and an analysis of the effect on such financial status if the variance is not granted. If the business, plant, system or facility has not been in operation for such period, then the financial statements and said analysis shall be based on the most complete data available.

If the applicant seeks a variance on grounds that compliance is not technologically feasible, the application shall be accompanied by a report from a registered professional engineer stating fully the reasons why compliance is not technologically feasible;

(6) A concise statement of the effect upon the air, water, and land resources of the State and upon the public and other persons affected, including those residing in the area where the variance will take effect, which will result from Agency approval of the requested variance;

(7) A statement of the alternatives to the proposed operation under the variance which have been considered by the applicant;

(8) A concise statement of the effect on the establishment, maintenance, operation and expansion of business, commerce,

trade, industry, traffic, and other economic factors which may result from approval and from denial of the requested variance; and

(9) Such other or additional relevant data or information which is required by any applicable Agency regulation or standard, or which the Agency or the Director deems essential to a determination on the application.

Any requirement for information or data to be contained in the application may be waived by the Agency in appropriate circumstances upon request of the applicant. Failure to submit the information required by this section shall not delay the processing of the variance application, but no variance shall be granted until the required information is submitted or the necessary waiver obtained from the Agency.

(c) LISTING AND INSPECTION. Upon receipt by the Agency of a variance application, the receipt thereof shall be noted on a list which shall be made available for public inspection. The variance application shall also be available for public inspection.

(d) PUBLIC HEARING. A public hearing shall be held on all variance applications except variances from feedlot regulations and standards relating to family farm and family farm corporation buildings used for the raising of livestock, poultry and other animals in which the animals and waste are confined. In any application for a feedlot variance which is exempt from the public hearing requirement, the Agency may, upon its own motion, or the motion of the applicant, or the motion of any other person, order that a public hearing be held on the application. All public hearings held on variance applications shall be conducted in accordance with MPCA 9.

(e) AGENCY DECISION. The Agency shall make all final decisions on variance applications. The Agency shall approve or deny each application. The Agency may grant a variance upon such conditions as the Agency may prescribe.

The Agency shall act on each variance application as expeditiously as possible after receipt of the hearing officer's recommendation or after submission of the application if no hearing is held. When no hearing is held, any person on the Agency staff may submit to the Agency a statement or recommendation regarding a variance application. Such statement or recommendation shall be served upon the applicant. The Agency may grant the applicant additional time to respond to any statement or recommendation.

(f) NOTIFICATION. Every decision of the Agency on a variance application shall be served on the applicant and upon all persons who entered an appearance at any public hearing held on the application.

(g) AGENCY REMEDIES PRESERVED. During the pendency of a variance application, the Agency may, in its discretion, avail itself of any legal, equitable, or administrative remedy provided by law.

(h) AMENDMENT OR MODIFICATION. In the event a variance has been granted by the Agency, the person holding the variance may file with the Agency at any time a written application for modification or amendment of the variance. The application for modification or amendment, and the Agency's consideration of the application, shall comply with the requirements of these Rules. This provision shall not apply to a time extension of an existing variance.

(i) ASSIGNMENT. No variance may be assigned or transferred by the holder without the approval of the Agency. The Agency may, in its discretion, hold a hearing on any request to assign or transfer a variance.

MPCA 7

STIPULATION AGREEMENTS

(a) DATA OR INFORMATION. Whenever any person or the Agency proposes that a stipulation agreement be entered into, the person who is proposed as a signer of the stipulation agreement shall furnish such information or data as may be requested by the Agency or the Director.

(b) INTERIM OPERATION. The Agency may in its discretion provide under the terms of a stipulation agreement for the operation of existing systems pending completion of compliance under the schedule therefor, and under such further conditions as it may prescribe in the stipulation agreement. Completion of performance under the stipulation agreement shall not relieve any party thereto of any requirement of law or Agency rules or regulations to apply for all necessary permits or variances.

MPCA 8

INFORMAL COMPLAINTS

Any person may file with the Director an informal complaint concerning a pollution source. The informal complaint may be either written or oral and shall state the name and address of the person filing the informal complaint, the name and address of the alleged pollution source, and a description of the matter giving rise to the complaint. A person making an oral complaint may be asked to submit his complaint in writing. Upon receipt of such informal complaint, the Director shall make such investigation as is deemed necessary and appropriate. Within twenty (20) days after the complaint is filed, the Director shall notify the person responsible for the alleged pollution source that an informal complaint has been filed. At any time after a complaint is filed, the Agency may take whatever action it deems necessary and appropriate. The person who filed the complaint may request the Director to state the disposition of his complaint.

MPCA 9

HEARINGS

(a) OBJECTIVES. All hearings required by statute or regulation or ordered by the Agency, other than rule-making hearings conducted pursuant to Minn. Stat. Chapter 15, shall be conducted in accordance with the procedures set forth in this Rule. No person before this Agency shall have his rights, privileges or duties determined without regard for fundamental fairness. To that end, this Rule is intended to assure that all parties are provided a just and speedy public hearing.

(b) HEARING REQUESTS. Any person may request a public hearing on any matter scheduled for consideration by the Agency. The Agency, in its discretion, may grant or deny the request. The Agency, upon its own motion, may order a public hearing on any matter.

(c) COMMENCEMENT OF A PROCEEDING. A proceeding shall be commenced by a decision by the Agency that a hearing is required or shall be held upon a particular matter.

(d) PARTIES. Any person whose legal rights, duties, or privileges may be determined in the proceeding shall be a party. When a proceeding is commenced pursuant to a request for a hearing, the person or persons requesting the hearing shall be parties to the proceeding. In any proceeding on an application for a permit or variance, the applicant shall be a party. The Agency shall be a party in any proceeding to revoke or suspend a permit or variance pursuant to MPCA 11.

(e) HEARING OFFICERS.

(1) Appointment. All hearing officers shall be appointed by the Agency. Within thirty (30) days following commencement of a proceeding, the Agency shall appoint a hearing officer. This appointment shall be recorded in the Agency minutes.

(2) Qualifications.

(i) All appointments hereunder shall be consistent with the purpose of obtaining objectivity and impartiality in making decisions.

(ii) The hearing officer may be an employee or a member of the Agency. The Agency may appoint as hearing officer a person who is not an employee or member of the Agency. In such event, the hearing officer shall be an attorney at law licensed to practice in the State of Minnesota, unless some other person is agreed upon by all parties; provided that such hearing officer shall be considered an employee of the Agency for the sole purpose of compensation, if any, and authorization to conduct the hearing and recommend findings of fact and a decision to the Agency. In all other respects he shall be independent of the Agency.

(iii) In all cases, the Agency retains discretion to:

a. Conduct the hearing itself, in which case the Agency shall be the hearing officer;

b. Appoint a hearing panel consisting of two or more persons. Such panel shall not include members

of the Agency. The panel shall include at least one attorney at law licensed to practice in the State of Minnesota. The Agency shall appoint a chairman of the hearing panel, who shall be an attorney at law licensed to practice in the State of Minnesota.

(3) Authority. The appointment of the hearing officer shall, to the extent permitted by law, authorize and direct the hearing officer to call and hear the proceeding and recommend a decision to the Agency.

(4) Functions.

(i) The functions of the hearing officer shall be to hear and rule on preliminary motions, conduct the hearing, examine witnesses, make such preliminary discovery, interlocutory, or final orders as he deems appropriate, recommend a decision to the Agency, and do things necessary or proper to the performance of the foregoing. Except as otherwise provided by the Agency for good cause, the hearing officer shall submit his recommendation to the Agency as expeditiously as possible but in no event longer than thirty (30) days after the close of the hearing.

(ii) In the event that a hearing panel is appointed by the Agency, all decisions of the panel shall be made by majority vote. Any member or members of the panel may submit a dissenting recommendation to the Agency.

(5) Disqualification.

(1) Any party may file a petition to dismiss a

hearing officer. The hearing officer shall determine the petition and enter his decision into the record.

(2) The Agency may, for good cause, revoke the appointment of any hearing officer upon the filing of a petition of a party or upon the Agency's own motion.

(3) A hearing officer shall withdraw from participation in a proceeding at any time prior to the final determination if he deems himself disqualified for any reason.

(4) Whenever a hearing officer is disqualified or removed, the Agency shall appoint another in his place, without the need for hearing evidence already presented.

