

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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 Minnesota Health Dept (Agency or Board)

Regulation No. MHD 144

Subject: Relating to Water Purification and Filtration Plants Program

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

APR 1 1976

BY Eda Staudenmaier
AUTH. SIGNATURE

Stamped and filed with the Secretary of State April 1, 1976 3:43 PM 4:30 PM RS

Rev. 9-72

Attorney General

William G. Miller
Special Assistant Attorney General
Department of Health

March 15, 1976

Michael B. Miller
Special Assistant Attorney General
G-19K Administration Building

296-4692

Water Filtration and Purification Plant Grant Rules

Returned herewith are the above-captioned rules. I find that Rule 144(f) is improper as it does not define the required agency conduct sufficiently; some standard must be incorporated into the rule to permit the controlled use of this unusual procedure.

MBM/sr

Enclosures

204

Richard A. Wexler
Assistant Attorney General
Health Department

April 5, 1976

- MHD 144(a) and MHD 136[2]

~~Proposed for~~ Adopted February 12, 19[illegible]
~~PROPOSED~~ RULES OF THE MINNESOTA BOARD OF HEALTH
RELATING TO THE WATER PURIFICATION AND
FILTRATION PLANTS' GRANTS PROGRAM

MHD 144(a) SCOPE, PURPOSE AND AUTHORITY

This rule shall apply to the distribution of funds appropriated to the State Board of Health to be awarded as grants to municipalities using Lake Superior as their drinking water source for the construction of water filtration and purification systems which are determined to be necessary for the elimination of polluting or potentially injurious substances from the water. The purpose of the rule is to provide a means of equitably distributing the funds appropriated to the State Board of Health in accordance with law. The rule is promulgated pursuant to the grant of authority contained in the enabling legislation.

(b) DEFINITIONS.

For the purpose of this rule, the following terms shall have the meanings given them:

(1) The terms "agency," "municipality," "eligible cost," and "municipal water purification system" shall have the meanings assigned them by Minnesota Laws 1975, chapter 437, article XI, section 2, subdivision 2(a).

(2) "Application" means the form prescribed by the Agency with attachments specified by this rule which is submitted by a municipality for a grant.

(3) "Commissioner" means the Secretary and Executive Officer of the State Board of Health.

(4) "Discharges" means the person, corporation, or any other association issued a permit by the State of Minnesota or any of its departments or agencies for the addition or discharge of any substance or pollutant, including taconite tailings, to the waters of Lake Superior.

(5) "Enabling legislation" means Minnesota Laws 1975, chapter 437, article XI, section 2, subdivision 2.

(6) "Grant" means the award of monies by the Agency under the authority of the enabling legislation and this rule.

(c) REQUIREMENTS.

To be eligible for a grant:

(1) The application shall be submitted to the Agency on forms prescribed by it, not later than July 31, 1976. The Agency shall have the right to request additional information to assure a complete and accurate review of each application in keeping with the purposes of the enabling legislation and this rule, such information may be related but not limited to the accuracy of eligible cost estimates and to the amount of the grant requested to assure that it applies to eligible costs only. Failure to supply the requested information shall result in denial of the grant.

(2) Executed contracts shall require construction on the project to commence not later than July 1, 1977, with completion scheduled for not later than July 1, 1979.

(3) Costs for which a grant may be requested shall not include landscaping, furnishings, office equipment, and other personal property which is not directly related to the construction and establishment of a permanent municipal water filtration or purification system.

(4) An application, when submitted to the Agency, shall have attached to it:

(aa) A statement detailing the major eligible cost items for which a grant is requested such as site acquisition, site preparation, building, equipment, engineering fees, contingencies and administrative costs.

(bb) A description of the proposed water treatment process (i.e., the municipal water purification system) including the major treatment units which are determined by the applicant municipality to be necessary for the satisfactory removal of polluting or potentially injurious substances from the water. The statement shall also list the polluting or potentially injurious substances

intended to be removed from the water by the proposed water treatment process.

(cc) A proposed contract whereby the applicant municipality covenants that it will either:

(i) Pursue its remedies, specifying how it will do so and how it will reimburse the State with any recovery under the permits granted to the discharges, or

(ii) Subrogate to the state those remedies for purposes of obtaining reimbursement of the state funds expended under the grants program established by the enabling legislation and this rule.

Award of any grant is dependent upon the Agency and the municipality reaching agreement as to how the state will be reimbursed. (See MHD 144(d)(2)(bb).)

(d) APPROVAL OF GRANT.

(1) The application shall be conditionally approved upon a finding by the Agency that

(aa) The municipal water purification system is necessary for the elimination of polluting or potentially injurious substances from water used for municipal water supply purposes, and

(bb) The costs[1] for which the grant is requested qualify as eligible costs as limited by Minnesota Rule MHD 144(d)(3) through (5).

(2) The Agency shall not give final approval of the grant nor pay any monies to a municipal grant recipient until all of the following conditions are met:

(aa) Submission of plans for the municipal water purification system to the State Department of Health for review and approval pursuant to Minnesota Rule MHD 136.[2]

---

[1] It is recognized that the costs quoted in the application will be estimates.

[2] This rule relates to the approval by the Department of final and complete plans and specifications for the installation, alteration, or extension of water supply systems.

(bb) Execution of a contract between the Agency and the municipal grant recipient specifying the terms by which the state will be reimbursed either after the municipality has successfully pursued its remedies under the permits granted to the discharges or by subrogation of those remedies to the Agency on behalf of the State of Minnesota.

(3) No municipality shall receive a grant for more than 33 percent of the actual eligible cost of its project.

(4) No municipality shall receive a grant of more than $2,000,000.

(5) Since the application will contain and be based upon estimated eligible costs, approval of the grant means that the municipality is eligible for grant funds. The actual amount paid under the grant will be determined by actual eligible costs for construction of the municipal water purification system subject to the payment limitations, specified in Minnesota Rule MHD 144(d)(3), (4) and 144(e).

(e) PAYMENT OF GRANT.

(1) All approved grants shall be funded so that each municipal grantee will receive funds for the same percentage of their total actual eligible costs, except:

(aa) As specified in Minnesota Rule MHD 144(d)(3) and (4).

(bb) That any grant limited by MHD 144(d)(4) shall not act as a percentage limitation on the funding of the remaining grants.

(2) When a grant has been approved by the Agency and all conditions for payment of the grant met by the grantee, payment of the grant may be made in the following manner, except as limited by Minnesota Rule MHD 144(e)(4):

(aa) Monthly installment payments for up to seventy-five (75) percent of the eligible construction or other items as measured by its actual cost, such payments to be made only for completed eligible construction or other items for which:

(i) Payment by the municipality to the contractor or other person has been made or is due and owing; and

(ii) No previous payment by the Agency has been made.

(bb) Any other method of payment requested by the municipal grantee which is agreeable to the Commissioner in his sole discretion.

(3) After the Commissioner has authorized the method of payment pursuant to Minnesota Rule MHD 144(e)(2) or (4), the Commissioner shall authorize disbursement of monies under such method upon reviewing expenditures for eligible costs. The eligible cost expenditures shall be certified to by the grantee and the project engineer.

(4) The final twenty-five percent payment will be made in increments of ten, ten and five percent when:

(aa) In the opinion of the Commissioner work has proceeded on all projects for which grants were approved to the point where it can be determined that payments will comply with Minnesota Rule MHD 144(e)(1);

(bb) Payment by the municipality to the contractor or other person has been made or is due and owing; and

(cc) No previous payment for the construction in question has been made by the Agency.

~~(f) WAIVER OF RULE.~~

~~The Agency may waive any provision of these rules with respect to any municipality when necessary to accomplish the purposes and intent of the enabling legislation. A waiver shall not be granted if it will violate any specific provision of the enabling legislation. Other than as governed by these standards, the Agency determination on whether or not to grant a waiver shall be based upon its reasonable discretion. The Agency shall specify in writing the exact rule that is waived and the detailed reasons for granting the waiver.~~

APPROVED AS TO FORM AND LEGALITY
APR 1 1976 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 1 - 1976 - 3:45 pm
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
APR 1 1976
BY Eda Staudenmaier
AUTH. SIGNATURE
PS 4:30

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-Health

Office Memorandum

TO : Mike Miller
Special Assistant
Attorney General
Department of Administration

DATE: February 20, 1976

FROM : Richard A. Wexler
Assistant Attorney General

PHONE: 5370

SUBJECT: Submission of Water Filtration and Purification Plant Grant Rules

Attached and hereby submitted to you for review and approval are five copies of the above subject rules along with the requisite number of all supporting documents. The State Board of Health adopted the rules at its regular monthly meeting held on February 12, 1976.

The 1975 Legislature established a grants program to aid North Shore municipalities which use Lake Superior as its source for drinking water in the construction of filtration and purification plants. Minn. Stat. § 298.244 subd. 2 (Supp. 1975). An appropriation of 2.5 million dollars was made to the Board of Health for the grants program, the major share of which is to go to the municipalities in the form of grants. The enabling legislation directs the Board to issue the grants under "guidelines" to be promulgated by the Board. The above subject rules constitute those guidelines.

I do not see any legal or other problems which should prevent your approval of these rules. Your action as soon as possible would be appreciated as the Board desires to commence awarding grants and disbursing funds thereunder as soon as possible.

RAW:cs

Attachments

cc: Fred Heisel
Paul Johnson

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Michael Miller
Special Assistant
Attorney General
Department of Administration

DATE: March 22, 1976

FROM : John A. Breviu
Special Assistant
Attorney General

PHONE: 296-5402

SUBJECT: Submission of Water Filtration and Purification Plant Grant Rules

Enclosed please find the above-captioned rules. As we have discussed, MHD 144(f) is omitted. It will be re-drafted and re-submitted following Board of Health approval in April. I understand that, as they now appear, the enclosed rules are acceptable to you and will be approved and filed at your earliest convenience.

