

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JOSEPH N. ALEXANDER
Commissioner
Department of Natural Resources

DATE: July 14, 1980

Attn: BILL CLAPP

FROM : H. THEODORE GRINDAL HTG
Special Assistant
Attorney General

PHONE: 296-3471

SUBJECT: In the Matter of Proposed Rules Relating to Mineland Reclamation

The rules in the above-captioned matter have not been approved for the following reasons:

1. The term "acceptable research" is defined in 6 MCAR sec. 1.0401 B. 1. and used three times thereafter. The definition of "acceptable research" conditions the acceptability of research on the approval of the Commissioner; yet the basis for such approval is not limited by any standards or criteria in the definition. Thus the definition appears to allow the Commissioner unbridled discretion and is, therefore, improper. Furthermore, in the three rules subsequent to this definition (6 MCAR secs. 1.0402 D. 2. d. (2); 1.0402 D. 2. g. (2); 1.0402 D. 2. 1. (2)) the phrase "Based upon acceptable research the Commissioner may approve other measures . . . " again allows unlimited discretion to the Commissioner. The use of the word suggests that the Commissioner may not approve other measures even based upon acceptable research. If the Department intended that the use of the words "may approve" be interpreted and applied as "shall approve" then the "may" should be changed to "shall" Otherwise the use of the words "may approve" is improper.

2. In 6 MCAR sec. 1.0402 G. 2. a. (3)(j), the rule requires a blasters log to be kept for at least six years including "Other information as the Commissioner may require." This language includes no standard that could guide the Commissioner or the person reading the rules as to what additional information could be required. This language appears to allow unbridled discretion to the Commissioner, and is therefore improper.

3. In 6 MCAR sec. 1.0402 H. 2. c., the rule states that "when required by the Commissioner, a drainage system shall be established." However, this rule does not appear to set forth standards or criteria regarding the circumstances in which a drainage system would be required. Therefore, this language is improper.

4. In 6 MCAR sec. 1.0402 I. 2. (c) and (d), the rule provides a specified time period for debris removal but allows such removal to be done "within a longer period approved by the Commissioner." This language does not contain standards or guidelines to determine how the Commissioner will decide when to extend this time period. Because the rule allows unlimited discretion it is improper. This same phrase appears in 6 MCAR 1.0402 I. 2. (g) and (h) and cannot be approved by this office for the same reasons.

5. In 6 MCAR sec. 1.0406 E. the second sentence dealing with the period of time for suspension includes the inappropriate use of "may". That sentence reads, "Any suspension ordered pursuant to this section may be for such period and upon such

terms as the commissioner deems appropriate to correct the conditions which necessitated suspension." It appears that the Department intended the word "may" to be interpreted as a "shall" in this sentence. If this was the Department's intent the word "may" should be replaced with "shall."

Listed below are other apparent minor errors that have come to our attention. They should all be easily remedied.

1. In 6 MCAR sec. 1.0401 B. 10. The newly inserted 10 should be 8. The term "mining" is defined in sec. 1.0401 B. 8, not sec. 1.0401 B. 10.

2. In 6 MCAR 1.0402 D. 2. b. The word receiving is misspelled.

3. In 6 MCAR sec. 1.0402 D. 2. c. it appears that the second line should read "areas with unstable foundation such as" instead of "such a."

4. In 6 MCAR sec. 1.0403 D. 4., the cite 6 MCAR Section 1.0405 B. 6. c. should apparently read Section 1.0403 B. 6. c. There is no section 1.0405 B. 6. c.

5. In Section 1.0404 A. 5. the language of the second line should read "operating plan" instead of biennial plan. This change would make all references to operating plan consistent.

Upon consideration of the concerns raised in this memo and action by the Commissioner, if any, these rules may be resubmitted to this office for approval. At least three copies of an amended Order Adopting the rules and three copies of the Rules as Adopted must be resubmitted to this Office. The other jurisdictional documents have been retained by this Office. For administrative convenience, please designate that these rules are being resubmitted to this office, at the time of resubmission.

Also, please be advised that the Chief Hearing Examiner requests that any changes, other than those that are merely typographical or those that go only to form, that are made subsequent to his review, be resubmitted to that office. Therefore, this office suggests that you contact the Chief Hearing Examiner regarding any changes made pursuant to the first five paragraphs above.

If you have any questions regarding the issues discussed herein, please feel free to contact me.

HTG/bw
Encl.
cc: Duane Harves
Susan Robertson

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF THE PROPOSED ADOPTION OF
RULES IMPLEMENTING THE MINELAND RECLAMATION ACT

STATEMENT OF NEED AND REASONABLENESS

INTRODUCTION

Minnesota Statutes, Section 93.44 - 93.51, entitled the Mineland Reclamation Act, authorize the Commissioner of Natural Resources to adopt rules providing for the reclamation of lands disturbed by the mining of metallic minerals. The law declares that it is the policy of the state, through mineland reclamation, to control the adverse environmental effects of mining, to preserve natural resources, and to encourage land use planning. The law further declares as policy the promotion of the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining.

The Mineland Reclamation Act represents the legislative response to a Minnesota industry nearly 100 years old, an industry which has had an enormous economic, social, and environmental impact on this state and its residents. The reclamation law was originally passed in 1969. The statute was amended and significantly strengthened in 1973. In 1976, the legislature appropriated funds to provide staffing for the formulation and implementation of a reclamation program.

The reclamation law addresses only the reclamation of metallic minerals. The mining of sand, gravel, other industrial minerals, and peat are beyond the scope of the law. These proposed rules address the mining of iron ores, which is the only type of commercial scale metallic mineral mining currently conducted in Minnesota. Additional sections of these proposed rules are reserved for future types of metallic mineral mining such as copper-nickel or uranium mining. Further, the reclamation law and the rules are prospective, in that they apply only to that portion of mining operations conducted

subsequent to the date upon which they take effect.

The need for reclamation of mined lands has been recognized not only on a state and national level in this country, but in other countries as well. As populations have increased, so has increased society's demand for fuels, metals, and other earth resources. At the same time, these increasing populations are creating other land use demands, such as land for housing, commerce, and recreation. Not surprisingly, these demands have often come into conflict with one another. Mining the materials to meet resource demands has also resulted in degradation of the natural environment to a certain extent. Minnesota's Mineland Reclamation Act, and these proposed rules, attempt to reconcile these land use conflicts and prevent mining related environmental degradation, while at the same time recoginizing the need for and the importance and beneficial aspects of mining.

It is difficult to overstate the significance and magnitude of Minnesota's iron ore industry. In 1978, Minnesota's iron ore production accounted for over two-thirds of the total U. S. production of iron ore. Minnesota has been the predominant domestic producer of iron ore throughout the twentieth century.

Since the 1880's when the mining of iron ore began in Minnesota, approximately 3.4 billion tons of iron ores have been shipped from the state. This figure represents less than one-sixth of Minnesota's iron ore reserves recoverable by open pit mining, according to a recent estimate. If these reserves were to be mined at 1978 production rates, it would be almost 300 years before they were exhausted.

To date, approximately 146 square miles of land in northern Minnesota have been disturbed by iron mining activities. This disturbance, plus that

associated with mining the vast, uncalculated additional open pit and underground iron deposits, indicate the need to reclaim such lands.

The Mineland Reclamation Act directs the commissioner of Natural Resources to conduct a comprehensive study and survey to determine the extent to which regulation of the mining areas is necessary in the interest of the general welfare. Upon conducting this study and survey, the DNR has identified the major problems associated with iron mining. The rules which have been prepared by the DNR to address these problems appear in 6 MCAR Chapter 1.0402 of these rules. The implementation of these rules will provide for the reclamation of lands disturbed by iron mining activities to a safe, productive, and environmentally sound condition.

Section A. Purpose and Policy

This section cites the enacting legislation for these proposed rules, and contains a number of policy statements towards which the rules are directed. These policy statements consist of recitation and amplification of state policy as declared in the statute. Finally, this section reiterates considerations required by the statute of the commissioner in determining the extent and nature of these proposed rules.

Section B. Definitions

This section contains two types of definitions; those terms which appear and are defined in the statute, and those terms which are used in the proposed rules, which may not be generally recognized and accepted, and to which special and specific meanings are attached for the purposes of the rules.

1. "Acceptable Research" is defined to require approval by the commissioner, with its parameters dictated by the site and the standards set forth in the rules because such research will be used to develop an alternative method of reclamation which must be eventually approved by the commissioner before being used.

2. "Auxiliary facilities" is defined to include every alteration to the natural environment associated with the mining operation because all such areas should be subject to reclamation. Common carrier facilities are not so included because their usefullness is not directly related to only a single mining operation nor will they necessarily terminate operations upon termination of the permit to mine.

3. "Beneficiating plants" is defined in order to clarify that the applicability of these proposed rules extends to processing and fabricating facilities, and because the term is included in the definition of "Mining area" contained in the statute, and therefore relates to the scope of the rules.

4. "Commissioner" is defined in the statute.

5. "Completion" or "completed" are defined because they represent the point at which certain reclamation measures are required to be undertaken.

6. "Deactivation" is defined because it represents the final stage of reclamation, for which special standards are imposed by these proposed rules.

7. "Good mining practice" is defined to include the use of the best available technology consistent with these rules because the statutes require a balancing of the reduction of environmental damage with economical mining methods. To maximize both, the operators should use the best technology available to achieve such.

8. "Hereafter" is defined because it explains the point at which the proposed rules become effective and assists the Commissioner in identifying those portions of mining operation to which the rules apply.

9. "Lands previously affected by mining" is defined because the statute limits the application of these proposed rules to those portions of mining operations conducted subsequent to the effective date of the rules, and this provides for the identification of those portions of mining operations to which the rules will not apply.

10. "Mine waste" is defined by the statute.

11. "Mining" has been defined to include all activities directly associated with production of iron ore which could cause sufficient damage to require reclamation. Such definition is consistent with the statute since all such activities should be subject to reclamation.

12. "Mining area" or "area subjected to mining" are defined by the statute.

13. "Mining operation" is defined as it is to assure that projects which are indeed related are considered and acted upon concurrently so the ultimate decision can properly consider all factors related to the operations.

14. "Natural Resources" is defined in similar fashion as it is in M.S. Chapter 116B. 02, Subd. 4.

15. "Operator" is defined by the statute.

16. "Permit to mine" is defined because it represents the legal instrument which prescribes the terms and conditions under which a mining operation may be conducted, and constitutes the authorization by the Commissioner to conduct such a mining operation.

17. "Reclamation: is defined because it provides the basis for determining the degree to which the terms and conditions of the Permit to mine have been met.

18. "Reference area" is defined because it provides a means by which the extent of vegetation required by a Permit to mine, and therefore compliance with vegetation standards can be measured.

19. "Scram Mining Operation" is defined as it is because such operations are usually short-lived, small and market oriented. Operations within existing mine areas or involving less than 40 acres of unaffected lands do not present the same requirements of advanced planning and public review as would be required of the larger, permanent operations.

20. "Stockpile" is defined because it is in the statute, and it serves to collectively identify a number of different types of landforms created as a result of mining.

C. Scope and Application

Minn. Stat. Chapter 93.481 requires that a permit shall be required before any new mining activity is commenced with the exception that active operations may continue while the permits are being processed. Such permits are to be for the term authorized by the Commissioner within which the proposed mining and reclamation activities would be completed.

Although the statutes do not recognize the scram permit process contemplated by these rules, elsewhere we have established the necessity of such. Since scram permits generally concern areas within an existing mining area, and are market related short term operations needing no long term planning, such permits should be for a maximum of 5 years. Any operation with greater operational length probably has the time and is of a scope which should require the full review procedures.

The entire thrust of these regulations are for iron operations. They would not be applicable to most other metalic operations since their implementation may not be beneficial thereto.

These rules must statutorily apply to all areas affected by operations conducted hereafter. To be consistent with that legislative intent, the rules require that all portions of the operation used or altered hereafter should be reclaimed including existing plants which will be used. In addition, certain mining land forms such as tailings basins, reservoirs, etc. and associated facilities can not be effectively used without in some manner affecting the entirety if used following the implementation of these rules. It is reasonable that any existing facilities which are hereafter used be subject to all reclamation requirements with the exception of siting since the site is already an operative fact.

Finally, if existing land forms which may otherwise have been exempt from these rules adversely affect the lawful reclamation of new land forms such existing land forms should be subjected to corrective measures which reduce or eliminate those adverse effects.

Since several mining operations often occur in the same general location over a period of years and since much of these regulations are designed to produce a specific permanent condition, it is reasonable that some requirements be waived if another operation is to follow in a short period to obliterate the reclamation.

Such waiver should only be allowed if the subsequent operation accepts the responsibility of final reclamation of both its own operation and that of its predessor. A period of 15 years is a reasonable limit of time for allowing mining land forms to remain unreclaimed and this should be the upper limit of the proposed delay between the two operations. In addition if the period of delay should cause significant environmental effects through such actions as erosion, slumping, etc., the waiver should not be allowed.

All rules, statutes and ordinances combine to make up the compendium of law applicable to a certain activity, the Commissioner does not intend nor does he have the authority to prevent the enforcement of laws which are applicable or which are more restrictive in a specific instance. In the same light these rules should apply regardless of the existence of a less stringent standard adopted by another unit of government.

D. Severability

Each rule herein has been proposed to address a specific problem. There is no reason why the failure of any one rule, either in general or as it applies to a specific situation, should affect the liability of the remainder.

Section A. Siting

The fundamental purpose for adopting rules relating to the siting of mining operations is that iron mining operations are generally very large facilities which use considerable quantities of land very intensively. Accordingly, the potential for land use conflicts between mining areas and adjacent areas is significant. The types of impacts and disturbances associated with iron mining are, for the most part, inconsistent with such land uses as residential, wilderness, forestry, and most types of recreational uses. The potential for land use conflict is amplified by the facts that: 1) The iron resource yet to be mined is enormous; 2) Modern iron mining operations, that is, taconite mining operations, are much larger than early mining operations, and the corresponding impacts can be similarly larger; 3) New mining operations will require new employees, possibly attracting greater populations to the mining regions; and 4) Iron mining is carried out in a part of Minnesota which is generally popular as a recreational region. The rules relating to siting then are an attempt to prevent or minimize future land use conflicts between mining operations and certain other areas.

The goal statement merely recognizes that adverse environmental impacts caused by mining should be minimized through proper siting of facilities. It is reasonable that less adverse environmental impact is better than more. The point of subsection 2 a. is to require that those portions of a mining operation for which alternative locations exist be sited in locations, so as to minimize certain adverse environmental effects and possible injury and damage, particularly on certain areas identified as having special resource value. One method of achieving this is to site portions of a mining operation in areas previously used for mining purposes. Obviously, it makes more sense to redisturb a previously mined area than it does to disturb a new area. Clearly, it is prudent, when a

choice exists, to locate mine facilities where adverse environmental impacts and potential injury will be minimized.

Section 2.b., "Exclusion areas for mining", contains a description of areas in which no mining shall be conducted, except under the circumstance of a state or national emergency. Mining is prohibited in these exclusion areas because, in the case of formally designated areas, such mining would diminish and possibly destroy the very qualities which caused these areas to be specially-designated in the first place. Moreover, the reclamation law directs the commissioner to identify areas or types of areas which cannot be satisfactorily reclaimed under the rules, and further, prohibits the commissioner from issuing permits to mine such unreclaimable areas. The areas designated as exclusion areas represent areas which, through the determination of the commissioner, cannot be satisfactorily reclaimed.

The areas designated in Section 2.b. (1)-(5) all contain setback provisions designed to protect the intended use and enjoyment of the areas. All of these areas were established through formal actions at the state or federal level, so their designation is significant and their protection therefore is important.

Mining is prohibited with lakes larger than 80 acres (Section 2.b. (6) because such lakes are specifically protected from mining by state law. Mining is prohibited in any designated stream trout lake because such mining would destroy the lake, thereby eliminating a valuable natural and recreational resource of which there are only a very limited number. The protection of such an important and scarce resource is reasonable, compared to the relatively small quantities of iron resource which may exist within such lakes.

Section 2.b. (7) is intended to protect an area which is generally recoginized for its high and unparalleled scenic value, while at the same time, recognize the importance and provide for the continuation of the existing mining-related development within this region. Underground mining is not prohibited, since it may be

possible to conduct such mining without conflicting with the predominant use of character of this area. In view of the unique scenic value of this zone, it is reasonable and appropriate to protect it from the effects of mining.

Section 2.b. (8) is intended to provide for a minimal separation of mining operations and certain adjacent land uses which involve the presence of people. The setbacks are reasonably designed to protect the public health and safety, to prevent individuals from unknowingly traveling onto possibly hazardous mining properties, and to reduce the possibility of a stockpile, for example, slumping onto adjacent private or public property. In addition, the setbacks serve to provide a buffer between inconsistent land uses, thereby, diminishing the intrusion of the effects of mining onto adjacent lands. Such setbacks are consistent with those found in zoning ordinances, and are reasonable to adopt.

Section 2.b. (9) simply acknowledges that areas which merit special consideration which are not currently recognized may in the future be added as exclusion areas for mining. This is reasonable, in that over time, conditions can change, requiring new or modified management techniques and objectives.

Section 2.c., "Avoidance areas for mining", contains a description of areas in which mining is prohibited, except when no feasible and prudent alternative to mining in such areas exists. The rationale for protecting these areas is basically resource value, which should be protected from inconsistent development. However, from a natural resource standpoint, they are not as significant or rare as those areas listed as exclusion areas, and as such, the prohibition of mining within these areas is not absolute. It is reasonable to avoid disturbing areas which have been specifically designated or are generally recognized, on the basis of their high natural resource value, as areas deserving protection and special management, when reasonable alternatives to using such areas exist.

Section B. In-mine disposal

The standards relating to the in-mine disposal of mine waste are designed to, under certain circumstances, require the disposition of mine waste material in the excavation created as a result of removing iron ore, in order to prevent the disturbance of surrounding land and other natural resources.

The goal statement simply states that to the maximum extent possible, the use of mining areas is preferable to the use of non-mining areas for mining-related uses. This concept, that of the consolidation of identical or similar land uses, is a most basic principle of land use, and its application to an activity as intensive as mining is reasonable.

For each unit of iron ore removed from the ground, a certain amount of waste material must be removed to gain access to the ore. This waste material includes surface overburden, waste rock, and lean ore. In addition, during the processing stage, substantial amounts of another waste material, tailings, are produced. All of these waste materials must be deposited somewhere. The problem of the disposition of these materials is heightened by the fact that the volume of the materials after removal from the ground or after processing can be significantly greater than when they are in place. It is clearly prudent, given the size of the unmined iron resource in MInnesota, to consider the mining areas from which iron ores are mined as possible disposal sites for the waste material encountered and produced in mining the ores.

Standard mining practice in Minnesota, and a practice in which the state, as a resource trust agent, has participated, has been the placement of like material or better on like. The standards contained in this section encourage this practice and extend it to include, under certain circumstances, the placement of material on material of perhaps a greater mineral value. This concept has already been applied, to a limited extent, by certain iron mining companies in Minnesota.

Standard 2.a. authorizes the commissioner to require the in-mine disposal of mine waste. This is a reasonable application of the declared policy of the statute: controlling possible adverse environmental effects of mining; preserving natural resources; and the planning of future land use. The words "may require" are included in response to the further statutory policy statements to: promote the orderly development of mining; encourage good mining practices; and recoginize and identify the beneficial aspects of mining. There are likely to be situations in which in-mine disposal of mine waste will be desirable, and situations in which it will not. It is reasonable, in response to the declared policy of the law, to provide the commissioner with the authority to require in-mine disposal in those situations where such disposal is desirable.

Standard 2.b., by requiring in-mine disposal at the earliest opportunity in the mining operation, is intended to minimize the disturbance of non-mining land due to waste disposal and to encourage long-range planning of mining operations. It makes little sense to require in-mine disposal of mine waste if substantial areas of non-mining land will be disturbed before the waste can actually be placed in the mine. It is reasonable, in those instances where in-mine disposal is to be practiced, to adopt mining methods and schedules which will maximize the extent to which such disposal can be carried out. This standard will also often minimize the need for additional handling of mine waste by the permittee, an obvious benefit.

Standard 2.c. identifies the factors to be considered by the commissioner in requiring the in-mine disposal of mine waste. The concept of in-mine disposal requires that the commissioner balance the tradeoffs involved among the various resources in determining the degree to which mine waste shall be deposited in-mine. Conditions will vary from mining operation to mining

operation; the commissioner must base decisions regarding in-mine disposal on various considerations. The factors listed in B.2.c. (1)-(5) serve as a reasonable basis for the commissioner's evaluation of whether or not and to what extent to require in-mine disposal of mine waste.

Standard 2.d. serves two purposes: It removes the application of requirements relating to sloping and design and vegetation to mine waste below the ultimate water line in an open pit mine; and it requires the prevention of adverse environmental effects from disposing of mine waste in open pits. The conditions which require the imposition of sloping and design and vegetation standards do not apply to landforms created in an open pit mine and to be submerged; there is therefore, no need to require compliance with these standards. This further provides an incentive to mining operators to practice in-mine disposal. However, there is a need to prevent adverse environmental effects associated with in-mine waste disposal practices, since the open pit and the water in the pit will remain valuable natural resources.

C. Buffers and barriers

A mining operation is essentially a land use which is inconsistent with other, non-mining types of land use. This inconsistency is attributable in large part to the scale on which a mining operation is conducted. Often, tens of thousands of tons of ore is mined per day, requiring the removal, transport, and disposition of even greater amounts of waste material. The noise generated as a result of blasting and material movement is substantial. The landforms created as a result of disposal or storage of the waste material can be uncharacteristic in size and form, relative to the surrounding natural topography. The physical plant necessary to process the mined materials generally consists of various buildings which are of enormous size, even when compared to other industrial facilities. The purpose of adopting standards relating to the construction of buffers and barriers, as the goal statement describes, is to reduce or eliminate the obtrusive and "nuisance-type" impacts a mining operation can often have on surrounding land uses.

Standard 2.a. requires the use of natural topography and vegetation or vegetated, man-made landforms similar to that occurring in nature as buffers and barriers. The requirement to use natural or natural appearing terrain and vegetation as buffers and barriers is designed in order that the mining area will blend in with the surrounding landscape, thereby minimizing its visual and aesthetic impacts on adjacent areas. The use of natural topography and vegetation is preferable, obviously, because it requires no disturbance of land and represents no cost to the operator.

The use of earthen structures and vegetation is widely implemented as an effective means of improving the aesthetic quality of an area and reducing such effects as wind erosion, dust, and noise. Windbreaks consisting of vegetation

have long been used to reduce wind velocities and erosion in agricultural regions. Earthen berms are frequently used in highway projects to diminish highway noise levels at nearby locations. The application of this proven technique to a mining operation is reasonable, in light of the land uses often surrounding mining operations in Minnesota.

Standard 2.b. simply requires that before mining operations commence in an area where buffering is required, that such buffering be implemented before the mining operations take place. Obviously, the purpose of Standard C.2.a. would not be served if mining operations precede necessary buffering.

Standard 2.c. allows the construction of buffers in setback areas. This is reasonable because constructed buffers are designed to resemble the natural landscape, and there is no need from an aesthetic standpoint to maintain substantial setbacks between them and the surrounding area. Additionally, if the setback provisions of these rules were applied to buffers and barriers, an additional setback is in effect imposed on the rest of the mining area, since the buffers and barriers are situated between the areas of mining activity and the surrounding area.

Standard 2.c.(1) is intended to ensure that any constructed buffer is in fact designed for buffering purposes rather than stockpiling purposes, else the setback provisions of the rules are violated. Standard 2.c.(2) recognizes that adjacent landowners, the parties most affected by the mining operation, shall have the right to consent to the construction of such buffers and barriers within the setback area. This is a reasonable application of the basic land use concept of maximizing compatibility between adjacent land uses.

D. Sloping and landform design

An iron ore mining operation entails the substantial disruption of the physical environment of the mining area through the removal and movement of huge quantities of materials, and the construction of various landforms to contain much of this material and the disturbance of vegetation. Rock and overburden stockpiles, tailings basins, and open pits are created as a result of a mining operation. Obviously, with any land disturbance of this magnitude, the potential for environmental impacts and land use conflicts is high. The surface hydrology and drainage pattern of the mining area are significantly disrupted. Erodable surfaces are exposed and created, leading to both air and water erosion. Material of a possible polluting nature is exposed to the environment. The terrain is drastically modified, and landforms of a scale and form uncharacteristic of the surrounding natural topography are created.

The purpose of the sloping and landform design standards, as reflected in the goal statement, is to minimize this potential degradation and to prescribe certain standards which will facilitate effective reclamation of the mining area.

Standard D.2.a. contains a series of design and construction standards for all stockpiles.

Standard 2.a.(1) is designed to provide for the use of existing stockpiles wherever possible for the disposition of waste material, in order to avoid the proliferation of smaller stockpiles. It is easier, as well as more valuable from a land use potential standpoint, to have a fewer number of large stockpiles than numerous smaller stockpiles. In addition, where existing stockpiles would be improved through the additional deposit of new material, such improvement is obviously desirable.

Standards 2.a.(2) and (3) are designed to protect the structural stability of stockpiles, and provide for the safety of the surrounding area. By prohibiting the impoundment of water at the top of stockpiles, the possibility of large amounts of water suddenly being released from high elevations is avoided. The design standard of the 100 year, 24 hour-duration storm is based on the federal Office of Surface Mining coal reclamation rules.

Standard 2.a.(4) is designed to provide a reasonable method of treating polluted runoff water, in order that applicable water quality standards are complied with. This treatment method is commonly used by mining companies and is considered the best available technology by the Environmental Protection Agency.

Standard 2.a.(5) contains the prudent requirement that hydrologic and hydraulic factors are properly considered and taken into account during the design of the stockpile. This is necessary because the creation of stockpiles dramatically alters the hydrologic and hydraulic nature of the area.

Standard 2.a.(6) contains a series of treatment measures, one or more of which may be prescribed in order to maintain water quality. The various treatment measures are designed to address and prevent the types of water quality problems that can develop as a result of stockpile construction.

Standard 2.a.(6)(a) is obviously necessary in order to determine whether or not treatment of runoff is necessary.

Standard 2.a.(6)(b) is necessary where the threat of groundwater contamination from stockpile runoff is possible. This method has been successfully used in the case of hazardous waste piles to prevent leaching of pollutants into the groundwater.

Standards 2.a.(6)(c) and (f) are treatment measures which are being studied by the DNR. It is expected, based on field investigation and research, that they will prove to be effective and reasonable water quality treatment methods.

Standard 2.a.(6)(d) requires that surface waters be prevented from coming into contact with polluting stockpile material. Common sense dictates that it is better to prevent an avoidable pollution problem from taking place than it is to allow the problem to develop and then treat it. Moreover, this procedure is commonly practiced by mining companies.

Standard 2.a.(6)(e), covering of stockpiles, is an effective and widely-used technique in preventing infiltration of water into stockpiles. This is necessary to prevent precipitation from contacting polluting materials.

Standards 2.a.(6)(g) and (h) are commonly-used techniques to maintain water quality, and control the pH of contaminated water, in many types of industries, including mining. These standards are intended to provide for the maintenance of environmental standards, specifically water quality standards.

Standard D.2.b. contains a number of provisions relating to the runoff and discharge of waters from the mining area. The underlying concept in this standard is the reduction and prevention of adverse environmental impact and prevent injury to the public. The use of water by a mining operation obviously affects the watershed within which the operation is located, and it is reasonable to limit these hydrologic impacts to that watershed. If discharge were allowed into a watershed other than the one in which appropriations were made, the water levels of one would be lowered and that of the other would be raised. There is generally no compelling reason for affecting more than one watershed, so it is prudent to limit such effects to the watershed in which the mining operation is located.

Section c. is included to ensure that stable mining landforms are constructed, by requiring that they not be sited on unstable foundations. Where such areas can not be avoided, it is reasonable to require inspection and design by someone competent to conduct such inspection and design.

Section d. is included to ensure that rock, lean ore and coarse tailing stockpiles are designed and constructed in a manner that provides for their reclamation, and are stable so that the reclamation efforts which are achieved are not destroyed by structural failure. The design requirements include section d.(1), which is a specific design standard requiring that final exterior slopes consist of benches and lifts, and section d.(2) which is a non-specific, research related standard that allows methods which can be shown to meet the goals of this section.

The 30 foot maximum lift height standard of section d.(1)(a) was selected because trees planted on the flat benches which separate lifts can be expected to reach that height within a reasonable period of time, thereby giving the structure the appearance of natural terrain and providing protection and cover for vegetation which may naturally establish on the slopes.

Section d.(1)(b) specifies that the width of benches be no less than 30 feet because:

1) equipment will be required to work on the bench in order to spread soil and vegetate the prepared area;
2) the bench will have to be wide enough to permit vegetation to screen the adjacent lift; and
3) room is required on the bench to keep material and precipitation from running down the slope.

Thirty feet is the minimum distance which will reasonably fulfill these requirements.

Section d.(1)(c) requires the sloping portions between adjacent benches not to

exceed the natural angle of repose, because slopes steeper than this could not exist without a high probability of failure which would destroy any reclamation efforts. Requirements for flatter slopes were not deemed necessary, because the probability of erosion is slight, provided proper control of runoff is exercised.

Section d.(1)(d) requires control of runoff to avoid accumulation and improper drainage of large volumes of water which could erode these materials, which, under normal drainage conditions are usually non-erodable materials.

Section d.(2), the non-specific standard, requires proof, through site-related research approved by the commissioner, that the permittee's proposed methods meet or exceed the results achieved by application of the above-described specific standards.

The 2 feet of soil required by section e. is the thickness which is generally recognized as being acceptable for the establishment of vegetation on rock stockpiles.