(f) NOTICE OF PROCEEDING. Upon appointment of a hearing officer the Director shall serve upon all known parties a copy of such order and a notice stating:

(1) The name and address of the hearing officer or names and addresses of members of the hearing panel;

(2) The rights of the parties to legal counsel and to a formal hearing;

(3) That failure to attend any stage of the proceedings may prejudice the party's rights, and that a party shall be regarded as present at all stages of the proceedings for which notice is given; and

(4) The availability of a copy of these Rules.

(g) ANSWER. Within twenty (20) days after commencement of a proceeding to which the Agency is a party, an adverse party

shall interpose an answer. A copy of such answer shall be served on all parties to the proceeding. The original, together with an attached affidavit of service, shall be filed with the Agency within five (5) days after service is completed.

(h) RIGHT TO COUNSEL. Any party may be represented by legal counsel throughout the proceedings.

(i) INFORMAL DISPOSITION. Informal disposition may be made of any proceeding or any issue therein by stipulation, agreed settlement, or consent order at any point therein, subject to the approval of such informal disposition, or any terms thereof, by the Agency.

(j) INTERVENTION. Upon application pursuant to Minn. Stat. § 116B.09 any person shall be permitted to intervene in a proceeding as a party. An intervenor shall have all the rights of an original party, except that the hearing officer may in his order allowing intervention provide that the intervenor shall be bound by orders theretofore entered or by evidence theretofore received, that the intervenor shall not raise issues which might more properly have been raised at an earlier stage of the proceedings, that the intervenor shall not raise issues or add new parties, or that in other respects the intervenor shall not interfere with the control of the proceedings, as justice and the avoidance of undue delay may require.

(k) CONSOLIDATION. The Agency may consolidate two or more proceedings and hold a joint hearing. The requirements of these Rules of Procedure shall be followed when consolidation is ordered. Any party may object to consolidation by filing a petition for

severance with the hearing officer at least twenty (20) days before the hearing. The hearing officer may sever the petitioner's application to which he is a party, from the joint hearing.

(l) PREHEARING CONFERENCE. A prehearing conference may be held at any time at the discretion of the hearing officer prior to each hearing. The prehearing conference shall be an informal proceeding conducted fairly and expeditiously by the hearing officer, for purposes of identifying and simplifying the issues to be determined, identifying and limiting the number of witnesses, and reaching an agreement on any or all issues of law or fact without the necessity for further hearing thereon. Agreements entered into as the result of a prehearing conference shall be put in the form of stipulations and entered on the record. Such agreements are subject to review by and final approval of the Agency. Any final settlement shall be set forth in a settlement agreement or consent order and made a part of the record, subject to final approval by the Agency.

(m) DISCOVERY.

(1) All discovery is, where appropriate, subject to the provisions of Minn. Stat. § 116.075 subd. 2.

(2) Written request. Upon the written request of the Agency or any party, and for good cause shown, the hearing officer may in his discretion order the following discovery procedures to expedite the hearing, to ensure a clear or concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing:

(i) Production of documents or objects;

(ii) Depositions of parties or their employees, and depositions of other persons upon issuance of a subpoena pursuant to Section (m)(5) of this Rule:

(iii) Interrogatories.

The party requesting the discovery shall furnish with the request a description of the matters sought to be produced, the name of any person sought to be deposed, and a copy of any proposed interrogatories. The hearing officer shall restrict such discovery where necessary to prevent undue delay or harassment, or where privileged as provided by law.

(3) Other discovery. Upon the written request of any party, the hearing officer shall order the following discovery:

(i) List of witnesses who may be called at the hearing;

(ii) Reasonable inspection of premises, consistent with the purposes for which the proceeding is being held.

(4) Scope of discovery.

(i) Any person, including a party, who is deposed, interrogated or required to submit documents or objects under these rules may be examined regarding any matter, not privileged, which is relevant to the subject matter of the pending case, or which may lead to the discovery of such relevant information.

(ii) All depositions and interrogatories taken pursuant to this Rule shall be for purposes of discovery only, except as herein provided. Such depositions and interrogatories may be used for purposes of impeachment and as admissions of the deposed or interrogated party.

Upon application to the hearing officer either before or after the taking of such deposition or interrogatories and upon a showing that at the time of the hearing, the party is not available to participate in the hearing because of death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the hearing officer may order that the deposition or interrogatories be used as evidence in the hearing.

(5) Subpoenas.

(i) Upon application to the Agency by any party, or on motion of the hearing officer or the Agency, the hearing officer or the Agency may issue a subpoena for attendance at deposition or hearing, which may include a command to produce books, papers, documents, or tangible objects designated therein and reasonably necessary to resolution of the matter under consideration, subject to the limitations on discovery prescribed by these Rules.

(ii) Every subpoena shall state the title of the action and shall command each person to whom it is directed to attend and give testimony at the time and place therein specified.

(iii) The hearing officer or the Agency, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may quash or modify the subpoena if it is unreasonable and oppressive.

(n) NOTICE OF HEARING. Except as otherwise provided by the Agency for good cause, when permitted by law, the hearing officer shall give notice of the time and place of hearing at least thirty (30) days prior to the hearing by serving a Notice of Hearing upon those persons or groups or associations who are required to be notified by law. The hearing officer shall also serve a Notice of Hearing upon all parties and upon any person he knows to have a direct and substantial interest in the proceeding. The Notice of Hearing shall also be suitably posted at the office of the Agency.

Such Notice of Hearing shall identify the parties, include a short and plain statement of the proceeding, and state the statute, regulation, rules, and standards affected. The Notice of Hearing shall also state the name and address of the hearing officer or hearing panel who has been appointed in accordance with these Rules.

(o) THE HEARING.

(1) Right of Hearing. The hearing shall be public. The parties may cross-examine witnesses, and present evidence, rebuttal testimony, oral argument and written briefs with respect to the issues.

(2) Witnesses. Any party may be a witness or may present witnesses on his behalf. All testimony at a hearing shall be under oath or affirmation. Every party shall have the right of cross-examination of adverse witnesses.

(3) Authority of Board Members and Counsel. In any proceeding in which the hearing officer is not a member or employee

of the Agency, any Agency member, the Director or any staff member disignated by him, or counsel to the Agency, may advise the hearing officer and may examine witnesses, but shall not have the authority to rule on objections or motions or overrule the hearing officer on any matter which has been determined by the hearing officer. In any proceeding in which the hearing officer is a member or employee of the Agency, any Agency member, the Director or any staff member designated by him, may examine witnesses.

(4) Statements by any Person. Any person may submit a written statement, under oath, relevant to the subject matter of the hearing prior to or at the hearing. In the absence of special circumstances, any person submitting such a statement shall be subject to cross-examination by any party. If such person is not available for cross-examination upon timely request, the written statement may be stricken from the record, in whole or in part, or may be given such weight as the hearing officer deems appropriate. The hearing officer may in his discretion permit any person to offer oral testimony, whether or not such person is a party to the proceeding. Any such person offering oral testimony shall be subject to cross-examination by any party.

(5) Rules of Evidence.

(i) The hearing officer may admit and rely on evidence which possesses probative value commonly accepted by reasonable men. The hearing officer shall give effect to the rules of privilege recognized by law. Proposed evidence which is incompetent, irrelevant, immaterial, repetitious, or otherwise objectionable may be excluded.

(ii) The hearing officer may take notice of judicially cognizable facts and, in addition, may take notice of technical or scientific facts within his specialized knowledge. Where final determination rests on official notice of material facts not appearing in the evidence in the record, the hearing officer shall serve and file a statement of Notice of Facts upon the parties. A party is entitled, upon timely request, to an opportunity to rebut such facts.

(iii) The burden of proving any issue of fact in a proceeding shall be by a preponderance of the evidence.

(6) Transcript.

(i) A verbatim record of the hearing shall be taken by court reporter or by recording equipment. A court reporter shall be used if demanded by any party. Unless the Agency agrees to bear the expense of the court reporter, such expense shall be paid by the party demanding the reporter.

(ii) If a transcript is requested, the Agency may require the requesting party to pay the reasonable cost of preparing the transcript.

(7) Disruption of Hearing.