JAB:ss
enclosures
cc: Dick Wexler

ERRATA SHEET

MHD 144 (Additions are noted by underlining.)

Page 2, MHD 144(c)(4)(aa) should read as follows:

A statement detailing the major eligible cost items for which a grant is requested such as site acquisition, site preparation, building, equipment, engineering fees, contingencies and administrative costs.

Page 3, MHD 144(e)(2)(aa) should read as follows:

Monthly installment payments for up to seventy-five (75) percent of the eligible construction or other items as measured by its actual cost, such payments to be made only for completed eligible construction or other items for which:

(i) Payment by the municipality to the contractor or other person has been made or is due and owing; and

Page 4, MHD 144(e)(4)(bb) should read as follows:

Payment by the municipality to the contractor or other person has been made or is due and owing; and

Page 4, Add a section to read as follows:

MHD 144(f) WAIVER OF RULE.

The Agency may waive any provision of these rules with respect to any municipality when necessary to accomplish the purposes and intent of the enabling legislation. A waiver shall not be granted if it will violate any specific provision of the enabling legislation. Other than as governed by these standards, the Agency determination on whether or not to grant a waiver shall be based upon its reasonable discretion. The Agency shall specify in writing the exact rule that is waived and the detailed reasons for granting the waiver.

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF HEALTH

In the Matter of Proposed Rules
Relating to the Water Purification
and Filtration Plants Grants Program

ORDER FOR HEARING

To effectively implement Minn. Laws 1975, ch. 437, article XI, § 2 subd. 2, the Minnesota State Board of Health deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in it by the above-referenced statute.

NOW, THEREFORE, IT IS ORDERED this 19th day of November, 1975, that a public hearing on the proposed rules captioned above be held in the Board Room, Minnesota Health Department Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on December 29, 1975, commencing at 10:00 A.M., and continuing until all representatives of associations or other interested groups or persons 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 and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF HEALTH

In the Matter of Proposed Rules
Relating to the Water Purification
and Filtration Plants Grants Program

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412 subd. 4 (1974), as amended by Minn. Laws 1975, ch. 380 in the above-entitled matter, in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota, on Monday, December 29, 1975, commencing at 10:00 A.M., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

Under Minn. Stat. § 10A.01 subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of the proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

A copy of the rules proposed by the Minnesota State Board of Health is attached and made a part hereof.

Copies of the proposed rules are now available and may be obtained by writing to the Minnesota Department of Health, Division of Environmental Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440. Additional copies will be available at the door on the date of the hearing.

A copy of the procedural rules for the hearing is attached and made a part hereof.

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to the Secretary and Executive Officer of the Board at the Department of Health Building, address as above. If the person submitting a statement cannot be present to read his statement at the time of the hearing, the statement will be entered into the record. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies of such statement, exhibit or summary be furnished at the hearing. The record will remain open for receipt of briefs or other written material relative to the proposed rules for twenty (20) days subsequent to the public hearing.

It is suggested that to save time and avoid duplication, those organizations or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Dated: November 19, 1975.

STATE OF MINNESOTA

BOARD OF HEALTH



WARREN R. LAWSON, M.D.
Secretary and Executive Officer

MINNESOTA STATE BOARD OF HEALTH

PROCEDURAL RULES FOR HEARING

The purpose of the hearing is to allow interested parties to express their views and present facts bearing upon the proposed regulations. So as to provide for an orderly presentation of evidence, the following rules will be in effect during the hearing specified in the attached Notice of Hearing:

1. Anyone wishing to be heard should indicate by signing the speaking sheet, listing his name, address, and the group which he represents. The speaking sheet will be available at the main entrance to the hearing room. It is requested that each group select one speaker only to present its views.

2. The first time the witness makes a statement he should spell his name and identify the group he is representing. Prior to making any subsequent statements he should state his name and the group which he represents. He may be sworn upon his request but it is not required. If he elects not to be sworn, that may be considered in determining the weight to be given to his testimony.

3. By giving testimony, a witness, including one who may also be a member of the panel, subjects himself to questioning by the panel. However, he is subject to cross-examination by non-members of the panel only if he affirmatively consents to being so examined. A refusal to be cross-examined may be considered in determining the weight to be given to his testimony.

4. All parties interested in introducing any written matter may do so by having it marked as an exhibit and then introduced for the record. Unsworn written matter may be received, but the fact that it is unsworn may be considered in determining the weight to be given it.

PROPOSED RULES OF THE MINNESOTA DEPARTMENT OF HEALTH
RELATING TO THE WATER PURIFICATION AND
FILTRATION PLANTS' GRANTS PROGRAM

MHD 144(a) SCOPE, PURPOSE AND AUTHORITY.

This rule shall apply to the distribution of funds appropriated to the State Board of Health to be awarded as grants to municipalities using Lake Superior as their drinking water source for the construction of water filtration and purification systems which are determined to be necessary for the elimination of polluting or potentially injurious substances from the water. The purpose of the rule is to provide a means of equitably distributing the funds appropriated to the State Board of Health in accordance with law. The rule is promulgated pursuant to the grant of authority contained in the enabling legislation.

(b) DEFINITIONS.

For the purpose of this rule, the following terms shall have the meanings given them:

(1) The terms "agency," "municipality," "eligible cost," and "municipal water purification system" shall have the meanings assigned them by Minnesota Laws 1975, chapter 437, article XI, section 2, subdivision 2(a).

(2) "Application" means the form prescribed by the Agency with attachments specified by this rule which is submitted by a municipality for a grant.

(3) "Commissioner" means the Secretary and Executive Officer of the State Board of Health.

(4) "Discharges" means the person, corporation, or any other association issued a permit by the State of Minnesota or any of its departments or agencies for the addition or discharge of any substance or pollutant, including taconite tailings, to the waters of Lake Superior.

(5) "Enabling legislation" means Minnesota Laws 1975, chapter 437, article XI, section 2, subdivision 2.

(6) "Grant" means the award of monies by the Agency under the authority of the enabling legislation and this rule.

(c) REQUIREMENTS.

To be eligible for a grant:

(1) The application shall be submitted to the Agency on forms prescribed by it, not later than July 31, 1976. The Agency shall have the right to request additional information to assure a complete and accurate review of each application in keeping with the purposes of the enabling legislation and this rule, such information may be related but not limited to the accuracy of eligible cost estimates and to the amount of the grant requested to assure that it applies to eligible costs only. Failure to supply the requested information shall result in denial of the grant.

(2) Executed contracts shall require construction on the project to commence not later than July 1, 1977, with completion scheduled for not later than July 1, 1979.

(3) Costs for which a grant may be requested shall not include landscaping, furnishings, office equipment, and other personal property which is not directly related to the construction and establishment of a permanent municipal water filtration or purification system.

(4) An application, when submitted to the Agency, shall have attached to it:

(aa) A statement detailing the major eligible cost items for which a grant is requested such as site acquisition, site preparation, building equipment, engineering fees, contingencies and administrative costs.

(bb) A description of the proposed water treatment process (i.e., the municipal water purification system) including the major treatment units which are determined by the applicant municipality to be necessary for the satisfactory removal of polluting or potentially injurious substances from the water. The statement shall also list the polluting or potentially injurious substances intended to be removed from the water by the proposed water treatment process.

(cc) A proposed contract whereby the applicant municipality covenants that it will either:

(i) Pursue its remedies, specifying how it will do so and how it will reimburse the State with any recovery under the permits granted to the discharges, or

(ii) Subrogate to the state those remedies for purposes of obtaining reimbursement of the state funds expended under the grants program established by the enabling legislation and this rule.

Award of any grant is dependent upon the Agency and the municipality reaching agreement as to how the state will be reimbursed. (See MHD 144(d)(2)(bb).)

(d) APPROVAL OF GRANT.

(1) The application shall be conditionally approved upon a finding by the Agency that

(aa) The municipal water purification system is necessary for the elimination of polluting or potentially injurious substances from water used for municipal water supply purposes, and

(bb) The costs[1] for which the grant is requested qualify as eligible costs as limited by Minnesota Rule MHD 144(d)(3) through (5).

(2) The Agency shall not give final approval of the grant nor pay any monies to a municipal grant recipient until all of the following conditions are met:

---

[1] It is recognized that the costs quoted in the application will be estimates.

(aa) Submission of plans for the municipal water purification system to the State Department of Health for review and approval pursuant to Minnesota Rule MHD 136.[2]

(bb) Execution of a contract between the Agency and the municipal grant recipient specifying the terms by which the state will be reimbursed either after the municipality has successfully pursued its remedies under the permits granted to the discharges or by subrogation of those remedies to the Agency on behalf of the State of Minnesota.

(3) No municipality shall receive a grant for more than 33 percent of the actual eligible cost of its project.

(4) No municipality shall receive a grant of more than $2,000,000.

(5) Since the application will contain and be based upon estimated eligible costs, approval of the grant means that the municipality is eligible for grant funds. The actual amount paid under the grant will be determined by actual eligible costs for construction of the municipal water purification system subject to the payment limitations, specified in Minnesota Rule MHD 144(d)(3), (4) and 144(e).

(e) PAYMENT OF GRANT.

(1) All approved grants shall be funded so that each municipal grantee will receive funds for the same percentage of their total actual eligible costs, except:

(aa) As specified in Minnesota Rule MHD 144(d)(3) and (4).

(bb) That any grant limited by MHD 144(d)(4) shall not act as a percentage limitation on the funding of the remaining grants.