Section f. contains standards for rocks and soils which may be or may become susceptible to erosion. Such material is unusual and generally found in small quantities. The specific requirements are basic control measures which are generally accepted practices.

Section g. is included to ensure that surface overburden stockpiles are designed and constructed in a manner that provides for reclamation and erosion control. There are a variety of slope angles, slope lengths and design measures which may provide such reclamation and erosion control. However, it is reasonable that at least one easy to construct, reliable method be defined. The design requirements therefore include section g.(1) which is a specific design standard that requires final exterior slopes consisting of benches and lifts, and section

g.(2) which is a non-specific, research related standard that allows the permittee to propose methods which can be shown to meet the goals of this section.

Sections g.(1)(a) through (d) define specific standards which, acting in conjunction, reduce erosion to acceptable limits once vegetation, which meets the standards of 6 MCAR Chapter 1.0402 E., has been established. The major means used to establish these standards was the universal soil loss equation which has been developed by the U.S. Department of Agriculture and is a widely-accepted means of predicting erosion. In addition, the practical problems of using conventional mining and reclamation equipment, observations of slopes of various magnitudes and statements from the U.S.Environmental Protection Agency led to the development of the specific standards.

The requirement of benches and lifts was selected because broken rather than continuous slopes are required to reduce the eroding energy of runoff.

The 30 foot lift height, required by section g.(1)(a), was a figure calculated by using the universal soil loss equation and relates to the maximum allowable slope length.

The 30 foot-wide bench required by section g.(1) (b) was selected to: allow the collection of runoff and construction of drainage control measures; provide equipment access for reclamation purposes; and allow room for the collection and storage of eroded or sloughed unconsolidated soils from the sloped area above the bench.

Section g. (1) (c) prohibits slopes that are steeper than 3:1. This is based on an Environmental Protection Agency information and because conventional equipment is generally limited to slopes no steeper than this.

Section g.(1)(d) was included to ensure that runoff caused by precipitation would not be allowed to continue down the slope in an uncontrolled manner which

could result in erosion.

Section g.(2), the non-specific standard, requires proof, through site-related research approved by the commissioner, that the permittee's proposed methods meet or exceed the results achieved through application of the above-described specific standard.

Section h. was included to ensure that potentially-useable mineralized rock is not mixed with non-mineralized materials or with materials of vastly lower grade, in a manner that would reduce or even destroy the potential mineral resource by preventing its economic recovery.

Section i. is included to ensure that the overburden portions of pitwalls are designed and constructed in a manner that provides for reclamation and erosion control. The standards and the rationale for their selection is the same as for surface overburden stockpiles.

Section i.(1)(a) was included so that a ledge of rock is left at the toe of the ledge of the overburden slope to contain any material which might erode or slough off the slope above this ledge.

The 30 foot wide bench requirement was removed because the overburden in the wall of a pit is generally more consolidated than that in a stockpile, so that less sloughed material would be generated. Section i.(1)(d), however, requires the benches to be large enough to handle runoff.

Section j. is included to ensure that tailings basins are designed, constructed, managed, and deactivated in a manner which will provide for reclamation. Because each tailings basin is unique, the specified standards consist mainly of general siting, planning and design goals rather than detailed specifications.

Section j (1) is included to require that in planning the tailings disposal systems, the operator make full use of the selected site, within the limitations set forth by the goals of this section. This requirement is reasonable because if such factors are not considered, additional tailings areas or unanticipated expansions of the selected site may become necessary. Such a situation may then result in unwarranted land use conflicts and the encumbrance of additional natural resources.

Because the deactivation section of these rules requires the drainage and eventual flow of runoff from the basin into the surrounding watershed, section j (2) was included to ensure that such provisions are made at the initial stages of site selection and basin planning, since it is often at this point when future options become limited or are eliminated.

Section j (3) is included to ensure that operating techniques which are commonly practiced by the mining industry for reducing the generation of dust, are considered as an integral part of the tailings basin design. Such consideration will help assure that wind erosion of tailings is minimized.

Section j (4) is included to ensure that broad flat plateaus of tailings basins are not created, since such topography aids in the generation of airborne dust and are uncharacteristic of landforms found in northern Minnesota.

Section j (5) is included to ensure that only trained and qualified persons design, manage, and deactivate these types of facilities. This is reasonable because without such professional management, the probability of successful reclamation of tailings basins will be diminished.

E. Vegetation

The result of mining activities is the creation of landforms and disturbed areas devoid of vegetation, which in turn is the potential cause of a number of adverse environmental consequences. The creation of unvegetated areas often causes air and water erosion, both of which have been and occasionally continue to be in evidence near mining areas. Dry and unvegetated surfaces of tailings basins are easily erodable, and conditions similar to dust storms can periodically be observed on windy days in mining areas. Airborne particulates can cause several environmental and public health problems. Surfaces of slopes, such as stockpiles and dams, are susceptible to water erosion, which can cause stream sedimentation and other water quality impacts downstream from the mining area. Water erosion can also endanger the structural stability of the facility being eroded. Natural vegetation provides wildlife habitat, and its removal from an area drastically alters the characteristics of the habitat. The removal or absence of vegetation limits the productivity of the area, from a land use standpoint.

The establishment of vegetation in an area greatly expands the land use options of that area. Vegetation also enhances the aesthetic appeal of an area. This is particularly true in northern Minnesota, where unvegetated mining areas are generally in major contrast to surrounding undisturbed areas. Forest growth, timber or crop production, and wildlife populations are functions of the type and quantity of vegetation. Vegetation growth is also the basic constituent in the formation of soil.

Essentially then, the vegetation of created and disturbed areas serves two functions: The prevention or reduction of adverse environmental impacts; and the inherently beneficial aspects of vegetation itself, such as timber

production, expended land use options, and aesthetic appeal. The goal statement contained in E.1. merely is in response to these two primary functions served by requiring vegetation of certain disturbed and created surfaces.

Standard 2.a. identifies those portions of a mining area on which vegetation shall be established. In each case, the establishment of vegetation serves the purposes of stabilizing surfaces against erosion, contributing to the structural stability of the facility, and enhancing the land use quality and capability of the area. The establishment of vegetation on these surfaces is the most effective means of accomplishing these ends in a permanent manner. One of the most important aspects of establishing vegetation for these purposes is the fact that it is an essentially maintenance-free, self-perpetuating, and permanent treatment. The use of vegetation on these surfaces also results in the mining area being reclaimed in a manner which is consistent with the surrounding area. A number of mining companies have used and currently use vegetation for certain purposes in various parts of the mining area. Additionally, many DNR permits necessary for conducting a mining operation contain provisions requiring the establishment of vegetation on certain surfaces.

Federal reclamation rules require vegetation of disturbed areas, and the reclamation regulations of other states also contain revegetation standards.

In view of the value of establishing vegetation on these surfaces, the fact that mining operators currently make effective use of such establishment of vegetation, and that vegetation standards are commonly and successfully included in regulatory and permitting programs in other jurisdictions, it is reasonable to impose such conditions on mining operators.

Standard 2.b. contains a series of specific vegetation measures which may be

required in order to serve a particular purpose or to solve a particular problem.

Standard 2.b.(1) is designed to protect the public by discouraging inadvertant trespass onto potentially hazardous portions of a mining area.

Standard 2.b.(2) is intended to provide for those instances where a specific need exists for special vegetative treatment of the mine area or a portion of the mining area. An example of such an instance would be a mining operation located upwind from a nearby populated area with a requirement of a particular species of vegetative cover planted in a certain fashion to control downwind transport of particulates.

Standard 2.b.(3) requires the establishment of vegetation on a tailings surface before the surface is completed, but when it will be neither used for at least one growing season nor covered with water during this inactive period. Tailings surfaces are particularly vulnerable to wind erosion, and some tailings basins in Minnesota are the sources of considerable quantities of air-borne particulates. Vegetation has been effectively used by mining companies in Minnesota on temporarily-inactive tailings surfaces to minimize wind erosion. Generally, vegetation, once established, can provide effective dust control for many years without need to be replanted every year, as opposed to other surface treatments which must be applied periodically, perhaps several times per year.

Standard 2.b.(4) extends the requirement of vegetating the benches and tops of rock and lean ore stockpiles to the slopes of such piles when they are located in areas of frequent public visibility. From an aesthetic standpoint, if such a pile is located in an area where its presence is in particular conflict with the surroundings, as would be the case near a residential or

public use area, such as a park, it is reasonable to impose special design standards to the construction of the pile.

Standard 2.b.(5) is intended to require the use of vegetation to minimize the release of pollutants from certain stockpiles into the surrounding environment. The vegetative cover reduces the amount of water contacting the decomposeable or leachable material, thereby correspondingly reducing the extent to which such material is decomposed or leached, thereby escaping into the environment.

The techniques prescribed in standard 2.c. are basic soil preparation and vegetation management practices which are, as such, reasonable to require in these vegetation standards.

Standard 2.d. is intended to provide a means by which the success of vegetation establishment, and therefore the level of compliance with these rules can be calculated. The particular standard of 90% cover after three growing seasons is based on soil erosion prevention criteria suggested by the Soil Conservation Service.

Standard 2.e. requires that after ten growing seasons, the vegetated area shall resemble the vegetated site approved by the DNR as the "sample" or "representative" area. Ten growing seasons is a reasonable period of time in which to establish at least the early stages of vegetative diversity, including tree growth. The concept of the reference area was developed by the federal government Office of Surface Mining for application in the vegetation portion of their reclamation rules. Such a requirement is necessary in order that revegetation does not consist of merely establishing the growth of a single type of plant or grass over the entire mining area. The point of this standard is to provide for vegetation of a species and diversity which are

characteristic of the surrounding area.

Standard 2.f. is necessary because there must be a point at which vegetation is determined to be successful or not successful, and if it is not, remedial efforts must be prescribed. Once a rill or gully reaches a certain size, water draining through them tends to enlarge them, and it will be difficult to establish vegetation without significant remedial efforts. The figure of a 9" depth is based on Federal Office of Surface Mining's coal reclamation standards. It is prudent to correct this adverse situation at the earliest feasible point after which it develops, in order to prevent it from becoming more severe.

F. Air Pollution

Dust is generated during a number of phases and in a number of locations of a mining operation, such as blasting, truck traffic on haul roads, and the surfaces of stockpiles and tailings basins. The regulation of dust emissions from a mining area is under the authority of the Pollution Control Agency. The goal statement requires that avoidable dust be controlled pursuant to the applicable PCA regulation; it does not prescribe a separate and new air quality regulation.

The standards 2.a.-e. simply identify acceptable techniques in controlling dust emissions. To the extent that the manner in which dust is controlled in a mining area affects the overall reclamation and possibly the subsequent use of the area, it is reasonable that certain control techniques are preferable over others. All of the techniques identified in F.2. have been variously and commonly used by mining companies to effectively control dust emissions from certain locations; they have been used with little or no environmental degradation as a consequence. On this basis, it is reasonable to require their use at those locations in a mining area where dust must be controlled. This list is not exclusive, however, recognizing that other, perhaps as yet untested dust control techniques could be used as acceptable means of controlling dust.

G. Blasting

In order for iron ore and other rock material to be removed from the ground, it first must be fractured and broken into pieces of a manageable size. This is accomplished by blasting. Blasting is an intermittent procedure, the frequency of which varies from mining operation to mining operation. Generally, blasting is carried out from approximately two times per week to once every two or three weeks for a continuously operating mine. The frequency of blasting is a function of the quantities of material being mined.

Blasting at mining operations in proximity to residential area has created considerable problems and conflict in the past. There have been many examples of property damage resulting from blasting at mining operations in Minnesota, generally relating to cracked foundations, plaster, or windows. In addition, the DNR probably receives as many or more complaints from the public regarding blasting than any other aspect of mining operations.

There are two fundamental concerns relating to blasting at mining operations: Air overpressure, the effects of which are expressed as airborne shock waves, including the actual sound of the blast; and ground vibration, the shock waves which travel through the ground. Both air overpressure and ground vibration can cause property damage.

The goal and standards contained in the blasting section are in response to the statutary directive to the commissioner, in determining the extent and type of regulation required, to consider the effects of mining upon the environment and the wise use and protection of natural resources. To the extent that blasting at mining operations has adversely affected residential areas in the past, and continues to do so, it is reasonable to regulate such activities to minimize adverse environmental impact.

The goal statement, [redacted]1., expresses the prudent concept that injuries to the public and to animals outside of the mining area shall be prevented. Clearly, no mining activity which endangers human or animal health should be allowed to take place.

Requirement 2.a.(1) is identical to the corresponding standard of the federal rules relating to the reclamation of surface coal mine lands. The upper limit of 130 decibels is based on experimentation conducted and field data collected by the United States Bureau of Mines, and represents the point above which structural damage begins to take place. The scale frequency band sensitivity range of 6 to 200 cycles per second is also based on U. S. Bureau of Mines data. Six cycles per second represents the reliable lower limit of measuring equipment. Energy above 200 cycles per second, and resulting from blasting operations, does not cause structural damage.

Requirement 2.a.(2) requires open pit mining operators to monitor their blasting. This is necessary to determine compliance with the blasting standards. The requirement to place blast monitoring stations adjacent to the nearest structure not owned by the permittee is based on the reasonable assumptions that: If structural damage were to take place, it would, in most cases, take place at those structures nearest the point of blast; and low numbers of people, if any, would be expected between the nearest structure not owned by the permittee and the mining area. It is reasonable for the commissioner to require additional monitoring by the operator if complaints are received relating to blasting in the mining areas, since air blasts can be "focused" by meteorological and topographic conditions.

Standard 2.a.(3), requiring an open pit mining operator to keep a blasting log is necessary if complaints relating to blasting are received and must be

investigated. The informational requirements contained in (3)(a)-(j) would provide data to allow the reason(s) for the condition causing the complaint to be determined, and would further provide the basis for any necessary modification of the blasting. Since mining companies routinely maintain a record containing similar information, this requirement is not onerous or unreasonable. The basis for requiring that the log be kept for at least six years is that this is the term of the statute of limitations. The data contained in the log would be important to an investigation of any complaints resulting from blasting within this period.

Standard 2.a.(4) is designed to prohibit blasting when a condition exists such that blasting could endanger the public health and welfare. Since such conditions would exist only temporarily, it is reasonable to prohibit blasting until the condition passes. This is also standard current mining practice.

Standard 2.a.(5) limits blasting to daylight hours, again, a standard mining practice today. This is obviously designed so that the period when most of the human population is sleeping is not disrupted by blasting.

Standard 2.b.(1), which establishes a maximum peak particle velocity of one inch per second, is based on data gathered by the U. S. Bureau of Mines, and represents the point above which structural damage begins to take place. Standards b.2.(a) and (b) represent optional approaches to the control of ground vibration, and the prevention of structural damage due to blasting, at the option of the permittee. Standard 2.b.(2)(a) describes the means of measuring peak particle velocity. This provides a standardized technique for determining compliance with the standard for ground vibration control. Standard 2.b.(2)(b) describes the formula by which can be determined the amount of explosive to be used for the blast, depending on the distance from the blast

to the nearest structure not owned by the permittee. The use of this formula is designed to maintain a level of ground vibration below that which has been found to cause structural damage.

Standard 2.b.(2) further provides for additional measurements of ground vibration at locations appropriate to accurately calculate the magnitude of ground vibration.

Standards providing for monitoring and measuring authority are reasonable and necessary to ensure that the standards are being complied with.

Standard 2.b.(3) is reasonable, in that the commissioner should be able to require the maintenance of a blaster's log when such a log would provide information necessary to protect the public from injury due to ground vibration, to investigate any complaints received, and to provide the basis for any necessary modification of the blasting.

Standard 2.c. is designed to provide for the availablity of blast monitoring data during the period corresponding to the statute of limitations. The data supplied through such monitoring would likely be important in determining the degree to which blasting may have caused damages, and is therefore important and reasonable to require.

H. Subsidence and other surface displacement

Section H. addresses three types of surface displacement: Slumping, which is generally defined as the failure or collapse of the surface of a slope; heaving, which is the uplifting of the ground surface resulting from the loading and compression of a foundation under a nearby surface deposition; and subsidence, which is the sinking, gradual or sudden, of the ground surface overlying an underground mine. All of these forces can create very hazardous conditions and cause significant property damage. Obviously, the goal, expressed in H.1., of avoiding or mitigating such conditions is a prudent one.

Standard H.2.a. simply recognizes that the slumping or heaving of a surface is never a desirable condition. This is a concern during the mining operation, when slumping or heaving could drastically and perhaps dangerously affect adjacent property and populations. It is also a concern after the mining area has been reclaimed, when slumping or heaving could virtually destroy the reclaimed area and pose a hazard to the public. It is certainly reasonable to require that mining operators employ techniques which will prevent slumping and heaving of surfaces.

Standard H.2.b. is intended to determine whether or not and the degree to which ground surfaces are being displaced. Such a determination, when deemed necessary by the commissioner, serves two basic purposes: Corrective or emergency measures can be undertaken to prevent the further movement of ground surfaces; and appropriate land use limitations can be prescribed for any subsequent use of the displaced surfaces and adjacent areas after the mining area has been reclaimed. The documentation of ground movement is therefore a valuable and reasonable practice for the commissioner to require.

Standard H.c. prudently requires that if subsidence takes place, that the subsided area be restored to a safe condition. This is obviously necessary to

protect the public health and safety.

Subsidence of the ground surface can adversely affect the hydrology and water quality of the area. The depression formed by the subsided area can entrap surface water; if the subsided area is open to the underground excavation, surface water bodies can be drastically affected, as can groundwater. In these types of instances, it is reasonable for the commissioner to require that special efforts be undertaken to mitigate or prevent such adverse impacts.

I. Deactivation and release

The purpose of this section is to eliminate or at least minimize the adverse conditions created by mining and assure the development of areas which provide some future utility. The specific goals listed are reasonable means of achieving these purposes.

The two year requirement in Section 2.a. was selected as the period of time necessary for the commissioner to review the plan and make a final decision. Such a period is necessary because the decision-making process may include a hearing, since the procedures for release are treated like an amendment for the permit to mine. The requirement that the permittee propose subsequent uses for the lands is reasonable, since the permittee is in a favorable position to make such determinations because of his ownership or leasing interest in the land, as well as having the practical means of ensuring implementation.

The requirements in Sections 2.a (1) through (7) are practical and generally accepted considerations which are taken into account in making any land use decision.

Section 2.b. is included because it is during the deactivation period when the initial decisions and actions which will determine the ultimate success of the chosen subsequent land use must be made.

Section 2.c. is included because mobile equipment and debris left on the site is not normally compatible with deactivation activities and principles, and its removal within one year is reasonable.

Section 2.d. is included because 3 years is a reasonable period in which to accomplish the requirements. The optional extension was included because some of the facilities might have optional future use, and their value helps ensure

that they will be maintained. It is necessary to remove the facilities which are listed in order to limit access and remove hazards, for safety reasons, and promote the establishment of natural vegetation.

The sealing of underground openings, required by Section 2.e., is a practice which is often used to limit access to such areas for public safety reasons. Specifications are usually made by the county mine inspector. However, since not all counties may have a county mine inspector, the commissioner will review such measures.

The 3 year requirement of Section f. was selected because it is a reasonable period in which to accomplish the requirements of this section.

Section f.(1) requires safe access so that authorized officials or, eventually, the public, can reach the pit bottom or pit water elevation. Since pit roads often already exist, this may not result in any additional effort by the permittee.

Fencing required in Section f.(2) is generally handled by the county mine inspector. The commissioner, however, must have the authority to require fencing, for public safety reasons, in counties which have no inspector.

Section f.(3) addresses mine water which may be contaminated with toxic materials. This problem has been documented in both the U.S. and Canada. Because abandoned open pit mines eventually fill with water, the ultimate quality of the water is important. The techniques used to limit contamination will depend on the amount, location, and grade of the leachable material. The means of preventing water quality deterioration include isolating the leachable material from the air and treating the pit water. Specifically, Sections f.

(3) (b) and (c) require removing, covering, or grouting the leachable material, thus, physically isolating it from the air. Rapid filling of the pit with water required by Section f. (3)(d), minimizes the air-mineral contact time, while Sections f. (3) (e) and (g) represent active treatment methods to control pit water quality. Section f. (3)(a) is included to assure that the water is safe. The 3 year requirement of section g. was selected because it similarly is a reasonable period in which to accomplish the requirements of this section.

Drainage of a settling or tailings basin required in Section g.(1), except under the circumstances listed, is the most prudent means of deactivation. This requirement was selected because theoretically, such a structure, if left unmanaged in Minnesota's climate, will over time fill with water, since precipitation exceeds evaporation. If a basin were allowed to fill and overtop its dams, major failures of the structure might occur, which could result in the release of large volumes of water and tailings, which could cause damage and injury.

The requirements of Section g. (2) must be implemented so that future precipitation is removed from the basin. Because fine tailings and sediment are easily eroded, it is prudent that runoff control measures be properly engineered.

Where water is allowed to remain in the basin, dams must be periodically inspected, and necessary maintenance must be provided, to ensure continued performance of overflow and seepage structures, as required by Section g.(3).

The 3 year requirement of Section h. was selected because it is a reasonable period in which to acccmplish the requirements of this section.

Section h. requires that deactivation of a water reservoir be accomplished in

one of two ways: draining the basin and providing for runoff from the area, in a manner similar to the deactivation of tailings or settling basins, thereby eliminating the hazards associated with water filled basins; or by assuring the commissioner that the integrity of the structure will be guaranteed by the permittee providing continued maintenance.

Section 2.i. is included because it is prudent to require plans, funding, and schedules for surveillance of structures which may require maintenance when a mining operator ceases activities.

Section A.1. is based on Minnesota Statute Section 93.481, Subdivision 1, which requires permits to mine. Since it is not uncommon for mining operations to be carried out jointly by more than one person, with each such person perhaps jointly participating in management decisions relating to the proposed mining operation, it is essential that each such person be legally bound by the permit to the extent of his involvement.

Section A.2. is based on Minnesota Statute Section 93.481, Subdivision 1, and is included to clarify that existing mining operations may continue pending administrative action on permit applications, provided that such applications are made within 180 days of the effective date of these rules.

Section A.3. is a summarization of the information, described in more detail presently, which is required to be submitted as a permit application.

Section A.4. provides that certain reports can be combined by permittees who will conduct short-lived mining operations, since the uncertainties inherent in long-term mining operations don't exist.

Section A.5. is a summarization of the plans, reports, and requests, described in more detail presently, which are required to be submitted after a permit to mine has been granted, and which are important to the on-going monitoring and planning of the reclamation of mining areas.

Section A.6. provides that for the convenience of the permittee(s), certain reports can be combined.

Section B. requires that submittals be made in duplicate for use by the DNR's Hibbing and St. Paul offices. Depending on the scope of the proposed operation, certain of the information required for submittal may not be

applicable; therefor[redacted] for such operations, this information need not be submitted.

Section B.1.a.-d. contains requirements included to provide information which is necessary to determine bond needs.

Section B. 2.a.-d. are necessary to describe the applicant and how to contact the applicant, and how each joint applicant relates to the proposed project, and to each other.

Section B.3. is necessary because the commissioner has much detailed environmental information in his possession which would be helpful in reclamation planning and it is reasonable for him to supply such information to an applicant.

The requirement of overlays to 7 1/2 minute quadrangle maps was chosen because this is an effective way to present diverse types of information relating to a single area, at a scale which is readily available and useable.

Delineation of the mining area is required to inform the commissioner and others of the magnitude and location of lands which will be used for mining.

The requirement that information be submitted for areas outside the mining area is necessary to determine the type and extent of reclamation required in the mining area.

Section B.3.a. requires information in order that the commissioner can determine if and where future expansions of mining might occur, where adjacent mining activities might be conducted, to ensure that mineral resources are not encumbered as a result of improper stockpile planning, and to aid in any requirements relating to in-mine disposal. This type of information is normally collected by mining companies.

Section B.3.b. requires information in order to determine the type of reclamation which may be required regarding siting, buffers and barriers, sloping and land form design, and deactivation and release, since requirements in each of these sections are closely related to waters and watershed. This information is essential for determining water appropriations and discharge which are major considerations of a mining operation.

Section B.3.c. is necessary to ensure that watershed modifications are minimized and that runoff is managed properly, as is required by the sloping and landform design and deactivation and release sections. This information is normally available within the files of mining operators.

Section B.3.d. is necessary to determine the impact of mining on the groundwater, especially with regard to the influence that drawdown of the groundwater surrounding an open pit may have, and on how stockpiles containing leachable material may have to be treated.

Section B.3.e. This requirement relates to siting criteria.

Section B.3.f. requires information used to determine the types of vegetation which a particular area is capable of supporting. This will be helpful in designing vegetative reclamation measures and vegetation research.

Section B.3.g. requires information used to determine the integrity of foundation soils and to estimate the types and amounts of overburden which must be stockpiled. Published information is available but is limited; however much of the required information is collected by the mining operator in order to determine the mineability of the ore. The information might require some investigation on the part of the operator.

Section B.3.h. requires information which will be used for siting purposes.

The information is readily available on mine maps normally possessed by the various applicants, and is generally depicted on U.S.G.S. quadrangle maps which form the base map for this overlay.

Section B.3.i. requires information needed because Minnesota Statute Section 93.481, Subdivision 1(d) requires publication of the ownership of the mining area, and this is a reasonable way of presenting the data. The applicant would have his information in his possession.

Section B.3.j. is necessary for siting and planning of mining. The areas are described in 6 MCAR Chapter 1.0402.

Section B.4.a. is necessary because the commissioner will be making decisions involving the effect of mining on the environment; it is reasonable to request that any environmental reports involving the area be made available for his use.

Section B.4.b. is necessary because site selection has a direct influence on the type and degree of reclamation which may be required, and it is reasonable for the commissioner to require the presentation of the analytical process by which a particular site was accepted or rejected for use. It is also reasonable to request an analysis of how the chosen site attains the reclamation goals, since the commissioner's approval of an application will be based on his assessment of those principles.

Section B.5. requires maps and cross sections because they are the easiest way of presenting and analyzing much of the information which is required.

The requirement of information normally found on U.S.G.S. quanrangle maps was chosen because this is basic information which will help relate these maps to the environmental setting maps (6 MCAR Chapter 1.0403 B.3.).

A specific scale for the maps is not specified because each applicant uses a map scale which best fulfills his needs, and it was felt that such maps would be adequate.

Section B.5.a. is required because the commissioner must know where and what will be mined under the authorization of the permit to mine if he is to impose and enforce a reasonable and effective reclamation plan.

Section B.5.b. is required because it is reasonable for the commissioner to know where future expansion of the mining operation, or the development of adjacent operations, might occur, so that future mining uses which might be affected by granting the permit to mine can be considered.

Section B.5.c. is required to give the applicant an opportunity to suggest areas which might be utilized to measure reclamation vegetation success.

Section B.5.d. is required because waters which contact leachable materials may need to be collected and treated, and it is necessary to know where such water flows.

Section B.5.e. is necessary because information relates to the plan for mining and reclaiming. The requirement that the status be shown at appropriate intervals will inform the commissioner as to the sequencing of mining and reclamation. This presentation will indicate how the effects of mining might change over time, thereby necessitating time-related permit conditions or approvals.

Section B.5.e.(1), (2) and (3) are required because they are the basic portions of the operation which require reclamation.

Section B.6. is necessary because it contains information which describes the mining and reclamation plan proposed by the applicant.

Section B.6.a. is necessary in order to determine the permit term.

Section B.6.b.(1). is necessary to supplement and discuss the rationale for the selected sequence and schedule of mining. This section also requires a discussion of the distinctions among different type materials which will be encountered. This is required since certain materials may require special treatment or segregation. And finally, a discussion of planned in-mine disposal is required, since provisions of the rules allow the commissioner to require such disposal practices.

Section B.6.b.(2). is required to inform the commissioner of how the ores will be treated, and to discuss the types of waste products which will be deposited in the tailings basin. This information is necessary in that it may have an effect on the type and degree of reclamation which is required for the tailings.

Section B.6.c. is necessary to discuss the methods, sequence, and schedule that the applicant proposes to use to reclaim the mining operation.

Section C is necessary due to the dynamic nature of mining, which often necessitates variations from strict plans. It is difficult to accurately project how a particular area will be managed beyond an extensive period. Modifications may be dictated by changing technologies. It is therefore reasonable to require that a more detailed mining and reclamation plan be periodically submitted. The 2 year time period is reasonable because it is short enough so that activities can be projected. Such biennial plans will provide the mining and reclamation specifications for portions of the original mining and reclamation plans submitted as part of the application for the permit to mine.

The specific information which is required to be submitted are those portions of the mining and reclamation plans and the mining and reclamation maps.

Section D. requires an auditing of the mining and reclamation activities performed by the mine operator. The information supplied in this report will be used to monitor compliance with the rules and the permit to mine. The information required is generally similar to that prepared by mining operators in the course of conducting business.

The specific information includes an annual financial report, which is required because the commissioner by law must make decisions relating to bonding. The remaining information are those applicable portions of the mining and reclamation activities which were performed and are consistent with the information required in 6 MCAR Chapter 1.0403 B. and C.

Section E. is required because at the deactivation stage of activities, the mining area is converted from a mining-related use to a non-mining, subsequent land use. Because of this substantial change, it is reasonable to request that the information be presented in a special form, and that the normal planning efforts represented by the biennial plan be waived. The specific requirements of the plan include information which the commissioner must have in order to determine adequacy and probability of success, and for him to be assured that the subsequent uses will be maintained until the permittee is released from responsibility.

Section F. requires information which will be utilized by the commissioner in determining whether the permittee has complied with the requirements of these rules, the permit to mine, and any approved deactivation plans, thereby allowing the commissioner to determine whether the permittee should be released.