(i) Television, newsreel, motion picture, still, or other cameras, and lights or other devices used in connection with such cameras, shall be permitted in the hearing room while the hearing is in progress, subject

to such conditions and restrictions as the hearing officer may impose in order to avoid disruption of the hearing. Mechanical recording devices, in addition to those provided by the Agency or at its direction, shall also be permitted in the hearing room during the course of the hearing, subject to such conditions and restrictions as the hearing officer may impose in order to avoid disruption of the hearing.

(ii) Pursuant to and in accordance with the provisions of Minn. Stat. § 624.72, no person shall interfere with the free, proper, and lawful access to or egress from the hearing room. No person shall interfere with the conduct of the hearing.

(p) DEFAULT. When any party, except an intervening party, with adequate notice fails to appear at the hearing, the hearing officer shall close the hearing and report the party's failure to appear to the Agency. The Agency may decide all issues in the proceeding without further notice to the party. When any intervening party with adequate notice fails to appear at the hearing, the hearing officer shall proceed with the hearing.

(q) ARGUMENT BEFORE AGENCY. In cases other than those in which the Agency acts as the hearing officer, at least ten (10) days prior to the meeting of the Agency at which the proceeding is to be considered, the Agency shall give written notice thereof to each party, together with a copy of the recommendation of the hearing officer. Each party to a proceeding or the

Agency staff shall be entitled to submit oral or written argument to the Agency on the recommendation. After affording such opportunity, the Agency may accept, modify, or reject the recommendation, in whole or in part.

(r) FINAL DECISIONS AND ORDERS.

(1) The Agency shall make all final decisions and orders in a proceeding. When required by law, the Agency's decision or order shall be based solely on the record of the proceeding. In all cases the decision or order of the Agency shall be entered in the minutes of the Agency meeting. The decision or order shall be accompanied by a concise statement of the findings and conclusions upon each contested issue of fact necessary to the decision.

(2) Upon receipt of the recommendation of the hearing officer, the Agency shall reach a decision or order as expeditiously as possible.

(3) Every final decision or order in a proceeding shall be served on all parties to the proceeding and on all persons who entered an appearance at the hearing.

(s) REHEARING.

(1) Agency Right to Reconsider. The Agency may, upon request and good cause shown, or on its own motion, reconsider a final decision. This right may be exercised until it is lost by appeal or the granting of a writ or certiorari or until the

time allowed by statute for appeal, or six months, whichever is less, has expired.

(2) Obtaining a Rehearing.

(i) At any time prior to the Agency's loss of the right to reconsider a final decision, any party to that proceeding may request a rehearing by filing a Petition for Rehearing. Such petition shall contain:

1. The name and address of the petitioner;
2. The Agency designation for the proceeding; and
3. The reasons for the petition.

(ii) The Agency shall grant or deny a Petition for Rehearing as part of the record. Such Petition shall be granted upon a showing that there are irregularities in the proceeding, errors of law, or newly discovered material evidence of such importance as likely to have altered the outcome of the proceeding. A rehearing Petition may be granted upon a showing of good cause for failure to answer or appear at the hearing. Evidence and argument may be presented at the discretion of the Agency in written or oral form, or both, by any party to the proceeding with respect to the granting or denial of the Petition.

(3) Notice of Hearing. Notice of rehearing shall be provided in the same manner prescribed for notice of hearing.

(4) Rehearing Procedure. A rehearing in a proceeding shall be conducted in the same manner prescribed for a hearing.

(5) Decision After Rehearing. The decision after rehearing shall be made in the same manner prescribed for the decision after a hearing.

(t) SEVERABILITY. The provisions of this Rule are severable, and if any section, subsection, clause, sentence or other provision of this Rule is held invalid for any reason, such invalidity shall not affect the validity of these rules as a whole or the validity of any other section, subsection, clause, sentence, or other provision, which can be given effect without the invalid provision.

MPCA 10

INSPECTION AND CERTIFICATION OF RECORDS

(a) INSPECTION. Pursuant to Minn. Stat. § 116.075, all public records of the Agency, or copies thereof, shall be available for inspection and copying by any person, Monday through Friday, excluding legal holidays, between the hours of 9:00 a.m. and 4:00 p.m. at the Agency offices. No public records shall be removed from said offices. Any inspection or copying of said records shall be made in the presence of an officer, employee, or agent of the Agency. The Agency may charge and collect a reasonable fee for the reproduction of any public records.

(b) CERTIFICATION. In order to certify records, information, or objects for the confidential use of the Agency pursuant to statute, an owner or operator shall submit to the Agency a written statement setting forth such detail supporting the certification as the Agency may reasonably require. Whenever any statute requires the Director's approval of a certification request, the Director shall notify the owner or operator of a denial and the reasons therefor at least three (3) days prior to making the records available to the public. All certified information shall be appropriately identified and segregated at the offices of the Agency subject to disclosure for proper Agency use or as necessary for compliance with federal law or regulations. The Agency shall notify the certifier if such certified information must be made available to the public pursuant to federal law.

MPCA 11.

SANCTIONS

(a) SANCTIONS.

(1) Violation of Duty of Candor. Any one who knowingly makes any material misstatement, act, or omission which results in a breach of the duty of candor in MPCA 1 shall be subject to imposition of such sanctions as the Agency deems appropriate in the circumstances, and as may be permitted by law, including, but not limited to, the denial or revocation of any affected permit or variance, or application therefor.

(2) Violation By Permit Holder or Varinace Holder. Any permit holder or variance holder who violates a provision of a permit or variance, or any applicable statute, rule, regulation, standard, or order may be subject to action by the Agency for revocation or suspension of the permit or variance.

(3) Violation of Order. Any person who violates any lawful order shall be subject to imposition of such sanctions as the Agency deems appropriate in the circumstances, and as may be permitted by law.

(b) INITIATION OF PROCEEDINGS. In the case of any alleged violation as described in MPCA 11(a) above, the Agency may initiate a proceeding. Any such proceeding shall be conducted in accordance with the provisions of MPCA 9. No revocation, suspension, or other sanction may be imposed except upon hearing in accordance with MPCA 9.

MPCA 12

CONFLICT OF INTEREST

Any member of the Agency who has a direct and substantial financial or employment interest relating to any matter before the Agency, which interest is reasonably likely to affect his impartiality or judgment in the matter, shall make known such interest and shall refrain from participating in, or voting upon, such matter.

No employee or agent of the Agency, including the Director, shall engage in any outside employment or other conduct which is likely to affect adversely the effectiveness or efficiency of any functions or duties he performs for the Agency.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption of Proposed Rules of Procedure for the Minnesota Pollution Control Agency.

AFFIDAVIT OF MAILING

I, Mary Salvatore, first being duly sworn on oath, depose and say that:

1. I am a full time employee of the Minnesota Pollution Control Agency.

2. On the 24th day of August, 1973, in the City of Minneapolis, County of Hennepin, State of Minnesota, I served the attached Notice of Hearing upon each of the individuals and organizations named in the attached lists entitled Exhibit A and Exhibit B by depositing in the United States mail, with postage prepaid, envelopes containing a true and correct copy of said Notice, addressed to those names and addresses on the attached lists.

3. On the 27th day of August, 1973, I similarly mailed a copy of the Notice of Hearing to those names on the list attached hereto as Exhibit C. Exhibit C contains those names which were on the August 7, 1973, Secretary of State's list but not on the December 11, 1972, list.

4. On the 29th day of August, 1973, I similarly mailed a copy of the Notice of Hearing to those names on the list attached hereto as Exhibit D. Exhibit D contains names of interested individuals.

5. On the 31st day of August, 1973, I similarly mailed a copy of the Notice of Hearing to those names on the list attached hereto as Exhibit E. Exhibit E contains those names

which were on the August 29th Secretary of State's list which were not on the August 7, 1973, list.

FURTHER AFFIANT SAYETH NOT.

Peary Salvatore

Subscribed and sworn to before me

this 21 day of September, 1973.

John R Black

23 april 1976

under M.S., Sec. 15.0412 for all notices
and specific notices only as indicated.