(2) When a grant has been approved by the Agency and all conditions for payment of the grant met by the grantee, payment of the grant may be made in the following manner, except as limited by Minnesota Rule MHD 144(e)(4):

(aa) Monthly installment payments for up to seventy-five (75) percent of the eligible construction, as measured by its actual cost, such payments to be made only for completed eligible construction for which:

(i) Payment by the municipality to the contractor is due and owing and

(ii) No previous payment by the Agency has been made.

(bb) Any other method of payment requested by the municipal grantee which is agreeable to the Commissioner in his sole discretion.

(3) After the Commissioner has authorized the method of payment pursuant to Minnesota Rule MHD 144(e)(2) or (4), the Commissioner shall authorize disbursement of monies under such method upon reviewing expenditures for eligible costs.

---

[2] This rule relates to the approval by the Department of final and complete plans and specifications for the installation, alteration, or extension of water supply systems.

The eligible cost expenditures shall be certified to by the grantee and the project engineer.

(4) The final twenty-five percent payment will be made in increments of ten, ten and five percent when:

(aa) In the opinion of the Commissioner work has proceeded on all projects for which grants were approved to the point where it can be determined that payments will comply with Minnesota Rule MHD 144(e)(1);

(bb) Payment by the municipality to the contractor is due and owing; and

(cc) No previous payment for the construction in question has been made by the Agency.

LAKE SUPERIOR WATER PURIFICATION PLANT GRANT APPLICATION

Date of Application_____

To be completed by State

Date Received_____

Project Number_____

Legal name of Applicant

Address, Zip Code

Hereby makes application to the Minnesota Department of Health for a grant for portions of the cost relating to the acquisition of necessary real and personal property, engineering, system cleaning, construction, alterations, improvement, inspections, supervision of construction, and other costs relating to the construction and establishment of a permanent water filtration or purification system. This application is made with the understanding that plans for this work will be submitted to the Minnesota Department of Health for review and approval as required by MDH 136.

Financial Aspects

Estimated Project Total Cost_____

Estimated Project Eligible Cost_____

Amount of State Grant requested_____

(Details of eligible cost estimates shall be attached.)

Project Schedule

Submission of plans to Health Dept. Date_____

Contracts will be let Date_____

Construction will start Date_____

Time project will be completed Date_____

Name and Title of Representative Signature of Representative Date

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of Proposed Rules
Relating to the Water Purification
and Filtration Plants Grants Program

AFFIDAVIT
OF MAILING

Patricia L. Harker, being first duly sworn, deposes and says:

That on the 25th day of November, 1975, at the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the Certificate of the Secretary of State attached and made a part hereof as Exhibit A, to all persons and associations at the addresses listed on Exhibit B, attached and made a part hereof, as well as to all members of the Minnesota Legislature as of the date of mailing.

Patricia L. Harker

Subscribed and sworn to before
me this 25th day of November, 1975.

Mildreth Olson

MILDRETH OLSON
Notary P[illegible]
[illegible]o. Mn.
MY COMMISSION EXPIRES
October 31, 1980

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules
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STATE OF MINNESOTA

BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

Dated: November 19, 1975.

MINNESOTA STATE BOARD OF HEALTH

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3. By giving testimony, a witness, including one who may also be a member of the panel, subjects himself to questioning by the panel. However, he is subject to cross-examination by non-members of the panel only if he affirmatively consents to being so examined. A refusal to be cross-examined may be considered in determining the weight to be given to his testimony.

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(b) DEFINITIONS.

For the purpose of this rule, the following terms shall have the meanings given them:

(1) The terms "agency," "municipality," "eligible cost," and "municipal water purification system" shall have the meanings assigned them by Minnesota Laws 1975, chapter 437, article XI, section 2, subdivision 2(a).

(2) "Application" means the form prescribed by the Agency with attachments specified by this rule which is submitted by a municipality for a grant.

(3) "Commissioner" means the Secretary and Executive Officer of the State Board of Health.

(4) "Discharges" means the person, corporation, or any other association issued a permit by the State of Minnesota or any of its departments or agencies for the addition or discharge of any substance or pollutant, including taconite tailings, to the waters of Lake Superior.

(5) "Enabling legislation" means Minnesota Laws 1975, chapter 437, article XI, section 2, subdivision 2.

(6) "Grant" means the award of monies by the Agency under the authority of the enabling legislation and this rule.

(c) REQUIREMENTS.

To be eligible for a grant:

(1) The application shall be submitted to the Agency on forms prescribed by it, not later than July 31, 1976. The Agency shall have the right to request additional information to assure a complete and accurate review of each application in keeping with the purposes of the enabling legislation and this rule, such information may be related but not limited to the accuracy of eligible cost estimates and to the amount of the grant requested to assure that it applies to eligible costs only. Failure to supply the requested information shall result in denial of the grant.

(2) Executed contracts shall require construction on the project to commence not later than July 1, 1977, with completion scheduled for not later than July 1, 1979.

(3) Costs for which a grant may be requested shall not include landscaping, furnishings, office equipment, and other personal property which is not directly related to the construction and establishment of a permanent municipal water filtration or purification system.

(4) An application, when submitted to the Agency, shall have attached to it:

(aa) A statement detailing the major eligible cost items for which a grant is requested such as site acquisition, site preparation, building equipment, engineering fees, contingencies and administrative costs.

(bb) A description of the proposed water treatment process (i.e., the municipal water purification system) including the major treatment units which are determined by the applicant municipality to be necessary for the satisfactory removal of polluting or potentially injurious substances from the water. The statement shall also list the polluting or potentially injurious substances intended to be removed from the water by the proposed water treatment process.

(cc) A proposed contract whereby the applicant municipality covenants that it will either:

(i) Pursue its remedies, specifying how it will do so and how it will reimburse the State with any recovery under the permits granted to the discharges, or

(ii) Subrogate to the state those remedies for purposes of obtaining reimbursement of the state funds expended under the grants program established by the enabling legislation and this rule.

Award of any grant is dependent upon the Agency and the municipality reaching agreement as to how the state will be reimbursed. (See MHD 144(d)(2)(bb).)

(d) APPROVAL OF GRANT.

(1) The application shall be conditionally approved upon a finding by the Agency that

(aa) The municipal water purification system is necessary for the elimination of polluting or potentially injurious substances from water used for municipal water supply purposes, and

(bb) The costs[1] for which the grant is requested qualify as eligible costs as limited by Minnesota Rule MHD 144(d)(3) through (5).

(2) The Agency shall not give final approval of the grant nor pay any monies to a municipal grant recipient until all of the following conditions are met:

---

[1] It is recognized that the costs quoted in the application will be estimates.

(aa) Submission of plans for the municipal water purification system to the State Department of Health for review and approval pursuant to Minnesota Rule MHD 136.[2]

(bb) Execution of a contract between the Agency and the municipal grant recipient specifying the terms by which the state will be reimbursed either after the municipality has successfully pursued its remedies under the permits granted to the discharges or by subrogation of those remedies to the Agency on behalf of the State of Minnesota.

(3) No municipality shall receive a grant for more than 33 percent of the actual eligible cost of its project.

(4) No municipality shall receive a grant of more than $2,000,000.

(5) Since the application will contain and be based upon estimated eligible costs, approval of the grant means that the municipality is eligible for grant funds. The actual amount paid under the grant will be determined by actual eligible costs for construction of the municipal water purification system subject to the payment limitations, specified in Minnesota Rule MHD 144(d)(3), (4) and 144(e).

(e) PAYMENT OF GRANT.

(1) All approved grants shall be funded so that each municipal grantee will receive funds for the same percentage of their total actual eligible costs, except:

(aa) As specified in Minnesota Rule MHD 144(d)(3) and (4).

(bb) That any grant limited by MHD 144(d)(4) shall not act as a percentage limitation on the funding of the remaining grants.

(2) When a grant has been approved by the Agency and all conditions for payment of the grant met by the grantee, payment of the grant may be made in the following manner, except as limited by Minnesota Rule MHD 144(e)(4):

(aa) Monthly installment payments for up to seventy-five (75) percent of the eligible construction, as measured by its actual cost, such payments to be made only for completed eligible construction for which:

(i) Payment by the municipality to the contractor is due and owing and

(ii) No previous payment by the Agency has been made.

(bb) Any other method of payment requested by the municipal grantee which is agreeable to the Commissioner in his sole discretion.

(3) After the Commissioner has authorized the method of payment pursuant to Minnesota Rule MHD 144(e)(2) or (4), the Commissioner shall authorize disbursement of monies under such method upon reviewing expenditures for eligible costs.

---

[2] This rule relates to the approval by the Department of final and complete plans and specifications for the installation, alteration, or extension of water supply systems.

The eligible cost expenditures shall be certified to by the grantee and the project engineer.

(4) The final twenty-five percent payment will be made in increments of ten, ten and five percent when:

(aa) In the opinion of the Commissioner work has proceeded on all projects for which grants were approved to the point where it can be determined that payments will comply with Minnesota Rule MHD 144(e)(1);

(bb) Payment by the municipality to the contractor is due and owing; and

(cc) No previous payment for the construction in question has been made by the Agency.

LAKE SUPERIOR WATER PURIFICATION PLANT GRANT APPLICATION

Date of Application_____

To be completed by State

Date Received_____

Project Number_____

Legal name of Applicant

Address, Zip Code

Hereby makes application to the Minnesota Department of Health for a grant for portions of the cost relating to the acquisition of necessary real and personal property, engineering, system cleaning, construction, alterations, improvement, inspections, supervision of construction, and other costs relating to the construction and establishment of a permanent water filtration or purification system. This application is made with the understanding that plans for this work will be submitted to the Minnesota Department of Health for review and approval as required by MDH 136.