In any regulatory system, specific procedures are required to make predictable and workable the process of such regulation while protecting the rights of all concerned through the application of due process. The DNR perceives there to be three general interests which may or may not become involved in any of the regulatory proceedings. These are the applicant or permittee who will be engaging in the mining operation; the DNR which is attempting to represent the public interest by carrying out the policies set forth in Minn. Stat. Sections 93.44 through 93.51 and these rules; and finally, other units of government and individual members of the general public with potentially widely varying goals and asperations. It is the goal of the procedures proposed here to adequately provide the opportunities for participation in the decision making process to those extended that right by statute.

6 MCAR Section 1.0404 PROCEDURES

A. Permit to Mine

Minn. Stat. Section 93.491 requires that anyone wishing to engage in mining operations after the effective date of these rules must have a permit to do so (with certain exceptions). In order to obtain such a permit an application in sufficient detail to allow adequate consideration must be filed with the commissioner. To satisfy the statutory publication requirement while assuring that the DNR staff is adequately informed of the proposal to respond to citizen inquiry during the four week publication schedule, the application should be submitted and deemed adequate in advance of such publication. A copy of the advertisement should then be submitted to the commissioner along with affidavits of publication within a reasonable time of seven days following the final publication to allow the commissioner to make a determination of the adequacy of such early in the process.

2. Minn Stat. Section 93.481, Subd. 2, provides for an optional hearing required upon objections from certain specified parties. If such an objection is filed the commissioner should decide within 10 days if said party is entitled to object since there are time limits to the processing of such hearings. If such party is not entitled to object he should be so informed. If the objection is filed by one or more parties so entitled the commissioner should select a hearing date which is no more than 30 days after the last day for such objections. The statutory requirement that the hearing be held within 30 days of receipt of the objection is interpreted to mean within 30 days of the last possible objection since there is a four week publication schedule followed by a 30 day period during which objections may be filed. If the hearing were required to be held within 30 days of an initial objection (which may be received immediately after the first publication) that hearing will have been completed before the objection period runs necessitating redundant hearings in the event of further objections. Since any appeal of the commissioner's determination is to be made under M. S. Chapter 15 (M.S. Section 93.50) it is reasonable that the hearing be a contested case under that chapter with such procedures as provided therein unless specifically altered by M.S. Sections 93.44 - 93.51 or these rules. Since the hearing must be held within 30 days of the running of objection time at least 10 days of notice of such hearing should be provided to allow staff time to process the objection and select a convenient hearing date within the 30 day period while providing maximum notice to all parties. Such notice should be mailed to the parties and local units of government since their interest is likely. In addition the publication of such notice to inform others would be in the public interest.

Since appeals are under M.S. Chapter 15 the commissioner should have the option of holding a hearing on any matter which may eventually be appealed. The hearing

officer's consideration and development of a report is part of the hearing process. As a result, the commissioner should have the statutory 120 days to make his determination after receipt of the report.

3. M.S. Section 93.481, Subd. 2, provides that in some cases a hearing is not required. In such cases the commissioner must review the application to determine whether to grant or deny a permit. If there is no hearing the commissioner should be able to require further information on relevant matters in order to make a reasonable decision. One hundred and twenty days is the statutory period for such decision making.

4. Since the applicant can appeal the commissioner's final decision under M.S. Chapter 15 it is reasonable that prior to such an appeal, a Chapter 15 hearing be held. As a result the applicant should have a reasonable period of 30 days to decide whether to demand a hearing after the receipt of the commissioner's decision if no such hearing had previously been held. Thirty days is the reasonable appeal period provided in M.S. Section 15.0424. If such a hearing is demanded the commissioner must decide the issues anew based upon the record adduced at the hearing. Thereafter, if necessary, an appeal to the District Court is available pursuant to M.S. Chapter 15.

5. The commissioner should review the biannual plan to determine whether there may be potential differences in opinion concerning whether such plans, if carried out, may result in violation of the statutes, rules or permit. If the commissioner feels such violations are proposed, the permittee should be informed so that negotiations or settlement of the matters can be accomplished or attempted in advance of their occurance.

B. Variance

Pursuant to Minn. Stat. Section 93.48 variances from the rules may be allowed upon application therefor, if the variance is consistent with the general welfare, the enhancement of which is the goal of these rules.

To begin the variance process, the commissioner must be provided an application with sufficient information to make the statutory determination.

Since some applications for a variance may significantly affect those defined in M.S. Section 93.481, Subd. 2, as having the right to object in the same manner as a permit application, there is no reason why those applications should not go through the same public review process as a permit application. Those variance applications which are minor and would not constitute a substantial change from the general requirements of the rules, however, should not be delayed by such administrative processing. The commissioner should determine whether such change is substantial within the reasonable time of 30 days after receipt of the application. Whether there is a hearing or not, the application should be processed and determined in the same manner as an application for a permit, and in the interest of good planning and administration, the commissioner must be able to grant or deny the variance, or grant a variance with conditions to minimize damage to the environment or the public interest. It is anticipated that variance applications will be submitted concurrently with applications for a permit to mine or for an amendment in the interests of efficiency.

C. Amendments

Applications for an amendment to a permit to mine should be handled in the same manner as an application for a permit with the exception that pursuant to M.S. Section 93.481, Subd. 3, notice need not always be published.

D. Cancellations

Pursuant to M.S. Section 93.481, Subd. 4 (b), a permit may be cancelled prior to its expiration date either at the request or with the consent of the permittee. Since cancellations would have the effect of terminating mining and possibly reclamation operations, there could be issues concerning the adequacy of existing reclamation measures, and their effects on the general public interest. If the commissioner determines there is such an effect there is no reason not to require the same publication and public review of the proposal as is required for applications and significant amendments. However, if the commissioner has instituted the cancellation process he should be the party responsible for the publication requirements.

In any event, the commissioner must have the authority to attach conditions for final reclamation measures to a cancellation to insure compliance with the statute and these rules.

E. Revocation or Modification, Performance Bonds, and Civil Penalties

Each of these matters involve an affirmative act of enforcement of the rules or permit. In each case the permittee can be expected to oppose the action so a hearing process should be automatically instituted.

The best way to institute the process and save administrative time is for the commissioner to serve a notice of hearing setting a specific time and place pursuant to M.S. Chapter 15, along with a proposed order which would serve to act much like a complaint in a civil case. Such service would put the permittee on notice of the hearing and give him a detailed description of the alleged violations and proposed remedies. Since, by statute, the permittee is allowed at least 15 days to correct the violation, the same notice should list the correction measures which may be taken and the time available therefore. If correction

is completed to the commissioner's satisfaction there would be no need for further proceedings. Since a proposed order is served upon the permittee in much the same form as a civil complaint it is reasonable that the permittee be required to respond to the allegations and proposed remedies with admissions or denials so that all issues will be clearly set out for the hearing. Failure of the permittee to deny any allegation should result in the admission of such in the same manner as in a civil action. Fifteen days is a reasonable time for a response by the permittee since the M.S. Chapter 15 hearing could be held as soon as 30 days after the initiation of the proceedings and the other parties need time to consider and react to such response.

If there is a default on the part of the permittee either in failing to answer or failure to appear at the hearing there is no need for further proceedings and the commissioner should then be able to fashion a final order based upon the proposed order and any correction measures which may have been completed or attempted.

If a hearing is held, the commissioner is bound to fashion his final order based upon the record of that hearing. As a result his final order should in no way be limited by his proposed order.

F. Suspension

The suspension procedures are as set forth in M.S. Section 93.481, Subd. 4 (d).

G. Deactivation and Release

When a permit to mine is nearing its expiration date these rules contemplate that the permittee will first submit a deactivation plan to the commissioner for his approval and then proceed to deactivate pursuant to an approved plan until the mining area has reached a state of reclamation sufficient for a

final release from the permit and all obligations thereunder.

The proposal and approval of the deactivation plan is similar in scope to an amendment to a permit since it concerns new reclamation measures not previously reviewed. As a result the processing of the plan and the potential opportunity for objection by others should be the same as with an amendment to the permit.

The determination of whether a release should be granted should be based upon the satisfactory completion of all requirements in the statutes, these rules and the approved deactivation plan, or some variation of reclamation which is equally acceptable to reclaim the lands, to minimize future damage and provide acceptable future use of the lands. In such a case there may be need for further conditions to be placed upon the operation before the release is final. If there is no such satisfactory completion, release should be denied until it is accomplished. Some areas which otherwise may have been reclaimed may be subject to effects of active mining operations elsewhere. In such circumstances it would be better to defer the release from such an area until the total need for reclamation can be determined. When an application for a release is filed with the commissioner he should have 270 days to make his decision since no further corrective measures can be required after the release, and since the permittee will have stopped operation, making time not nearly so much of the essence as it would be where operations are delayed by the commissioner's consideration.

H AND I. Hearings and Procedures

M.S. Section 93.50 provides that all appeals from the commissioner's decisions are under M.S. Chapter 15. In such circumstances the commissioner must have the authority to hold a public hearing pursuant to the procedures of M.S. Chapter 15 as altered by these rules to produce a record for such appeals.

6 MCAR Section 1.0405 PUBLICATION

M.S. Section 93.481, Subd. 1 (d), requires the publication of notice of a proposal's location and nature and the landowners affected so that those entitled to object to the proposal may be put on notice of its existence.

To insure adequate notice to help such potential objectors determine their position the information provided in the published notice or advertisement should include a map of the operations to more clearly show the extent of the proposal, a detailed description of the proposal and its effects, and, since some may not be concerned if the objectionable phase of the operations will not be commenced for 40 years, the schedule of the project. In addition, so that potential objectors become aware of the parameters of the objection process, the deadline for objections should be included. If publication is required for an amendment, cancellation or variance, the purpose and intended result of the proposed action should be included. It would be an intolerable burden to require the applicant to determine the actual owners of the lands affected or the owners of associated railroad lands. As a result they should only be required to list record owners of lands in the mine and plant areas.

6 MCAR Section 1.0406 ADMINISTRATIVE STANDARDS

A. Variance

Pursuant to M.S. Section 93.48 variances may be granted if they are consistent with the general welfare. Since these rules have been adopted to promote the general welfare, variances should thus also be consistent with the general purposes of these rules although being at variance from their specific provisions.

Variances should not be granted without good reasons. Such reasons should be limited to undue hardship to the permittee which would be caused by strict

enforcement of the rules or a showing that the enforcement of a particular rule would be unreasonable or not feasible under some unusual circumstances. Although a variance will allow a departure from these rules, there is no reason why one should be granted unless the permittee can show that his proposed alternative would be consistent with the general welfare and the purposes of these rules. In order for the commissioner to promote the general welfare he must have authority to not only waive operation of a rule in a specific circumstance but also to require the proposed alternative measures or other measures which would prevent the environmental damage which was supposed to be prevented by the rule varied from.

B. Revocation or Modification

The standards are all statutory. Preliminary activities should not be considered as constituting the commencement of substantial construction of plant facilities as that phrase is used in M.S. Section 93.481, Subd. 4 (a). Construction means the physical uniting of materials intended to remain in place as part of the permanent facility.

C. Performance Bonds

M.S. Section 93.49 requires a mandatory bond or other security assurance be provided to the commissioner from any permittee who fails to take required reclamation measures, violates any of these rules or fails to perform required research. In addition the commissioner has the discretion to require such assurance from a permittee if he has reasonable doubts as to the permittee's financial ability to perform required reclamation. Since such failures, violations or financial embarrassments may occur at any time during the operation, the commissioner should be able to require a bond at any time prior to release. The phrase "...fails to take reclamation measures..." as used in the statute obviously means failure to

take any one or more required measures and is not intended to mean bonding is required only if the permittee fails to take any measures at all. The latter interpretation would be inconsistent with the intent of the statute.

The amount of the security must be determined by the commissioner and should be based upon the cost to the DNR of performing the reclamation, since the purpose of the security is to provide funds for the DNR or its contractor to complete reclamation in the event of intransigence or inability on the part of the permittee. Since the statute provides for an annual bond or security review it is obvious that the necessity and amount of the bond or security should be subject to annual change. In requiring a bond or other security for unaccomplished reclamation measures it is obvious that a date by which such measures are to be completed must be set as a condition of the bond or security by the commissioner so there is an established date of default. Since the commissioner determines when reclamation is completed for release purposes it is clear that he must make the same determination for bonding or security purposes. There is no reason to require or allow existing bonds or security agreements to extinguish or lapse upon amendment of any permit so long as the amount of liability of the surety is not increased thereby. For administrative convenience such security agreements should be adjusted only during the annual security review.

Alternative security acceptable to the commissioner would have to have an ascertainable market value and be readily negotiable at that value to serve as adequate security. Assignable U.S. government notes or bonds at their par value are such. Similarly real or personal property at wholesale value which is readily marketable could be considered because one can be reasonably assured that the required funds could be easily raised. Any such property must be maintained by the permittee in such manner as would not diminish its wholesale value below the

security amount either through depreciation or wear or through additional liens or other encumbrances in order to act as reasonable security. Since any number of additional security possibilities exist, the commissioner should be able to accept other forms of security which would perform the same function to his satisfaction. Since the function of the bond or other security is to insure the completion of reclamation, any such agreement or order must provide the commissioner with the authority to dispose of the security for funds and to enter upon the lands where the operation was located to complete the reclamation.

D. Civil Penalties

If any person violates the statutes, rules or any permit conditions, M.S. Section 93.51 allows the commissioner to assess fines of up to $1,000 per day for any such violation after notice and a period of not less than 15 days for correction. Such fines should apply to each separate occurance of each violation since such violations could be so numerous and widespread that their economic benefit would outweigh a single such fine. Fines are assessed to deter future violations especially those which are particularly aggregious. Thus the commissioner, in determining the amount up to the $1,000 statutory maximum, should consider the severity of the violation and the magnitude of potential or actual economic gains resulting therefrom so that the fine will act as a deterent.

E. Suspension

This is a statutory provision.

6 MCAR Section 1.0404 INSPECTION OF MINING AREA

In order to properly enforce these rules and the law, the commissioner must have the authority to inspect those portions of mining operations and necessary records relevant to such enforcement.

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DNR-80-001-HK

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Rules Relating to Mineland Reclamation.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, the above-entitled matter was heard before State Hearing Examiner Howard L. Kaibel, Jr., on October 10, 11 and 12, and November 7, 1979, following which the Hearing Examiner issued his Report on December 27, 1979; and

WHEREAS, by Order of Joseph N. Alexander, Commissioner, dated May 27, 1980, the Department of Natural Resources (hereinafter "Department"), proposes to adopt the rules as recommended by the Hearing Examiner with modifications; and

WHEREAS, on June 3, 1980, pursuant to the provisions of Minn. Stat. § 15.052, subd. 4, and Rule 9 MCAR § 2.110, the Department submitted the rules to the Chief Hearing Examiner for his review, which review includes the issues of substantial changes in the rules and compliance with the provisions with the provisions of Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Chief Hearing Examiner, having completed the aforementioned rule review, finds that the changes in the rules as submitted, after considering the elements contained in Rule 9 MCAR § 2.111, are not substantially different from the rules as proposed; and

WHEREAS, the Chief Hearing Examiner finds that the Department has complied with the provisions of Minn. Stat. § 15.0412, subd. 4, with the following exceptions, all of which render the rule illegal and thus, necessitate a finding that the Department has failed to make an affirmative presentation of facts establishing the reasonableness of the rules: (For simplification, the numbering to be used for the rules herein shall use the last three digits in the full number so that, as an example, 6 MCAR § 1.0401 will be listed as 401.)

(1) 401 B.1. This rule defines the term "acceptable research" as meaning research that is "approved by the Commissioner." However, there are no standards or criteria which the Commissioner will utilize in approving such research. Without standards and criteria by which the decision can be reviewed to determine its arbitrariness, the rule is illegal. (As will be noted later, this discretion becomes even more crucial when the defined term is used in the substantive portions of the rules.)

(2) 401 B.18. The new language added to this definition indicates that more than 80 acres "may" be allowed for "scram mining operations". The language contains a standard which must be demonstrated by the operator but, even if the operator successfully demonstrates that impacts will be substantially the same as other scram mining operations, the agency would still have the discretion to deny the request for more than 80 acres. Thus, the word "may" in the first full new sentence must be changed to "shall".

(3) 402 A.2.d.(3) incorporates by reference the "State Registry of Historic Sites for National Register of Historic Places." Prior approval of the Chief Hearing Examiner was obtained for the incorporation by reference of the National Registry of Historic Sites but similar approval was not obtained for the State Registry of Historic Sites which, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 4, is necessary.

(4) In the rules 402 B.2.d.(2), 402 D.2.e., 402 D.2.g.(2), and 402 D.2.i.(2), the following phrase is found: "Based upon acceptable research, the Commissioner may approve other measures which satisfy 6 MCAR § 1.0402 D.1." As previously enumerated in No. 1 hereof, the definition of acceptable research, as it presently stands, has been found unreasonable. In the above-quoted phrase, "acceptable research" is the only standard which is used by which the Commissioner will exercise discretion in approving "other measures." In this instance, the Commissioner has unbridled discretion to approve other measures, as well as to approve acceptable research which makes the phrase illegal and thus, reasonableness has not been shown by an affirmative presentation of facts.

(5) 402 E.2.d.(1), the last sentence, as proposed for final adoption, contains an error. The Commissioner has accepted the Hearing Examiner's Finding No. 11 (page 11 - Hearing Examiner's Report), but apparently, in preparing the sentence, a typographical error has occurred. Immediately prior to the underlined words "erosion is occurring," the word "an" should be "and" and it should be underlined. (It is noted that this is merely a typographical and grammatical change.)

6. 402 G.2.a.(3)(j) states: "Other information as the Commissioner may require." This language again gives the Commissioner unbridled discretion to require additional information and must be deleted.

7. 402 H.2.c. contains the phrase "and when required by the Commissioner." This is discretionary language without any standards or criteria under which the discretion will be exercised and must be deleted.

8. Rules 402 I.2.c. and d. contain the phrase "or within a longer period approved by the Commissioner." This is discretionary language without standards or criteria, again rendering the rule illegal.

9. 402 I.2.e. contains the phrase "as approved by the Commissioner and a county mine inspector." This is discretionary language which must be deleted.

10. 402 I.2.f.(2) contains the phrase "where required by the Commissioner or the county mine inspector." This is discretionary language which must be deleted.

11. 402 I.2.f.(3) reads "Where open pits contain materials which may become a water quality problem due to leaching, the Commissioner may require:" (Emphasis added) The last underlined phrase is discretionary language based on a speculative standard which does not indicate who will make the determination nor does it include standards by which the determination will be made, all of which renders the rule illegal.

12. 402 I.2.g. contains the phrase "or within a longer period approved by the Commissioner." This is discretionary language without standards or criteria and must be deleted.

13. 402 I.2.h. contains two discretionary phrases which must be deleted. These phrases are: "Or within a longer period approved by the Commissioner" and "with the approval of the Commissioner." With respect to the latter phrase, since the rule says that within a specific period, the permittee shall do something, it appears redundant to require further approval of the Commissioner before completing an act which is mandated by the rule.

14. 403 B.5. The words "as appropriate" and "at a scale required by the Commissioner" are vague, discretionary, and create uncertainty in the rule and must be deleted or made specific to render the rule legal.

15. 403 C.1. This rule contains the phrase "if necessary." It is unclear who makes the determination of necessity which should be clarified. Additionally, in the rules as submitted for review, the original language proposed to be stricken includes the striking of the word "to" in the first sentence which appears to be an error. Also, attention is directed to the new word "augment" which apparently should be "augmented." (A suggestion for clarifying the latter point might be the addition of the words "subsequently augmented by the operator during the five-year period which augmentation shall include:"

16. 404 A.1. contains the phrase: "After the Commissioner determines the application is adequate." This language is vague and indicates discretion in the Commissioner. The rules and the statute contain requirements for applications which must be complied with. Thus, the language which might give certainty to the rule, as a suggestion, is: "If the Commissioner notifies the applicant that the application has been accepted as complying with all requirements of law and rule except for the publication,".

17. 404 A.2.a. The word "may" must be changed to "shall" as the law requires objections to be filed with the Commissioner while the rule would seem to allow the filing at some other place.

18. 404 A.2.b. While the language of this section "tracks" statutory requirements, it seems to allow the Commissioner discretion to determine an objector's status without standards or criteria. To satisfy this problem, it is suggested that the language "pursuant to the provisions of Minn. Stat. § 93.481, subd. 2" be added to the sentence.

19. 404 A.3.a., while authorized by statute, seemingly gives the Commissioner discretion to process an application by use of the word "may" while the statute mandates the processing. Thus, the word "may" must be changed to "shall." Further, since rule 404 A.2.c. allows the Commissioner to hold a hearing on his own, without objection, the words "nor has the Commissioner held a hearing pursuant to 6 MCAR § 1.0404 A.2.c.," should be added before the existing words "the Commissioner".

20. 404 A.4.b. includes the phrase "hearing officer." The correct legal wording should be "hearing examiner."

21. 404 B.1. contains the phrase "adequate application" which phrase was also used in 404 A.1. discussed above. The same reasoning would apply in this instance. Additionally, the second sentence of the rule requires that the application include "information necessary" for the Commissioner to "determine" which words imply discretion in the Commissioner, and create uncertainty in the rule. As it is a mandatory inclusion, the rule must include standards and criteria by which the Commissioner will make his determination and further,

as presently stated, there would appear to be no limits to information which might be deemed "necessary" by the Commissoner or the Department.

22. 404 B.2. uses the standard "substantial change" by which the Commissioner will make a "determination." Minn. Stat. § 93.48 does not use the term "substantial change." That term is used in Minn. Stat. § 93.481, subd. 3, when discussing amendments to permits. This language creates a vague standard which must be defined or standards or criteria by which the determination will be made must be added. Minn. Stat. § 15.0411, subd. 3, the definition of "rule" includes the mandate that rules are "made to implement or make specific the law in force or administered" by the Department. The inclusion of a vague and undefined standard does not comply with this requirement. Additionally, it would appear that the "substantial change" is adding a standard which goes beyond the statutory standard which requires the Commissioner to determine whether or not the variance is "consistent with the general welfare." Therefore, the rule is illegal in that it exceeds statutory authority and contains non-specific language.

23. 404 C.1. The rule contains the phrases "adequate application" and "shall include information necessary for the Commissioner to determine". The discussion of Rule 404 B.1. would apply identically herein.

24. 404 C.2. uses the term "substantial change." This phrase was discussed above when ruling on 404 B.2. In this instance, while the statute uses the same term, rules must "make specific" the law enforced by the Department. Thus, the term must be defined or adequate standards and criteria listed which the Commissioner will utilize in making the determination.

25. 404 D.1.b. requires the Commissioner to make a "determination" using the standard "significant adverse effect" which phrase is not defined nor are any standards or criteria included which will be used by the Commissioner in making the determination.

26. 406 A.1. and 2. These rules contain the discretionary word "may" which must be changed to the word "shall". In both instances, while the standards and criteria under which the discretion will be exercised are listed, even if a permittee would meet the requirements, the Commissioner would still have discretion to deny the request, thus rendering the rule illegal.

27. 406 E. This rule uses the discretionary term "may" in both sentences. The first sentence is a direct repeat of statutory language which the hearing examiner previously found to be "crucial" as required by Minn. Stat. § 15.0412, subd. 4. However, the second sentence would seem to give the Commissioner absolute discretion to suspend a permit for an indeterminate time while the statute specifically limits such suspensions to no more than 30 days unless the permittee has been given at least ten days' written notice of the Order of Suspension and an opportunity for hearing. Further, the sentence gives the Commissioner absolute discretion to impose any terms he "deems appropriate" which is again, illegal, discretionary language.

28. The hearing examiner, in Finding 10, (pages 10 and 11), specifically found that the Department totally failed to study economic impact on "scrammers." He then found that the Department had failed to make an affirmative presentation of facts establishing either the need for or reasonableness of applying the "blasting rule" (6 MCAR § 1.0402 G.) to such scram mining operators. It is noted that in the rules as finally adopted, scram operators

are not required to conduct air over-pressure monitoring except as required for complaint investigation under rule 402 G.2.a.(2) but no further exemption from this requirement is contained. It is further noted that in the Findings and Conclusions of the Commissioner, this point was not addressed. It is found that the agency has failed to comply with the provisions of Minn. Stat. § 15.0412, subd. 4, in that it has failed to make an affirmative presentation of facts establishing either the need for or reasonableness of including scram mining operators within Rule 6 MCAR § 1.0402 G.

NOW, THEREFORE, pursuant to the provisions of Minn. Stat. § 15.052, subd. 4, and 9 MCAR § 2.111, the Department shall either withdraw the proposed rules, amend them to remove the illegalities detailed above, or reconvene the rule hearing. In the event the rules are amended as discussed above, the Department shall resubmit the rules to the Chief Hearing Examiner pursuant to Rule 9 MCAR § 2.110 for review.

Dated this 5th day of June, 1980.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Rules Relating to Mineland Reclamation.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came duly on for hearing before State Hearing Examiner Howard L. Kaibel, Jr., in Virginia, Minnesota, on October 10, 1979. The hearing continued at the same location on October 11 and 12, and November 7, 1979. A tour was conducted on November 7, 1979, to observe existing mining and reclamation practices which was attended by legislative, Department and affected industry representatives.

All interested persons, representatives of individuals or associations, and other interested groups present at the hearing had an opportunity to present evidence, make statements and question Department of Natural Resources (hereinafter "Department") witnesses, and to submit written comments following the hearing dates.

Augustus W. Clapp, III, Special Assistant Attorney General, appeared for and on behalf of the Department. Mr. Elwood Rafn, Director of the Division of Minerals, supervised the presentation of the proposed rules by 11 other staff members and consultants.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five working days. Thereafter, the Department shall, if it proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4 (1978) and Rule 9 MCAR § 2.110. The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 (1978) within ten calendar days. The Department will be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

BACKGROUND AND PROCEDURAL HISTORY

This matter arises pursuant to a statute adopted by the legislature in 1969, requiring the Department to adopt rules to ensure the "reclamation" of lands affected by metallic mining (that is, to ensure that such lands will be restored or made capable of being used for some subsequent purpose). The Department indicates that no action was taken initially to adopt rules because

they felt that a permit provision was needed. Such a provision was added to the statute in 1973, together with a provision requiring that the rules be adopted by July 1, 1974. The Department indicated that it was unable to meet that deadline because of inadequate resources. A separate special appropriation in 1976 led to drafts of proposed rules, public comments, redrafts and these hearings. Approximately 90 people attended the hearing and approximately 30 written comments were received after the hearing. (The written comments cited in this Report have been marked alphabetically for ease of reference.) One written comment was received after the date of record closure, and has not been considered.

The Department chose to limit its first set of reclamation rules to iron mining. Iron is mined exclusively at this time in Minnesota using the "open pit" method. Under this method, iron ore is removed by excavating a large pit, often several miles across. The "surface overburden" (that is, the soil that is removed above the rock and ore) is taken away from the pit and stored elsewhere in "storage piles". The economical ore (primarily magnetic taconite) is removed from the pit, processed and shipped away. Rock without iron content or whose content cannot be economically processed using current technology, is also removed and stored elsewhere in separate storage piles. The rules herein considered deal with proposed means of ensuring ultimate reclamation of lands used for this mining, including the pits, storage piles and associated facilities.

FINDINGS OF FACT

1. On August 17, 1979, the Department filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing proposed to be issued.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On September 10, 1979, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 302.

3. On September 6, 1979, the Department mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On September 14, 1979, the Department filed the following documents:

(a) The Order for Hearing and authorizing resolution.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing the Notice to all persons on the Secretary of State's list.
(e) The Secretary of State's Certificate and list.
(f) The Statement of Need and Reasonableness.
(g) All materials received following a Notice of Intent to Solicit Outside Opinion published at 1 State Register 617 (October 18, 1976).
(h) The names of Department personnel who were to represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through November 27, 1979, for the receipt of written comments and statements, the period having been extended by order of the Hearing Examiner to 20 calendar days following the hearing.

6. The statutory authority to promulgate these proposed rules is contained in Minn. Stat. § 93.47, subd. 3.

7. A detailed discussion of the need for and reasonableness of each of the provisions of the proposed rule is unnecessary on this record. Such an analysis is contained in the Statement of Need and Reasonableness (Ex. 2) which was distributed to all hearing participants. Therefore, except as hereinafter noted with regard to specific provisions, the proposed rules are found to be needed and reasonable, and the Department has documented this by an affirmative presentation of facts. The Department has also demonstrated that the rules are authorized by statute, except as hereinafter noted with regard to specific provisions.

All of the concerns of the public discussed on the record and in written comments have been carefully considered in the preparation of this Report. Specific reference to most of them is omitted because the Department has recognized their validity and agreed to rectify them in extensive changes presented at the final hearing and in further changes agreed to in final written comments. This was an excellent example of the rules hearing process working as it should. The taconite industry primarily affected by the rules supported the authorizing reclamation statute and participated constructively in these hearings.

One of the major concerns of the public, for example, was the requirement of listing of mineral ownership under land used for auxiliary facilities. The Department has proposed a revision that should alleviate this concern in its final written comments. This revision and the others agreed to are essential to the general finding of need, reasonableness and statutory authority. None of these revisions appear to be "substantial changes" (requiring an additional hearing after new notice to the affected public).

Specific reference to many other objections is omitted in that they relate to issues or subjects which are not properly the subject of this Report because they concern matters dealt with in the statute which cannot be revised in these rules. "Scrammers" (small firms mining natural ore as opposed to taconite) sought total exemption from the rule, for example. The essence of their testimony was basically an objection to the reclamation statute, arguing that it involves "unreasonable" government interference with "private property" and that implementation involves unnecessary costs to consumers and taxpayers. The general need for and reasonableness of reclamation was settled upon adoption of the statute. Similarly, the Sierra Club and the Minnesota Public Interest Research Group (MPIRG) urged that the right to object to permits and demand a public hearing should be extended to "any other person". This is clearly contrary to the statute which identifies specific parties entitled to demand a hearing and limits the right to those parties.