Allen, Claude H., 2200 N.W. 33rd Blvd., St. Paul 55101

Altman, Milton H., 707 Degree of Honor Bldg., St. Paul 55101

American Camping Assoc., c/o Mrs. Leacock, 1235 Brighton Sq., New Brighton 55112

Am. Inst. of Professional Geologists, ~~Attn. R.K. Hugberg, 4805 13th Ave So, Mpls~~ J.A. Brown, 2201 Princeton Ave. St. Paul 55105 55112

Anderson, James P., Minn.Assn.Ind.Ins.Agts, 7703 Normandale Rd., Mpls. 55435

Armour and Company, Union Stock Yards, So. St. Paul 55075

Arver, John A., 2467 Cohancy, St. Paul 55113

Associated Industries of Minneapolis, National Bldg., Mpls. 55402

Association of Minnesota Counties, 55 Sherburne Ave.Suite 203, St.Paul 55103

Automobile Manufacturers Association, Inc., 55 Sherburne Ave., St.Paul 55103

Badalich, John P., 2025 Thompson Ave., So. St. Paul 55075

Barrett, Fred, St. Louis County Court House, Duluth

Bartholow, Harold E.,Fire Chief,1327 Coon Rapids Blvd., Coon Rapids 55433

Becklin, Robert C., State Rep., 447 N.W. 4th, Cambridge 55008

Benson, Peter, U.S.Attorney, 609 Providence Bldg, Duluth

Berg, Charles R., 3201 W. 69th St., Box 1420, Minneapolis

Bergerud, Alf, State Senator, 300 Roanoke Bldg., Mpls. 55402

Best, Flanagan, Lewis, Simonet & Bellows, 1st Natl. Bank Bldg., Mpls. 55402

Brehl, James W., 332 Hamm Bldg., St. Paul 55102

Brocker, John M., 2850 Metro Drive, Suite 513, Bloomington 55420

Brooks, William F.Jr., Suite 854, Midland Bk. Bldg., Mpls. 55401

Brown, David M., Supt. Goodridge Public Schools, Ind.Dist #561,Goodridge 5672

Brubacher, Richard L., Comm. Adm., 208 Adm. Bldg., St. Paul 55101 ATTN. S.E.Woolley

Bruning, Charles R., UofM, Dept Clinical Experiences, Burton Hall, Mpls. 5545

Burger, Albert, 600 Degree of Honor Bldg., St. Paul 55101

Bureau of Engraving,Inc,Industrial Div.,Attn.Mr.Kibiger, 219 N. 2nd St., Mpls

Carrison, Dale K., Executive Dir.Libraries,Mankato State College, Mankato5600

Central Business Data, Benson-Radio Arcade Bldg. Benson 56215

Chamber of Commerce, 30 So. 1st Ave. East, Ely 55731

Chamberlain, John L., P.O. Box 241 Mpls., 55429 50440

Chamberlain, Warren D., State Rep., 887 SW 4th Ave., Faribault 55021

Christian Science Comm.on Publication, 271 Griggs Midway Bldg. 1821 Univ. Ave St. Paul 55104

City Clerk, 386 City Hall, St. Paul 55102

Clarkson, J.B. 1420 NW Bank Bldg., Mpls. 55402

Coleman, Nicholas D., State Senator, 700 Linwood Ave., St. Paul 55105

[illegible], Margaret, Rt #2, Isanti 55040

Concordia College, Dean of the College, Moorhead 565[illegible]
Consumer Services, Dept. Commerce, 230 State Off. Bldg., St. Paul 55101
Crow Wing County Planning & Advisory Comm., Court House, Brainerd 56401

[illegible]

Cushman, John S., Dayton Hudson Corporation, 700 Nicollet Mall, Mpls. 55402

Danforth & Allen, 731 NW Bank Bldg., Mpls. 55402

Danielson, Rodney L., 418 Auditorium, St. Paul 55102
Dorsey, Owen Hundson Lot al, Marquart, Midkgust et al 2400 1st Natl. Bank Bldg., Mpls. 55402

Douglass, Bell, Donlin, Shultz & Petersen, 525 Osborn Bldg., St. Paul 55102

Dudley, E. H., Rt 7, Box 122, Excelsior 55331

Dunn, Oliver, Bus. Mgr., Plumbers Local #15, 708 So. 10th St., Mpls. 55404
Edina Fire Dept., Attn. James McNellis, 4801 W. 50th St., Edina 55424
Eldred, R.W., Armour & Company, Union Stock Yards, So. St. Paul 55075
Ebeling, Edward H., 161 W Main, Perham 56573
Elmer, Edwin W., 2901 Pleasant Ave., Minneapolis 55408

Emerick, Richard A., 626 Midland Bank Bldg., Mpls. 55401
Ernest K. Lehmann & Associates, Inc., 1409 Willow St., Mpls. 55403
Esse, Kenneth, 4801 W. 50th St., Edina, Minnesota 55424

Evans, Charles L., Prentice-Hall, Inc., Engelwood Cliffs, New Jersey

Everett, Jerry, NW Petroleum Assn., 512 Nicollet Mall-Rm917, Minneapolis 55402
Ewald, Douglas R., Minn. Hosp. Assn., 2333 Univ. Ave SE, Mpls. 55414
Ewing, Mrs. Wm., 42 Astar Rd., Babbitt, 55706

Faegre & Benson, 1260 NW Bank Bldg., Mpls. 55402 Attn. Librarian

Felhaber, R.S., W-1st National Bank Bldg., St. Paul 55101
Finnegan, John R., Disp-Pioneer Press, 55 E 4th St Paul 55101
Finley, James F., 920 Minn. Bldg., St. Paul 55101
Fleming, Frederick A., Atty at Law, 1860 Highland Parkway, St. Paul 55116
Fitzgerald, Dr. Bob, 3007 Lyndale Ave. So., Mpls. 55408

Forbes, Gordon, Minn. Railroads Assn., 207 Union Depot, Bldg., St. Paul 55101

Fox, William E., Lindquist & Vennum, 860 NW Bank Bldg., Mpls. 55402
Francis, Joseph, 130 S. 10th St., Minneapolis 55403
Franklin, Robert B., Mpls. Tribune, 426 Portland, Mpls. 55415

[illegible] Minnesota Suburbs (Mrs. W. H. Campbell), Edina, Minn. 55424

Furlong, Dr. John, Rt 1, Bovey 55709

F.W. Woolworth Co., 3316 W. 66th St., Edina 55424

Galvin, M.J. Jr., W-2162 1st National Bk. Bldg., St. Paul 55101

[illegible], State Rep., 1100 W. Broadway, Mpls. 55411

[illegible] Service Adm., Transp. Management Inv., TCS, 1500 E. Bannister Rd., K.C., Mo. 64131

Glenwood Hills Hosp., 3901 Golden Valley Rd. (Robert VanHauer, Asst. Supt.) Mpls 55422

Godin, Ralph J., 3824 47th Ave. So., Mpls. 55406

Governor's Comm. on Employment of Handicapped Persons, 527 Jackson, Rm 227, St. Paul 55101

[illegible] Mpls. 55423
Green, Del, City Mgr. Bloomington City Hall, Bloomington 55431
Gustafson, Mrs. Dorothy, Minn. Vet. Med. Assn., 24 S 6th St., Mpls. 55402
Gustafson, Wallace, State Rep., Box 567, Willmar 56201
Harvey, Michael, 1390 W Minnaha Pkwy, Mpls. 55409
Hallbert, Lee & McCabe, 4927 34th Ave S., Mpls. 55417
[illegible]ess, Donald, Midwest Planning & Research, Inc., 2101 Henn. Bldg., Mpls. 55405
[illegible] Retailers, 64 S. 6th St., Mpls. 55402

[illegible], Will, 415 Hamm Bldg., 6th & St.Peter Sts., St. Paul 55102
[illegible] & Peuler, 1007 Soo Line Bldg., Mpls. 55402
[illegible]eltine, Dyle - 1960 4th st., White Bear 55110
Hennepin County Welfare Board, Room 26, Court House, Mpls. 55415
[illegible], Charles H., Exec. Rehab.-Fed., Inc., 420 Mobil Oil Bldg., 84 S. 6th, Mpls
[illegible], Chas. Associated MDs Predecessor, Inc., Box 455, New Ulm 56073
[illegible], Dr. S. E., Minn. Veterinary Med. Assn., R 1, Box 6, Buffalo 55313
Hopkins, Wm. B., Dir. MIBCCA, 2004 Lyndale Ave. So., Mpls. 55405