Financial Aspects

Estimated Project Total Cost_____

Estimated Project Eligible Cost_____

Amount of State Grant requested_____

(Details of eligible cost estimates shall be attached.)

Project Schedule

Submission of plans to Health Dept. Date_____

Contracts will be let Date_____

Construction will start Date_____

Time project will be completed Date_____

Name and Title of Representative Signature of Representative Date

Exhibit A

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Rules
Relating to the Water Purification
and Filtration Plants Grants Program

CERTIFICATE

I hereby certify that the 440 general labels and 3 page list for the Minnesota State Health Department all of which are attached and made a part hereof, constitute the complete lists of persons, associations, and other interested groups who as of 11:15 o'clock A.M., this 21st day of November, 1975, have requested pursuant to Minn. Stat. § 15.0412 subd. 4 (1974), that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Joan Anderson Growe
SECRETARY OF STATE

JOAN ANDERSON GROWE

By Neil Dion

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AM CAMPING ASSN MRS LEACOCK
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NEW BRIGHTON MN
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AM INST PROF GEOLOGISTS
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VIRGINIA MN
55792

ANDERSON HAROLD
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ST PAUL MN
55103

ASMUSSEN,DENNIS,MPIRG
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MPLS MN
55414

ASSOCIATED GEN CONTROF MN
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ST PAUL MN
55101

ASSN RESIDENCES FOR RETARDED
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ST PAUL MN
55103

AUTOMOBILE MFRS ASSN INC
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ST PAUL MN
55103

BADALICH JOHN P
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SO ST PAUL MN
55075

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

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CAMBRIDGE MN
55008

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

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MPLS MN
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NATIONAL BLDG
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55402

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ANOKA MN
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55102

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RR4
RED WING MN
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4961 KINGSBERRY LANE
MINNETONKA MN
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DEVELOP DISABILITIES PROGRAM
STATE PLAN 101 CAP SQ
ST PAUL MN
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PRESS RM STATE CAPITOL
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NORTHFIELD MN
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MPLS MN
55408

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MECCA
867 GRAND AVE
ST PAUL MN
55105

MEIEROTTO, JOAN
1754 SO LEXINGTON
ST PAUL MN
55118

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MIDLAND GLASS- HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MINN AFL-CIO, L O LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN ELECTRICAL ASSN INC
~~125 SO 11TH~~ 3100 HUMBOLDT
MPLS MN AVE SO.
~~55415~~ 55408

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT AS
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN
55113

MET TFR MEN ASSN A ROSENT
1821 UNIV AVE
ST PAUL MN
55104

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSO
480 CEDAR ST.
ST.PAUL MN
55101

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIV
4901 W 77TH ST
MPLS MN
55435

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HEREFO[redacted]-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

MIN[redacted] HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MOCD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MUCK THOS R
160 STATE OFF BLDG
ST PAUL MN
55155

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

MINN HOUSING INST T CARTER
7801 METRO PKWY
MPLS MN
55420

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MUELLER SHIRLEY A
787 W COTTAGE AVE
ST PAUL MN
55117

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

MINN HWY MANAGEMENT SERV
407 HWY BLDG
ST PAUL MN
55101

MINN.MTR.TRANSP. .J.N.D
1821 UNIV.
ST.PAUL MN
55104

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN SOC CERTIFIED PUB AC
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NAT'L SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NESBITT JOHN
7851 METRO PKWY S 118
MPLS MN
55420

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR MBO & MAINC
927 SOO LINE BLDG
MPLS MN
55402

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN
55101

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PORTER DAVID
3212 LONGFELLOW AVE S
MPLS MN
55407

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PROCTOR&GAMBLE L THECHARCUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SADDL
2487 HELEN COURT
NO ST PAUL MN
55109

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OSTRUM DONALD E
PO BOX 33163
COON RAPIDS MN
55433

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN WM D PATT
1155 15TH ST NW
WASHINGTON DC DC
20005

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE O

TRACY MN
56175

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RADM RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

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

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

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

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RAMSEY C[illegible] MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REID DAVID H
5633 WASHBURN AVE S
MPLS MN
55410

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

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

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

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

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

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

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

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

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

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

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHAMATURA EUGENE H
283 LAKE AVE SO
DULUTH MN
55811

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

SITE ENGINEERS INC
500 REDWELL LANE
APPLE VALLEY MN
55124

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN
55411

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STANSFIELD ARLENE LAND CLKS
PO BOX 116
MPLS MN
55440

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

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

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

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TOUCHE ROSS & CO K H STOCKE
780 NORTHSTAR CNTR
MPLS MN
55402

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SNYDER ROBERT W
248 CO B U OF M
ST PAUL MN
55101

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE BD.BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

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

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

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

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

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWEITZER R L HONEYWELL IN
2701 4TH AVE S
MPLS MN
55408

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

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

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WELLINGTON R R SKELLY OIL
PO BOX 1650
TULSA OK
75102

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

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

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORFER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WHITING RALPH
555 WABASHA SUITE 204
ST PAUL MN
55102

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WILEY ENTERPRISES
101 5TH AVE SE
CSSEO MN
55369

WILSON R GARY PPG INDUST
1 GATEWAY CENTER
PITTSBURGH PA
15222

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

17

* MM

STATE OF MINNESOTA
OFFICE of SECRETARY of STATE

NOTICE of HEARINGS MAILING LABEL SYSTEM

NAME	ADDRESS STREET	CITY	ST	ZIP CODE
CAPITOL NEWS SERVICE	BOX 17035	ST PAUL	MN	55117
HUMAN SERVICES	5TH FLR HI4 LAFAYETTE RD	ST PAUL	MN	55101

Abrahamson, Dr. Dean E., 243 Space Science Center, Mpls 55455
Benson, John W., Pharmacy Dept., St.Lukes Div., United Hospitals, 300 Pleasant Ave., St.Paul, Mn. 55102
Booth, Cold Storage Co., St. Peter & Kellogg, St. Paul

Branson, Lindley S., 300 Roanoke Bldg., Mpls 55402

Bush, John T., Box 611, Mayo Bldg., U of M Mpls 55455

Cassell, Dr. Carl V.E., MN State Dental Ass'n, 2236 Marshall Ave, St. Paul 55101

Deephaven, Montessori School, Inc. 188 S Circle A Dr., Wayzata 55391

Environment Reporter, 1231 25th St, N.W., Washington D.C.

40 Club, Aitkin 56431

Hawley, Lyle, Graco, P.O. Box 1441, Mpls 55440

Higgins, J.C., Brotherhood Rwy. Clerks, 2317 W. 7th St., Duluth

Houghton, Charles, Vendo, 7246 Troost Ave, Kansas City, MO 64131

Janke, John R., Burger Chef Systems, Inc., 250 N St., White Plains, New York 1062

Kurtz, Mrs.Kirsten, MN Nurses Ass'n, 1821 Univ Ave, St. Paul 55104

Markham, B.B., 2250 IDS Center, 80 S 8th St, Mpls 55402

Merck & Co, Inc., Rahway, N.J., Att: Off of Gen Counsel

Mpls & Henn County Mental Health Clinic, 619 S 5th St, Mpls 55415

MN Nurses Ass'n, Att: Geraldine Wedel, 1821 Univ Ave,Rm 152, St. Paul 55104

MN State Pharmaceutical Ass'n, 2388 Univ Ave, St. Paul 55104

Moore, Roger, 115 Forestview Lane No., Mpls, Mn. 55441

Parke, Davis & Company, P.O. Box 118, Detroit Michigan 48120

Patrick, Peter, 101 Central Ave, S.E., Mpls 55414

Perso, E.R., 4411 Branson St, Mpls 55424

Planning and Advisory Comm. of Crow Wing County, Court House, Brainerd 56401

Roesler, Immanuel F., 6700 Portland Ave S., Richfield 55423

Roos, Roger Dr., Univ Health Serv, U of M, Mpls 55455

Schneider, Dorothy, St. Paul Bur Health, 555 Cedar St, St. Paul 55101
Sigmeth,Gary F.,8415 Isle Ave.So.,Cottage Grove,Minn. 55016

Wahl, Jack, Inver Hills Comm College, Inver Grove Heights 55075

Walgreen, J.E. Krahulec, 4300 Peterson, Ave, Chicago Ill 60646

DIV. OF ENVIRONMENTAL SANITATION

U.S. Soil Conservation Serv., 517 Red Courts Bldg, St. Paul (Swimming pools)

HOTELS, RESORTS, RESTAURANTS

U.S. Soil Conservation Serv., 517 Red Courts Bldg, St. Paul (trailer parks, etc)

MINN PLUMBING CODE ONLY

Hendricks, Manley, & Tyler Pipe Industries, Box 2027, Tyler, Texas 50701

Higgins, Robert G., Rm 300B, 1409 Willow St, Mpls 55403

Sharp, Richard H. 964 W. Cecil St., Neenah, Wisc 54956

CEMETERIES

Fox, Howard, 244 Dayton Ave, St. Paul 55102

Moore, Roger, 115 Forestview Lane No., Mpls., Mn. 55441

Exhibit B

MISCELLANEOUS

Mayor Robert Beaudin
City Hall
Duluth, Minnesota 55802

Kathleen Patt
City Clerk
City Hall
Duluth, Minnesota 55802

David L. Peterson, Director
Water and Gas Department
414 West First Street
Duluth, Minnesota 55802

Mayor Floyd D. Jaros
City Hall
Cloquet, Minnesota 55720

J. W. Boyer
City Clerk
City Hall
Cloquet, Minnesota 55720

Bruce Boyer
Water Superintendent
City Hall
Cloquet, Minnesota 55720

Mayor David Battaglis
City Hall
Two Harbors, Minnesota 55616

John Olsvik
City Clerk
City Hall
Two Harbors, Minnesota 55616

Merlin Bennett
Utilities Superintendent
City Hall
Two Harbors, Minnesota 55616

Mayor Melvin W. Koepke
City Hall
Silver Bay, Minnesota 55614

Edward J. Arola, City Clerk
City Hall
Silver Bay, Minnesota 55614

Axel Jenson
Water Superintendent
City Hall
Silver Bay, Minnesota 55614

Mayor Norbert Kemper
City Hall
Beaver Bay, Minnesota 55601

Mayor Richard Humphrey
City Hall
Grand Marais, Minnesota 55604

Gary Brunberg
City Clerk
City Hall
Grand Marais, Minnesota 55604

PREM, Inc.
Consulting Engineers
408 Board of Trade Building
Duluth, Minnesota 55802

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF HEALTH

In the Matter of Proposed Rules
Relating to the Water Purification
and Filtration Plants Grants Program

STATEMENT OF NEED

The above-captioned rules are proposed new rules of the State Board of Health (hereinafter the "Board") and are not amendments to existing rules of the Board.