8. The Department has not documented by an affirmative presentation of facts, either the need for, or reasonableness of its proposed provision for pit wall and overburden stockpile slopes of 3:1 (three feet horizontal for each vertical foot) with "lifts" (sections of the slope between 30-foot wide

terraces called "benches") limited to 30 feet. This was by far the most important issue to the affected public and received the most attention in testimony and exhibits of both the Department and the public. The issue is, therefore, properly accorded thorough and lengthy treatment in this Finding. While slope and lift height are separate provisions of the Rule, they are so interrelated that hearing participants generally dealt with them as a single subject, as will this Finding. First, this Finding will outline the nature of this issue. Secondly, it will attempt to summarize the importance of the issue. Next, the factual documentation will be inventoried. Finally, the statutes involved will be examined and applied.

The dispute is basically over how flat the slopes ought to be for the edges of pits and stockpiles. The Department urges flatter slopes and lower lifts because they will yield better potential for perpetual vegetation, minimize potential erosion and maximize ultimate potential land uses. The mining companies dispute the adverse effect of steeper slopes and higher lifts on vegetation and erosion potential, arguing that flatter slopes increase costs and inflation, wasting land, minable ore and energy. Except for a vague recommendation by the Sierra Club that piles ought to be kept no higher than surrounding topography and an unsubstantiated MPIRG criticism, the 3:1-30-foot proposal of the Department was the flattest advocated during the hearing. At the other extreme was the mining companies who proposed "angle of repose" [1.3 (or so) :1, depending on soil type, because it is essentially the most steep slope achievable when the soil is dumped out of the truck over the end of the pile] with 50-foot lifts between benches. In written comments, Pickands-Mather & Company took the position that if the hearing examiner decides that angle of repose is unacceptable, he should recommend 2:1 with 50-foot lifts. (Comment D) The same position was taken by the Lake Superior Industrial Bureau (Comment F) representing the mining industry generally, arguing that successful implementation and maintenance of vegetation should be the determining factor.

The issue goes to the heart of the statute and is important in a number of respects. Erosion from slopes that are too steep scars the landscape and pollutes lakes and streams. Overly conservative design, on the other hand, will directly impact what one engineer referred to without contradiction as, "two of our biggest problems nationally and on a state level and the local level, that is inflation and energy use." (R. 500). The economic impact study prepared for the Department (Ex. 17) significantly understates the inflationary impact by making a number of assumptions regarding costs. "It is assumed" for example, that there will be no site problems with a caveat that the proposed rules "could present major difficulties for specific mining operations requiring substantial costs" that may make recovery of some reserves uneconomical (P. 152). Specific operators testified as to the magnitude of the problem. One mine will be forced by the 3:1 design to leave 9,900,000 tons of taconite in the ground causing the state alone to lose $5,000,000 in taconite production taxes. (R. 226) In another place, the overburden stripping requirement would be doubled from 5,000,000 cubic yards to 10,000,000, significantly affecting the economics of possible removal of 8,000,000 tons of taconite (R. 249). The cost study further assumes that owners of lean ore and

non-magnetic taconite in "exhausted" pits will permit their resources to be covered with rock and overburden. It is clear from the testimony that such permission is granted only in extraordinarily exceptional circumstances, such as when some kind of "trade" can be worked out between specific mineral owners. Thus, rock and overburden in the foreseeable future will be placed predominantly on storage piles outside of pits. The Department confirmed that their proposed design would limit stockpiles on a 40-acre tract of land to 120-feet high while the mining companies presented an exhibit (75) showing that their proposed design allows piles 200-feet high. This 40% reduction in pile height will require an increase in cost and land area for stockpile storage. It will also increase road construction costs for the mammoth trucks used to transport the materials. The Department did submit some supplementary cost data with its final written comments, indicating that the increased road construction and transportation costs of 3:1-30 feet over angle of repose-50 feet is nearly one-half million dollars for the same quantity of material, not including the increased costs of grading or the increased costs of the additional 60 acres necessary to accommodate the 3:1-30-foot pile.

The factual testimony, exhibits and observations all clearly indicate that slopes have to be flatter than angle of repose. Mining company representatives conceded that angle of repose has frequently resulted in serious erosion problems (R. 365). Range area legislators unanimously opposed allowing angle of repose slopes. Representative Begich, speaking for all of the range senators and representatives, indicated they had questions about 3:1, "but definitely the delegation is opposed to angle of repose". Angle of repose was also opposed by the mineland reclamation project's manager for the Iron Range Resources and Rehabilitation Board. His testimony summarizes the danger, indicating that success with angle of repose ". . . would be the exception. In most cases where angle of repose is used with overburden or other easily eroded materials, vegetation comes in very slowly and erosion just continues to eat away at the sides of the stockpile or the pit. Angle of repose is not the answer." (Comment C).

The factual testimony, exhibits (including particularly those provided by the Department) and site observations indicate that a slope of 3:1 30-foot lifts is too conservative and specifically support 2:1 slopes with 40-foot lifts. Department Exhibit No. 35, an excerpt from an EPA (Environmental Protection Agency) seminar publication entitled "Erosion and Sediment Control, Surface Mining in the Eastern U.S.", indicates: "As a rule of thumb, a 2:1 slope is assumed to be the maximum slope upon which vegetation can be established and maintained satisfactorily." Although that publication recommends avoiding "excessive slope lengths", that term is not defined. The Department cited a study of other state laws indicating an "average" slope requirement of close to 3:1 but a closer examination of that study indicates that the majority of states (15 of 29) have slope requirements of only 2:1. Examination of the study of state laws (Ex. 23) discloses that most of these states do not combine slope limits with a bench and lift limit. Most of the lift limits uncovered are 50 feet. Flatter slopes, benches and lower lifts all have the same basic function of slowing down the velocity of the water, lessening the likelihood of erosion. Another Department exhibit includes a citation to a

book recommending 2:1 slopes "on overburdened dams". Department Ex. 16, a report on investigative trips to other states, showed "good" vegetation on 2:1 slopes with 40-foot lifts at one mine, and that another mine is attempting to increase vegetation success by reducing lifts from 75-100 feet to only 50 feet. An architectural resource's study (Ex. 9, p. 19) commissioned by the Department indicates that Erie Mining has had considerable success vegetating 2:1 slopes on tailing basins even though they are described as a "sterile, hostile environment". Department Staff conceded on the record that 2:1 slopes with lifts of higher than 30 feet are vegetated successfully. (R. 365) Site observations at U.S. Steel disclosed surface overburden piles with slope designs of 2.5:1 with 40-foot lifts (with portions as steep as 2.25:1) with 100% vegetation after only one growing season. The vegetation was uniform throughout the slopes, indicating that increased velocity at the bottom of the 40-foot lift did not increase erosion. There was no discernible difference in vegetation, even though the slope varied from 2.25:1 to 3.75:1. Site observations at the Erie mine showed very successful vegetation on slopes of 2:1 with 40-foot lifts.

Department Staff attempted to use the uniform soil loss equation (U.S.L.E.) to establish that anything over 3:1-30 would cause soil erosion losses of greater than ten tons per acre per year. It is stressed that the U.S.L.E. is not a fact, but is a formula for predicting soil losses on farm fields, which is "extrapolated" for predictions for steeper slopes. The Department confirmed that application of the U.S.L.E. is "speculative" (R.563, and Ex. 67). The Lake Superior Industrial Bureau's final written comments include a technical report prepared by the U. S. Department of Agriculture (U.S.D.A.) Conservation Service for the EPA entitled "Preliminary Guidance for Estimating Erosion on Areas Disturbed by Surface Mining Activities in the Interior Western United States" (July, 1977). The report stresses, "It must be noted that the sample soil loss calculations are only examples. A site-specific, demonstration study will follow the effort represented by this publication." A similar site-specific study aimed at getting precise factual data on slopes, lifts and erosion, has been undertaken in Minnesota, but no results were available for this hearing. The U.S.L.E. applied by the Department in its final written comments uses a "C" vegetative cover factor of .011. The U.S.D.A.-EPA paper indicates that this is the correct "C" value when the cover is "herbaceous" which the Department's final comments assumed. The cover observed at the sites, however, was primarily grass, and the U.S.D.A.-EPA study recommends a "C" factor of .003 for grassy cover. If this number is used for the "C" factor, and the other numbers for the other factors that are contained in the Department's final written comments are used, the expected soil loss is only 1.3 tons per acre per year. Based on actual site observations, this figure still seems large, but it is certainly more in accord with what was seen than losses in excess of ten tons per acre per year (T/A/Y). If the slope-length-steepness "LS" factor is changed to 11 (a slope of 2:1 or 50% with a 40-foot length according to Table 1 of the U.S.D.A.-EPA paper submitted with Comment A), the annual soil loss is only 1.53 tons per acre. Thus, the predicted increased loss from erosion is only .2 T/A/Y if

slopes of 2:1-40 are substituted for the proposed slopes of 3:1-30. The Department's final written comments used a "K" value of .43 which they candidly indicate is the value for "the most erosive soil that will be encountered during mining along the Mesabi Range." Exhibit 67 introduced by the Department during the hearings used a calculation "assuming a soil type with moderate potential (K equals .33),. . .". The data in the Department's final written comments used an "R" value "rainfall" after adjustment for snow melt of 108, but the Exhibit 67 calculates an "R" value after snow melt adjustment of 96. If this "R" value of 96 is used with the "K" value of .33 (Ex. 67 value for moderate soils), and an "LS" value of 11 (U.S.D.A.-EPA value for 2:1-40) and a "C" value of .003 (U.S.D.A-EPA for grass); the predicted soil loss for slopes of 2:1 with 40-foot lifts is only 1.04 T/A/Y which gives one-half of the lowest "maximum allowable soil loss as suggested by U.S.D.A." which, according to Exhibit 67, is 2.0 to 5.0 T/A/Y.

The Department asserted that steeper slopes than 3:1 would curtail potential land uses. However, the evidence they introduced indicates that 2:1 slopes are within the "ideal" range for parks and woods and open space and they confirmed that "these are likely to be the predominant land uses of stockpile areas and surface overburden portions of pit walls." (R. 568; see also R.83). The other side of the land use coin is that flatter slopes require considerably more land to excavate the same pit and deposit the same surface overburden stockpile. The importance of minimizing such increased land use was implicitly recognized by Department Staff, because they insisted on an absolute requirement of incorporating or extending existing stockpiles instead of creating new ones whenever "possible", as the language of the rule requires. (They refused to accept the change proposed by mining companies to substitute "whenever practicable".) Persons living and working on the range were the most concerned with the importance of minimizing the amount of land dedicated to mining activities. The spokesman for the range legislative delegation which lives in the area and is responsible to all the other citizens residing there specifically cited pictures from Pittsburgh Pacific Company (Comment G) indicating ". . . those are the type of areas we would like to see our area left (sic) after the mining operations or during the mining operations that are going on in our area. We believe this land is usable." (Emphasis added, R.530) The slopes in those pictures are steeper than 2:1 with lifts of 75 and 80 feet.

The legislative delegation urged a more reasonable distinction based on location, as the Department already proposes to use elsewhere with regard to covering and vegetating rock stockpiles.

> We felt that areas adjacent to communities, highways, recreation areas, lakes, parks, that type, definitely we should maintain a 3 to 1 slope and areas further remote from the areas I just mentioned . . . we could maybe go to a two to one slope.

The delegation went on to indicate that lifts of 30 feet should be required adjacent to cities but in "more remote" areas 40 to 50-foot lifts would be appropriate.

Another important fact contradicting the need for and reasonableness of the proposed 3:1 - 30 requirement is that there are other provisions of these

rules which mitigate any damage caused by a more liberal slope and lift rule. For example, the "benches" are required to be 50% wider than the present industry standard. There are provisions requiring inspection and repair of erosion, for establishment of "self-sustaining regenerating" vegetation within ten growing seasons and prohibiting release from permit obligations until vegetation is established. Unlike angle of repose, there was no evidence here that slopes of 2:1 with lifts of 40 feet would be difficult to revegetate in the future if something disturbs established vegetation.

Another section of the proposed rule would allow different slopes and lifts if they are based upon "acceptable research" and if they are approved by the Commissioner. The term "acceptable research" is defined as research which is approved by the Commissioner, is site related, and includes the standard described in the rules as a control. It is unclear whether the Department is proposing to allow deviations from the rule if such deviations have been shown to be successful in previous experiments; or whether the Department is proposing to make each suggested deviation be an experiment in itself; or whether the Department is proposing a combination of the two. It appears from the "control" requirement that the Department is proposing to allow controlled experimentation to take place. If this is the case, then another question arises: Does the rule contain sufficient standards to prevent abuses of discretion from occurring because of vagueness? The only real standard in the rule is that the "research" be site related. It is specifically found that this is so vague as to be virtually meaningless. It is likely to result in a "research" request for virtually every proposed stockpile, leaving the Commissioner free to approve some and deny others virtually at whim. While there is a need for ongoing research and experimentation in this field, the Department has failed to include meaningful standards for permitting such experimentation within the context of these rules.

Adoption of the rule as proposed would be contrary to several statutory provisions. The Administrative Procedure Act (Minn. Stat. §§ 15.0411 - 15.052) requires affirmative facts showing that the rule is needed and reasonable. The facts overwhelmingly indicate, to the contrary, that 3:1 slopes and 30-foot lifts are not needed or reasonable. Minn. Stat. § 93.47, subd. 2 requires "due consideration" of the "economic effect of such regulations upon the mine operators". A rule which would cost several hundred thousand dollars more to deposit the same amount of stockpiled material at three to one slopes instead of two to one slopes, with no significant discernible benefit, fails this due consideration test. The statute goes on to require "due consideration" of "the effect upon the future mining and development of metallic minerals owned by the State of Minnesota and others, and the revenues received therefrom". A rule which would cost the state millions of dollars in revenues and have an adverse effect on the future mining of millions of tons of minerals, without discernible significant benefit, is contrary to this second due consideration requirement. The statute further requires due consideration to the "practical problems of the mine operators and mineral owners" emphasizing particularly "slope gradients as achieved by good mining or soil stabilization practices." This is a repetition of the language in the opening policy declaration (Minn. Stat. 93.44) which says the statute is to be applied and interpreted to promote the encouragement of "good mining practices". That term is

re-emphasized here in connection with the practical problem of slope gradients and soil stabilization. Industry contended that angle of repose with 50-foot lifts represents "good mining practice" (R. 205). It is clear from the testimony that angle of repose can be bad mining practice. The best mining practice examined on this record was 2.5:1 design slopes with 40-foot lifts, considerably less than the proposed rule maximums. It is further clear from the record that 2:1 slopes with 40-foot lifts and 30-foot benches are good mining practices and there is no evidence that they are anything but good mining practices.

Minnesota Statutes, § 93.47, subd. 1, requires that the Department "conduct a comprehensive study and survey in order to determine, consistent with the declared policy of sections 93.44 to 93.51, the extent to which regulation of mining areas is necessary in the interests of the general welfare." Subdivision 3 of that section authorizes the adoption of rules by the Commissioner only "upon completion of his study and survey". (Emphasis added) The Department chose to segment its study and survey. Field investigations of land sloping and vegetation practices in Minnesota, Michigan and Wisconsin, are to be supplemented with an extensive detailed study of the effects of land slope design on vegetation and erosion, which the Department has designed and initiated. Some segments of the study and survey are complete (such as a study of the economic impact of the rules on large taconite operators) while other segments are undergoing further analysis. The Department confirmed that the detailed study of vegetation on varying slopes has not yet been completed (R. 577), and also that a related study on scenic beauty has not been completed (R. 588). The slope study data that has been acquired is sufficient to conclude that angle of repose is insufficient and that 2:1 slopes with 40-foot lifts is sufficient. If the detailed study of slope impact on vegetation discloses data justifying a 3:1 - 30 design, the rule can be amended to require it. (If such revision is considered necessary, the Department should consider, as the Sierra Club recommends, specifying varying slopes for varying types of soils as is done in one of the other state statutes cited.)

If the provisions are amended to require 2:1 slopes with 40-foot lifts, adding a provision that the Commissioner or local government units may require 3:1 slopes and 30-foot lifts for stockpiles within one-quarter mile of highways and residential or recreational areas, then the facts considered herein would adequately document the need for and reasonableness of such a provision. Such a revision would not appear to be a substantial change. It should be noted that 40-foot lifts and 2:1 slopes are very conservative maximums based on the evidence considered herein. Experimentation should go forward with 50-foot lifts and lesser slopes under the "approved research" alternative provision, if standards or criteria are added to that provision, particularly where such research would increase minable reserves and justify research costs.

9. The Department has documented the need for and reasonableness of its proposed provisions relating to rock stockpiles with an affirmative presentation of facts. While trees can be planted directly on the slopes of surface overburden piles when screening is desired, screening of rock stockpiles must be done with trees planted on benches. Industry allegations that rock storage piles develop natural screening vegetation (R.206) was contrary to the facts

as disclosed during the tour and the photographs and testimony of Representative Begich. Higher lifts would also increase the potential for erosion. Such stockpiles are at the steeper angle of repose increasing the velocity of runoff, without vegetation to slow it down or permeability to soak it up. Considerable erosion at the base of a 40-foot rock pile at the angle of repose was observed during the tour. The Department has further proposed to amend its rock stockpile provisions in final written comments to eliminate the possibility of using rock at the angle of repose to veneer surface overburden stockpiles at the request of Repesentative Begich (reversing its earlier announced interpretation at the hearing), and adding a specific requirement of cover and vegetation for rock stockpile slopes within one-quarter mile of residences. It is specifically found that these proposed amendments are necessary to make the provisions needed and reasonable. They do not appear to be substantial changes.

10. The Department has adequately documented the need for and reasonableness of its proposed rules relating to blasting (402 G), if all of the amendments recommended by Mr. Begich and the Iron Range legislative delegation are incorporated. The explosives industry representative criticized only two of five documents introduced in support of the proposed standards and his criticism was limited to lack of completeness of peer group and Bureau of Mines review. The factual documentation was basically unchallenged regarding need and reasonableness. There was no explicit expert testimony that the provisions are unduly costly or severe. Representative Begich's final written comments indicate his further research after the hearing supports the conclusion that the requirements are economical. As he further indicates, the numbers can be changed by future amendments if further research documents a need for change, such as the research being carried on by the Federal Interior Department Committee On Surface Mine And Reclamation.

The Department's final comments agree to incorporate two of the amendments to exempt certain residences recommended by the Iron Range legislative delegation. The comments decline to accept the proposed blasting exemption for scrammers, indicating only "this approach could be difficult to manage" without explanation of why it "could" or how. Scrammer representatives testified that they are not members of the Lake Superior Industrial Bureau and did not participate in nor support the passage of the mineland statute. They feel strongly that the rules are tailored for large taconite operations, ignoring the impact on small "scram" companies, citing particularly the costs of blasting provisions. The letter from the Bureau of Mines (Ex. 36) cited by the Department as evidence that costs will be minimal, indicates only that "many of the mines" already have monitoring capacity and are already maintaining the required records. Testimony showed that this is not the case with the smaller scram operators. One scrammer (Comment P) indicated in written comments without contradiction that estimated capital costs of $16,000 and increased operating costs of $6,000 to $9,000 per year will be required, "for no good purpose whatsoever." There is nothing in the record contradicting the testimony of another scrammer (Comment E) that their "relative small blasts have posed no problems in the past." The facts here with regard to economic impact are particularly important in light of the Department's admission that

its economic impact study ignored scrammers entirely. In light of the previously cited sections of the statute requiring thorough study prior to rule adoption and due consideration to economic impact, it is found that the Department failed to justify applying the blasting rules to scrammers. Absent specific evidence of problems, affirmative factual documentation of need has not been presented to require that scrammers monitor in the absence of complaints. As proposed by the Department, as it applies to scrammers, the rule is not needed, nor statutorily authorized. If scram mining operators are exempted where no public complaints are received; need, reasonableness and authority will be adequately documented.

It is noted that the Department continues to disagree with the Pollution Control Agency (PCA) over who has jurisdiction over noise impacts on humans and animals, as the Department continues to refuse to limit its rule to structures. No good reason has been advanced for rules distinguishing between adverse environmental effects on structures and on living things. Sections 401 C.7. and 8. of the Department's proposed Rules preserve the right of the PCA to apply stricter standards in the future.

11. The Department Staff has adequately documented the need for, reasonableness of and statutory authority for its provision requiring repair of "rills or gullies" more than nine inches deep, if it is clarified to refer only to unvegetated crevasses where erosion is occurring. The nine-inch provision was criticized by the Iron Range legislative delegation (R. 524) urging inspection to see whether the gullies are vegetated or are causing problems. The testimony (R.209 et seq) and the exhibits established conclusively that such channels can be vegetated. The parties agreed that gullies were observed vegetated-over during the tour, of one to two feet deep at U. S. Steel and five feet deep at Erie. (R. 585) Most of the statutes from other states studied by the Department specifically require repair only if permanent vegetation has not been established and the Federal Register discussion of the federal rule implies the same interpretation. The Department apparently intends that the rule apply only to unvegetated channels, indicating they wanted to give inspectors "some reason for making an operator repair an area where erosion was taking place and where the vegetation surrounding that gully may not take over." It is neither necessary nor reasonable to repair and replant nine-inch plus depressions in the graded surface of slopes if they are vegetated or are armored with rock. On the other hand, erosive channels must be stopped and repaired. If a change is made to the phrase such as "where unvegetated rills or gullies more than nine inches deep form and erosion is occurring," to avoid potential misinterpretation, documentation of need and reasonableness would be adequate.

12. The objections to the definition of "auxiliary facilities" have been carefully examined. The Minn. Stat. § 93.46, definition of "mining area" is very broad. It exhaustively includes: extraction and deposit lands, beneficiating plants, "and auxiliary facilities," water reservoirs, "and auxiliary lands". It is clearly broad enough to include pipelines, railroads and docks. The discrimination problem of exclusion for common carriers is taken care of by the Department's final comment amendment to include all utilities and common carriers "whose exclusive purpose is the mining operation". With

the amendment, need, reasonableness and statutory authority has been documented. No opinion is expressed as to whether the change is substantial. Although the statute does not specifically provide an absolute right to do so, affected public utilities and common carriers may wish to submit written comment to the Commissioner or the chief hearing examiner on that question during the five working day period prior to Commissioner action. At a minimum, it may affect a class of persons who may not have been represented at the hearings.

13. Adequate documentation of need, reasonableness and statutory authority have been presented for the 401 C. "scope and application" section of the rule if three substantiated objections are dealt with.

The requirement that "any person engaged in metallic mining" needs a permit, is ambiguous. The term is not defined although requests for a definition have been repeatedly made in response to earlier drafts. Technically, the term would appear to include every one from the night shift foremen on the crusher plant to the lessee of a gravel pit utilized by a mine. Trustees for fee owners were the only persons on this record to raise objection to the ambiguity. Department Staff indicated they would consider the problem including the suggestion that the term "operator" be substituted, but the change was not incorporated in final comments, and there is no clarification as to whether the term is intended to include trusts. Without some clarification exempting trusts (or clearly including them), the provision is so ambiguous as to be unreasonable.

Reserve Mining sought explicit recognition in this section that it would not apply to rights under existing permits. Its concern was joined in by the entire Iron Range legislative delegation, Lake County, and others. The Department's response in final written comments was that there was no need to deal with this matter in the rule because the statute specifically preserves existing rights. Duplication of sections from the statute in these rules, at the Department request, is hereby found to be crucial to the ability of persons affected by the rules to comprehend their meaning and effect. It is apparent on this record that at least a citation in the scope section to the rights and limitations of Minn. Stat. § 93.47, subd. 3, is also crucial to the understanding of affected persons who need to be fully informed, not only of their responsibilities under the statute and its purpose, but of their rights under existing permits, leases, judicial determinations, etc.

Subsection 5 b.3. purporting to extend the application of the rules to existing or pre-existing mining operations adversely affecting future reclamation was objected to by several parties as going beyond statutory authority. The Department's position that old stockpiles shouldn't be allowed to harm new reclamation is logical and no one seriously disputed either its need or reasonableness. The statute, however, limits the rules "to that portion of mining operations conducted subsequent to the effective date of such rules. . . ." Therefore, statutory authority for this subsection is lacking.

14. Lake County and Reserve Mining objected to making the entire "lake orientation zone" an exclusion area for mining. The only fact cited in the Statement of Need for this provision is its "high and unparalleled scenic value". Review of the study, however, indicates that the zone was designed to

be an "inclusive viewshed" which includes an extensive area "not directly viewed but included within the viewshed" (Page 8) by setting the boundary at the first land ridge and including everything lakeward. An analysis (p. 60) shows 14.45% of the zone has no significant value with regard to any of the "viewsheds" it was designed to protect. (Lake Superior, Highway 61, prominent points or inland streams flowing down into the lake) totalling 15,440 acres. The Department has not documented by an affirmative presentation of facts that mining everywhere within this zone would so impair the view as to make the land unreclaimable. This is particularly true with regard to minor auxiliary facilities serving existing operations such as constructing roads or borrow pits or expansion of existing permanent facilities. If the zone is made an avoidance area, as has been done with its adjacent "transition zone" without opposition, so that an operator would merely need to show that there is no feasible or prudent alternative; or if the Reserve amendment is incorporated, documentation will be adequate as to need and reasonableness.

15. The only other significant objection to the siting section of the rule (402 A.) was that the specific siting limitations in the rule are subject to future change without a further rule hearing and an opportunity to object and appeal. Participants urged that the words "as currently designated" be inserted in subsections 2.B. and C. and that subsections 2.B.9. and 2.C.4. be stricken. Department Staff objected to this language agreeing only to make future designations of trout streams subject to some sort of "a public review process" without specifying that the process would comply with the Administrative Procedure Act. An indefinite open-ended rule subject to total revision for such fundamental provisions is incapable of documentation. No facts were presented to prove that all possible changes in lake zone boundaries, national park boundaries, wild and scenic river districts, trout streams, mine site data manuals, etc., will be needed or reasonable in terms of their impact by this section of the rule on future mining.

16. No documentation has been presented of statutory authority, need or reasonableness for proposed subsection 404 H. which can be read as open-ended discretionary hearing authority. It was so interpreted by the Department Staff at the hearing, even if a hearing were objected to by a permit applicant. The statute carefully limits the right to a hearing to specific identified parties. Department final written comments indicate that this subsection "can be" deleted as "adding nothing to the rule". The change is not "substantial".

17. The only significant objection to the remainder of the procedures section (404) was the strong urging by several parties that the rule require the Department to state its reasons for adverse actions on permit matters. Department Staff confirmed on the record that "we can write it in" (R. 534) but haven't explicitly indicated in final comments that the change will be made, indicating only that reasons will in all cases be stated. The purpose of the procedural section is to state, in writing, the procedural safeguards which will be followed. It could undoubtedly be said of all the other procedural safeguards, that the Department will be doing them any way, from the sending out of notice to acting within specified time limits. No documentation was presented of the reasonableness of promulgating this procedural rule

without the explicit protection requested so strongly by the public. Adding the four-word change "stating his reasons therefor" to subsections A.2, .3 and .4, B., C., and G., is necessary, reasonable and insubstantial.

18. PCA staff read a letter from the PCA director indicating in part that it,

> "will specify the procedures and policies both agencies shall follow in their regulation of mining operations. One primary objective of this agreement will be to clearly define the role of the MPCA and the decision-making processes concerning mining permits and their conditions." (R. 97, emphasis added)

To the extent that any such agreement will have general applicability and future effect in terms of an impact on the rights and interests of the public or will establish some PCA special role in the mineland reclamation process, the policies and procedures will constitute rules and must be promulgated as such or as amendments to these rules according to the Administrative Procedure Act.

CONCLUSIONS

1. Those portions of the foregoing Findings that are more properly denominated conclusions, are hereby adopted as such.

2. The Department duly acquired and now has jurisdiction over the within proceeding.

3. All relevant, legal and procedural requirements of statute and rule have been complied with.

4. The Department has documented its statutory authority to adopt the proposed rules, except as otherwise noted in the foregoing Findings.

5. The Department has demonstrated the need for and reasonableness of its proposed rules as hereinafter recommended for adoption with an affirmative presentation of facts, except as otherwise noted in the foregoing Findings.

RECOMMENDATION

That the proposed rules of the Department of Natural Resources be promulgated, approved and adopted after attention to the modifications suggested by the foregoing Findings.

Dated: December 27, 1979.

HOWARD L. KAIBEL, JR.
Hearing Examiner

Our File #610

ADMIN 1000 (Rev. 7-78)
SF-0000-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: ATTORNEY GENERAL

TO: JOSEPH N. ALEXANDER
Commissioner
Department of Natural Resources

DATE: August 5, 1980

Attn: BILL CLAPP

FROM: H. THEODORE GRINDAL HTG
Special Assistant
Attorney General

PHONE: 297-3471

SUBJECT: Rules as Approved In the Matter of Proposed Rules Relating to Mineland Reclamation

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

HTG/bw
Encl.
cc: Duane Harves
Susan Robertson

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the
Adoption of Rules for
Mineland Reclamation

Supplementary Order
of the Commissioner

Having reviewed for form and legality the rules for mineland reclamation adopted by me on June 17, 1980, the office of the Attorney General has by letter of July 14, 1980 specified certain changes that must be made before that office will approve the role.

Accordingly, the rules I adopted are modified as indicated on the attachments, and are readopted as so modified.