House Appropriations Committee, Rm. 109 State Capitol, St. Paul 55101

House Education Standing Sub-Committee, Rm. 109 State Capitol, St. Paul 1
Halstrand, Anderson & Larson, PO Box 130, Willmar 56201
Human Rights, Dept., 60 State Off. Bldg., St. Paul 55101

Hunt, Mrs. Charles, L., MECCA, 26 E. Exchange-Central Manor, St. Paul 1

Hunt, James P., Jr., 11470 Galtier Dr., Burnsville 55378
Hutchison, Robert M., Anoka Co. Comprehensive Health Dept., Court House, Anoka 55
Ingebrigtson, Dr. K. H., 23 SE 4th St., Mpls. 55414

Insurance Federation of Minnesota, 902 Soo Line Bldg., Mpls. 55402

I.U.O.E. Local #49, ~~Hamlin-McClellan~~ Chas Silverson, 2580 Univ. Ave. St. Paul 55101

Iverson, Dr. Joseph, Dept. Education, St. Olaf College, Northfield 55057

Jackman, Donald G., 4023 E. Lake St., Mpls. 55406

Jaeger, Mrs. C. Leonard, 1783 Englewood Ave., St. Paul 55104

Jeno's, Inc., 525 Lake Ave. So., Duluth 55801

Jensen, Carl A., State Senator, 127 E. Main St., Sleepy Eye 56085

Kable, Richard W., Bethel, Minn. 55005

Kane, Anthony, Law Dept., ~~Chgo~~ Burlington Northern Rwy Co., St. Paul 55101

Kennedy, David J., State Planning Agency, 654 E. Central Park Pl., St. Paul 5510

Koller, Mr. & Mrs. Erwin A., 1568 Duluth St., St. Paul 55108

Knowles, Larry D., 8025 33rd Ave N, Crystal 55427
Kopp, Mrs. Vernon, 2050 65th St. E., Inver Grove Heights 55075
Lake Superior Industrial Bur., 828 First Arnark Bldg., Duluth 55802
Larkin, Hoffman, Daly, et al, 724 Farmers & Mechanics Bk. Bldg., Mpls. 55402

Larson, C. L., 3800 Minnehaha Ave. So., Mpls. 55406
Larson, Hans P., Dept. Health, Div. Hosp. Services, 717 Delaware St S.E., Mpls 55440
Launderers & Dry Cleaners Assn. of St. Paul, Inc., W-1st Natl. Bk. Bldg., St. Paul

League of Minn. Municipalities, 314 Social Sciences Bldg., Mpls. 55455

Lindall, Robert J., 3420 Manor Dr., Golden Valley, Minn. 55422

Lockner, Gary, RR 1, Box 23, Baudette 56623
Loss, Calvin J., 6809 Lyndale Ave. So., Mpls. 55423

Malone, E.I., Commissioner Labor & Industry, ~~130 State Off. Bldg.~~ 444 Lafayette Rd. - 5th flr. St. Paul 55
McClellan, Larkin, 215 Adm. Bldg. ~~Mankato State College~~ Mankato State College Student Union, Manager Activities Serv. & A
Manthey, Thos. J. Pickands Mather & Co., 2000 Union Comm. Bldg., Cleveland, Ohio 4411

Mastor, Mattson, Hart & Soran, 414 Roanoke Bldg., Mpls. 55402

Maul, Warren E., Minn. Newspaper Assn., 320 S. 4th St., Mpls. 55415

McKibbon, Mrs. Shirley, 11 Evergreen Ln., Babbitt, Minn. 55706

Merritt, Grant J., Minn. Pollution Control Agy., Oak & Delaware, Mpls. 55440

Metropolitan Tfr. Men's Assn., Inc. Attn. A. Rosenthal, 1821 Univ. Ave. St. Paul 55

~~Minneapolis Electrical Contractors, 1301 Nicollet Ave., Mpls. 55403~~

Minneapolis Retailers' Assn. 15 S. 5th St., Mpls. 55401

Minneapolis Tribune, City Dock, 425 Portland Ave., Mpls. 55415

Minn. Apartment Association The, Griggs-Midway Bldg., St. Paul 55104

Minn. Assn. Comm.&Industry, Attn. Harry D. Peterson, 1600 Pioneer Bldg., St.Paul 55101

Minn. Assn. of Cooperatives, 55 Sherburne Ave., St. Paul 55103
Minn. Assn. of Electric Cooperatives, 4901 W. 77th St., Mpls. 55435

Minn. Association of Petroleum Retailers, 808 Title Isn. Bldg., Mpls.

Minn. Automobile Dealers Assn., Griggs-Midway Bldg., St. Paul 55104

Minn. Bd. of Podiatry Examiners & Registration, 1111 W. 2nd St., Crookston 56716

~~Minn. Consumer Finance Assn., 511 Tribune Bldg., Mpls. 55402~~

Minn. Council of State Employees No. 6, 475 Rice St., St. Paul 55103

Minn. Dept. of Health, c/o John C. McKasy, 717 Delaware S.E., Mpls. 55440

Minn. Dept. of Hwys, Management Services Sec., 410 Hwy Bldg., St. Paul 55101

Minn. Dental Hygienists' Assn., Attn. Miss Spoodie, 5041 Yvonne Terrace, Mpls. 55436

Minn. Electrical Assn., Inc., 525 So. 7th, Mpls. 55415

Minn. Environmental Control Citizens Assn. Central Manor, 26 E. Exch., St.Paul 55101
Minn.Environmental Law Inst.,Inc.,PO Box 15076,Commerce Sta.,Mpls 55415

Minn. Farm Bureau Fed., Vern Ingvalson, 3110 Wooddale Dr., St. Paul 55119
Minn.Farmers Union,President's Off.,1275 Univ. Ave., St.Paul 55104
Minn. Food Retailers' Assn., 555 Wabasha, St. Paul 55101

Minn. Hotel Association, 110 N. 7th, Mpls. 55402

Minn. Housing Institute, Attn. N.T. Carter, 7801 Metro Pkwy, Mpls. 55420
Minn. LP Gas Assn., 7515 Wayzata Blvd., Suite 106, Mpls. 55426
Minn. Petroleum Council, 446 Builders Exch. Bldg., Mpls. 2
Minn.Mtr Transport Assn., J.N.Denn, 1821 Univ., Rm. 295-So., St Paul 55104
Minn. Poultry & Hatchery Association, Box 158, Madelia 56062

Minn. Power & Light Company, Duluth 2
Minn.Pub.Int.Research Group,Attn.Chas.Dayton,2418 Univ.Ave SE, Mpls 55414
Minn. Restaurant Assn.Inc., 110 N.7th, Mpls. 55402 (EXCEPT HOUSING & REDEVELOPMENT)
Minn. Retail Federation, 7600 Parklawn - Suite 457, Mpls. 55435
Minn. Retail Hardware Assn., 3033 Excelsior Blvd., Rm. 313, Mpls. 55416

Minn. School Bus Operators Assn., Faribault 55021
Minn. Society of Architects AIA, ~~511 Foshay Tower, Mpls. 55402~~ Suite 100, NW Nat'l Bk Bldg. St Paul attn J. Sheridan

Minn. Society of Certified Public Accountants, 1102 Wesley Temple Bldg., Mpls.03
Minn.State Bar Assn., 100 Minn.Fed.Bldg., Mpls. 55402
Minn. State Bd. of Pharmacy, Attn. Paul G. Grussing, 1965 Ford Pkwy, St.Paul 16
Minn. State Capitol Employees Union, ~~117 Univ. Ave.~~ P.O. Box 3215, St. Paul 55165

Minn. State Medical Association, 375 Jackson St., St. Paul 55101

Minn. State Optometric Assn. Inc., 333 E. Hennepin Ave., Mpls. 55414
Minn.State Retirement System, 529 Jackson St., St. Paul 55101
Minn. Turkey Growers Assn. Inc., 1563 Univ. Ave. St. Paul 55104

Minn.-Wisc. Boundary Area Comm., 600 2nd St., Hudson, Wisconsin 54016

Mood, Robert A., Bloomington Health Dept., 10200 Penn So., Bloomington 55431
Mooney, Michael A., Box 903, St. John's Univ., Collegeville 56321