The need to adopt these rules arises because the Legislature in 1975 appropriated funds to the Board for the purpose of establishing a grants program which is in part intended to provide financial assistance to those municipalities which: (1) have the power or duty to provide drinking water; (2) use Lake Superior as the source of the drinking water; and (3) determine, together and in conjunction with the state, that a municipal water purification and filtration system is necessary for the elimination of polluting or potentially injurious substances from water used for municipal water supply purposes. The Legislature directed that part of the monies appropriated for the grants program be disbursed and distributed to qualified municipalities pursuant to the provisions of Minn. Laws 1975, ch. 437, art. XI, § 2 subd. 2 and guidelines developed by the Board.

Those guidelines are contained in the rules here proposed. These rules are necessary to assure that the grants for the above stated purpose be awarded in a manner consistent with the purposes and intent expressed by the Legislature in its enabling law as well as in a manner

that is fair and equitable to all interested municipalities. Some of the specific areas that must be covered and thus necessitate the promulgation of these rules are time limits for the submission of grant applications, the items for which grant monies may be requested, the conditions under which grants will be awarded, and how grant monies, once awarded, will be disbursed to the applicable municipalities.

Dated: November 25, 1975.

STATE OF MINNESOTA

BOARD OF HEALTH

Warren R. Lawson

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
STATE BOARD OF HEALTH

In the Matter of Proposed Rules
Relating to the Water Purification
and Filtration Plants Grants Program

STATEMENT OF
JUSTIFICATION

In enacting Minn. Laws 1975, ch. 437, art. XI, § 2 subd. 2 (hereinafter the "enabling legislation"), the Legislature established a grant program to aid those municipalities which have the power or duty to provide drinking water and which use Lake Superior as the source of the drinking water. The program is specifically designed to aid those municipalities in the construction and operation of a water purification and filtration system designed for the elimination of polluting or potentially injurious substances from water used for municipal water supply purposes. To implement the grants program, the Legislature appropriated $2.5 million, part of which was designated for distribution to municipalities in the form of grants to help defray the local financial burden of constructing purification and filtration systems. (A small portion of the appropriation will be expended for other purposes of the program to include administrative costs.) The grants are to be awarded by the State Board of Health (hereinafter the "Agency") in accordance with guidelines (i.e., rules) promulgated by the Agency under the authority of the enabling legislation.

The proposed rules, therefore, are based upon the enabling legislation and that of Minn. Laws 1975, ch. 380 § 2 subd. 3 which requires, in part:

> Each agency shall adopt rules setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties. . . .

The rules are designed to specify the procedures that will govern the application for grant funds, requirements that grant applicants must meet to qualify for grant funds, the criteria for grant awards, and the controls to be placed upon distribution and disbursement of awarded grant monies. These provisions will satisfy the requirements of both laws referenced above.

The justification establishing the reasonableness of the specific substantive provisions of the rules is as follows:

MHD 144(a). This section provides the background information as to the reason for promulgation of MHD 144 in order to provide a general idea of the purpose, intent and scope of the rule.

MHD 144(b). The definitions section is intended to aid in understanding the rule by providing specific meanings to either technical words or to words which could have more than one meaning.

MHD 144(c)(1) and (2). It has been established that a potential threat to the health of the people drinking water from Lake Superior exists in the form of asbestos fibers. These fibers are found in the taconite tailings which are dumped into Lake Superior as a waste product from iron ore mining in the area. The asbestos fibers are a known carcinogen. Therefore, in the interest of public health, it is imperative that efforts be made to commence work as soon as possible on purification and filtration systems (hereinafter "systems") which are known to greatly reduce and remove the number of fibers which are contained in the water. By placing deadlines for grant eligibility on both the submission of the application and the commencement of

work, municipalities are encouraged to proceed with all due haste with planning and construction of the systems. In addition, since the Agency considers that an equitable distribution of the funds requires all qualifying applicants to receive an equal percentage of their total eligible costs, subject to the limitations of the enabling legislation and these rules, it is important for the efficient administration of the grants program and to minimize delays in the disbursement of the last 25 percent of any grant (see MHD 144(e)(4)) that the Agency ascertain as soon as possible the municipalities which will participate in the grant program, the number of grants that will be requested, and the total estimated costs which are eligible to be paid for by grant monies.

Finally, the Agency must have the right to request additional information. The purpose is to provide an equal percentage of grant funds to each participating municipality. This purpose could be frustrated without the right to request additional information.

MHD 144(c)(3). This section defines in a general way areas of expenditure which may be beneficial to the municipal water supply system but are not necessarily required for the adequate treatment of the water supply and are therefore not eligible. It is intended to aid municipalities in determining the specific costs which are eligible to be covered by grant funds.

MHD 144(c)(4)(aa). To properly review an application, the Agency must know what items are included in the estimated costs so that a determination can be made that they are eligible costs.

MHD 144(c)(4)(bb). The enabling legislation requires both the municipality and the Agency to determine that the system for which a grant is sought to be necessary for the elimination of polluting or potentially injurious

substances from water used for municipal water supply purposes. This responsibility cannot be properly fulfilled without requiring the applicant to delineate the substances to be removed and the system proposed to be used for removal purposes. With this information the municipality and the Agency may determine whether the substances to be removed are polluting or potentially injurious and that the system is adequately and properly designed so as to reasonably assure that a significant amount of the substances will be removed.

MHD 144(c)(4)(cc)(i) and (ii). The enabling legislation directs the applicant municipalities and the Agency to agree, prior to disbursement of funds, on how the State will be reimbursed through pursuing the available remedies against persons (i.e., discharges) granted permits to discharge harmless materials into Lake Superior and making such persons responsible for the discharge of polluting items. This provision accordingly requires the applicant municipalities to take the first step toward reaching such agreement.

MHD 144(d)(1)(aa) and (bb). Because the total cost of the water treatment plants to be constructed under this grant cannot be known until the actual completion of the water treatment plants, the original applications of the eligible communities can only be given conditional approval. The requirements for receiving conditional approval are based upon the enabling legislation.

MHD 144(d)(2). This section covers the final approval of the grants and payment of monies as opposed to the conditional approval set forth in MHD 144(d)(1).

(aa) MHD 136 requires that complete plans and specifications for the proposed system be submitted to the Department for review and

approval. This requirement is necessary to assure that the design of the water treatment plant will conform to the standards of the Department and will provide adequate treatment of the water.

(bb) The legislation requires that the eligible municipality either pursue its remedies individually or subrogate its rights to the State of Minnesota. This section of the rule, therefore, is included in order to assure compliance with this legislative requirement.

MHD 144(d)(3). The section reiterates the legislative stipulation that no municipality shall receive an award totalling more than 33 percent of the eligible cost of its project.

MHD 144(d)(4). The section also reiterates another legislative stipulation that no municipality receive a grant of more than 80 percent of the $2,500,000 appropriated for this purpose, which limits the grant to $2,000,000.

MHD 144(d)(5). The Agency is aware that the application will be based upon estimated eligible costs; therefore, the first approval of the Agency will be conditional in nature and will mean that the municipality is eligible for grant funds. It reasonably follows then that the basis for the actual amounts paid under the grant must be the actual eligible costs of planning, developing, purchasing necessary real and personal property, and constructing the system.

MHD 144(e)(1)(aa) and (bb). Due to cost of each system and expenses related to other aspects of the grants program, the $2.5 million appropriation may be insufficient to award all applicants' grants totalling 33 percent of the

eligible costs of each system. (Accordingly, the percentage of eligible costs covered by the grants will have to be adjusted downward.) While the enabling legislation does not mandate that each grant represent an equal percentage of eligible costs for each system, neither does it prohibit such an equal distribution. It is the Board's position that the manner of determining the amount of the grant as proposed by this section is the fairest and most equitable manner of awarding available grant funds. Any manner which would permit one municipality eligible for a grant to receive a higher percentage of its costs to be paid by grant than some other grant eligible municipality could not be justified. The Legislature obviously desired to aid all municipalities which required construction of a system with such aid being equally distributed among all grant eligible municipalities.

This conclusion is not altered by the $2,000,000 limit on any one grant. That represents 80 percent of all grant funds and merely indicates a maximum grant limit so as to assure that there are funds available for other municipalities. If anything, the limit expresses an intent of the Legislature to assure that all municipalities receive financial assistance.