Dated July 31, 1980

By Steven D. Moore, Deputy

Joseph N. Alexander,
Commissioner

R E S U B M I T T E D R U L E S

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

- - - - - - - - -

In the Matter of the
Proposed Rules Relating
to Mineland Reclamation

ORDER
ADOPTING
RULES

- - - - - - - - -

IT IS HEREBY ORDERED that the proposed rules for mineland reclamation, amended in accordance with the FINDINGS AND CONCLUSIONS OF THE COMMISSIONER in this matter, are hereby adopted as rules of the Department of Natural Resources.

Dated: May 27, 1980.

JOSEPH N. ALEXANDER
Commissioner

Department of Natural Resources
Minerals Division

Rules Relating to Mineland Reclamation

Rules as Adopted

6 MCAR § 1.0401 General provisions.

A. Purpose and policy.

1. The purpose of these rules is to implement Minn. Stat. SS. 93.44-51. ~~thereby ensuring progressive, reclamation of metallic minelands~~ in order to~~:~~ control possible adverse environmental effects of mining, to preserve the natural resources and to encourage the planning of future land utilization, while at the same time promoting the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining.

~~a. Protect the public health, safety and welfare;~~

~~b. Control possible adverse environmental effects of mining;~~

~~c. Protect, preserve and use natural resources wisely by:~~

~~(1) Encouraging multiple resource management;~~

~~(2) Controlling erosion, land slides, and air and water pollution;~~

~~(3) Creating land forms water patterns and vegetative communities which complement and harmonize with the surrounding environment; and~~

~~(4) Identifying and prohibiting mining in areas not reclaimable with existing technology and fostering the development of improved technology through research.~~

~~d. Encourage the planning of future land use by:~~

~~(1) Recognizing the potential value of land for mineral resource development;~~

~~(2) Minimizing the amount of land used for mining purposes; and~~

~~(3) Requiring conversion of minelands to an acceptable subsequent use upon completion of mining.~~

~~2. These rules give consideration to:~~

~~a. The orderly development of mining;~~

~~b. Good mining practices;~~

~~c. The beneficial economic and employment impacts of mining;~~

~~d. Practical problems of mine operators and mineral owners;~~

~~e. Meeting or exceeding minimum mineland reclamation requirements which may be established pursuant to a federal mineland reclamation act, to the extent possible within the authority of the commissioner; and~~

~~f. Conforming with state or local land use planning programs.~~

B. Definitions.

1. "Acceptable research" means research that ~~is approved by the commissioner~~ is site related, is reasonably designed for the purpose of demonstrating that the goals contained in 6 MCAR s 1.0402 D. 1. can be achieved, is no larger than necessary to adequately demonstrate the proposed measures, and includes, for comparison, the standards ~~described in the rules as a control~~ specified in 6 MCAR s 1.0402 D. 2. d. (1), e., g. (1), and i. (1) which the proposed measures are intended to replace.

2. "Auxiliary facilities" means all permittee-owned stationary physical property used in a mining operation, including: power plants and associated facilities; transmission lines; pipelines; roads; railroads; docks and associated facilities; borrow areas and leased borrow areas and associated facilities; blasting agent and fuel production or preparation facilities; and parking areas, shops, offices, buildings, structures, and storage facilities located within the area where mining is conducted. This does not include common carrier transportation facilities.

3. "Beneficiating plants" means all metallic mineral processing plants, such as crushers, mills, concentrators, agglomerating and sintering facilities, smelters, refineries and other metal-making facilities.

4. "Commissioner" means the Commissioner of Natural Resources, or any duly authorized representative.

~~5. "Completion" or "completed" means the conclusion of construction or development of a surface, structure, facility or element of a mining operation. It occurs when, according to the mining permit, a surface, structure, facility or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation or other reclamation or deactivation measures required by these rules.~~

5 ~~6~~. "Deactivation" means the process of finally terminating and reclaiming any specific portion of a mining operation. Deactivation begins when, as prescribed in the permit to mine, all mining activities and uses have ceased and there will be no renewed use or activity by the permittee.

~~7. "Good mining practice" means activities which use the best available technology and which are consistent with these rules.~~

6 ~~8~~. "Hereafter" means after the effective date of these rules.

~~9. "Lands previously affected by mining" means lands from which material has been removed in connection with the production or extraction of metallic minerals and lands upon which mine waste has been deposited.~~

7 ~~10~~. "Mine waste" means any material, such as surface overburden, rock, lean ore, or tailings which in the process of mining and beneficiation has been removed from the earth and stored elsewhere on the surface.

8 ~~11~~. "Mining" means the process of removing, stockpiling, processing, storing, transporting (excluding use of common carriers and public transportation systems) and reclaiming any material in connection with the commercial production of metallic minerals. This includes exploration activities such as the taking of large bulk samples.

9 ~~12~~. "Mining area" or "area subjected to mining" means any area of land from which material is hereafter removed in connection with the production or extraction of metallic minerals; the lands upon which material from such mining is hereafter deposited, the lands upon which beneficiation plants and auxiliary facilities are hereafter located; lands upon which the water reservoirs used in the mining process are hereafter located; and auxiliary lands which are hereafter used or intended to be used in a particular mining operation.

10. ~~10.~~ "Mining operation" means all of a ~~unified~~ mining project without regard to political, administrative or ownership boundaries, which includes all of the facilities used in "mining" as defined in 6 MCAR s 1.0401 B. ~~11~~ 8.

11 ~~14~~. "Natural resources" means all mineral, animal, plant, air, water, land, timber, soil, quietude, recreational, historical, scenic, and aesthetic resources.

12 ~~15~~. "Operator" means any owner or lessee of mineral rights engaged in or preparing to engage in a mining operation.

13 ~~16~~. "Permit to mine" means legal approval given by the commissioner to conduct a mining operation or a scram mining operation.

14 ~~17~~. "Reclamation" means the successful accomplishment of the goals in 6 MCAR § 1.0402.

15 ~~18~~. "Reference area" means a vegetated land unit which is designated for comparatively measuring reclamation vegetation success. ~~The vegetation on a reference area may be either planted or naturally occurring. For the purpose of controlling erosion, it shall be self-sustaining, regenerating, or a stage in a recognized vegetation succession which provides wildlife habitat or other uses such as pasture or timber land. Reference areas must be representative of the site conditions and possible uses which might exist on mining landforms.~~

16 ~~19.~~ "Scram mining operation" means a mining operation which produces natural iron ore or natural iron ore concentrates as defined by Minn. Stat. S 93.20, subds. 12-17, from previously developed stockpiles, tailings basins, underground mine workings, or open pits, which involves no more than ~~40~~ 80 acres of land not previously affected by mining. Greater areas shall be allowed if the operator can demonstrate that impacts would be substantially the same as other scram operations. Lands not previously affected by mining means lands upon which mine wastes have not been deposited and lands from which materials have not been removed in connection with the production or extraction of metallic minerals.

17 ~~20~~. "Stockpile" means an accumulation of mine waste. It does not include tailings basins, fossil fuel, finished product, or surge piles.

C. Scope and application.

1. Any person engaged in metallic mining shall apply for a mining permit or a scram mining permit within 180 days of the effective date of these rules.

2. Any person hereafter intending to conduct a new mining operation or reactivate an inactive mining operation shall obtain a mining permit or a scram mining permit prior to commencing operations.

3. The term of a mining permit shall be the period determined necessary by the commissioner for the completion of the proposed mining operation, based on information provided pursuant to 6 MCAR § 1.0403 B.

4 The term of a scram mining permit shall not exceed five years.

5. These rules apply to metallic mining operations from which iron is the predominant metal extracted:

a. All portions of any mining operation initiated hereafter, including both new operations and reactivated inactive operations; and

b. the following portions of existing mining operations:

(1) Any portion of such operation which is hereafter created or used, provided that the siting requirements shall not apply to that portion already constructed;

(2) All of any existing tailings basin, settling pond or water reservoir (including dams, dikes, deltas, beaches, seepage control structures and water control devices) where any portion thereof is hereafter used for the deposition of tailings or sediment or for water storage; provided that the siting requirements shall not apply; and

~~(3) Any portion of such operation which will adversely affect reclamation conducted hereafter; provided that such portion shall be reclaimed, removed, restored or modified to the extent necessary to prevent such adverse effects.~~

(3) All existing permittee-owned power plants and associated facilities, transmission lines, pipelines, docks and associated facilities, and railroads shall comply only with the deactivation, reporting, and procedural requirements of 6 MCAR S 1.0402 I, 6 MCAR S 1.0403, and 6 MCAR S 1.0404 G.

6. When part of any mining area is included in the mining and reclamation plans of two or more persons who are not co-permittees, that portion of the reclamation requirements which is the responsibility of the person who first performs the mining may be waived by the commissioner provided:

a. Subsequent disturbance by another operator is scheduled ~~to occur within 15 years following completion by the first operator~~, according to such operator's permit to mine;

b. The operator who will perform subsequent mining presents plans, and accepts responsibility for the performance of any necessary reclamation which may be incurred as a result of the previous mining operation; and

c. No significant environmental damage is likely to occur as a result of the waiver.

7. Nothing in these rules waives the requirements of any other applicable rules of the Department of Natural Resources or any other agency or governmental unit or of any other applicable statute or ordinance.

8. Where these rules conflict with other applicable statutes, rules and ordinances, the most restrictive provision shall apply.

9. Subject to Minn. Stat. S 93.47, subd, 3 these rules shall be subject to any rights existing pursuant to any permit, license, lease, or other valid existing authorization issued by the commissioner, the Pollution Control Agency or any other governmental entity or their predecessors office.

D. Severability. If any provision of these rules is held invalid, such invalidity shall not affect any other provision of the rules which can be given effect without the invalid provision, and to this end the provisions of these rules are declared to be severable.

6 MCAR § 1.0402 Taconite and iron ore reclamation standards.

A. Siting.

1. Goals. Mining shall be conducted on sites that minimize adverse impacts on the environment and the public. Separations shall be maintained between mining areas and adjacent conflicting land uses. All sites shall incorporate setbacks or separations which

are needed to comply with air, water, and [redacted] pollution standards; local land use regulations; and requirements of other appropriate authorities.

2. Requirements.

a. General criteria for site selections. Portions of a mining operation for which there is flexibility in site selections such as: stockpiles, tailings basins, water reservoirs, processing plants, offices, inter-connecting roadways and auxiliary facilities, shall be sited so that:

(1) Impacts on the public due to wind erosion, noise and air emissions are minimized.

(2) Potential injury to life, property, and natural resources due to dam or slope failure is minimized;

(3) Major modifications of watersheds, including diversions of surface water and alterations of groundwater levels are minimized;

(4) Runoff and seepage can be managed to minimize environmental effects;

(5) Spilled material resulting from pipeline rupture or emergency release can be contained and controlled;

(6) Former mining areas are used in preference to areas undisturbed by mining; and

(7) Conflicts with natural resource sites identified by the commissioner such as those listed in V 21 Natural Resource Sites, "Minesite Data Manual," Minnesota Department of Natural Resources are minimized.

b. Exclusion areas for mining. No mining shall be conducted within any of the following areas unless the commissioner determines that a state or national emergency exists which would require the exploitation of the mineral resources within such areas:

(1) On and within ½ mile of the Boundary Waters Canoe Area, as defined in NR 1000 (6 MCAR S 1.1000), state or National Wilderness areas, state or National parks and National monuments, except where such areas are established as a result of their association with mining.

(2) Within a National, Wild, Scenic, or Recreational River District or within ¼ mile of a National Wild, Scenic, or Recreational River (whichever is greater); and within a designated state Land Use District or within ¼ mile of any state Wild, Scenic, or Recreational River (whichever is greater) however, underground mining may be permitted to the extent consistent with the governing Wild and Scenic Rivers Act and the rules promulgated thereunder.

(3) On sites designated in the state Registry of Historic Sites or National Register of Historic places, except where such areas are established as a result of their association with mining, and on designated State Scientific or Natural Areas.

(4) Within 300 feet of any state designated trout stream, any river listed in Minn. Stat. § 85.32, subd. 1. and the Redwood, Yellow Medicine, Chippewa, Bois de Sioux, Red River of the North, Roseau, Rainy, Vermillion, Kawishiwi, and Pigeon rivers.

(5) Within 400 feet of any natural watercourse located within the area defined by the Federal Shipsted-Newton-Nolan Act (16 U.S.C. Sections 577-577b).

(6) Within any lake greater than 80 acres in size ~~(Minn. Stat. § 93.13)~~ and any stream trout lake designated by the commissioner.

(7) Wit[redacted]at area adjacent to the North Shore of Lake Superior classified as the "Lake Orientation Zone" in the DNR report "North Shore Characterization Study." However, within this zone existing processing and by-product disposal shall be allowed at Silver Bay. ~~t~~The storage and transhipment of product and fuel, and docks and associated facilities shall be ~~permitted~~ allowed at Duluth, Two Harbors, Silver Bay, and Taconite Harbor. The removal of ore by underground mining within this zone may be permitted subject to conditions prescribed by the commissioner when such mining can be conducted in a manner consistent with these rules.

(8) Within the following setback areas containing dwellings, buildings, roads or facilities which are in existence prior to the issuance of a permit to mine:

(a) 500 feet of any occupied dwelling, public school, church, public institution, county or municipal park or cemetery unless allowed by the owner and

(b) 100 feet of the outside right-of-way line of any public roadway, except where mine access or haul roads ~~join~~ cross such right-of-way line.

(9) Within any area except federal areas added to the categories listed in 6 MCAR S 1.0402 A.2.b. which is designated hereafter but prior to the issuance of a permit to mine involving such area provided that such designation is made by a process which includes a public hearing.

c. Avoidance areas for mining. When there is a feasible and prudent alternative, no mining shall be conducted within the following areas: ~~(Minn Stat. § 116. D. 04, subd. 6.)~~

(1) Within any National Wildlife Refuge or Waterfowl Production area, State Wildlife Management area or on lands designated as National Natural Landmarks or National Trails or any state designated trail listed in Minn. Stat. § 85.015.

(2) Within any shorelands defined in Minn. Stat. § 105.485, subd. 2 for which County or Municipal shoreland management ordinances have been established in compliance with Minn. Stat. § 105.485, Cons. 70-77, and NR 82-84.

(3) Within that area near the North Shore of Lake Superior classified as the "Transition Zone" in the DNR report "North Shore Characterization Study."

(4) Within any area added to the categories listed in 6 MCAR § 1.0402 A.2.c. which is designated hereafter but prior to the issuance of a permit to mine involving such area.

B. In-mine disposal.

1. Goals. Mining shall be conducted to maximize use of past, present, and future mining areas so as to minimize the amount of land disturbed by mining and reduce the loss of non-mineral resources.

2. Requirements.

a. The commissioner may require in-mine disposal of mine waste.

b. Mining methods and schedules shall be used which provide ~~mined-out~~ areas for waste disposal at the earliest opportunity.

c. The commissioner will consider factors such as the following to determine the extent to which in-mine disposal shall be required.

(1) The ease of reclamation;

(2) Pollution potential;

(3) Public safety and welfare;

(4) Natural resource preservation; ~~and~~

(5) Land use demands~~.~~ ;

(6) Ownership of the minerals;

(7) Mineral resource values; and

(8) Physical and economic feasibility.

d. Mine waste which is placed within an open pit mine below the ultimate pit water elevation shall be exempted from the requirements of 6 MCAR § 1.0402 D and E. These shall be designed and constructed to prevent adverse environmental effects.

C. Buffers and barriers.

1. Goals. A mining operation shall be designed, constructed, and maintained so that the operation is compatible with surrounding non-mining uses.

2. Requirements.

a. Naturally existing terrain and vegetation, or vegetated mine waste which appear similar to natural terrain shall be used to minimize problems such as: noise, dust and chemical air pollutants, view, mine traffic, access, and erosion.

b. Buffering shall be implemented prior to beginning operations in a portion of a mining area that needs buffering.

c. Buffers may be constructed within the setback areas described in 6 MCAR S 1.0402 A.2.b. (8) provided~~:~~

~~(1)~~ their primary purpose fulfills 6 MCAR S 1.0402 C.2.a.~~; and~~

~~(2) the applicant produces written consent from affected adjacent landowners for such construction.~~

D. Sloping and landform design.

1. Goals. Landforms shall be designed and constructed to complement nearby natural terrain, minimize adverse water quality and quantity effects on receiving waters, enhance the survival and propagation of vegetation, be structurally sound, control erosion, promote early completion and progressive reclamation, and encourage the prompt conversion from mining to an approved subsequent use.

2. Requirements.

a. All stockpiles shall be designed and constructed according to the following standards:

(1) Existing stockpiles shall be incorporated or extended ~~or improved~~ to the extent possible;

(2) Water shall be drained away from the top of any stockpile in a manner which will not adversely affect the structural stability of the stockpile and will minimize erosion;

(3) All runoff and drainage control measures shall be ~~capable of handling~~ designed to withstand a 100 year frequency, 24 hour duration storm as developed using good hydraulic and hydrologic practices;

(4) ~~If applicable water quality standards for discharge are not met all runoff from stockpile shall be collected and held in a settling basin until it meets such standards.~~ If runoff from stockpiles has caused or is likely to cause violations of water quality standards, the runoff shall be collected and held in a settling basin until it meets, or is treated to meet, effluent limitations;

(5) Runoff or drainage controls shall be designed by a qualified person proficient in hydrologic analysis and water channel design;

(6) When ~~stockpiles consist of materials which may become~~ a water quality problem ~~due to leaching;~~ has occurred or is likely to result from leaching of stockpiled material, the commissioner ~~may~~ shall ~~requie~~ require ~~measures such as the following:~~ one or more of the following based on the type of material and the nature and location of the problem:

(a) The design of a monitoring system and the monitoring of water quality;

(b) The construction of an impermeable base pad to isolate the stockpile from the groundwater;

(c) The construction of a permeable base pad containing soil material capable of absorbing and holding the toxic materials in the leachates;

(d) The diversion of surface waters around and away from the stockpile;

(e) Covering of stockpiles to minimize the infiltration of precipitation;

(f) The use of internal layers of soil or other material to hold the toxic materials in the leachate;

(g) The use of material which controls pH of the leachate and

(h) The collection and treatment of leachate.

b. Mining areas shall be managed so that watershed modifications are minimized. Runoff from these areas shall be discharged without injury to life, property and natural resources. Upon deactivation, any runoff from drainage areas altered by mining shall be discharged into receiving waters within the same watershed as existed before mining. When conditions do not allow discharge into the pre-mining watershed, runoff shall be discharged at locations, and in volumes and rates which can be accepted by the receiving waters without injury to life, property, and natural resources.

c. When ~~Mine~~ mine waste ~~shall not be~~ is deposited on areas with unstable foundations such as peat, muskeg, bedded lacustrian deposits, fault zones, and areas above underground mine workings, ~~unless such areas cannot be reasonably avoided. In such cases the shall be examined, and the landform designed by a qualified engineer subject to approval by the commissioner.~~ an engineer shall examine the foundations and design the landforms to be stable.

d. Rock, lean ore, and coarse tailings stockpiles, unless they are an integral part of a tailings impoundment, shall be designed and constructed according to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) No lift shall exceed 30 feet in height;

(b) No bench width shall be less than 30 feet wide, measured from the crest of the lower lift to the toe of the next lift;

(c) The sloped area between benches shall be no steeper than the angle of repose; and

(d) Benches shall be designed and constructed to control runoff.

(e) When vegetation is required pursuant to 6 MCAR S 1.0402 E.2.b. (4), the sloped areas between benches shall be

prepared to support vegetation; and

(f) When the sloped area between benches is covered with surface overburden and vegetated, lifts may be raised to a maximum of 40 feet.

(2) Based upon acceptable research the commissioner ~~may~~ shall approve other ~~standards~~ measures which satisfy 6 MCAR s 1.0402 D. 1.

e. A minimum of 2 feet of ~~soil~~ surface overburden shall be placed upon the completed portions of each bench and top of any rock, lean ore, or ~~coarse~~ tailing stockpile and upon other portions of such stockpiles for which vegetation has been required or approved. Based upon acceptable research the commissioner shall approve other measures which satisfy 6 MCAR s 1.0402 D. 1.

f. Rock, lean ore, or coarse tailings stockpiles consisting of rapidly decomposable material which is susceptible to wind or water erosion or highly erodable soils shall receive treatment such as:

(1) Covering with less erodable material;

(2) Shortening or flattening the slopes; and

(3) Vegetating the slopes.

g. Surface overburden stockpiles shall be designed and constructed according to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) No lift shall exceed ~~30~~ 40 feet in height;

(b) No bench width shall be less than 30 feet wide, measured from the crest of the lower lift to the toe of the next lift;

(c) The sloped area between benches shall be no steeper than ~~3:1~~ 2.5:1;

(d) Benches shall be sloped toward the interior to control runoff. They shall be large enough to handle runoff water until it can be infiltrated into the stockpile, or a drainage control system shall be constructed to remove water consistent with 6 MCAR § 1.0402 D.2.a. (2) and (3);

(e) Rock, lean ore, or coarse tailings shall not be used to cover surface overburden stockpiles in order to avoid compliance with sloping and vegetation requirements. This shall not preclude the abutting of rock, lean ore, or coarse tailings stockpiles with surface overburden stockpiles, or the placement of rock, lean ore, or coarse tailing lifts atop surface overburden pads or lifts.

(2) Based upon acceptable research the commissioner ~~may~~ shall approve other ~~standards~~ measures which satisfy 6 MCAR s 1.0402 D. 1.

h. ~~Mineralized~~ Iron formation and Duluth complex formation materials of varying grades and types shall be segregated within the same stockpile or placed in separate stockpiles. Materials which require different means of beneficiation shall not be commingled.

i. Surface overburden portions of pitwalls shall be designed and constructed to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) The toe of the surface overburden portion shall be set back at least 20 feet from the crest of the rock portion of the pitwall;

(b) ~~No lift shall exceed 30 feet in height~~ Lift heights shall range from 40 to 60 feet and shall be selected based on:

(i) The need to protect public safety;

(ii) The location of the pit wall in relation to the surrounding land uses;

(iii) The soil types and their erosion characteristics;

(iv) The variability of overburden thickness; and

(v) The potential uses of the pit following mining.

(c) The sloped area between benches shall be no steeper than ~~3:1~~ 2.5:1; and

(d) Benches shall be sloped into the overburden to control runoff. They shall be large enough to handle runoff water until it can infiltrate into the slope, or a drainage control system shall be constructed to remove water consistent with 6 MCAR § 1.0402 D.2.a (2) and (3);

(2) Based upon acceptable research the commissioner ~~may~~ shall approve other ~~standards~~ measures which satisfy 6 MCAR s 1.0402 D. 1.

j. Tailings basins shall be designed, constructed, and operated according to the following:

(1) The storage of tailings within an approved site shall be maximized while meeting 6 MCAR § 1.0402 D.1.;

(2) A means of draining the pond area and managing runoff shall be provided consistent with 6 MCAR § 1.042 D.2.b.;

(3) During the mining operation dust generation shall be minimized by maximizing the area of permanently reclaimed tailings. The remaining active tailings areas shall be covered with water to the maximum extent possible and beach areas shall be temporarily stabilized consistent with 6 MCAR § 1.0402 F.; and

~~(4) Maximize topographic relief within the reclaimed basin; and~~

~~(5)~~ (4) ~~They~~ Tailings basins shall be designed, ~~constructed operated, and maintained~~ by registered professional engineers proficient in geotechnical and other aspects of design, construction, operation, and maintenance of tailings basins. The construction, operation, and maintenance of basins shall be periodically reviewed by such engineers to ensure compliance with the design.

E. Vegetation.

1. Goals. Vegetation shall be established to control erosion, prevent and control leaching of toxic substances, screen mining areas from non-compatible uses and provide wildlife habitat or other uses such as pasture or timber land.

2. Requirements.

a. Vegetation shall be established on the following:

(1) Surface overburden stockpiles;

(2) Exposed soils along diversion channels and roads;

(3) Cuts, pits, trenches, and other areas disturbed during the process of obtaining borrow materials or bulk samples, except those entirely included in larger mining landforms;

(4) Benches and tops of rock and lean ore stockpiles;

(5) Tailings basins;

(6) Dikes and dams;

(7) Exposed soils adjacent to water reservoirs;

(8) Areas exposed or disturbed during deactivation procedures such as building sites, parking lots, pipeline routes, storage areas, transmission routes, and roads not used for subsequent access;

(9) Surface overburden portions of pit walls;

(10) Buffers and barriers; and

(11) Subsided areas not permanently covered by water.

~~b. Other measures may be required by the commissioner such as:~~

~~(1) The placement of vegetative barriers around pits or other hazardous areas to control access;~~

~~(2) The development of vegetative communities with specific density and composition for the purpose of controlling wind erosion, providing buffers or for specific subsequent uses;~~

~~(3) The temporary establishment of vegetation on tailings basins exposed for one or more growing seasons;~~

~~(4) The establishment of vegetation on visible rock lean ore, and coarse tailings stockpile slopes within 1/4 mile of residential and designated public use areas;~~

~~(5) The establishment of vegetation on rock, lean ore, and coarse tailings stockpile slopes which consist of rapidly decomposable material and material subject to leaching.~~

b. Other vegetative measures shall be undertaken, as necessary, to:

(1) Control access to pits and other hazardous areas, for safety purposes;

(2) Control wind erosion, provide buffering and enhance the establishment of approved specific subsequent uses, through the development plant communities with specific density and composition;

(3) Control dust on temporarily inactive tailings basins to which the non-vegetative methods prescribed pursuant to 6 MCAR S 1.0402 F. are not being applied;

(4) Provide aesthetic and compatible areas on rock, lean ore, and coarse tailings stockpile slopes, within ½ mile of residential and designated public use areas, except designated trails; and

(5) Control the quality of water which would otherwise contact rapidly decomposable material or material subject to leaching.

c. The establishment of vegetation shall be initiated during the first normal planting period following ~~completion~~ the point when according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation, or after it has otherwise been required, using techniques such as:

(1) grading;

(2) disking or chisel plowing to reduce compaction;

(3) seeding or planting;

(4) fertilizing;

(5) mulching; and

(6) irrigating.

~~d. Within 3 growing seasons after completion at least 90% of the area where vegetation is required must be covered with living vegetation.~~

d. The following standards apply to the areas listed in 6 MCAR S 1.0402 E.2.a."

(1) After 3 growing seasons following the point when according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with establishment and maintenance of vegetation, a 90% ground cover, consisting of living vegetation and its litter, shall exist onall areas, except slopes which primarily face south and west. Such sloped areas shall attain the 90% ground cover requirement within 5 growing seasons following the point when initiation of vegetation is required. Where this standard is not met, or where unvegetated rills or gullies more than 9 inches deep form and erosion is occuring, the surface shall be repaired and replanted during the next normal planting period.

(2) ~~c.~~ Within 10 growing seasons after ~~completion,~~ the point when according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation, an area shall have a vegetative community with characteristics similar to those in an approved reference area. The vegetation on a reference area may be either planted or naturally occuring. For the purpose of controlling erosion, it shall be self-sustaining, regenerating, or a stage in a recognized vegetation succession which provides wildlife habitat or other uses such as pasture or timber land. Reference areas must be representative of the site conditions and possible uses which might exist on mining landforms. No release pursuant to 6 MCAR S ~~1.0405 F.~~ 1.0404 G. shall be granted until the areas has such characteristics.

~~f. Where rills and gullies more than 9" deep form or where vegetation success standards are not met, the surface shall be repaired and replanted during the next normal planting period after such conditions occur.~~

F. Air pollution.

1. Goal. Mining shall be managed to control avoidable dust ~~(APC 6)~~.

2. Requirement. Avoidable dust shall be controlled by techniques such as:

a. Water spray,

b. Chemical binders,

c. Anchored mulches,

d. Vegetation, and,

e. Enclosure and containment.

G. Blasting.

1. Goal. Effects of air overpressure and ground vibrations from ~~mining operations~~ production blasts shall be kept at levels which will not be injurious to human health or welfare and ~~animal life~~ property outside mining areas.

2. Requirements.

a. Air overpressure standard.

(1) Air overpressure ~~outside the mining area~~ on lands not owned or controlled by the permittee shall not exceed 130 decibels as measured on a linear peak scale, sensitive to a frequency band ranging from 6 cycles per second to 200 cycles per second.

(2) All open pit blasts shall be monitored by the operator. Monitoring stations shall be located adjacent to the nearest structure located on lands not owned or controlled by the permittee, and where the commissioner deems necessary to investigate complaints. Scram operators are not required to conduct air overpressure monitoring except as required for complaint investigation.

(3) All open pit mining operators shall keep a blaster's log of production blasts for a period of at least 6 years containing the following:

(a) Date and time of blast:

(b) Type of explosive used;

(c) Ignition layout with locations of blast holes and time intervals of delay;

(d) Pounds of explosives per each delay of 8 milliseconds or more;

(e) Total pounds of explosives;

(f) Type of material blasted;

(g) Monitoring locations and results of monitoring when conducted;

(h) Meteorological conditions, including temperature inversions, wind speed and directions as can be determined from the U.S. Weather Bureau, and ground-based observations;

(i) Directional orientation of free faces of bench to be blasted; and

(j) Other information ~~as~~ which the commissioner ~~may require~~ finds necessary to determine if the standards of 6 MCAR s 1.0402 G. are achieved.

(4) If a focusing condition is detected which could cause the blast to adversely affect populated areas, blasting shall be postponed until the condition is no longer present.

(5) Blasting shall take place only during daylight hours unless a hazardous condition requiries blasting at another time.

b. Ground vibration control.

(1) The maximum peak particle velocity from blasting shall not exceed one inch per second at the location of any structure located on lands not owned or controlled by the permittee.