6 12/11/72

Minn. Council of Jewish Women, c/o Jewish Community Center, 4330 Cedar Lk. Rd.
National Family Ins. Co., 2147 Univ.Ave., St.Paul 55114 Mpls. 5541

Nelson, Donald E., NSP Co., 414 Nicollet Ave., Mpls. 55401

Newman, Ralph W., Rt. 2 Box 125, Embarrass 55732
Nichols & Blackburn, Esqs., 415 - 730 Bldg., Mpls.
North Central Elec. Assn., P.O. Box 202, Battle Lake 56515 (Ralph B. Newmann, Sec
Nobles County Farm Bureau Assn., 710 10th St., Worthington 56187
Northwest Country Elevator Assn., 802 Grain Exch. Bldg., Mpls. 55415
NSEC, Inc., c/o Dr. Dahlberg, Concordia College, Moorhead 56560
Nursing Home Administrators, Bd Examiners, 277 W. Univ Ave. St. Paul 55103

NW Bell Telephone Co., Legal Dept., Rm. 2000, 224 S. 5th St., Mpls. 55402

Nyquist, Dean A., State Senator, 3707 53rd Pl. N., Brooklyn Center 55429

O'Connell, Thomas, 941 Laurel, St. Paul 55104

O'Connor, Green, Thomas & Walters, 845 NW Bank Bldg., Mpls. 55402

Office of the Governor, 130 State Capitol, St. Paul 55101

Ohman, Wesley C., Natl. Electrical Contractors Assn. 608 Am.Natl.Bk., St.Paul 0

Old Colony Gas & Oil Company, 17th Ave.N. at2nd St., Mpls. 55411 (EXCEPT HOUSIN
REDEVELOPMENT)

Dispatch & Pioneer Press, Press Rm., State Capitol, St.Paul 0

Pattison, Orvis, Box 645, Willmar 56201

Payne, Col. Alvin, DeGraff, Minn. 56233

Peterson, John W., 525 Osborn Bldg., St. Paul 55102
Peterson, M. Barry, Mpls-St.Paul HUD, 1821 Univ.Ave., St.Paul 55104
Pharmaceutical Mfgrs.Assn., Wm.D.Patton, 1155 15th St. NW, Washington D.C. 2000

Phillips Legislative Service, 113 W. Univ. Ave., St. Paul 55103

Popovich, Peter S., 314 Minn. Bldg., St. Paul 55101
Porter, Lyle O., Tracy, Mn. 56175
Port Authority of City of St. Paul, 330 Minnesota Bldg., St. Paul
Pulscher, Robert, Springsted Inc., 813 Osborn Bldg., St.Paul 55102
Red Owl Stores, Inc., 215 E. Excelsior Ave., Hopkins 55343
Rachner, Mary Jane, 1917 Pinehurst Ave., St Paul 55116
Reichel Dr. Samuel M., 6020 Nicollet Ave., Mpls. 55419
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Renner, Richard H., St. Paul Area Chamber of Commerce, 300 Osborn Bldg, St.Paul 0

Richards, Montgomery, Cobb & Bassford, 1430 Rand Tower, Mpls. 55402

Robbie, Joseph, 904 Cargill Bldg., Northstar Center, Mpls. 55402
Ross, Alfred, 3345 Nicollet Ave., Mpls 55408
Roberts, David R., 1260 NW Natl. Bank Bldg., St. Paul 55101

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San Simeon Development Corporation, Old 1st State Bk Bldg., Paynesville
St. Paul Assn. of Plumbing, Heating & Mechanical Contractors, 614 Am.Natl.Bk, St.Pa

St. Paul Bureau of Health, c/o Dr. Paul Cox, 555 Cedar St., St. Paul 55101

St. Paul Food Retailers' Assn., 730 Rosmor Bldg, 500 N. Robert St. Rm. 730, St.Pa
Schmidt, Harvey W., Teachers Retirement Assn., 1220 Arcade, St. Paul 55106
Schmidt, Larry, WCCO-TV News, 50 S. 9th St., Mpls 55402 302 Capitol Sq.Bldg., St.Paul 55101
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Bldg. Code Consultant, Gen. Serv. Now Adm. Bldg., St. Paul
Searbrough, Wm., Asst Ed, WM, Morris 56267
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Senate Finance Committee - 113 State Capitol, St. Paul 55101

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Kelly, Oil Co., c/o R.R. Wellington, P. O. Box 436, Kansas City, Mo.

Solomon, Arnold, 603 Capital Sq. Bldg., 550 Cedar St., St. Paul. 55101

Standard American Life & Annuity Company, 3801 W. 50th St., Mpls. 55410

State Board of Barber Examiners, 555 Wabash, Rm. 208, St. Paul 55102

State Board of Veterinary Examiners, c/o Dr. A.C. Spannaus, D.V.M., Waconia 55387

Stupka & Morem, Midtown Bldg., Austin 55912

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Sussel Co., 1850 Como Ave., St.Paul 55108 Attn. Stanley Barenbaum

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~~State Capitol, St. Paul 55101~~

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~~Thomson & Brosnahan, 714 Commerce Bldg., St. Paul 55101~~

~~Transfermen's Assn. of St. Paul, Inc., 1220 Minn. Bldg., St. Paul 55101~~

Twin City Retail Druggist Assn., 2388 Univ. Ave., St. Paul 55104

Union Stock Yards Company, Attn. President, So. St. Paul 55075

Van Cleve, John H., 2101 Henn. Ave., Mpls. 55405

Verrill, John E. Prof., Dept. Secondary Education, U of M, Duluth, 55812

Village of Woodbury, 561 Tower Drive, Newport 55055, Attn: Fred Strong

Vogel, Howard G., 814 Flour Exch Bldg., Mpls. 55415

Voldness, Perry, Investors Diversified Services, Inc., 8th & Marquette, Mpls. 5540

~~Wayzata Bay, 1400 Lilac Drive, Minneapolis 16 (Wayzata 100 & 124)~~

Wells, G.W., Insurance Fed. of Minn. Rt. 4 Box 194, Wayzata 55391

West & Cowan, Attorneys at Law, Pine Island, Minn. 55963

Whitlock, A.G., Tax Mgr., Economics Laboratory, Inc., Osborn Bldg., St.Paul 5510

~~Winter Isle, Civic Bay, 2611 E. 1st Ave., North St. Paul 55109~~

Wisconsin Feeder Pig Marketing Co-op, Francis Creek, Wis.

Wozniak, D.D., 828 Minn. Bldg., St. Paul 55101

Wyant, Clinton W., Atty., Atkin, Minn. 56431

Zatarga, A.E., CPA, ~~Midwest Plaza Bldg.~~, Mpls. 55402
1800 Midwest Plaza Bldg.

POLLUTION CONTROL AGENCY
MINNESOTA

Picked up Aug. 24

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Anderson, Larry, 1719 3rd Ave. N., Minneapolis 55405

Bantham, Russel A.,Drackett Co., 5020 Spring Grove Ave.,Cincinnatti,Ohio 45232
B. F. Goodrich - C. E. Titus, 500 S. Main Street , Akron, Ohio 44318
Blum, E. D., Union Oil Center, Box 7600, Los Angeles, California 90051
Becker, Ron, PO 99, St Thomas College, St Paul 55105
[redacted]
Bearmon, Lee 520 Roanoke Bldg., Mpls 55402
Brenner, Theo., Soap & Detergent Assn., 475 Park Ave.S. at 32nd St. N. Y. 00018

Burlington Northern, Attn:L.O.Hanson, Como Lab., 176E. 5th St., St. Paul 55101

Calgon Corp., James K.Everhart, Jr.Calgon Center,Box 1346,Pittsburgh,Pa. 15230
Chemical Construction Corp.,One Penn Plaza, New YOrk, N.Y. 10001 Att. R. Wiener
Carlson, Dr. Lauren, Chokio 56221
Cherne, Lloyd G., 5701 S County Rd 18, Edina 55436
Chu, Lori, 1098 13th Ave. S.E., Minneapolis 55414
Conkey & Assos. - D. Kleinschmidt, 616 Builders Exch. Minneapolis 55402 hearing
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Fargo-Moorhead Ecological Coordinating Comm., 513 S. 6th St., Moorhead 50560
Ferche, Dennis, Rm. 121 State Capitol, St. Paul 55155 hearings
Finder, Earl E.,Ecodyne Corp. 455 Woodlane Dr.,P.O.Box 3420. St. Paul, 55101
Gillette Company, Attn. Arthur Cunnien, 5th at Broadway, St. Paul 55101
Glass Container Mfrs.Inst.Inc., R.D. Barbaro,330 Madison Ave., New York 10017