MHD 144(e)(2)(aa)(i) and (ii) and (bb). These sections specify the method by which the first 75 percent of a grant will be paid to a municipality once the grant has been approved and all conditions for release of funds have been satisfied. It is the Board's understanding that most construction contracts require payments on a monthly basis for work completed during the month. MHD 144(a)(aa) (i) and (ii) specifically provides for release of grant monies in such a manner so as to assist grant municipalities with their monthly payments for construction as well as other eligible costs associated with development of a system while at the same time establishing responsible safeguards

to assure that grant monies will be paid out to cover costs which are actually owed or have been paid by the municipality and for which no previous payment has been made. However, since the goal of the enabling legislation is to assist the affected municipalities, the rule also permits approval of any other reasonable method of grant funds disbursement which is requested by a municipality. This will permit municipalities the greatest flexibility with respect to payment arrangements.

MHD 144(e)(3). This provision simply provides several checks to assure that grant funds are disbursed to cover eligible costs only. These checks are merely part of responsible government and administration of the grant program.

MHD 144(e)(4)(aa), (bb) and (cc). It is apparent that the eligible communities will start construction of their projects at various times and have varying completion dates. The actual total cost of all the projects will not be known until all projects have been completed. This section is needed to give the Agency some latitude in making the final 25% of the payments in order to assure that at the completion of all of the projects that all communities will be treated equally and receive the same percentage of the total costs of their respective projects. This requirement will keep enough grant money in reserve to equalize final payments and prevent the overpayment to any community. In addition, responsible safeguards are established to assure that grant monies will be paid out to cover costs which are actually owed or have been paid by the municipality and for which no previous payment has been made.

MHD 144(f). The principal purpose behind the rule is to implement the enabling legislation which is intended to assist the affected municipalities meet an unexpected but necessary financial burden created by the discovery of a

threat to the public health. This section of the rule permits the Agency to waive any provision of the rule where the rule, under the facts involved, will result in frustrating rather than furthering the intent of the enabling legislation. The Agency is free to exercise its discretion in a reasonable manner with respect to any waiver request within the standards noted in the section and must specify in writing the exact nature of the waiver and the detailed reasons therefore.

STATE OF MINNESOTA

BOARD OF HEALTH

Dated: December 26, 1975. Allen Z. Fife, Deputy Commissioner
for WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of Proposed Rules
Relating to the Water Purification
and Filtration Plants Grants Program

APPOINTMENT

John C. McKasy is hereby appointed to serve as hearing officer on behalf of the State Board of Health in the above-captioned matter, said hearing to be held on December 29, 1975, and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

This appointment is made pursuant to the following authority: resolution of the State Board of Health adopted at its meeting held on October 9, 1975.

STATE OF MINNESOTA

BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

Dated: November 25, 1975.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of the Proposed
Adoption, Amendment, or
Revision of the Rules of the
Minnesota State Board of Health

AFFIDAVIT
OF MAILING

James Bros, being first duly sworn, deposes and says:

That on the 25th day of August, 1975, at the City of Minneapolis, County of Hennepin, State of Minnesota, he served the attached Notice of Intent to Obtain Information on Proposed Rules from Non-Agency Sources by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addressess listed on the Certificate of the Secretary of State attached and made a part hereof as Exhibit A, as well as to all members of the Minnesota Legislature as of the date of mailing.

James Bros

Subscribed and sworn to before
me this 29th day of August, 1975.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct 9, 1980

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of the Proposed Adoption, Amendment or Revision of the Rules of the Minnesota State Board of Health.

NOTICE OF INTENT TO OBTAIN INFORMATION ON PROPOSED RULES FROM NON-AGENCY SOURCES

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Minnesota Laws 1975, Chapter 380, section 2, subdivision 6, that the Minnesota State Board of Health will propose the adoption of new rules on the subjects noted below (items A through G) and the amendment and revision of the existing rules noted below (items H through K).

All interested parties desiring to submit data or views relating to the proposed adoption, amendment or revision of the rules noted below should address their comments (either written or oral) to the Minnesota Department of Health (717 Delaware Street S.E., Minneapolis, Minnesota 55440) by writing or calling the persons designated. Any evidence submitted for consideration should be pertinent to the matter at hand. Any written material received by the Department of Health will become part of the hearing record.

A. Rules implementing the provisions of Minnesota Laws 1975, Chapter 211, also known as the Minnesota Clean Indoor Air Act.

Contact: Kent Peterson
Phone: (612) 296-5365

B. Rules relating to the control and regulation of clinical laboratories.

Contact: Division of Medical Laboratories
Attn: Dr. Henry Bauer
Phone: (612) 296-5241

C. Rules relating to the transfer of patient's x-ray records.

Contact: Dr. Ellen Z. Fifer
Assistant Commissioner for Programs
Phone: (612) 296-5391

D. Rules relating to the distribution of monies to aid in the construction of water filtration and purification plants and systems for those communities using Lake Superior as a drinking water source under the state grant program established by Minn. Laws 1975, Chapter 437, Art. XI, §2, subd. 2.

Contact: Division of Environmental Health
Attn: Fred Heisel
Phone: (612) 296-5320

E. Rules implementing the provisions of Minnesota Laws 1975, Chapter 346, also known as the Maternal and Child Nutrition Act of 1975.

Contact: Division of Personal Health Services
Section of Maternal and Child Health
Attn: Dr. Ronald Campbell
Phone: (612) 296-5265

F. Rules relating to the approval of laboratories performing bacteriological examinations of water.

Contact: Division of Environmental Health
Analytical Services Section
Attn: Russell Frazier
Phone: (612) 296-5300

G. Rules relating to the establishment of application procedures for the credentialing of allied health manpower groups.

Contact: Section of Allied Health Manpower
Attn: Corrine Larson
Phone: (612) 296-5393

H. MHD 44-71, Rules of the Minnesota State Board of Health for the construction, equipment, maintenance, operation and licensing of nursing homes and boarding care homes, and for the establishment of levels of assessments for violations of the regulations.

Contact: Division of Health Facilities
Attn: H. Michael Tripple
Phone: (612) 296-5294

I. MHD 76-116, Rules of the Minnesota State Board of Health for the construction, equipment, maintenance, operation and licensing of hospitals, and for the establishment of levels of assessments for violations of the regulations.

Contact: Division of Health Facilities
Attn: Janet Brodahl
Phone: (612) 296-5440

J. MHD 21-35, Rules of the Minnesota State Board of Health relating to Morticians, Funeral Directors, and the Disposition of the Dead.

Contact: Mortuary Science Unit
Attn: Eugene Larson
Phone: (612) 296-5491

K. MHD 181, Rule of the Minnesota State Board of Health relating to the limitation of the use of x-ray machines in the screening for detection and evaluation of health conditions.

Contact: Division of Environmental Health
Attn: Alice Dolezal
Phone: (612) 296-5323

Any materials submitted shall be reviewed and considered by the Department of Health during the preparation of the proposed rules. Notice of the public hearing on the proposed rules shall be given to all interested parties in accordance with the provisions of the Administrative Procedures Act.

Under the provisions of Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at Room 401, State Office Building, Saint Paul, Minnesota 55155.

Dated: August 20th, 1975

STATE OF MINNESOTA

BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

Exhibit A

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Adoption, Amendment, or
Revision of the Rules of the
Minnesota State Board of Health.

CERTIFICATE

I hereby certify that the 437 general labels and 1 list for the Minnesota State Health Department all of which are attached and made a part hereof, constitute the complete lists of persons, associations, and other interested groups who as of 11:30 O'clock A .M., this 25th day of August, 1975, have requested pursuant to Minn. Stat. ss 15.0412 subd. 4 (1971), that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Joan Anderson Growe
SECRETARY OF STATE

JOAN ANDERSON GROWE

By Cecil Dixon

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ALLENDORF MARSHALL
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AM CAMPING ASSN MRS LEACOCK
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AM INST PROF GEOLOGISTS
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ARVER JOHN A
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ASSOCIATED GEN CONTRUF MN
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55101

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
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ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETARDED
459 RICE SUITE 301
ST PAUL MN
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AUTOMOBILE MFRS ASSN INC
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ANOKA MN
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BADALICH JOHN P
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FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GLEESON MICHAEL
909 SCC SC BLDG U OF M
MPLS MN
55455

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55406

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HARVEY MICHAEL
1390 W M HAHA PKWY
MPLS MN

EWALD DOUGLAS MINN HOSP A
2333 UNIV AVE SE
MPLS MN
55414

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FORBES GORDON MINN RRS AS
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

GEO A HORMEL & CO LAW DE
PO BOX 800
AUSTIN MN
55912

GLEN. HILLS HOSP.R.VAN HA
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GREATER MET AREA HOSPITAL
5152 CEDAR AVE S
MPLS MN
55417

GUSTAFSON DAN-LABOR TEMPL
312 CENTRAL
MPLS MN
55414

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HESS DONALD MIDWEST PLANNING
2101 HENN BLDG
MPLS MN
55403

HEIM PAUL
1320 SOO LINE BLDG
MPLS MN
55402

HILL JIM ASSOC.MILK PROD.
7650 METRO PARKWAY
MINNEAPOLIS MN
55420

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON M.D. FRUNDT & FRUNDT

HAYES, THOMAS M
700 SELLWOOD BLG
DULUTH MN
55812

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HEINTZ MARY ELLEN
PO BOX 599
CINCINNATI OH
45201

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOUSE ED STANDING SUB COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

ISLE LOC 49 CHAS SWENSON
2560 UNIV AVE
ST PAUL MN
55101

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LANCE J
265 S LAFAYETTE RD

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HOLDAHL SCOTT
380 N BLDG GRAIN EXCH
MPLS MN
55415

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

HENTHORN GARY WOODSTOCK
7365 LANDAU DR
BLOOMINGTON MN
55438

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HICHINGER-MARK PLANNING
421 WABASHA ST
ST PAUL MN
55102

HOLEY GEO AERONAUTICS
DOWNTOWN AIRPORT
ST PAUL MN
55107

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HULTMAN WARREN R
C/O BARBAROSSA R3
OSSEO MN
55369