(2) The permittee shall either:

(a) Monitor production blasts for peak particle velocity using a seismograph capable of measuring three mutually perpendicular peak particle velocities, with the peak particle velocity being the largest of these measurements; or

(b) Utilize the scale distance formula $W=(d/60)^2$, where: W= the charge weight per delay (8 milli-seconds or more), and d= the distance (in feet) from the blast to the nearest structure located on lands not owned or controlled by the permittee to determine the weight of allowable explosive per decay.

(c) When the monitoring is chosen, or complaints are received, seismic measurements shall be conducted adjacent to the nearest structure located on lands not owned or controlled by the permittee and where the commissioner deems necessary to investigate complaints.

(3) ~~The~~ In the event of a complaint or when ground vibrations have or are likely to exceed the one inch per second standard, the commissioner ~~may~~ shall require permittees using underground mining methods to maintain a blaster's log for the purpose of assessing ground vibration control.

c. All monitoring data collected shall be saved for a period of six years and made available to the commissioner upon request.

H. Subsidence and other surface displacement.

1. Goal. Mining operations shall be conducted in a manner which will prevent or mitigate hazardous conditions which result from slumping, heaving, and subsidence.

2. Requirement.

a. Techniques shall be employed which prevent slumping and heaving.

b. ~~When requested by the commissioner~~ In the event of actual or likely subsidence the permittee shall establish ground control survey locations and conduct surveys to document the extent of ground movement.

c. After subsidence has ceased, affected areas shall be contoured or filled to remove hazards and ~~when required by the commissioner~~ where necessary to protect public health and safety or natural resources, a drainage system shall be established in a manner consistent with 6 MCAR s 1.0402 D. 2. b.

I. Deactivation and release.

1. Goal. The mining area shall be deactivated so that it is non-polluting, is stable, is free of hazards, minimizes the need for fencing, has current land use and future land use potential which recognizes the needs of the surrounding area, and is maintenance free to the maximum extent possible.

2. Requirements.

a. At least 2 years prior to deactivation of any portion of the mining area, proposed subsequent uses shall be presented to the commissioner for approval, pursuant to 6 MCAR § 1.0404 C. The proposed uses shall be selected based on:

(1) Compatibility of adjacent uses;

(2) The needs of the area;

(3) The productivity of the site;

(4) Projected land use trends;

(5) Public health and safety;

(6) Pollution of air and water; and

(7) ~~Written approvals from surface owners and the local zoning authority~~ Compatibility with local land use plans and plans of the surface owners.

b. The mining area shall be managed during deactivation to achieve the approved subsequent uses.

c. Within 1 year after deactivation begins, or within such longer period which may reasonably be necessary to accomplish these activities, debris and mobile equipment which will not be used for reclamation shall be removed from the area being deactivated.

d. Within 3 years after deactivation begins, or within a such longer period ~~approved by the commissioner~~ which may reasonably be necessary to accomplish these activities the following shall be accomplished.

(1) Removal of roads, parking areas, and storage pads except those the commissioner deems necessary for access; ~~and~~

(2) Permittee-owned power plants and associated facilities (except public utilities), transmission lines, pipelines, docks and associated facilities, and railroads (except common carrier transportation facilities) shall be removed or provisions made for continued subsequent use in accordance with an approved deactivation plan pursuant to 6 MCAR S 1.0404 G.; and

(3) ~~(2)~~ All other equipment, facilities, and structures shall be removed and foundations razed ~~below ground level~~ and covered with a minimum of 2 feet of soil.

e. Exposed underground mine workings shall be promptly sealed as approved by the commissioner and the county mine inspector.

f. Within 3 years after deactivation of an open pit begins, the following shall be accomplished:

(1) Establishment of at least one safe access to the bottom of the pit;

(2) Construction of fences for safety where required by the commissioner or the county mine inspector; and

(3) Where open pits contain materials which may become a water quality problem due to leaching, the commissioner ~~may~~ shall require one or more of the following:

(a) Monitoring pit water quality;

(b) Removing or covering leachable material;

(c) Grouting leachable areas;

(d) Rapid filling of the pit with water;

(e) Using material to control pH or other toxic materials in the pit water;

(f) Treating the water discharged from the pit; and

(g) Continuing maintenance after deactivation.

g. Within 3 years after deactivation of a tailings or settling basin begins, or within such longer period which may reasonably be necessary for the accomplishment of these activities, the ~~following~~ permittee shall ~~be accomplished~~ in a manner consistent with 6 MCAR s 1.0402 D. 2. b.:

(1) Drain surface water from the basin, unless the commissioner permits or requires the retention of water in specific areas within the basin for water storage, wildlife habitat, or other purposes;

(2) Shape and contour the surface to ensure permanent drainage away from the interior of the basin in a manner which will not result in erosion or adversely affect structural stability. , and to maximize topographic relief; and

(3) Make provisions for the continued maintenance of all dams and overflow or seepage control structures.

h. Within 3 years after the commencement of deactivation of a reservoir, or within such longer period which may reasonably be necessary to accomplish these activities, the permittee shall ~~with the approval of the commissioner~~ in a manner consistent with 6 MCAR s 1.0402 D. 2. b.:

(1) Drain the reservoir and reintegrate the area into the natural watershed, pursuant to 6 MCAR S. 1.0402 I.2. g. ; or

(2) Make provisions for the continued maintenance of all dams and overflow or seepage control structures.

i. When continued maintenance is necessary after deactivation, pursuant to 6 MCAR § 1.0402, and as a condition for release pursuant to 6 MCAR § 1.0403 F., operating plans, schedules and funding arrangements for providing the maintenance shall be submitted to the commissioner.

6 MCAR § 1.0403 The permit to mine and requirements of permittees.

A. Requirements.

1. No person shall carry out a mining operation for metallic minerals in this state without first obtaining a permit to mine from the commissioner. Where 2 or more persons are or will be engaged in a mining operation, all such persons shall join in the application and the permit to mine shall be issued on a joint basis. Where a person is or will be engaged in only a portion of the operation, that person need only be a joint permittee in the portion in which that person is participating.

2. A person conducting a mining operation on the effective date of these rules, who applied for a permit to mine within 180 days, after that date, may continue to conduct such operation during the pendency of the application.

3. Applications shall include, pursuant to 6 MCAR § 1.0403 B.:

a. Documents;

b. Organizational data;

c. Environmental setting maps;

d. Environmental setting analysis;

e. Mining and reclamation maps;

f. Mining and reclamation plan; and

g. ~~Biennial plan for the first two years of operation;~~ Operating plan covering the current or immediate upcoming planning period.

4. If the life of the mine will be 5 years or less, the application and deactivation plan may be combined, pursuant to 6 MCAR § 1.0403 E.

5. After receiving a permit to mine, the permittee shall provide the commissioner with the following, pursuant to 6 MCAR § 1.0403 C.-F.:

a. ~~Biennial~~ Operating plans for succeeding years of operation;

b. Annual reports;

c. A deactivation plan;

d. A request for release.

6. When the submittal dates for annual reports and ~~biennial~~ operating plans correspond, they may be combined into one document.

B. Applications. An application for a permit to mine shall be submitted in duplicate by the applicant to the commissioner in the form hereby prescribed. An application for a mining permit shall include all information pursuant to 6 MCAR § 1.0403 B. An application for a scram mining permit shall include all information, pursuant to 6 MCAR § 1.0403 B. 1.,2.,5., and 6.

1. Documents.

a. A certificate or evidence of insurance, as required in Minn. Stat. § 93.481, subd. 1.b.

b. The notice and affidavit of publication, pursuant to 6 MCAR § 1.0404 A.1.

c. If the applicant is a foreign corporation, as defined by Minn. Stat. §§ 300.02 and 303.02, a certified copy of

the certificate of authority to transact business in the state of Minnesota.

d. Financial and income statements from all applicants for the previous 3 years, consisting of annual reports or, if annual reports are not available, a similar statement describing ~~solvency and profitability~~ financial capability to perform reclamation obligations.

2. Organizational data.

a. The post office address of the applicant.

b. The general organizational structure of the applicant, any parent companies, owners, principal stockholders, partners, and joint venturers.

c. Any managing agents or subsidiaries which are or may be involved in the mining operation.

d. Organizational relationships between or among joint applicants.

3. Environmental setting maps. The commissioner shall make available to the applicant, at the applicant's expense, copies of all relevant publication information in his possession for the applicant's use in preparing environmental setting submissions. The applicant shall submit the following information on overlays to 7½ minute U.S.G.S. quadrangle or ~~equivalently scaled~~ other maps of the same scale delineating the mining area. Maps shall include such adjacent lands as required by the commissioner, to show the areas directly or indirectly affected by the mining operation. Overlays shall include:

a. Bedrock geology, including the general shape of the orebody and known or inferred reserves and resources within and adjacent to the mine area. Appropriate cross-sections which show the horizontal and vertical relationships shall also be included;

b. Water basins, water courses, and wetlands which are or could be affected by the mining operation;

c. Boundaries of watersheds which are or could be affected by the mining operation.

d. Details of ground water conditions based on best available information and exploratory drill holes;

e. Natural resource sites identified by the commissioner, such as those listed in "Minesite Data Manual," V 21 Natural Resources Sites, Minnesota Department of Natural Resources.

f. A forest inventory, including species, density, size class, and height;

g. A soil inventory including soil type, extent, and thickness;

h. Past mining facilities including stockpiles, tailings basins, mines, and processing plants;

i. ~~Surface and mineral ownership within the mining area.~~ Surface ownership of record within the mining area, and severed mineral ownership as set forth in verified statements pursuant to Minn. Stat. S 93.52 or in an order or decree pursuant to Minn. Stat. S 93.55 Subd. 2, filed in the county recorder's office with respect to severed mineral interests in parts of the mining area which will be excavated or covered with mine wastes. An owner's agent may be identified in place of the owner. No error in the designation of surface or mineral ownership shall affect the validity of the application. This requirement shall not apply to lands occupied by existing railroads not located in mine or plant areas; and

j. Exclusion, avoidance, and setback areas, pursuant to MCAR § 1.0402 A.

4. Environmental setting analysis. Based on the environmental setting data submitted pursuant to 6 MCAR § 1.0403 B. 3., the applicant shall provide the commissioner with an environmental analysis including:

a. A copy of any environmental reports prepared relative to the mining operation; and

b. An explanation of the basis for siting those parts of operation which will be developed hereafter, including:

(1) A description of the positive and negative aspects of all sites considered; and

(2) How the selected site will aid in the attainment of the reclamation goals.

5. Mining and reclamation maps. The applicant shall submit maps and ~~, as appropriate,~~ cross sections containing all features normally found on a U.S.G.S. quadrangle map, at a scale ~~required by the commissioner,~~ which is normally used by the operator for mine planning purposes, which:

a. Define the shape and extent of the orebody which will support the operating life of the mine.

b. Identify all known and inferred mineral reserves or resources which are located within the mining area but which have not been included as part of the mining plan;

c. Identify lands proposed for use as vegetative reference areas;

d. Depict the detailed drainage patterns for waters which may contact leachable materials; and

e. Depict at appropriate intervals, approved by the commissioner, the status of:

(1) Mining the orebody;

(2) Watershed modifications (including changes in the boundaries, diversions, disposition of surface water flows, and runoff);

(3) Construction (including shape, extent, and content) and reclamation (including contouring, dust control, temporary stabilization, vegetation, and deactivation) of each: stockpile, tailings basin, mine, reservoir, dam, diversion channel, drainage control, settling basin, and ~~semi-permanent mine roads and railroads located outside the mine pit, plant facilities, shops, offices, parking lots, borrow pits, and~~ auxiliary facilities.

6. Mining and reclamation plan. This plan shall describe:

a. The operating life of the mine, including:

(1) The rate of mining and anticipated changes in that rate; and

(2) The factors used to determine the minable reserves and changes which would expand or diminish such reserves.

b. The mining activities to be conducted, including:

(1) The types, amounts, sequence, and schedule for mining the orebody and stockpiling materials, including:

(a) The distinctions among ore, lean ore, and waste rock;

(b) A discussion of in-mine disposal; and

(c) The physical and chemical character of

mine waste.

(2) The ore beneficiating process, including a discussion of the type and amount of any chemicals to be added and the types, amounts, sequence, schedule, and means of tailings disposal.

c. The methods, sequence, and schedules of reclamation which address the goals and meet the requirements of 6 MCAR § 1.0402, including anticipated reclamation research.

C. ~~Biennial~~ Operating plan.

1. The permittee shall submit ~~for the upcoming 2 years a biennial plan~~ to the commissioner in duplicate, ~~on or before January 31 of every other year. The plan shall detail.~~ an operating plan covering a forthcoming period, which does not exceed 5 years in length. The operating plan shall consist of the plans normally prepared for the mining operation which shall include the following:

a. ~~1.~~ Any changes in the rate of mining or minable reserves pursuant to 6 MCAR S 1.0403 B.6.a.;

b. ~~2.~~ The mining activities pursuant to 6 MCAR S 1.0403 B.6.b.;

c. ~~3.~~ The reclamation activities pursuant to 6 MCAR S 1.0403 B.6.c.; and

d. ~~4.~~ A map in the form prescribed by 6 MCAR S 1.0403 B.5., which depicts the status of mining, construction, reclamation, and watershed modifications pursuant to 6 MCAR S 1.0403 B.5.e.

2. Subsequent plans shall be submitted 90 days before the end of the prior plan.

D. Annual report. The permittee shall submit for the previous year an annual report to the commissioner in duplicate on or before January 31 of each year. The report shall detail:

1. Annual financial and income statements for the ~~most recent~~ preceeding fiscal year pursuant to 6 MCAR S 1.0403 B. 1.d.;

2. The actual rate of mining and the remaining minable reserves pursuant to 6 MCAR § 1.0403 B. 6. a., and consistent with 6 MCAR § 1.0403 C. 1.

3. The actual mining activities purusant to 6 MCAR § 1.0403 B. 6. b., and consistent with 6 MCAR § 1.0403 C. 2.

4. The actual reclamation activities pursuant to 6 MCAR s 1.0405 3 B. 6. c. and consistent with 6 MCAR s 1.0403 C. 3.

5. A map in the form prescribed by 6 MCAR § 1.0403 B. 5., which depicts the status of mining, construction, reclamation, and watershed modifications pursuant to 6 MCAR § 1.0403 B. 5. e.

E. Plan for deactivation. The permittee shall submit to the commissioner in duplicate, a deactivation plan at least 2 years prior to beginning deactivation for any portion of the mining area. This plan shall replace the ~~biennial~~ operating plan for the portion to be deactivated and shall contain:

1. Plans, designs, specifications, and supporting data for reclamation activities which comply with 6 MCAR § 1.0402;

2. A reclamation compliance schedule;

3. A discussion of how the land will be managed until the permittee requests release pursuant to 6 MCAR § 1.0404 F.

F. Request for release. The permittee shall submit to the commissioner in duplicate, a request for release, pursuant to 6 MCAR § 1.0404 F. This request shall include the following:

1. Certification of compliance with the applicable sections of these rules, the approved deactivation plans, and the permit to mine;

2. A detailed description of provisions for continued maintenance;

3. Identification of the ownership of the mining area and all remaining structures and facilities; and

4. A map in the form prescribed by 6 MCAR § 1.0403 B. 5., which depicts the following:

a. The final topography;

b. The post mining drainage system including the amounts and locations of discharge to receiving waters;

c. The extent and type of vegetation;

d. The existing and expected level of pit water and the year in which this level will be reached;

e. The location of the safe access to the bottom of the pit;

f. The location of fences and other access barriers; and

g. The areal extent and (as applicable) the height, depth, and physical and chemical characteristics of each stockpile, tailings basin, mine, reservoir, dam, diversion channel, drainage control, structure settling basin, and the location of all ~~mine roads and railroads, borrow pits, plant facilities, shops, offices, parking lots, and~~ auxiliary facilities within the mining area.

6 MCAR § 1.0404 Procedures.

A. Permit to mine.

1. The process for requesting a permit to mine is commenced by submitting an application to the commissioner pursuant to 6 MCAR ss 1.0402 and 1.0403. After the commissioner determines the application is ~~adequate~~ complete, the applicant shall publish an advertisement as required by 6 MCAR d 1.0405. Within 7 days after the last date of publication, the applicant shall submit to the commissioner a copy of the advertisement and an affidavit from the printer verifying publication. The application shall then be considered filed.

2. Determination with hearing.

a. Written objections and a request for a hearing may be filed with the commissioner according to provisions of Minn. Stat. § 93.481, subd. 2.

b. Within 10 days after the receipt of the objections, the commissioner shall determine whether the person filing the objection is entitled to object.

(1) If the objections were filed by a person entitled to object, the commissioner shall:

(a) Select a hearing date which shall be no more than 30 days after the last date of opportunity to object;

(b) Serve an order for hearing in the form and manner required by the provisions of 9 MCAR S 2.204, except those in 9 MCAR S 2.204 B. which shall not apply. (in no event shall such an order be served less than ~~10~~ 20 days prior to the hearing);

(c) Mail a copy of the order for hearing to all persons who filed objections and all local units of government in which all or a part of the operation is located; and

(d) Publish notice of subject, time, date and place of the hearing at least once prior to the hearing in a

newspaper which must be both a legal newspaper, within the meaning of Minn. Stat. § 331.02, and circulated in the locality of the proposed mining operation.

(2) If the objections were filed by a person not entitled to object, the commissioner shall notify him in writing by mail of such determination giving reasons therefor.

c. The commissioner may hold a hearing on the proposed application without receipt of objections if he deems it necessary to protect public health, safety, and welfare.

d. Within 120 days after the close of the hearing record, or 90 days after ~~receipt~~ service of the hearing ~~officer's~~ examiner's report ~~pursuant to Minn. Stat. 93.481, subd. 2,~~ Whichever comes later, the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine stating reasons therefore.

3. Determination without hearing.

a. If, within 30 days after the last publication required by 6 MCAR S 1.0405, no objections to an application are received from persons entitled to object, the commissioner ~~may,~~ within 120 days, may without hearing process the application in accordance with the following:

(1) Grant the permit to mine with or without modifications or conditions;

(2) Deny the permit to mine stating reasons therefore; or

(3) Request in writing that the applicant provide additional information.

b. If the commissioner has made a request for additional information, within 120 days after receiving such information, the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine stating reasons therefore.

4. Hearing upon demand of applicant.

a. If the commissioner processes the application without a hearing, the applicant may, within 30 days after mailed notice of the commissioner's order on the application, file with the commissioner a demand for hearing pursuant to Minn. Stat. ch. 15. The application shall thereupon be fully heard on notice.

b. Within 120 days after the close of the hearing record, or 90 days after ~~receipt~~ service of the hearing ~~officer's~~ examiner's report ~~pursuant to Minn. Stat. 93.481, subd. 2,~~ Whichever comes later, the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine stating reasons therefore.

5. Review of ~~biennial~~ operating plan.

After granting the permit to mine, the commissioner shall review the ~~biennial~~ operating plan required by 6 MCAR s 1.0403 C., to determine if it complies with the provision s of the permit to mine and these rules. Upon completion of this review, the commissioner shall inform the permittee regarding compliance of the plan with the permit to mine and these rules.

B. Variance from these rules pursuant to Minn. Stat. S 93.48 (see 6 MCAR S 1.0406 A.).

1. A proceeding for requesting a variance from these rules is commenced when the permit applicant or permittee files an ~~adequate~~ application for a variance with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed variance is consistent with the general welfare and the goals of these rules.

2. Within 30 days after receipt of the application, the commissioner shall determine whether the proposed variance constitutes a substantial change from the requirements of these rules.

a. If the commissioner determines that a substantial change would result, the applicant shall follow the procedures for permit to mine applications, as set forth in 6 MCAR § 1.0404 A.

b. If the commissioner determines that there would be no substantial change the commissioner shall without a hearing:

(1) Allow the variance with or without additional terms or conditions which are consistent with these rules; or

(2) Deny the application stating reasons therefore.

3. If the commissioner processes the application without a hearing, pursuant to 6 MCAR § 1.0404 B. 2. b., the applicant may file with the commissioner a demand for hearing on the decision pursuant to 6 MCAR § 1.0404 A. 4.

4. Applications for variance from these rules may be filed simultaneously with an application for a permit to mine, provided that the advertisement contains all information required for applications for permits to mine and for variance.

C. Amendment of the permit to mine pursuant to Minn. Stat § 93.481, subd. 3.

1. A proceeding for requesting an amendment of a permit to mine is commenced when the permittee files an ~~adequate~~ application for an amendment with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed amendment meets the lawful requirements and these rules.

2. Within 30 days after receipt of the application, the commissioner shall determine whether the proposed amendment constitutes a substantial change in the permit to mine.

a. If the commissioner determines that a substantial change would occur, the applicant shall follow the procedures for permit to mine applications, as set forth in 6 MCAR § 1.0404 A.

b. If the commissioner determines that there would be no substantial change, the commissioner shall without a hearing:

(1) Allow the amendment with or without additional terms or conditions which are consistent with these rules; or

(2) Deny the application stating reasons therefore.

3. If the commissioner processes the application without a hearing pursuant to 6 MCAR § 1.0404 C. 2. b. the applicant may file with the commissioner a demand for hearing on the decision pursuant to 6 MCAR § 1.0404 A. 4.

D. Cancellation of permit.

1. Cancellation at the request of permittee.

a. A proceeding to cancel a permit to mine at the request of the permittee is commenced when a permittee files a written request with the commissioner. The request shall identify the permittee and give reasons for the cancellation.

b. Within 30 days after the receipt of a request, the commissioner shall determine whether cancellation would have a significant adverse effect on any public interest relating to the goals of these rules.

(1) If the commissioner determines that cancellation shall have such adverse effect the permittee shall publish an advertisement pursuant to 6 MCAR § 1.0405 and the commissioner shall proceed as if he had received an application for a permit to mine, pursuant to 6 MCAR § 1.0404 A.

(2) If the commissioner determines that the cancellation shall not have such adverse effect, the permit may be cancelled with or without conditions.

2. Cancellation with the consent of permittee. A proceeding to cancel a permit to mine with the consent of the permittee is commenced when the commissioner serves the permittee with written request giving reasons for the cancellation.

a. If no reply or an affirmative reply is filed with the commissioner within 30 days, procedures pursuant to 6 MCAR § 1.0404 D.1.b. shall be commenced except that the commissioner shall publish an advertisement pursuant to 6 MCAR § 1.0405.

b. If a negative reply is filed with the commissioner within 30 days:

(1) the permit to mine will continue in effect; or

(2) a proceeding to revoke the permit to mine pursuant to 6 MCAR § 1.0404 E. shall be commenced.

E. Revocation or modification of a permit to mine, requiring a performance bond, or assessment of civil penalties.

1. Commencing proceedings.

a. A proceeding to revoke or modify a permit to mine, to require a performance bond, or to assess a civil penalty shall be commenced by serving upon the permittee.

(1) A notice and order for hearing in the form and manner pursuant to 9 MCAR § 2.204;

(2) A proposed order revoking or modifying the permit to mine, requiring a performance bond, or assessing a civil penalty; and

(3) A statement of the measures, if any, required to correct the situation and the time available therefore.

b. If conditions that provided the grounds for such an action are corrected to the commissioner's satisfaction, within a period, established by the commissioner, of not less than 15 days after the notice, or as appropriate, approved measures are taken to ensure that such conditions do not reoccur, the proceedings shall be cancelled.

2. Hearing prior to determination.

a. The commissioner shall hold a hearing prior to the determination to revoke or modify a permit to mine, require a performance bond, or assess a civil penalty if, within 15 days after commencement of the proceeding, any permittee serves an answer on the commissioner and all other parties. If an answer is served, the commissioner, without further notice, shall hold the hearing at the time and place specified in the order for hearing. No hearing shall be held less than 30 days after commencement of the proceeding.

(1) An answer shall contain the following:

(a) A written statement of the defenses to each violation alleged in the order for hearing; and

(b) A specific admission, denial, or explanation of each fact alleged in the order for hearing, or, if the permittee is without knowledge thereof, a statement to that effect.

(2) Allegations of a complaint not thus answered shall be deemed to have been admitted.

b. If an answer contains an admission to an alleged fact no hearing shall be held on that fact and the allegation shall prevail.

c. Failure of a permittee to serve an answer, pursuant to 6 MCAR § 1.0404 E.2.a. or to appear at the hearing shall be deemed to constitute a waiver of a hearing on the allegations of the order for hearing and the contents of the proposed order. Such waiver authorizes the commissioner, without further notice to the permittee and without proceeding further with the hearing, to adopt the proposed order, or that much as is applicable if the proposed order is in the alternative or if there have been correction measures attempted. Said order shall be his final decision on the matter.

d. If the permittee appears at the hearing, the commissioner, in reaching a final decision, shall not be bound by the proposed order.

F. Suspension. The permit to mine may be suspended by the commissioner, pursuant to Minn. Stat. § 93.481, subd. 4. (d). The commissioner's order suspending the permit to mine for the specified period, once served, constitutes the commissioner's final decision on the matter.

G. Deactivation and release of permittee.

1. Deactivation. The commissioner shall review the deactivation plan, pursuant to 6 MCAR § 1.0403 E., to determine if it complies with the requirements of the permit to mine and these rules, in the same manner as if the commissioner had received an application for an amendment pursuant to 6 MCAR § 1.0404 C.

2. Release.

a. A proceeding to release the permittee from responsibility on any portion of a deactivated mining area is commenced when the permittee submits a request for release, pursuant to 6 MCAR § 1.0403 F.

b. The commissioner shall review the request and determine:

(1) If all terms and conditions of applicable sections of these rules, the permit to mine, and the approved deactivation plan have been satisfied; and

(2) That it is not necessary to defer such release until other portions of the mining area have been deactivated.

c. Within 270 days after receipt of the request the commissioner shall:

(1) Release the permittee with or without modifications or conditions; or

(2) Deny the request stating reasons therefore.

~~H. The commissioner may hold a hearing, pursuant to~~

~~Minn. Stat. §§ 93.44-93.51 and these rules, provided that the commissioner issue an order for hearing, pursuant to 9 MCAR § 2.204.~~

H. Assignment. Pursuant to Minn. Stat. S 93.481, subd. 5, the commissioner shall allow the assignment of a permit to mine only if the commissioner determines that the assignee will perform all outstanding obligations of the Act, these rules, and the permit to mine.

I. Hearing procedures. Procedures pursuant to 9 MCAR §§ 2.02-2.22, shall apply to any contested case hearing under these rules, except as otherwise provided in Minn. Stat. §§ 93.44-93.51 and these rules.

6 MCAR § 1.0405 Publication. When an advertisement is required, it shall be published once each week for four successive weeks in a legal newspaper, pursuant to Minn. Stat. § 331.02, which is circulated in the locality of the proposed mining operation. This advertisement shall contain:

A. A statement and map indicating the location and boundaries of the mining area;

B. The names of all surface owners of record ~~of the surface and mineral rights to each parcel of land~~ within the mining area, and severed mineral ownership as set forth in verified statements pursuant to Minn. Stat. S 93.52 or in an order or decree pursuant to Minn. Stat. S 93.55 subd. 2, filed in the county recorder's office with respect to severed mineral interests in parts of the mining area which will be excavated or covered with mine wastes. An owner's agent may be identified in place of the owner. No error in the designation of surface or mineral ownership shall affect the validity of the publication. This requirement shall not apply to ~~except~~ lands occupied by existing railroads not located ~~outside the~~ in mine or plant areas.

C. The schedule for accomplishing what is being proposed;

D. A notice of the deadline date for filing objections; and

E. The following information;

1. If application is made for a permit to mine — a description of the proposed mining operation including the general kinds of reclamation or restoration measures to be undertaken pursuant to the reclamation plan;

2. If an amendment to a permit to mine is requested — a description of the purpose and nature of the proposed amendment;

3. If a cancellation of a permit to mine is requested — an explanation of the request for cancellation and the consequences of allowing such a request; or

4. If a variance from these rules is requested — a description of the purpose and nature of the requested variance and a description of the proposed alternative means which will be used to meet the goals and comply with the requirements of these rules.

6 MCAR § 1.0406 Administrative standards.

A. Variance (see 6 MCAR S 1.0404 B.).

1. Granting of a variance. The commissioner ~~may~~ shall grant a variance from the requirements of these rules upon application by a permit applicant or permittee, if it is determined that:

a. A variance is consistent with the general welfare and general purposes of these rules;

b. By reason of exceptional circumstances, the strict enforcement of the reclamation requirements would cause undue hardship or strict conformity with the requirements of these rules would be unreasonable or not feasible; and

c. Acceptable alternative means of accomplishing the goals, pursuant to 6 MCAR § 1.0402, have been provided by the permit applicant or permittee.

2. Conditional granting. The commissioner ~~may~~ shall grant a variance upon such conditions as ~~may~~ shall be necessary for the prevention, control, or correction of adverse environmental effects, consistent with the requirements of these rules and Minnesota statutes.

B. Revocation or modification. The commissioner may revoke a permit to mine or modify any of its terms or conditions, pursuant to Minn. Stat. § 93.481, subd. (4). A permittee shall not be considered to have commenced substantial construction of plant facilities unless erection of the primary plant facilities has begun. Planning, securing capital, purchasing land and materials and otherwise preparing for construction are not sufficient.

C. Performance bonds.

1. Need for bond. At any time during the pendency of a permit application, during the mining operation, or following the completion of mining but prior to the release of the permittee, the commissioner:

a. Shall require the operator to furnish a performance bond if the commissioner determines that the operator has failed to:

(1) Perform any part of a reclamation measure required by the permit to mine or any amendment or modification thereto;

(2) Comply with a provision of these rules; or

(3) Perform any research required, pursuant to Minn. Stat. §§ 93.44-93.51.; or

b. May require the operator to furnish a performance bond if there is reasonable doubt that the operator will be financially able to comply with the requirements of the permit to mine or these rules.