Gottlieb, Marvin, 2276 Highcrest Dr.,c/o Univac MS 4091, Roseville 55113(Noise on

Green, Dr. John C., Dept. Geology, U of M, Duluth 5812

Greyhound Corp., CEC, Law Div., Greyhound Tower, Phoenix, Arizona 85077 hearing
Grittner, Dennis, DPW, Rm. 200 Lowry Hotel, St Paul 55102 hearings
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Knudson, Sandra, 1829 Portland Ave. South, Minneapolis 55404

Lessig, Dennis, Dept. Env.Control, Box 94653 State Hse Sta.,Lincoln, Neb. 68509

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Ploetz, Raymond C. 444 2nd St., Excelsior, Minnesota 55331

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Albert, AA Calder Corp
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EMP Handicapped Persons
Comm
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St. Paul, Minnesota
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Mankato State Student
Senate
Centennial Student Union
Mankato, Minnesota 56001

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MECCA
R.F. Nelson
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Mr. Kenneth Dankers
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Mr. Timothy King
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Schwinn Robert P.
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Sathre, Harvey
77 Sherburne
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Nat'l Solid Wastes-R. Grasso
1730 Rhode Island Avenue NW
Washington, D.C. 20036

O'Brien J. Dennis
1200 First Natl. Bank Building
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Fergus Falls, Minnesota 56537

Smerika Wm.
Boise Cascade Papers
Intl. Falls, Minnesota 56649

Shell Oil Co. W. A. Roquet
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Houston, Texas 77001

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Minn. AFL-CIO L O LA Shomb
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Minnesota Masonry Assoc.
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Minn. Hotel & Mtg. Assn
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Minn. Petroleum Council
446 Buildiers Exch Bldg
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D. McConnon
United Power Ass'n.
Elk River, Minn. 55330

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Jon F. Tuttle
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John R. Kenefick
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Jon Wefald
Commissioner, Department
of Agriculture
530 State Office Building
St. Paul, Minn. 55155

Ray L. Lappegaard
Commissioner, Department
of Highways
411 Highway Building
St. Paul, Minn. 55155

Warren R. Lawson, M.D.
Secretary and Executive Officer
Department of Health
717 Delaware Steet S.E.
Minneapolis, Minn. 55440

EXHIBIT D

RULES OF PROCEDURE

Notice of Hearing sent to the following on 8-30-73:

Bemidji State College
Placement, Bur. J.C. Brady
Bemidji, MN 56601

Kenneth Dankers
1200 West Fourth Street
Red Wing, MN 55066

David Giel
2B State Capitol
St. Paul, MN 55155

Hulstrand Anderson & Lars
P.O. Box 130
Willmar, MN 56201

Dr. Keith Knutson
Biology Department
St. Cloud State
St. Cloud, MN 56301

Steven J. Kluz
1910 1st Nat'l Bk Bldg
Minneapolis, MN 55402

Lapp Lazar Laurie et al
1200 Builders Exchange Bldg
Minneapolis, MN 55402

Minnesota Masonry Association
8053 Bloomington Freeway
Minneapolis, MN 55420

Maurice Dayton
Met. Sewer Bd
350 Metro Square Building
St. Paul, MN 55101

M.E. Stensland
Pres. MVMA
203 NW 22nd Street
Austin, MN 55912

Gerald H. Swanson
212 City Hall
Rochester, MN 55901

West Midway-South St. Anthony
Park Association
898 Raymond Avenue
St. Paul, MN 55114

EXHIBIT E

STATE OF MINNESOTA

COUNTY OF HENNEPIN

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption
of Proposed Rules of Procedure
for the Minnesota Pollution
Control Agency.

AFFIDAVIT

I, F. Martin Osborn, first being duly sworn on oath, depose and say that:

1. I am a full time employee of the Minnesota Pollution Control Agency.

2. On the 11th day of December, 1972, I went to the Secretary of State's Office for the State of Minnesota in the City of St. Paul and requested a current list of all individuals and representatives of associations and interested groups who had registered their names with the Secretary of State for the purpose of obtaining Notices of Hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412 (1971).

3. On the 11th day of December, 1972, in response to the above request, the Secretary of State's Office provided me with such a list, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference.

FURTHER AFFIANT SAYETH NOT.

F. Martin Osborn

Subscribed and sworn to before me
this 21 day of September, 1973.

J. R. Black
Notary Public
23 April 1974

STATE OF MINNESOTA

COUNTY OF HENNEPIN

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption
of Proposed Rules of Procedure
for the Minnesota Pollution
Control Agency.

AFFIDAVIT

I, Ralph L. Sellers, first being duly sworn on oath, depose and say that:

1. I am a full time employee of the Minnesota Pollution Control Agency.

2. On the 7th day of August, 1973, I went to the Secretary of State's Office for the State of Minnesota in the City of St. Paul and requested a current list of all individuals and representatives of associations and interested groups who had registered their names with the Secretary of State for the purpose of obtaining Notices of Hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412 (1971).

3. On the 7th day of August, 1973, in response to the above request, the Secretary of State's Office provided me with such a list, a copy of which is attached hereto as Exhibit F and incorporated herein by this reference.

4. On the 24th day of August, 1973, I went to the Secretary of State's Office for the State of Minnesota in the City of St. Paul and requested a current list of all individuals and representatives of associations and interested groups who had registered their names with the Secretary of State for the purpose of obtaining Notices of Hearing relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412 (1971) by the Minnesota Pollution Control Agency.

5. On the 24th day of August, 1973, in response to the above request, the Secretary of State's Office provided me

with such a list, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference.

FURTHER AFFIANT SAYETH NOT.

Ralph L Sellers

Subscribed and sworn to before me

this 21 day of SEPTEMBER, 1973.

John R Black

23 APRIL 1974

POLLUTION CONTROL AGENCY
MAILING LIST

Abrahamson, Dr. Dean E., Sch Pub.Affairs, 309 Sco. Science Bldg.UofM,Mpls.55455

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Bantham, Russel A.,Drackett Co., 5020 Spring Grove Ave.,Cincinnatti,Ohio 45232
B. F. Goodrich - C. E. Titus, 500 S. Main Street , Akron, Ohio 44318
Blum, E. D., Union Oil Center, Box 7600, Los Angeles, California 90051
Becker, Ron, PO 99, St Thomas College, St Paul 55105
[redacted]
Bearmon, Lee 520 Roanoke Bldg., Mpls 55402
Brenner, Theo., Soap & Detergent Assn., 475 Park Ave.S. at 32nd St. N. Y. 00016

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Chemical Construction Corp.,One Penn Plaza, New YOrk, N.Y. 10001 Att. R. Wiener
Carlson, Dr. Lauren, Chokio 56221
Cherne, Lloyd G., 5701 S County Rd 18, Edina 55436
Chu, Lori, 1098 13th Ave. S.E., Minneapolis 55414
Conkey & Assos. - D. Kleinschmidt, 616 Builders Exch. Minneapolis 55402 hearing
Denzel, Jerry, Rieke Carroll Muller Assoc., Inc., P.O.Box 130, Hopkins 55343

Dept.of Army, Const.Eng.Research Lab.,P.O.Box 4005, Champaign, Ill. 61820

[redacted]
Environment Reporter, 1231 25th St. N.W., Washington D.C. 20037
Enviromental Conservation Library, MPL, 300 Nic.Mall, Minneapolis 55401

Faegre, John B., Jr., 1300 Northwestern Bank Building, Minneapolis 55402

Fargo-Moorhead Ecological Coordinating Comm., 513 S. 6th St., Moorhead 50560
Ferche, Dennis, Rm. 121 State Capitol, St. Paul 55155 -hearings
Finder, Earl E.,Ecodyne Corp. 455 Woodlane Dr.,P.O.Box 3420. St. Paul, 55101
Gillette Company, Attn. Arthur Cunnien, 5th at Broadway, St. Paul 55101
Glass Container Mfrs.Inst.Inc., R.D. Barbaro,330 Madison Ave., New York 10017