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IZAAK WALTON LEAGUE MN DI
106 TIMES BLDG 57 S 4TH
MPLS MN
55401

JENUS INC
525 LAKE AVE SO
DULUTH MN
55801

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

KABLE RICHARD W

BETHEL MN

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
905 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KING,TIMOTHY
3333 OAKLAND AVE S
MPLS MN
55407

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH,BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KNUDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LOES CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

LOKE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G H DISPATCH-PRESS
55 E 4TH ST
ST PAUL MN
55101

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BASSITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MALONE E I COMM LABOR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT AS
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MCCOA
867 GRAND AVE
ST PAUL MN
55105

MEIEROTTO, JOAN
1754 SO LEXINGTON
ST PAUL MN
55118

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN
55113

MET TFR MEN ASSN A ROSENT
1621 UNIV AVE
ST PAUL MN

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55159

MIDLAND GLASS- HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSO
480 CEDAR ST.
ST.PAUL MN
55101

MINN AFL-CIO, L O LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIV
4961 W 77TH ST
MPLS MN
55435

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN COUNCIL STATE EMP NO 6
475 RICE ST
ST PAUL MN
55103

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN HOUSING INST N T CARTER
7601 METRO PKWY
MPLS MN
55420

MINN HWYS MANAGEMENT SERV
407 HWY BLDG
ST PAUL MN
55101

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. .J.N.D
1821 UNIV.
ST.PAUL MN
55104

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POULTRY & HATCHERY ASSN
BOX 156
MADELIA MN
56062

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SCH BUS OPERATORS ASSN

FARIBAULT MN
55021

MINN SOCIETY ARCHITECTS A
NW NATL BK BLDG
ST PAUL MN
55101

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE CAPITOL EMP UN
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2363 UNIV AVE
ST PAUL MN
55114

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA C
600 2ND ST
HUDSON WI
54016

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MOFFITT R.C. DIR.ENV.CONTROL
MPLS.CITY HALL RM 301M
MPLS MN
55415

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MUELLER SHIRLEY A
787 W COTTAGE AVE
ST PAUL MN
55117

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NATL SOLID WASTES-R. GRASSO
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NELSON DONALD E NSP CO
414 NICOLLET AVE
MPLS MN
55401

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NESBITT JOHN
7601 METRO PKWY S 118
MPLS MN
55420

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NO SUB MONTESSORI-S SAUDL
2487 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NW COUNTRY ELEVATOR ASSN
602 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYGLIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OCONNOR GREEN THOMAS ET A
845 NW BANK BLDG
MPLS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR MBD & MAINC
927 SOO LINE BLDG
MPLS MN
55402

OSTRUM DONALD E
PO BOX 33163
COON RAPIDS MN
55433

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PAYNE COL ALVIN

DEGRAFF MN
56233

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN

PETERSON GARY
894 MIDLAND BK BLDG
MPLS MN

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN

PHAR MFGRS ASSN WM C PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE D

TRACY MN
56175

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

PROCTOR&GAMBLE L THECHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

PULSCHER RBT SPRINGSTED INC
613 OSBORN BLDG
ST PAUL MN
55102

QUIRIN E W
408 MAY BLDG
ST PAUL MN
55155

RADMAN RICHARD-LABOR TEMPLE
410 AUDITORIUM
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REID DAVID H
5633 WASHBURN AVE S
MPLS MN
55410

RENNER R.H. ST PAUL AREA
300 OSBORN BLDG.
ST PAUL MN
55102

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

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

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

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

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

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 AS
1220 ARCADE
ST PAUL MN
55106

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

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

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

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

SCHNEIDER MARLON
GREEN GIANT
LESUEUR MN
56058

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN

SCHWINN ROBT.P.
1400 SCO LINE BLDG.
MPLS. MN

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN

SENATE COUN OFF ROOM 24
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

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

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

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

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN
55411

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SNYDER ROBERT W
248 CO B C OF M
ST PAUL MN
55101

SODERBERG HAROLD J
1900 MIDWEST PLAZA BLDG
MPLS MN
55402

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

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

STEELWORKERS CREDIT UNION
BOX 290
BABBITT MN
55706

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

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

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

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

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

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWEITZER R L HONEYWELL INC
2701 4TH AVE S
MPLS MN
55408

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
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STATE OF MINNESOTA

COUNTY OF HENNEPIN

In the Matter of the Proposed Adoption, Amendment or Revision of the Rules of the Minnesota State Board of Health

AFFIDAVIT OF MAILING

H. Michael Tripple, being first duly sworn, deposes and says:

That on the 17th day of September, 1975, at the City of Minneapolis, County of Hennepin, State of Minnesota, he mailed the attached Press Release by depositing in the the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on Exhibit A, attached and made a part hereof.

H. Michael Tripple

Subscribed and sworn to before me this 15th day of ~~September~~ October, 1975.

John E. Diehl

JOHN E. DIEHL
Notary Public, Ramsey County, Mn.
My Commission Expires,
September 22, 1978

YOUR HEALTH

NEWS RELEASE FROM THE MINNESOTA DEPARTMENT OF HEALTH

September 16, 1975 Contact: Bill Moore
FOR IMMEDIATE RELEASE (612) 296-5294

The State Board of Health has announced its intent to obtain the input of Minnesota residents as it considers the adoption of new rules in seven different subject areas and the amendment and revision of existing rules in five different areas.

Minnesotans interested in submitting data or views relating to the proposed adoption, amendment or revision of rules should address their written or oral comments to the Minnesota Department of Health, 717 S.E. Delaware St., Minneapolis 55440, through the contact persons listed below.

The proposed new rules relate to the following subjects:

* Implementing provisions of the Minnesota Clean Indoor Air Act; Kent Peterson, (612) 296-5365.

* Control and regulation of clinical laboratories; Dr. Henry Bauer, Division of Medical Laboratories, (612) 296-5241.

* Transfer of patient's x-ray records; Dr. Ellen Z. Fifer, Assistant Commissioner for Programs, (612) 296-5391.

* Distribution of monies to aid in construction of water filtration and purification plants and systems for communities using Lake Superior as a drinking water source; Frederick Heisel, Division of Environmental Health, (612) 296-5320.

* Implementing provisions of the Maternal and Child Nutrition Act of 1975; Dr. Ronald Campbell, Section of Maternal and Child Health, (612) 296-5265.

* Approval of laboratories performing bacteriological examinations of water; Russell Frazier, Analytical Services Section, (612) 296-5300.

- MORE -

* Establishment of application procedures for the credentialing of allied health manpower groups; Corrine Larson, Section of Allied Health Manpower, (612) 296-5393.

Amendments or revisions of existing rules are proposed in the following subject areas:

* Construction, equipment, maintenance, operation and licensing of nursing homes and boarding care homes, and the establishment of levels of assessments for violations of the regulations; H. Michael Tripple, Division of Health Facilities, (612) 296-5418 (effective Oct. 1).

* Construction, equipment, maintenance, operation and licensing of hospitals, and the establishment of levels of assessments for violations of the regulations; Janet Brodahl, Division of Health Facilities, (612) 296-5440.

* Morticians, funeral directors, and the disposition of the dead; Eugene Larson, Mortuary Science Unit, (612) 296-5491.

* Limitation of the use of x-ray machines in the screening for detection and evaluation of health conditions; Alice Dolezal, Division of Environmental Health, (612) 296-5323.

* Construction, equipment, maintenance, operation and licensure of supervised living facilities; Hans Larsen, Division of Health Facilities, (612) 296-5451.

Any materials submitted will be reviewed and considered by the Department of Health during the preparation of proposed rules, amendments or revisions. Notice of public hearings on proposed rules will be given to all interested parties, and any written materials submitted will become part of the hearing record.

Under state law, any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity.

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DATE: Sept. 16, 1975

FROM : Section of Public Health Education

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STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of the Proposed Rule Relating to the Water Purification and Filtration Plants Grants Program

ORDER ADOPTING RULE

The above-entitled matter came on for hearing before the Minnesota State Board of Health on the 29th day of December, 1975, at 10:00 A.M. in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (Supp. 1975) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and also upon other persons, associations and groups of which the State Board of Health was aware of as possibly having an interest in the above captioned rule.

After affording interested persons an opportunity to present written and oral data, statements and arguments, and having heard and considered all of the testimony and 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 rule.

NOW, THEREFORE, IT IS ORDERED that this rule, identified as Minn. Rule MHD 144, relating to the Water Purification and Filtration Plants Grants Program is adopted

this 18th day of February, 1976, pursuant to authority vested in the Minnesota State Board of Health by Minn. Stat. § 298.244 subd. 2 (Supp. 1975) and in me by resolution of the Board duly adopted at a meeting of the Board on the 12th day of February, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH

WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

STATE BOARD OF HEALTH

In the Matter of the Proposed Rules Relating to the Water Purification and Filtration Plants Grants Program

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota State Board of Health (hereinafter "Board") on the 29th day of December, 1975, at 10:00 A.M., in the Board Room, Minnesota Department of Health Building, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, after proper notice required by Minn. Stat. § 15.0412 (Supp. 1975) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and also upon other persons, associations and groups of which the State Board of Health was aware of as possibly having an interest in the above captioned rules.