2. Amount of bond. The amount of a performance bond shall be determined by the commissioner and shall be equal to the estimated cost, to the Department of Natural Resources, of satisfactorily accomplishing reclamation of all lands disturbed and unreclaimed up to the date of annual bond review.

3. Conditions of bond. A performance bond required pursuant to this regulation shall be conditioned upon the performance by the operator within a time period established by the commissioner of all actions necessary to correct the deficiency or noncompliance for which reason the bond is required. For the purpose of the bond "performance" shall mean the accomplishment as determined by the commissioner, of all actions required under the bond. The bond shall also provide that the surety or his successors or assigns are not released in any way from liability thereunder by any amendment of the terms or conditions of the permit to mine; provided that regardless of amendment the surety shall be liable for no more than the amount specified in the bond. The need for and amount of all bonds shall be reviewed annually.

4. Other security and assurance.

a. Whenever an operator is required to furnish a performance bond pursuant to this regulation, he may, in lieu thereof:

(1) Submit as security to the commissioner for deposit with the state treasurer, assignable bonds or notes of the United States in a sum equal, at their par value, to the amount of the required performance bond.

(2) Give a lien against real or personal property at its wholesale value in lieu of a bond. Such property must remain in the state for the duration of the agreement and be managed and repaired by the permittee as necessary to maintain its value. Failure to maintain value shall allow the commissioner to modify or revoke the permit to mine, or to require bonds or notes to be deposited as a replacement bond. The commissioner shall accept such property as assurance if it is determined, by the commissioner, that:

(a) No other liens exist on said property;

(b) The wholesale value is adequate to cover reclamation costs; and

(c) Sufficient market exists, such that, the sale of said property can occur rapidly.

(3) Submit other security or assurances as may be acceptable to the commissioner.

b. The permittee shall submit an agreement authorizing the commissioner to collect or sell the bonds, notes, property or other security or assurance so submitted or deposited, upon the same conditions as would constitute a default under a performance bond. The acceptance of United States bonds, notes, a lien on property or other security or assurance, in lieu of a performance bond, shall have the same force and effect as if a performance bond has been furnished.

5. When it is determined during the annual bond review that such security is no longer necessary, any bonds, notes, lien or other security or assurance deposited pursuant to ~~this paragraph~~ 6 MCAR S 1.0406 C.4. shall be returned to the permittee.

6. ~~5.~~ Upon forfeiture of a bond the permittee shall allow access to the commissioner and his designated contractors into all mining areas for the purpose of reclaiming all lands disturbed and unreclaimed.

D. Civil penalties.

1. If any person violates any provision of Minn. Stat. §§ 93.44-93.51, these rules, or any permit to mine issued thereunder, the commissioner may order imposition of a civil penalty of not more than $1,000 per day for each violation of:

a. each provision; or

b. the same provision in more than one portion of the mining area.

2. In determining the amount of a penalty, the commissioner shall consider:

a. The severity of the violation;

b. The need to deter future violations, and

c. The magnitude of potential or actual gains resulting from the violation.

3. The commissioner shall collect any assessed civil penalty in the same manner as any other debt owed the state.

E. Suspension. The commissioner may suspend all or any part of a permit to mine pursuant to Minn. Stat. s 93.481, subd. 4. Any suspension ordered pursuant to this section ~~may~~ shall be for such period and upon such terms as the commissioner deems appropriate to correct the conditions which necessitated suspension.

6 MCAR § 1.0407 Inspection of mining area. The permittee shall allow the commissioner to inspect all mining operations and records needed to monitor compliance with the permit to mine and these rules after reasonable prior notice.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG - 5 1980
Joan Anderson Growe
Secretary of State
1:06 P.M.

APPROVED AS TO FORM AND LEGALITY
August 1 1980
WARREN SPANNAUS, ATTORNEY GENERAL
BY H. Theodore Judd
SPECIAL ASSISTANT ATTORNEY GENERAL

Our File # 610

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 1st 6/27 2nd 9/31 DUE DATE 1st 7/17 2nd 8/10

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State 7/15 filed on 8/5
b. Approved 9/1 Date Sent Back to Agency 8/5

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1. Rules as Adopted ✓
2. Rules as Proposed (Are the proposed rules in State Register enough?)
3. Certificate of Board's Authorizing Resolution, where applicable NA (I think)
4. Order for Hearing ✓
5. Notice of Hearing ✓
   Sufficiency ✓ (but check again according to HE rules)
6. Secretary of State's List ✓ (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓
14. Certificate of Board's Resolution Adopting Rules, where applicable NA (I think)
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable NA (I think)
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable NA (I think)
20. Petition by Public, where applicable NA (I think)

DNR-80-001-HK

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF THE PROPOSED RULES) RELATING TO MINELAND RECLAMATION.)

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, on June 3, 1980, the Department of Natural Resources submitted the above-entitled rules to the Chief Hearing Examiner for his review pursuant to Minn. Stat. § 15.052, subd. 4, and Rule 9 MCAR § 2.110; and

WHEREAS, on June 5, 1980, the Chief Hearing Examiner issued his Order, following which the Department of Natural Resources made some of the changes as discussed in the Chief Hearing Examiner's Order and submitted the rules to the Attorney General by memorandum dated June 17, 1980. On July 14, 1980, the Attorney General rejected the rules, requiring certain changes to be made; and

WHEREAS, on July 23, 1980, the Department of Natural Resources resubmitted the rules with the changes to the Chief Hearing Examiner to determine whether or not the changes would be "substantial changes" pursuant to Rule 9 MCAR § 2.111; and

WHEREAS, the Chief Hearing Examiner, having reviewed the changes made by the Department of Natural Resources prior to its submission to the Attorney General and subsequent to the rejection by the Attorney General, finds that the changes are not substantial changes.

NOW, THEREFORE, upon receipt of this Order, the Department of Natural Resources has the responsibility of resubmitting the complete hearing record and the rules as adopted by the Department to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4.

Dated this 30th day of July, 1980.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

PITTSBURGH PACIFIC COMPANY

2521 FIRST AVENUE

HIBBING, MINNESOTA 55746

TELEPHONE (218) 263-7547

July 15, 1980

FOX RIVER BOND
25% COTTON

Mr. Mike Miles, Asst. Attorney General
Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Re: Mineland Reclamation

Dear Mr. Miles:

Enclosed is a copy of a letter which we mailed to you on July 3. We are sending this copy since we have not received an acknowledgement that it was received - the original may have gone astray.

Also enclosed is a copy of a letter,with enclosures, written to Commissioner Alexander on July 14th, relative to a recent court decision on Federal Office of Surface Mining interim regulations. It is my understanding that the DNR staff used the blasting regulations of the OSM to support their argument for the adoption of a standard for ground vibration.

Yours very truly,

PITTSBURGH PACIFIC COMPANY

John D. Boentje, Jr.

JDB/rgm

RECEIVED
JUL 16 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

PITTSBURGH PACIFIC COMPAN

2521 FIRST AVENUE

HIBBING, MINNESOTA 55746

TELEPHONE (218) 263-7547

July 14, 1980

Mr. Joseph N. Alexander, Commissioner
State of Minnesota
Department of Natural Resources
Centennial Office Building
St. Paul, Minnesota 55155

Re: Mineland Reclamation Rules

Dear Joe:

In the Rules at 6MCAR P 1.0402 G, ground vibration control is limited to a maximum peak particle velocity of one inch per second.

As I recall, during the Hearing last October, the DNR staff stated that they relied in part on regulations of the Federal Office of Surface Mining in setting the standard.

The DNR staff was unmoved by the testimony of Mr. Opperman, a technical expert employed by E.I. Dupont de Nemours & Co., who attempted to point out that the one inch per second standard was not based upon concrete evidence as to its necessity.

Enclosed are copies of a decision made May 2, 1980, by the United States Court of Appeals for the District of Columbia Circuit, relative to the OSM standard. The Court held that a standard of two inches per second should be used.

Also in the Rules there is a provision for using a scale distance formula when seismic monitoring is not employed.

The formula specified is much more limiting than generally accepted data. For example, the formula would limit the charge weight per delay to 100# for a blast 600' distant from a non-owned building.

This compares to 209 pounds in tables linked with a maximum peak particle velocity of 1.92 inches per second (State of New Jersey regulations).

Since our Company does not own seismic recording equipment, we would be subject to the formula in determining blast sizes. The limitation is of concern to us.

It would seem to me that the DNR should reconsider the limits which the Rules place on blasting vibration control.

In another section of the Court decision (copy enclosed) it was determined that the OSM interim standard that blasting not be conducted within 1,000 feet of any building used as a dwelling, school, church, etc., was invalid and that 300 feet be used in the standard.

In the Rules at 6MCAR ¶ 1.0402, A,2,b,(8),(a), there is an exclusion provision for mining within 500 feet of any occupied dwelling.

This provision gives us a problem in our mining area on the east side of Virginia, for example.

It is very possible that the DNR staff was influenced by the OSM regulations in writing this rule.

I suggest that the DNR staff reconsider the distance provided in the exclusion area.

It has seemed to me that when the DNR staff was faced with a choice in setting a standard, they generally opted for the more restrictive provisions without paying particular regard to the possible costs vs possible benefits.

I hope that the DNR will give consideration to the Court determination in these two matters now, before the Rules are published, rather than to choose not to make changes and possibly invite costly challenges in the courts.

Best regards,

PITTSBURGH PACIFIC COMPANY

John D. Boentje, Jr.

Notice: This opinion is subject to formal revision before publication in the Federal Reporter or U.S.App.D.C. Reports. Users are requested to notify the Clerk of any formal errors in order that corrections may be made before the bound volumes go to press.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 78-2190

IN RE: SURFACE MINING REGULATION LITIGATION
AMERICAN MINING CONGRESS, ET AL., APPELLANTS

No. 78-2191

IN RE: SURFACE MINING REGULATION LITIGATION
AMHERST COAL COMPANY, ET AL., APPELLANTS

No. 78-2192

IN RE: SURFACE MINING REGULATION LITIGATION
SUNOCO ENERGY DEVELOPMENT COMPANY, APPELLANT

Appeals from the United States District Court
for the District of Columbia

(D.C. Civil Action No. 78-0162)

Argued June 5, 1979

Decided May 2, 1980

Bills of costs must be filed within 14 days after entry of judgment. The court looks with disfavor upon motions to file bills of costs out of time.

The House Committee concluded, based on the Congressional Budget Office study and on a Library of Congress study, that enactment of the statute would have "virtually no inflationary impact on the American economy." H.R. REP. No. 218, 95th Cong., 1st Sess. 147 (1977). We agree with the District Court that "[t]he Secretary's actions in determining that the interim regulations did not constitute a 'major proposal' so as to require an economic impact statement and relying on the Library of Congress and Congressional Budget Office studies were not arbitrary, capricious or inconsistent with law." 452 F. Supp. at 334; *see* note 5 *supra*.

Therefore, as the District Court correctly concluded, the Surface Miners' general challenge to the interim regulatory program for failure of the Secretary to make required economic and inflationary impact analyses must be rejected.

III. THE SPECIFIC CHALLENGES

The Surface Miners make five specific challenges to the interim regulatory program: (1) the 1,000-foot limitation on blasting in section 715.19(e)(1)(vii)(A) of the interim regulations is inconsistent with section 522(e)(5) of the Act; (2) the one inch per second limitation on particle velocity produced by blasting in section 715.19(e)(2)(ii) of the interim regulations is arbitrary, capricious, and without support; (3) the grandfather exemption for surface mining on prime farmlands in section 716.7(a)(2) of the interim regulations curtails and contradicts section 510(d)(2) of the Act; (4) the enforcement provisions with respect to surface mining on Indian lands in sections 177.112-.114 of the interim regulations usurp a decision reserved by Congress and are inconsistent with sections 710 and 523(a) of the Act; and (5) the effluent regulations of the interim program, sections 715.17(a) and 717.17(a), contradict section 702(a)(3) of the Act because they omit three vital elements of the Environmental Protection Agency's regulatory scheme under the Federal Water Pollution Control Act. (Joint Br. for Appellants at 25-69; Joint Rep. Br. for Appellants at 7-23)

the permanent program regulations," *id.*, and such an analysis did accompany the permanent regulations when they were published in final form. 44 Fed. Reg. 14,910 (1979).

A. *The 1,000-Foot Limitation on Blasting*

Section 515(b)(15)(C) of the Surface Mining Act, 30 U.S.C. § 1265(b)(15)(C), directs that the regulations promulgated by the Secretary "limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site . . . ." Section 522(e)(5) of the Act, 30 U.S.C. § 1272(e)(5), provides that surface coal mining operations will not be permitted "within three hundred feet from any occupied dwelling, unless waived by the owner thereof, nor within three hundred feet of any public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery"; and section 701(28)(A) of the Act, 30 U.S.C. § 1291(28)(A), defines "surface coal mining operations" as including "the use of explosives and blasting." Section 715.19(e)(1)(vii)(A) of the interim regulations, 30 C.F.R. § 715.19(e)(1)(vii)(A) (1978), states, however, that "[e]xcept where lesser distances are approved by the regulatory authority (based upon a preblasting survey or other appropriate investigations) blasting shall not be conducted within—1,000 feet of any building used as a dwelling, school, church, hospital, or nursing facility".[13] The issue, as the Surface Miners assert, "is whether the

[13] Section 816.65(f) of the final permanent regulations retains the 1,000-foot blasting limitation. 44 Fed. Reg. 15,405 (1979).

Secretary can thus validly expand the area forbidden to blasting from the 6.5 acres surrounding a dwelling as prescribed by the Act to the 72.4 acres as prescribed by the regulations." (Joint Br. for Appellants at 44) The District Court held that because the 1,000-foot limitation on blasting is not absolute but may be avoided by approval of the regulatory authority, "the Secretary exercised his discretion in a reasonable manner to protect the health and safety of the public and minimize property damage." 452 F. Supp. at 341-42. We disagree.

Section 515(b)(15) of the Surface Mining Act contains no provision authorizing the Secretary to prescribe distance limitations on blasting, while section 522(e)(5) explicitly fixes such a limitation at three hundred feet from a dwelling, etc. The statutory language is unambiguous, and yet the Secretary chose to regulate distances for blasting in contradiction of the Act. The legislative history of section 522(e) offers no support for the Secretary's position that the limitation of three hundred feet could be increased in the regulations to whatever distance he deemed appropriate, for the House Committee on Interior and Insular Affairs stated that "the decision to bar surface mining in certain circumstances is better made by Congress itself." H.R. REP. No. 45, 94th Cong., 1st Sess. 91 (1975). Moreover, the 1,000-foot limitation on blasting in the interim regulations is not saved because it is not an absolute prohibition and lesser distances may be approved by the regulatory authority. The law does not permit an agency to exercise powers expressly denied it by Congress if it includes a variance mechanism that perhaps will be used to bring the agency's regulations within the boundaries established by the statute. *See Moore v. City of East Cleveland, Ohio*, 431 U.S. 494, 500-06, 521-22 (1977) (a city ordinance forbidding all but immediate family members from living together in a single dwelling was struck down on due process grounds despite the availability of a variance procedure

designed to alleviate "practical difficulties and unnecessary hardships" and "to secure the general welfare and [do] substantial justice"); *Public Utilities Comm'n of California v. United States*, 355 U.S. 534, 540-46 (1958) (a California statute that conflicted with federal procurement regulations was held invalid under the supremacy clause even though its application was discretionary).

The Surface Mining Act simply does not contemplate, either by its terms or by implication, that the Secretary can expand the distance limitations on blasting as he has done in the interim regulatory program. Therefore, section 715.19(e)(1)(vii)(A) of the interim regulations is invalid because it is "inconsistent with law." [14]

B. *The One Inch Per Second Limitation on Particle Velocity Produced by Blasting*

Section 515(b)(15)(C) of the Surface Mining Act, 30 U.S.C. § 1265(b)(15)(C), instructs the Secretary to promulgate regulations that limit "the size, the timing and frequency of blasts based upon the physical conditions of the site." Section 715.19(e)(2)(ii) of the interim regulations, 30 C.F.R. § 715.19(e)(2)(ii) (1978), provides:

> In all blasting operations, except as otherwise stated, the maximum peak particle velocity of the ground motion in any direction shall not exceed 1 inch per second at the immediate location of any dwelling, public building, school, church, or commer-

[14] *See* note 5 *supra*. This court has stated in Sea-Land Service, Inc. v. Kreps, 185 U.S. App. D.C. 98, 108, 566 F.2d 763, 773 (1977), that, "In reviewing a decision of the District Court based on statutory construction . . . the role of the appellate court is to determine the proper legal premise and to correct the error, if any, of the District Judge." *Accord*, Delaware & Hudson Ry. Co. v. United Transp. Union, 146 U.S. App. D.C. 142, 159-60, 450 F.2d 603, 620-21, *cert. denied*, 403 U.S. 911 (1971).

> cial or institutional building. The regulatory authority may reduce the maximum peak particle velocity allowed if it determines that a lower standard is required because of density of population or land use, age or type of structure, geology or hydrology of the area, frequency of blasts or other factors.[15]

A two inch per second standard for peak particle velocity, which is supported by the industry as safe practice, was announced in the proposed interim regulations, 42 Fed. Reg. 44,937 (1977), but the final interim regulations cut this standard by half to an absolute maximum of one inch per second. The Surface Miners contend that the one inch per second standard lacks adequate support and that:

> The effect of the one inch per second limitation will necessarily be to force operators to reduce the size and increase the number of their blasting charges, resulting in greater difficulty in actually mining the coal and the inevitable increased safety risk to operating personnel associated with more frequent blasts.

(Joint Br. for Appellants at 56) The District Court, however, upheld the maximum peak particle velocity regulation, reasoning that "[a]lthough a more lenient standard also might be reasonable, the court cannot conclude that the Secretary's action in promulgating the regulation was arbitrary, capricious, or inconsistent with law." 456 F. Supp. at 1317. We disagree with the District Court's conclusion.

The Secretary relied almost exclusively on a study entitled Nicholls, *et al.*, "Blasting Vibrations & Their Effects on Structures" (United States Bureau of Mines

[15] The one inch per second maximum limit on particle velocity is preserved in virtually unchanged form in section 816. 65(i) of the final permanent regulations. 44 Fed. Reg. 15,405 (1979).

Bulletin No. 656) (1971) (BOM 656) to support the maximum peak particle velocity regulation. (Br. for Appellee (Secretary of the Interior) at 93-94) One table in BOM 656 indicates that, based on an analysis of more than one hundred blasting incidents causing either "major" or "minor" property damage, "minor damage" to property was suffered in four instances at particle velocity levels between one and two inches per second. (J.A. at 169) However, BOM 656 states that:

> [A] reasonable separation between the safe and damage zones appears to be a particle velocity of 2.0 in./sec. All of the major damage points and 94 percent of the minor damage points lie above this [2.0 in./sec.] line. The only data points below the 2.0 in./sec. line are from early Bureau data which has the largest standard deviation.

(J.A. at 167) Thus, BOM 656 expressly identifies the two inch per second measure as a safe limit, as opposed to the one inch standard adopted by the Secretary, and admits that the four instances of "minor damage" below the two inch per second level derive from Bureau of Mines data with the highest probability of error. BOM 656 consequently treats those instances as *de minimis* and statistically inconclusive. In fact, such damage may have been "induced by mechanical means" and not even caused by blasting. (J. A. at 157) The Secretary has failed to demonstrate that the four "minor damage" points on which he relies constitute an adequate basis for a regulation of national scope that contradicts the explicit conclusions of those who conducted the Bureau of Mines study. Far from supporting section 715.19(e)(2)(ii) of the interim regulations, BOM 656 looks in the other direction and argues convincingly for a two inch per second maximum limit on particle velocity produced by blasting.

Consequently, we hold that the interim regulatory program's peak particle velocity standard of one inch per

second in section 715.19(e)(2)(ii) lacks necessary substantiation and is invalid because it is "arbitrary and capricious".[16]

C. *The Grandfather Exemption for Surface Mining on Prime Farmlands*

With regard to permit requirements for surface coal mining on prime farmlands, section 510(d)(2) of the Act, 30 U.S.C. § 1260(d)(2), provides that, "Nothing in this subsection shall apply [1] to any permit issued prior to August 3, 1977, or [2] to any revisions or renewals thereof, or [3] to any existing surface mining operations for which a permit was issued prior to August 3, 1977." Section 716.7(a)(2) of the interim regulations, 30 C.F.R. § 716.7(a)(2) (1978), states, however, that:

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[16] *See* note 5 *supra*; National Ass'n of Food Chains, Inc. v. ICC, 175 U.S. App. D.C. 346, 356, 535 F.2d 1308, 1318 (1976) (a reviewing court would be "irresponsible . . . to affirm agency action when no rational basis [for that action] is apparent").

We conclude, in accordance with the function of a second reviewing court as suggested by Universal Camera Corp. v. NLRB, 340 U.S. 474, 491 (1951), that the District Court "misapprehended or misapplied" the arbitrary and capricious standard of review that section 526(a) of the Act, 30 U.S.C. § 1276(a), directs it to employ; and that, given the significant effect of the maximum peak particle velocity regulation on the surface mining industry and the total absence of support for the one inch per second limit embraced by the Secretary, we must reverse the District Court and invalidate section 715.19(e)(2)(ii) of the interim regulations.

The Surface Miners also allege that "the Secretary failed to give the public an effective opportunity to comment on BOM 656 as required by law." (Joint Br. for Appellants at 59) We need not address this procedural challenge because of our determination that the disputed interim regulation itself is without support in the record and therefore arbitrary and capricious.

> The requirements of this section [concerning surface coal mining on prime farmlands] are applicable to any permit issued on or after August 3, 1977. Permits issued before that date and revisions or renewals of those permits need not conform to the provisions of this section regarding actions to be taken before a permit is issued. Permit renewals or revisions shall include only those areas that—
>
> (i) Were in the original permit area or in a mining plan approved prior to August 3, 1977; or
>
> (ii) Are contiguous and under State regulation or practice would have normally been considered as a renewal or revision of a previously approved plan.[17]

The Surface Miners assert that "[t]he regulation simply cuts off the statutory exemption with the first and second categories, and gives no recognition to the statutory exemption of 'existing surface mining operations' based upon a pre-enactment permit but which were neither in the original permit area nor any revision or renewal thereof." (Joint Br. for Appellants at 38) The District Court rejected the Surface Miners' argument, holding that:

> The regulation is a reasonable exercise of the Secretary's discretion in implementing the statute. The regulation properly limits the scope of the grandfather provision . . . . Without this limitation, the exemption could be extended to include mine expansions and additions clearly beyond Congress' intent to exempt pre-existing, on-going mines.

452 F. Supp. at 340. We cannot accept the District Court's resolution of the issue.

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[17] When promulgated, section 785.17 of the permanent regulations contained a more restrictive definition of grandfather rights. 44 Fed. Reg. 15,373-74. However, this provision of the permanent regulations was suspended by action of the Secretary on December 31, 1979. *Id.* at 77,454-55.

to the District Court the issues of a general variance from numerical effluent limitations and the measurement of suspended solids in evaluating compliance with effluent limits. The District Court will determine whether the provisions sought by the Surface Miners are applied by EPA to coal mines and must, consequently, become part of the Secretary's interim regulatory program.

IV. CONCLUSION

For the foregoing reasons, we affirm the District Court's rejection of the Surface Miners' three general challenges to the interim regulations as a whole and specific challenge to the enforcement regulations concerning surface mining on Indian lands. We reverse the District Court, however, as to the 1,000-foot distance limitation on blasting, the one inch per second maximum limitation on peak particle velocity produced by blasting, and the grandfather exemption for surface mining on prime farmlands; and we hold invalid those provisions of the interim regulatory program. Finally, we remand the issue of the interim effluent regulations to the District Court for proceedings, as detailed above, not inconsistent with this opinion.

Affirmed in part, reversed in part, and remanded.

July 21, 1980

Mr. John D. Boentje, Jr.
Pittsburgh Pacific Company
2521 First Avenue
Hibbing, Minnesota 55746

Dear Mr. Boentje:

We have received your letter to Mile Miles mailed on July 3, 1980, and your letter dated July 15, 1980. I appreciate you taking time to comment on an issue that you feel strongly about. However, it is not our office's policy to acknowledge each comment on rules submitted to our office for review as to form and legality.

As is our practice with all submissions regarding rules, your July 3, 1980 letter was considered by this office in reviewing the Department of Natural Resources Mineland Reclamation rules.

For your information, (and for reasons other than your objections), the Department of Natural Resources Mineland Reclamation Rules were disapproved by this office. However, the rules may be resubmitted to us after necessary revisions are made. Also, if any of those changes relate to legality, then the rules must also be resubmitted to the Chief Hearing Examiner for his approval again.

I hope my letter answers your concerns.

Very truly yours,

H. THEODORE GRINDAL
Special Assistant
Attorney General

G-25 State Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
(612) 297-3471

HTG/bw

Department of Natural Resources
Minerals Division

Rules Relating to Mineland Reclamation

Rules as Adopted

6 MCAR § 1.0401 General provisions.

A. Purpose and policy.

1. The purpose of these rules is to implement Minn. Stat. §§ 93.44-51. ~~thereby ensuring progressive, reclamation of metallic minelands~~ in order to control possible adverse environmental effects of mining, to preserve the natural resources and to encourage the planning of future land utilization, while at the same time promoting the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining.

~~a. Protect the public health, safety and welfare;~~

~~b. Control possible adverse environmental effects of mining;~~

~~c. Protect, preserve and use natural resources wisely by:~~

~~(1) Encouraging multiple resource management;~~

~~(2) Controlling erosion, land slides, and air and water pollution;~~

~~(3) Creating land forms, water patterns and vegetative communities which complement and harmonize with the surrounding environment; and~~

~~(4) Identifying and prohibiting mining in areas not reclaimable with existing technology and fostering the development of improved technology through research.~~

~~d. Encourage the planning of future land use by:~~

~~(1) Recognizing the potential value of land for mineral resource development;~~

~~(2) Minimizing the amount of land used for mining purposes; and~~

~~(3) Requiring conversion of minelands to an acceptable subsequent use upon completion of mining.~~

~~2. These rules give consideration to:~~

~~a. The orderly development of mining;~~

~~b. Good mining practices;~~

~~c. The beneficial economic and employment impacts of mining;~~

~~d. Practical problems of mine operators and mineral owners;~~

~~e. Meeting or exceeding minimum mineland reclamation requirements which may be established pursuant to a federal mineland reclamation act, to the extent possible within the authority of the commissioner; and~~

~~f. Conforming with state or local land use planning programs.~~

B. Definitions.

1. "Accepta[illegible]research" means research that is approved by the commissioner, is site related and includes the standard described in the rules as a control. } Vogue

2. "Auxiliary facilities" means all permittee-owned stationary physical property used in a mining operation, including: power plants and associated facilities; transmission lines; pipelines; roads; railroads; docks and associated facilities; borrow areas and leased borrow areas and associated facilities; blasting agent and fuel production or preparation facilities; and parking areas, shops, offices, buildings, structures, and storage facilities located within the area where mining is conducted. This does not include common carrier transportation facilities.

3. "Beneficiating plants" means all metallic mineral processing plants, such as crushers, mills, concentrators, agglomerating and sintering facilities, smelters, refineries and other metal-making facilities.

4. "Commissioner" means the Commissioner of Natural Resources, or any duly authorized representative.

~~5. "Completion" or "completed" means the conclusion of construction or development of a surface, structure, facility or element of a mining operation. It occurs when, according to the mining permit, a surface, structure, facility or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation or other reclamation or deactivation measures required by these rules.~~

5 ~~6~~. "Deactivation" means the process of finally terminating and reclaiming any specific portion of a mining operation. Deactivation begins when, as prescribed in the permit to mine, all mining activities and uses have ceased and there will be no renewed use or activity by the permittee.

~~7. "Good mining practice" means activities which use the best available technology and which are consistent with these rules.~~

6 ~~8~~. "Hereafter" means after the effective date of these rules.

~~9. "Lands previously affected by mining" means lands from which material has been removed in connection with the production or extraction of metallic minerals and lands upon which mine waste has been deposited.~~

7 ~~10~~. "Mine waste" means any material, such as surface overburden, rock, lean ore, or tailings which in the process of mining and beneficiation has been removed from the earth and stored elsewhere on the surface.

8 ~~11~~. "Mining" means the process of removing, stockpiling, processing, storing, transporting (excluding use of common carriers and public transportation systems) and reclaiming any material in connection with the commercial production of metallic minerals. This includes exploration activities such as the taking of large bulk samples.

9 ~~12~~. "Mining area" or "area subjected to mining" means any area of land from which material is hereafter removed in connection with the production or extraction of metallic minerals; the lands upon which material from such mining is hereafter deposited, the lands upon which beneficiation plants and auxiliary facilities are hereafter located; lands upon which the water reservoirs used in the mining process are hereafter located; and auxiliary lands which are hereafter used or intended to be used in a particular mining operation.

10 ~~12~~. "Mining operation: means all [redacted] unified mining project without regard to political, administrative or ownership boundaries, which includes all of the facilities used in "mining" as defined in 6 MCAR s 1.0401 B. ~~11~~ 10. Need to check!

11 ~~14~~. "Natural resources" means all mineral, animal, plant, air, water, land, timber, soil, quietude, recreational, historical, scenic, and aesthetic resources.

12 ~~15~~. "Operator" means any owner or lessee of mineral rights engaged in or preparing to engage in a mining operation.

13 ~~16~~. "Permit to mine" means legal approval given by the commissioner to conduct a mining operation or a scram mining operation.

14 ~~17~~. "Reclamation" means the successful accomplishment of the goals in 6 MCAR § 1.0402. check!