Gottlieb, Marvin, 2276 Highcrest Dr.,c/o Univac MS 4091, Roseville 55113(Noise or

Green, Dr. John C., Dept. Geology, U of M, Duluth 5812

Greyhound Corp., CEC, Law Div., Greyhound Tower, Phoenix, Arizona 85077 -hearing
Grittner, Dennis, DPW, Rm. 200 Lowry Hotel, St Paul 55102 -hearings
Hagglund & Johnson, 1420 Midwest Plaza Bldg. 801 Nicollet Mall, Minneapolis

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Knudson, Sandra, 1829 Portland Ave. South, Minneapolis 55404

Lessig, Dennis, Dept. Env.Control, Box 94653 State Hse Sta.,Lincoln, Neb. 68509

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X JOHNSON M.D. FRUNDT & FRUNDT

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X PRAUSE JOS.C.
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X RED OWL STORES INC
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ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ALFRED
3345 NICOLLET AVE
MPLS MN
55408

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

ROCHE T E
607 FREMONT AVE S
MPLS MN
55419

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

X SATHRE, HARVEY
77 SHERBURNE
ST PAUL MN
55103

ST PAUL ASSN PLBG HTG MECH
614 AM NATL BK
ST PAUL MN

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

X SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SCHNEIDER & NEESER
706 1ST ST SO PO BX 875
WILLMAR MN
56201

SEARS ROEBUCK & CO

SENATE COUN OFF 1 ST MARIE

SENATE FINANCE COMMITT

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SEARS ROEBUCK & CO
2929 ELLIOT AVE D 703MW
MPLS MN
55401

SENATE COUN OFF J ST MARIE
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

X SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

X SHINER JOHN T.
297 GOODRICH AVE
ST PAUL MN
55102

SKELLY OIL CO R R WELLINGTON
PO BOX 436
KANSAS CITY MO

X SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SOLOMON ARNOLD 603 CAP SQ BL
550 CEDAR ST
ST PAUL MN
55101

STATE BD. BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

X STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO. ATTN: TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

TETZLOFF ROBERT E
5620 W BROADWAY
MPLS MN
55428

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VILLAGE OF WOODBURY-FOSTR
561 TOWER DRIVE
NEWPORT MN
55055

VOGEL HOWARD G
814 FLOUR EXCH BLDG
MPLS MN
55415

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WELLS G W INS FED OF MINN
RT 4 BOX 194
WAYZATA MN
55391

WEST & GOWAN

WHITLOCK A G

WM. MITCHEL COLLEGE LAW LIB.

WIS FEEDER PIG MARKET

[illegible]
ATTORNEYS AT LAW
PINE ISLAND MN
55963

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

X WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WIS FEEDER PIG MARKET CO-

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

WOZNIAK D D
828 MINN BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

ZATARGA A E CPA
1800 MIDWEST PLAZA BLDG
MPLS MN
[illegible]02

STATE OF MINNESOTA

COUNTY OF HENNEPIN

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Adoption
of Proposed Rules of Procedure
for the Minnesota Pollution
Control Agency.

AFFIDAVIT

I, Gary Pulford, first being duly sworn on oath, depose and say that:

1. I am a full time employee of the Minnesota Pollution Control Agency.

2. On the 29th day of August, 1973, I went to the Secretary of State's Office for the State of Minnesota in the City of St. Paul and requested a current list of all individuals and representatives of associations and interested groups who had registered their names with the Secretary of State for the purpose of obtaining Notices of Hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412 (1971).

3. On the 29th day of August, 1973, in response to the above request, the Secretary of State's Office provided me with such a list, a copy of which is attached hereto as Exhibit G and incorporated herein by this reference.

FURTHER AFFIANT SAYETH NOT.

Gary Pulford

Subscribed and sworn to before me

this 21 day of September, 1973.

John R Black

23 April 1976

STATE OF MINNESOTA

COUNTY OF HENNEPIN

POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Rules of Procedure for the Minnesota Pollution Control Agency

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency (hereinafter Agency) on the 25th day of September, 1973, at 9:00 a.m. in the Board Room of the State Board of Health Building, 717 Delaware Street, S.E., Minneapolis, Minnesota, after proper notice required by Minnesota Statute § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, this Agency finds the following:

1. The Agency cannot provide all the relevant technological and economic data which the Agency needs to function effectively. This relevant information must be supplied by persons who are regulated by the Agency and who are capable of supplying this information.

2. The Agency considers and decides matters at such regular and special meetings as may be called by the Agency.

3. The general public, industry, and persons directly affected by matters before the Agency are entitled to adequate notice of Agency meetings and the matters to be considered at the meetings.

4. There may be circumstances which cause such danger to the health and welfare of the people of the State of Minnesota that immediate action must be taken by the Director to abate such danger.

5. Permit applications, variance applications and stipulation agreements comprise a large percentage of the work in which the Agency is involved with members of industry and the general public.

6. More and more public hearings will be held by the Agency in the future.

7. Industry and the general public are entitled to participate in Agency matters and to receive adequate notice of such matters so procedural and substantive rights may be exercised.

8. These procedural rules are necessary to enable the Agency and its members and employees to operate more effectively and to enable industry and the general public to deal more effectively with the Agency.

9. Rule-making is an important function of the Agency and procedural rules governing rule-making should be adopted in the future.

Dated this 26th day of November, 1973.

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.

Harold D. Field, Jr., Chairman

Grant J. Merritt

Grant J. Merritt, Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Rules of Procedure for the Minnesota Pollution Control Agency

STATEMENT OF NEED

The above-captioned regulations are new regulations and not amendments to existing rules and regulations, although existing Rules of Procedure MPCA 1, MPCA 2, and MPCA 3 are proposed to be repealed. MPCA 1, 2, and 3 were effective January 20, 1970.

The need to adopt the above-captioned regulations arises for the following reasons:

1. The work of the Minnesota Pollution Control Agency (hereinafter Agency) is becoming more voluminous and extensive and is increasing in complexity.

2. The number of people, both in the industrial sector and in the general public, who deal with the Agency, is growing.

3. There is a need to define and establish the procedural rights and remedies of all persons who deal with the Agency.

4. There is a need to define and establish the procedural rights and remedies of the Agency itself, and its members, employees, and agents.

5. There is a need to establish by regulation

certainty and consistency in proceedings before the Agency.

Dated this 26th day of November, 1973.

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.
Chairman

Grant J. Merritt
Executive Director

STATE OF MINNESOTA

COUNTY OF HENNEPIN

POLLUTION CONTROL AGENCY

In the Matter of the Adoption of Proposed Rules of Procedure for the Minnesota Pollution Control Agency

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Minnesota Pollution Control Agency on the 25th day of September, 1973, at 9:00 a.m. in the Board Room of the State Board of Health Building, Minneapolis, Minnesota, after proper notice required by Minnesota Statute § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED, that thes rules identified as Rules of Procedure (MPCA 1-13) are adopted this 20th day of November, 1973, pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. §§ 116.07 subd. 3 and 4 and 15.0412 subd. 1(1971) and Minn. Laws 1973, ch. 374, § 7.

IT IS FURTHER ORDERED that MPCA 1, MPCA 2, MPCA 3,

effective January 20, 1970, are hereby repealed.

MINNESOTA POLLUTION CONTROL AGENCY

Harold D. Field, Jr.
Chairman

Grant J. Merritt
Executive Director

CERTIFICATE OF AGENCY'S

ADOPTION OF RULES RESOLUTION

I, Grant J. Merritt, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Agency duly and properly called and held on the 20th day of November, 1973; that a quorum was present at said meeting; that the resolution was passed by a majority of those present; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that rules MPCA 1-13, entitled Rules of Procedure, be and they hereby are approved and adopted, pursuant to authority vested in the Minnesota Pollution Control Agency by Minn. Stat. §§ 116.07 subd. 3 and 4 and 15.0412 subd. 1 (1971) and Minn. Laws 1973, ch. 374, § 7, and that MPCA 1, MPCA 2, and MPCA 3, effective January 20, 1970, are hereby repealed, and that Harold D. Field, Executive Director of the Agency, be and they hereby are authorized to sign an order adopting these rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of November, 1973.

Grant J. Merritt
Executive Director

Notary Public
APRIL 23, 1976
ANOKA COUNTY