After affording interested persons an opportunity to present written and oral data, statements and arguments, and having heard and considered all of the testimony and evidence adduced and upon the records, files and proceedings herein, the Board makes and enters the following findings:

1. The authority to promulgate the above captioned rules is contained in Minn. Stat. § 298.244 subd. 2(b) (Supp. 1975) which states in part that grants to help defray the cost of construction of a municipal water purification system awarded by the Board pursuant to

section 298.244, subdivision 2 " . . . shall be made in accordance with the guidelines created under authority of this subdivision. . . . " Minn. Stat. § 15.0411 subd. 3 (Supp. 1975), defines a rule as " . . . every agency statement of general applicability and future effect . . . made to implement or make specific the law enforced or administered. . . . " Since the guidelines created by the Board to govern the water purification and filtration plants grants program meet the definition of a rule, they must be promulgated as such.

2. The Legislature established a grants program to be administered by the Board which in part is intended to provide financial assistance to those municipalities which: (1) have the power or duty to provide drinking water; (2) use Lake Superior as the source of the drinking water; and (3) determine, together and in conjunction with the state, that a municipal water purification and filtration system is necessary for the elimination of polluting or potentially injurious substances from water used for municipal water supply purposes.

3. The above captioned rules are necessary to assure that the grants awarded by the Board as part of the grants program referenced in finding 2 above will be awarded in a manner consistent with the purposes and intent expressed in Minn. Stat. § 298.244 subd. 2 (Supp. 1975) as well as in a manner that is fair and equitable to all interested municipalities. The rules meet that need.

4. MHD 144(c)(1) and (2) are reasonable with respect to specifying dates relating to grant applications and construction. The establishment of the deadlines is justified for the following reasons. First, the existence of a potential carcinogenic threat to the health of all persons drinking water from Lake Superior has been established. The Legislature has recognized the existence of

the threat and the need to take protective action by appropriating funds for the grants program to aid affected municipalities in construction of the water purification and filtration plants. The establishment of the deadlines is in keeping with the recognition that action must be taken as quickly as possible to protect the health of the citizens of the municipalities. Second, the formula to be used in establishing the amount of the grant to be awarded to any given municipality depends upon eligible costs incurred by the remaining applicant municipalities. With the last 25 percent of all grants to be withheld until it can be assured that all grant recipients will receive the same percent of their eligible costs, it is imperative that grant applications be processed as soon as possible. This will avoid extended delays both with respect to commencement of grant payments and in payment of the final 25 percent of any grant. This is crucial as municipalities will have to borrow funds to pay construction costs. Interest on those loans will be reduced accordingly if the grant money is disbursed to the municipalities in a timely fashion. Based upon these two factors, it is reasonable and justified to provide for the application and construction dates specified in the rule so as to encourage affected municipalities to decide upon a course of action with all due haste. Delay which may be experienced for any reason by a minority of municipalities should not in effect penalize the majority of the municipalities.

5. The provisions of MHD 144(c)(1) authorizing the Board to request information in addition to that contained in a grant application and to deny a grant for failure to supply the requested information is reasonable and justified. The Board will have to determine which construction and related costs are eligible for grant funding as well as other factors critical to the grant decision. In order to

carry out the intent of Minn. Stat. § 298.244 subd. 2 (Supp. 1975) and the rules promulgated thereunder, it is imperative that the Board be able to obtain all information which is reasonable and necessary for performing its responsibilities.

6. The items which MHD 144(c)(4) requires be attached to a grant application are necessary so that the Board may (1) determine that the costs for which grant funds are requested are eligible; and (2) comply with provisions of Minn. Stat. § 298.244 subd. 2 (Supp. 1975) applicable to the grants program. This rule is therefore reasonable.

7. MHD 144(d) establishes the awarding of a grant as a three-stage process. First, an applicant must receive conditional approval based upon a finding that it qualifies for a grant and that the costs requested to be covered by grant funds are eligible. Then, the applicant, in order to receive final approval or the award of a grant, must comply with other applicable regulatory and statutory requirements. At this stage the applicant is assured of receiving grant funds. The final stage is the actual payment of funds, the actual amount to be determined only as actual eligible costs for all grant recipients becomes known. For planning and financial purposes, municipalities need to know where they stand in the grant process. Since the facts necessary to determine whether or not an applicant is eligible for a grant and the exact size of the grant will become known only over an extended period of time, this three-stage process is clearly reasonable and justified.

8. Except for the statutory limitation which is repeated in MHD 144(d)(4), each grantee will receive funds for the same percentage of their total actual eligible costs. This is the fairest and most equitable manner of awarding

available grant funds. No evidence or argument was presented at the hearing in support of municipalities receiving grants representing different percentages of their total actual eligible costs. While the Legislature did limit any given grant to $2,000,000, which could mean that one municipality might receive a smaller percentage of its total actual eligible costs in grant funds, this does not change the reasonableness and fairness of the equal distribution system set forth in MHD 144(e)(1). The $2,000,000 represents 80 percent of the appropriation made by the Legislature for the grants program. Rather than indicating a legislative intent that grants cover different percentages of each municipality's total eligible costs, it instead expresses a legislative mandate that no one municipality receive all grant funds and that all eligible municipalities receive financial assistance. There being no reason to justify unequal percentage reimbursement of costs, rule MHD 144(e)(1) is found to be supported by the evidence.

9. The method of payment of the first 75 percent of a grant provided for in MHD 144(e)(2) and (3) permits the necessary flexibility to meet the needs of the grant recipients and the state. While a standard system is prescribed, a municipality may request payment of its grant in some other manner which is in keeping with the legislative intent to assist the municipalities in the construction of the water filtration and purification plants. The municipalities, however, are not given a carte blanche to demand grant disbursement. It is reasonable to require approval of any request so that a determination can be made that the method of disbursement sought by a municipality is in keeping with the general intent of the legislature and MHD 144 and is feasible for the state's accounting system. The general

method of disbursement on a monthly basis is based upon evidence which demonstrates that municipalities will have monthly payments. This will allow them to receive some grant money monthly to help pay for costs which are due and owing or have been paid by them and for which no payment by the Board has been made. Therefore, MHD 144(e)(2) and (3) is reasonable, justified, and supported by the evidence.

10. The final 25 percent of any grant will be disbursed in specified increments and only when the Board has sufficient information with respect to all grant recipients to assure itself that the municipalities will receive grant monies totaling the same percentage of each municipality's total actual eligible costs. This system may result in some delay to some municipalities which is necessary to assure that each municipality receives what it is entitled to under MHD 144. Therefore, MHD 144(e)(4) is reasonable, justified, and supported by the evidence.

11. MHD 144(f) is reasonable and justified since it will permit the Board, under special circumstances, to waive any particular section under MHD 144, if strict enforcement of that section will frustrate the purpose of rule 144 and Minn. Stat. § 298.244 subd. 2 (Supp. 1975), which is to assist the affected municipalities meet an unexpected but necessary financial burden created by the discovery of a threat to the public health.

12. Several changes were made in the proposed rules between the time that the Notice of Public Hearing was mailed out and the hearing. The changes were not of a substantive nature but merely clarified what was already in the rules as announced for the public hearing or added provisions which would not substantively affect the rights of those parties eligible for grants. The changes,

modifications and additions were announced and opportunity given for discussion and comment at the hearing as well as during the 20 day comment period after the close of the hearing. No objections to those items were received.

13. No changes were made in the rules after the public hearing.

14. Other provisions of MHD 144 not specifically addressed herein are found to be reasonable, justified, authorized by legislation, and supported by the evidence.

15. All procedural requirements for promulgating rules have been complied with and observed.

16. MHD 144 is in keeping with and will fulfill the policy, intent, and purpose of Minn. Stat. § 298.244 subd. 2 (Supp. 1975).

Dated: February 12, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH

Robert G. Willmarth

ROBERT WILLMARTH
President

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

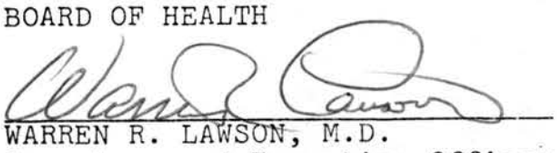
I, Warren R. Lawson, M.D., do hereby certify that I am the Secretary and Executive Officer of the Minnesota State Board of Health, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the said Board duly and properly called and held on the 9th day of October, 1975, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Warren R. Lawson, M.D., Secretary and Executive Officer of the Minnesota State Board of Health, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating rules of the Board of Health relating to water purification and filtration plants' grants program as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as acting as or appointing a presiding officer for all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of February, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH



WARREN R. LAWSON, M.D.
Secretary and Executive Officer

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

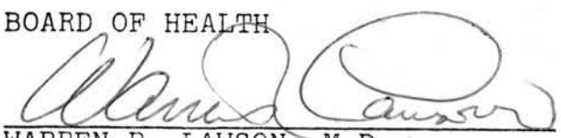
I, Warren R. Lawson, M.D., do hereby certify that I am the Secretary and Executive Officer of the Minnesota State Board of Health, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the said Board of Health duly and properly called and held on the 12th day of February, 1976; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution has not been rescinded or modified.

> "RESOLVED, that the rules relating to the water purification and filtration plants grants program identified as MHD 144 are found to be reasonable, necessary and supported by the evidence contained in the record, and are hereby approved and adopted, pursuant to authority vested in us by Minn. Laws 1975, ch. 437, art. XI § 2 subd. 2 and that Warren R. Lawson, M.D., Secretary and Executive Officer of the Minnesota State Board of Health, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of February, 1976.

STATE OF MINNESOTA

BOARD OF HEALTH



WARREN R. LAWSON, M.D.
Secretary and Executive Officer

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Assistant Attorney General Richard A. Wexler, do hereby declare that I have examined the proposed rule relating to the Water Purification and Filtration Plants Grants Program, identified as Minn. Rule MHD 144 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.

Dated: February 19, 1976.

RICHARD A. WEXLER
Assistant Attorney General