15 ~~18~~. "Reference area" means a vegetated land unit which is designated for comparatively measuring reclamation vegetation success. ~~The vegetation on a reference area may be either planted or naturally occurring. For the purpose of controlling erosion, it shall be self-sustaining, regenerating, or a stage in a recognized vegetation succession which provides wildlife habitat or other uses such as pasture or timber land. Reference areas must be representative of the site conditions and possible uses which might exist on mining landforms.~~ Jonsrud!

16 ~~19~~. "Scram mining operation" means a mining operation which produces natural iron ore or natural iron ore concentrates as defined by Minn. Stat. S 93.20, subds. 12-17, from previously developed stockpiles, tailings basins, underground mine workings, or open pits, which involves no more than ~~40~~ 80 acres of land not previously affected by mining. Greater areas shall be allowed if the operator can demonstrate that impacts would be substantially the same as other scram operations. Lands not previously affected by mining means lands upon which mine wastes have not been deposited and lands from which materials have not been removed in connection with the production or extraction of metallic minerals. check

17 ~~20~~. "Stockpile" means an accumulation of mine waste. It does not include tailings basins, fossil fuel, finished product, or surge piles.

C. Scope and application.

1. Any person engaged in metallic mining shall apply for a mining permit or a scram mining permit within 180 days of the effective date of these rules.

2. Any person hereafter intending to conduct a new mining operation or reactivate an inactive mining operation shall obtain a mining permit or a scram mining permit prior to commencing operations.

3. The term of a mining permit shall be the period determined necessary by the commissioner for the completion of the proposed mining operation, based on information provided pursuant to 6 MCAR § 1.0403 B. check!

4 The term of a scram mining permit shall not exceed five years.

5. These rules apply to metallic mining operations from which iron is the predominant metal extracted:

a. All portions of any mining operation initiated hereafter, including both new operations and reactivated inactive operations; and

b. the following portions of existing mining operations:

(1) An[redacted]tion of such operation which is hereafter created or used, provided that the siting requirements shall not apply to that portion already constructed;

(2) All of any existing tailings basin, settling pond or water reservoir (including dams, dikes, deltas, beaches, seepage control structures and water control devices) where any portion thereof is hereafter used for the deposition of tailings or sediment or for water storage; provided that the siting requirements shall not apply; and

~~(3) Any portion of such operation which will adversely affect reclamation conducted hereafter; provided that such portion shall be reclaimed, removed, restored or modified to the extent necessary to prevent such adverse effect.~~

(3) All existing permittee-owned power plants and associated facilities, transmission lines, pipelines, docks and associated facilities, and railroads shall comply only with the deactivation, reporting, and procedural requirements of 6 MCAR S 1.0402 I, 6 MCAR S 1.0403, and 6 MCAR S 1.0404 G. check Deletions

6. When part of any mining area is included in the mining and reclamation plans of two or more persons who are not co-permittees, that portion of the reclamation requirements which is the responsibility of the person who first performs the mining may be waived by the commissioner provided:

a. Subsequent disturbance by another operator is schedule ~~to occur within 15 years following completion by the first operator,~~ according to such operator's permit to mine;

b. The operator who will perform subsequent mining presents plans, and accepts responsibility for the performance of any necessary reclamation which may be incurred as a result of the previous mining operation; and

c. No significant environmental damage is likely to occur as a result of the waiver.

7. Nothing in these rules waives the requirements of any other applicable rules of the Department of Natural Resources or any other agency or governmental unit or of any other applicable statute or ordinance.

8. Where these rules conflict with other applicable statutes, rules and ordinances, the most restrictive provision shall apply. check applicability

9. Subject to Minn. Stat. S 93.47, subd, 3 these rules shall be subject to any rights existing pursuant to any permit, license, lease, or other valid existing authorization issued by the commissioner, the Pollution Control Agency or any other governmental entity or their predecessors office.

D. Severability. If any provision of these rules is held invalid, such invalidity shall not affect any other provision of the rules which can be given effect without the invalid provision, and to this end the provisions of these rules are declared to be severable.

6 MCAR § 1.0402 Taconite and iron ore reclamation standards.

A. Siting.

1. Goals. Mining shall be conducted on sites that minimize adverse impacts on the environment and the public. Separations shall be maintained between mining areas and adjacent conflicting land uses. All sites shall incorporate setbacks or separations which

are needed to comply with air, water, and noise pollution standards; local land use regulations; and requirements of other appropriate authorities.

2. Requirements.

a. General criteria for site selections. Portions of a mining operation for which there is flexibility in site selections such as: stockpiles, tailings basins, water reservoirs, processing plants, offices, inter-connecting roadways and auxiliary facilities, shall be sited so that:

(1) Impacts on the public due to wind erosion, noise and air emissions are minimized.

(2) Potential injury to life, property, and natural resources due to dam or slope failure is minimized;

(3) Major modifications of watersheds, including diversions of surface water and alterations of groundwater levels are minimized;

(4) Runoff and seepage can be managed to minimize environmental effects;

(5) Spilled material resulting from pipeline rupture or emergency release can be contained and controlled;

(6) Former mining areas are used in preference to areas undisturbed by mining; and

(7) Conflicts with natural resource sites identified by the commissioner such as those listed in V 21 Natural Resource Sites, "Minesite Data Manual," Minnesota Department of Natural Resources are minimized.

b. Exclusion areas for mining. No mining shall be conducted within any of the following areas unless the commissioner determines that a state or national emergency exists which would require the exploitation of the mineral resources within such areas:

(1) On and within ½ mile of the Boundary Waters Canoe Area, as defined in NR 1000 (6 MCAR S 1.1000), state or National Wilderness areas, state or National parks and National monuments, except where such areas are established as a result of their association with mining.

(2) Within a National, Wild, Scenic, or Recreational River District or within ¼ mile of a National Wild, Scenic, or Recreational River (whichever is greater); and within a designated state Land Use District or within ¼ mile of any state Wild, Scenic, or Recreational River (whichever is greater) however, underground mining may be permitted to the extent consistent with the governing Wild and Scenic Rivers Act and the rules promulgated thereunder.

(3) On sites designated in the state Registry of Historic Sites or National Register of Historic places, except where such areas are established as a result of their association with mining, and on designated State Scientific or Natural Areas.

(4) Within 300 feet of any state designated trout stream, any river listed in Minn. Stat. § 85.32, subd. 1, and the Redwood, Yellow Medicine, Chippewa, Bois de Sioux, Red River of the North, Roseau, Rainy, Vermillion, Kawishiwi, and Pigeon rivers.

(5) Within 400 feet of any natural watercourse located within the area defined by the Federal Shipsted-Newton-Nolan Act (16 U.S.C. Sections 577-577b).

(6) Within any lake greater than 80 acres in size ~~(Minn. Stat. § 93.13)~~ and any stream trout lake designated by the commissioner.

(7) Within that area adjacent to the North Shore of Lake Superior classified as the "Lake Orientation Zone" in the DNR report "North Shore Characterization Study." However, within this zone existing processing and by-product disposal shall be allowed at Silver Bay. ~~The~~ The storage and transhipment of product and fuel, and docks and associated facilities shall be ~~permitted~~ allowed at Duluth, Two Harbors, Silver Bay, and Taconite Harbor. The removal of ore by underground mining within this zone may be permitted subject to conditions prescribed by the commissioner when such mining can be conducted in a manner consistent with these rules.

(8) Within the following setback areas containing dwellings, buildings, roads or facilities which are in existence prior to the issuance of a permit to mine:

(a) 500 feet of any occupied dwelling, public school, church, public institution, county or municipal park or cemetery unless allowed by the owner and

(b) 100 feet of the outside right-of-way line of any public roadway, except where mine access or haul roads ~~join~~ cross such right-of-way line.

(9) Within any area except federal areas added to the categories listed in 6 MCAR S 1.0402 A.2.b. which is designated hereafter but prior to the issuance of a permit to mine involving such area provided that such designation is made by a process which includes a public hearing.

c. Avoidance areas for mining. When there is a feasible and prudent alternative, no mining shall be conducted within the following areas: ~~(Minn. Stat. § 116. D. 04, subd. 6.)~~

(1) Within any National Wildlife Refuge or Waterfowl Production area, State Wildlife Management area or on lands designated as National Natural Landmarks or National Trails or any state designated trail listed in Minn. Stat. § 85.015.

(2) Within any shorelands defined in Minn. Stat. § 105.485, subd. 2 for which County or Municipal shoreland management ordinances have been established in compliance with Minn. Stat., § 105.485, Cons. 70-77, and NR 82-84.

(3) Within that area near the North Shore of Lake Superior classified as the "Transition Zone" in the DNR report "North Shore Characterization Study."

(4) Within any area added to the categories listed in 6 MCAR § 1.0402 A.2.c. which is designated hereafter but prior to the issuance of a permit to mine involving such area.

B. In-mine disposal.

1. Goals. Mining shall be conducted to maximize use of past, present, and future mining areas so as to minimize the amount of land disturbed by mining and reduce the loss of non-mineral resources.

2. Requirements.

a. The commissioner may require in-mine disposal of mine waste.

b. Mining methods and schedules shall be used which provide ~~mined-out~~ areas for waste disposal at the earliest opportunity.

c. The commissioner will consider factors such as the following to determine the extent to which in-mine disposal shall be required.

(1) The ease of reclamation;

(2) Pollution potential;

(3) Public safety and welfare;

(4) Natural resource preservation; ~~and~~

(5) Land use demands~~.~~ ;

(6) Ownership of the minerals;

(7) Mineral resource values; and

(8) Physical and economic feasibility.

d. Mine waste which is placed within an open pit mine below the ultimate pit water elevation shall be exempted from the requirements of 6 MCAR § 1.0402 D and E. These shall be designed and constructed to prevent adverse environmental effects.

C. Buffers and barriers.

1. Goals. A mining operation shall be designed, constructed, and maintained so that the operation is compatible with surrounding non-mining uses.

2. Requirements.

a. Naturally existing terrain and vegetation, or vegetated mine waste which appear similar to natural terrain shall be used to minimize problems such as: noise, dust and chemical air pollutants, view, mine traffic, access, and erosion.

b. Buffering shall be implemented prior to beginning operations in a portion of a mining area that needs buffering.

c. Buffers may be constructed within the setback areas described in 6 MCAR S 1.0402 A.2.b. (8) provided~~:~~

~~(1)~~ their primary purpose fulfills 6 MCAR S 1.0402 C.2.a.~~; and~~

~~(2) the applicant produces written consent from affected adjacent landowners for such construction.~~

D. Sloping and landform design.

1. Goals. Landforms shall be designed and constructed to complement nearby natural terrain, minimize adverse water quality and quantity effects on receiving waters, enhance the survival and propagation of vegetation, be structurally sound, control erosion, promote early completion and progressive reclamation, and encourage the prompt conversion from mining to an approved subsequent use.

2. Requirements.

a. All stockpiles shall be designed and constructed according to the following standards:

(1) Existing stockpiles shall be incorporated or extended ~~or improved~~ to the extent possible;

(2) Water shall be drained away from the top of any stockpile in a manner which will not adversely affect the structural stability of the stockpile and will minimize erosion;

(3) All runoff and drainage control measures shall be ~~capable of handling~~ designed to withstand a 100 year frequency, 24 hour duration storm as developed using good hydraulic and hydrologic practices;

(4) ~~If applicable water quality standards for discharge are not met all runoff from stockpile shall be collected and held in a settling basin until it meets such standards.~~ If runoff from stockpiles has caused or is likely to cause violations of water quality standards, the runoff shall be collected and held in a settling basin until it meets, or is treated to meet, effluent limitations;

(5) Runoff or drainage controls shall be designed by a qualified person proficient in hydrologic analysis and water channel design;

(6) When ~~stockpiles consist of materials which may become~~ a water quality problem ~~due to leaching~~, has occurred or is likely to result from leaching of stockpiled material, the commissioner ~~may~~ shall ~~require~~ require ~~measures such as the following:~~ one or more of the following based on the type of material and the nature and location of the problem:

(a) The design of a monitoring system and the monitoring of water quality;

(b) The construction of an impermeable base pad to isolate the stockpile from the groundwater;

(c) The construction of a permeable base pad containing soil material capable of absorbing and holding the toxic materials in the leachates;

(d) The diversion of surface waters around and away from the stockpile;

(e) Covering of stockpiles to minimize the infiltration of precipitation;

(f) The use of internal layers of soil or other material to hold the toxic materials in the leachate;

(g) The use of material which controls pH of the leachate and

(h) The collection and treatment of leachate.

b. Mining areas shall be managed so that watershed modification are minimized. Runoff from these area shall be discharged without injury to life, property and natural resources. Upon deactivation, any runoff from drainage areas altered by mining shall be discharged into recieving waters within the same watershed as existed before mining. When conditions do not allow discharge into the pre-mining watershed, runoff shall be discharged at locations, and in volumes and rates which can be accepted by the receiving waters without injury to life, property, and natural resources.

c. When ~~Mine~~ mine waste ~~shall not be~~ is deposited on areas with unstable foundations such a peat, muskeg, bedded lacustrian deposits, fault zones, and areas above underground mine workings, ~~unless such areas cannot be reasonably avoided. In such cases the shall be examined, and the landform designed by a qualified engineer subject to approval by the commissioner.~~ a engineer shall examine the foundations and design the landforms to be stable.

d. Rock, lean ore, and coarse tailings stockpiles, unless they are an integral part of a tailings impoundment, shall be designed and constructed according to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) No lift shall exceed 30 feet in height;

(b) No bench width shall be less than 30 feet wide, measured from the crest of the lower lift to the toe of the next lift;

(c) The sloped area between benches shall be no steeper than the angle of repose; and

(d) Benches shall be designed and constructed to control runoff.

(e) When vegetation is required pursuant to 6 MCAR S 1.0402 E.2.b. (4), the sloped areas between benches shall be

prepared to support vegetation; and

(f) When the sloped area between benches is covered with surface overburden and vegetated, lifts may be raised to a maximum of 40 feet.

(2) Based upon acceptable research the commissioner may approve other ~~standards~~ measures which satisfy 6 MCAR S 1.0402 D.1.

e. A minimum of 2 feet of ~~soil~~ surface overburden shall be placed upon the completed portions of each bench and top of any rock, lean ore, or coarse tailing stockpile and upon other portions of such stockpiles for which vegetation has been required or approved. Based upon acceptable research the commissioner may approve other measures which satsify 6 MCAR S 1.0402 D.1.

f. Rock, lean ore, or coarse tailings stockpiles consisting of rapidly decomposable material which is susceptible to wind or water erosion or highly erodable soils shall receive treatment such as:

(1) Covering with less erodable material;

(2) Shortening or flattening the slopes; and

(3) Vegetating the slopes.

g. Surface overburden stockpiles shall be designed and constructed according to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) No lift shall exceed ~~30~~ 40 feet in height;

(b) No bench width shall be less than 30 feet wide, measured from the crest of the lower lift to the toe of the next lift;

(c) The sloped area between benches shall be no steeper than ~~3:1~~ 2.5:1;

(d) Benches shall be sloped toward the interior to control runoff. They shall be large enough to handle runoff water until it can be infiltrated into the stockpile, or a drainage control system shall be constructed to remove water consistent with 6 MCAR § 1.0402 D.2.a. (2) and (3);

(e) Rock, lean ore, or coarse tailings shall not be used to cover surface overburden stockpiles in order to avoid compliance with sloping and vegetation requirements. This shall not preclude the abutting of rock, lean ore, or coarse tailings stockpiles with surface overburden stockpiles, or the placement of rock, lean ore, or coarse tailing lifts atop surface overburden pads or lifts.

(2) Based upon acceptable research, the commissioner may approve other ~~standards~~ measures which satisfy 6 MCAR S 1.0402 D.1.

h. ~~Mineralized~~ Iron formation and Duluth complex formation materials of varying grades and types shall be segregated within the same stockpile or placed in separate stockpiles. Materials which require different means of beneficiation shall not be commingled.

i. Surface overburden portions of pitwalls shall be designed and constructed to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) The toe of the surface overburden portion shall be set back at least 20 feet from the crest of the rock portion of the pitwall;

(b) ~~No lift shall exceed 30 feet in height~~ Lift heights shall range fro[redacted] to 60 feet and shall be selected based on:

(i) The need to protect public safety;

(ii) The location of the pit wall in relation to the surrounding land uses;

(iii) The soil types and their erosion characteristics;

(iv) The variability of overburden thickness; and

(v) The potential uses of the pit following mining.

(c) The sloped area between benches shall be no steeper than ~~3:1~~ 2.5:1; and

(d) Benches shall be sloped into the overburden to control runoff. They shall be large enough to handle runoff water until it can infiltrate into the slope, or a drainage control system shall be constructed to remove water consistent with 6 MCAR § 1.0402 D.2.a (2) and (3);

(2) Based upon acceptable research, the commissioner may approve other ~~standards~~ measures which satsify 6 MCAR S 1.0402 D.1.

j. Tailings basins shall be designed, constructed, and operated according to the following:

(1) The storage of tailings within an approved site shall be maximized while meeting 6 MCAR § 1.0402 D.1.;

(2) A means of draining the pond area and managing runoff shall be provided consistent with 6 MCAR § 1.042 D.2.b.;

(3) During the mining operation dust generation shall be minimized by maximizing the area of permanently reclaimed tailings. The remaining active tailings areas shall be covered with water to the maximum extent possible and beach areas shall be temporarily stabilized consistent with 6 MCAR § 1.0402 E.; and

~~(4) Maximize topographic relief within the reclaimed basin; and~~

~~(5)~~ (4) ~~They~~ Tailings basins shall be designed, ~~constructed operated, and maintained~~ by registered professional engineers proficient in geotechnical and other aspects of design, construction, operation, and maintenance of tailings basins. The construction, operation, and maintenance of basins shall be periodically reviewed by such engineers to ensure compliance with the design.

E. Vegetation.

1. Goals. Vegetation shall be established to control erosion, prevent and control leaching of toxic substances, screen mining areas from non-compatible uses and provide wildlife habitat or other uses such as pasture or timber land.

2. Requirements.

a. Vegetation shall be established on the following:

(1) Surface overburden stockpiles;

(2) Exposed soils along diversion channels and roads;

(3) Cuts, pits, trenches, and other areas disturbed during the process of obtaining borrow materials or bulk samples, except those entirely included in larger mining landforms;

(4) Benches and tops of rock and lean ore stockpiles;

(5) Tailings basins;

(6) Dikes and dams;

(7) Exposed soils adjacent to water reservoirs;

(8) Areas exposed or disturbed during deactivation procedures such as building sites, parking lots, pipeline routes, storage areas, transmission routes, and roads not used for subsequent access;

(9) Surface overburden portions of pit walls;

(10) Buffers and barriers; and

(11) Subsided areas not permanently covered by water.

~~b. Other measures may be required by the commissioner such as:~~

~~(1) The placement of vegetative barriers around pits or other hazardous areas to control access;~~

~~(2) The development of vegetative communities with specific density and composition for the purpose of controlling wind erosion, providing buffers or for specific subsequent uses;~~

~~(3) The temporary establishment of vegetation on tailings basins exposed for one or more growing seasons;~~

~~(4) The establishment of vegetation on visible rock, lean ore, and coarse tailings stockpile slopes within 1/4 mile of residential and designated public use areas;~~

~~(5) The establishment of vegetation on rock, lean ore, and coarse tailings stockpile slopes which consist of rapidly decomposable material and material subject to leaching.~~

b. Other vegetative measures shall be undertaken, as necessary, to:

(1) Control access to pits and other hazardous areas, for safety purposes;

(2) Control wind erosion, provide buffering and enhance the establishment of approved specific subsequent uses, through the development plant communities with specific density and composition;

(3) Control dust on temporarily inactive tailings basins to which the non-vegetative methods prescribed pursuant to 6 MCAR S 1.0402 F. are not being applied;

(4) Provide aesthetic and compatible areas on rock, lean ore, and coarse tailings stockpile slopes, within ¼ mile of residential and designated public use areas, except designated trails; and

(5) Control the quality of water which would otherwise contact rapidly decomposable material or material subject to leaching.

c. The establishment of vegetation shall be initiated during the first normal planting period following ~~completion~~ the point when according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation, or after it has otherwise been required, using techniques such as:

(1) grading;

(2) disking or chisel plowing to reduce compaction;

(3) seeding or planting;

(4) fertilizing;

(5) mulching; and

(6) irrigating.

~~d. Within 3 growing seasons after completion at least 90% of the area where vegetation is required must be covered with living vegetation.~~

d. The following standards apply to the areas listed in 6 MCAR S 1.0402 E.2.a."

(1) After 3 growing seasons following the point when according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with establishment and maintenance of vegetation, a 90% ground cover, consisting of living vegetation and its litter, shall exist onall areas, except slopes which primarily face south and west. Such sloped areas shall attain the 90% ground cover requirement within 5 growing seasons following the point when initiation of vegetation is required. Where this standard is not met, or where unvegetated rills or gullies more than 9 inches deep form and erosion is occuring, the surface shall be repaired and replanted during the next normal planting period.

(2) ~~c~~ Within 10 growing seasons after ~~completion,~~ the point when according to the permit to mine, a surface, structure, facility, or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation, an area shall have a vegetative community with characteristics similar to those in an approved reference area. The vegetation on a reference area may be either planted or naturally occuring. For the purpose of controlling erosion, it shall be self-sustaining, regenerating, or a stage in a recognized vegetation succession which provides wildlife habitat or other uses such as pasture or timber land. Reference areas must be representative of the site conditions and possible uses which might exist on mining landforms. No release pursuant to 6 MCAR S ~~1.0405 F.~~ 1.0404 G. shall be granted until the areas has such characteristics.

~~f. Where rills and gullies more than 9" deep form or where vegetation success standards are not met, the surface shall be repaired and replanted during the next normal planting period after such conditions occur.~~

F. Air pollution.

1. Goal. Mining shall be managed to control avoidable dust ~~(APC 6)~~.

2. Requirement. Avoidable dust shall be controlled by techniques such as:

a. Water spray,

b. Chemical binders,

c. Anchored mulches,

d. Vegetation, and,

e. Enclosure and containment.

G. Blasting.

1. Goal. Effects of air overpressure and ground vibrations from ~~mining operations~~ production blasts shall be kept at levels which will not be injurious to human health or welfare and ~~animal life~~ property outside mining areas.

2. Requirements.

a. Air overpressure standa

(1) Air overpressure ~~outside the mining area~~ on lands not owned or controlled by the permittee shall not exceed 130 decibels as measured on a linear peak scale, sensitive to a frequency band ranging from 6 cycles per second to 200 cycles per second.

(2) All open pit blasts shall be monitored by the operator. Monitoring stations shall be located adjacent to the nearest structure located on lands now owned or controlled by the permittee, and where the commissioner deems necessary to investigate complaints. Scram operators are not required to conduct air overpressure monitoring except as required for complaint investigation.

(3) All open pit mining operators shall keep a blaster's log of production blasts for a period of at least 6 years containing the following:

(a) Date and time of blast:

(b) Type of explosive used;

(c) Ignition layout with locations of blast holes and time intervals of delay;

(d) Pounds of explosives per each delay of 8 milliseconds or more;

(e) Total pounds of explosives;

(f) Type of material blasted;

(g) Monitoring locations and results of monitoring when conducted;

(h) Meteorological conditions, including temperature inversions, wind speed and directions as can be determined from the U.S. Weather Bureau, and ground-based observations;

(i) Directional orientation of free faces of bench to be blasted; and

(j) Other information as the commissioner may require.

(4) If a focusing condition is detected which could cause the blast to adversely affect populated areas, blasting shall be postponed until the condition is no longer present.

(5) Blasting shall take place only during daylight hours unless a hazardous condition requiries blasting at another time.

b. Ground vibration control.

(1) The maximum peak particle velocity from blasting shall not exceed one inch per second at the location of any structure located on lands not owned or controlled by the permittee.

(2) The permittee shall either:

(a) Monitor production blasts for peak particle velocity using a seismograph capable of measuring three mutually perpendicular peak particle velocities, with the peak particle velocity being the largest of these measurements; or

(b) Utilize the scale distance formula $W=(d/60)^2$, where: W= the charge weight per delay (8 milli-seconds or more), and d= the distance (in feet) from the blast to the nearest structure located on lands not owned or controlled by the permittee to determine the weight of allowable explosive per decay.

(c) When the monitoring is chosen, or complaints are received, seismic measurements shall be conducted adjacent to the nearest structure locat on lands not owned or controlled by the permittee and where e commissioner deems necessary to investigate complaints.

(3) ~~The~~ In the event of a complaint or when ground vibrations have or are likely to exceed the one inch per second standard, the commissioner ~~may~~ shall require permittees using underground mining methods to maintain a blaster's log for the purpose of assessing ground vibration control.

c. All monitoring data collected shall be saved for a period of six years and made available to the commissioner upon request.

H. Subsidence and other surface displacement.

1. Goal. Mining operations shall be conducted in a manner which will prevent or mitigate hazardous conditions which result from slumping, heaving, and subsidence.

2. Requirement.

a. Techniques shall be employed which prevent slumping and heaving.

b. ~~When requested by the commissioner~~ In the event of actual or likely subsidence the permittee shall establish ground control survey locations and conduct surveys to document the extent of ground movement.

c. After subsidence has ceased, affected areas shall be contoured or filled to remove hazard and when required by the commissioner, a drainage system shall be established.

I. Deactivation and release.

1. Goal. The mining area shall be deactivated so that it is non-polluting, is stable, is free of hazards, minimizes the need for fencing, has current land use and future land use potential which recognizes the needs of the surrounding area, and is maintenance free to the maximum extent possible.

2. Requirements.

a. At least 2 years prior to deactivation of any portion of the mining area, proposed subsequent uses shall be presented to the commissioner for approval, pursuant to 6 MCAR § 1.0404 C. The proposed uses shall be selected based on:

(1) Compatibility of adjacent uses;

(2) The needs of the area;

(3) The productivity of the site;

(4) Projected land use trends;

(5) Public health and safety;

(6) Pollution of air and water; and

(7) ~~Written approvals from surface owners and the local zoning authority~~ Compatibility with local land use plans and plans of the surface owners.

b. The mining area shall be managed during deactivation to achieve the approved subsequent uses.

c. Within 1 year after deactivation begins, or within a longer period approved by the commissioner debris and mobile equipment which will not be used for reclamation shall be removed from the area being deactivated.

d. Within 3 years after deactivation begins, or within a longer period approved by the commissioner, the following shall be accomplished:

(1) Removal of roads, parking areas, and storage pads except those the commissioner deems necessary for access; ~~and~~

(2) Permittee-owned po[redacted] plants and associated facilities (except public utilities), transmission lines, pipelines, docks and associated facilities, and railroads (except common carrier transportation facilities) shall be removed or provisions made for continued subsequent use in accordance with an approved deactivation plan pursuant to 6 MCAR S 1.0404 G.; and

(3) ~~(2)~~ All other equipment, facilities, and structures shall be removed and foundations razed ~~below ground level~~ and covered with a minimum of 2 feet of soil.

e. Exposed underground mine workings shall be promptly sealed as approved by the commissioner and the county mine inspector.

f. Within 3 years after deactivation of an open pit begins, the following shall be accomplished:

(1) Establishment of at least one safe access to the bottom of the pit;

(2) Construction of fences for safety where required by the commissioner or the county mine inspector; and

(3) Where open pits contain materials which may become a water quality problem due to leaching, the commissioner ~~may~~ shall require one or more of the following:

(a) Monitoring pit water quality;

(b) Removing or covering leachable material;

(c) Grouting leachable areas;

(d) Rapid filling of the pit with water;

(e) Using material to control pH or other toxic materials in the pit water;

(f) Treating the water discharged from the pit; and

(g) Continuing maintenance after deactivation.

g. Within 3 years after deactivation of a tailings or settling basin begins, or within a longer period approved by the commissioner the ~~following~~ permittee shall ~~be accomplished~~ in a Manner consistent with 6 MCAR s 1.0402 D. 2. b:

(1) Drain surface water from the basin, unless the commissioner permits or requires the retention of water in specific areas within the basin for water storage, wildlife habitat, or other purposes;

(2) Shape and contour the surface to ensure permanent drainage away from the interior of the basin in a manner which will not result in erosion or adversely affect structural stability. , and to maximize topographic relief; and

(3) Make provisions for the continued maintenance of all dams and overflow or seepage control structures.

h. Within 3 years after the commencement of deactivation of a water reservoir, or within a longer period approved by the commissioner, the permittee shall, ~~with the approval of the commissioner~~ in a manner consistent with 6 MCAR s 1.0402 D. 2. b:

(1) Drain the reservoir and reintegrate the area into the natural watershed, pursuant to 6 MCAR S. 1.0402 I.2. g. ; or

(2) Make provisions for the continued maintenance of all dams and overflow or seepage control structures.

i. When continued maintenance is necessary after deactivation, pursuant to 6 MCAR § 1.0402, and as a condition for release pu[redacted]nt to 6 MCAR § 1.0403 F., operating plans, schedules and funding arrangements for providing the maintenance shall be submitted to the commissioner.

6 MCAR § 1.0403 The permit to mine and requirements of permittees.

A. Requirements.

1. No person shall carry out a mining operation for metallic minerals in this state without first obtaining a permit to mine from the commissioner. Where 2 or more persons are or will be engaged in a mining operation, all such persons shall join in the application and the permit to mine shall be issued on a joint basis. Where a person is or will be engaged in only a portion of the operation, that person need only be a joint permittee in the portion in which that person is participating.

2. A person conducting a mining operation on the effective date of these rules, who applied for a permit to mine within 180 days, after that date, may continue to conduct such operation during the pendency of the application.

3. Applications shall include, pursuant to 6 MCAR § 1.0403 B.:

a. Documents;

b. Organizational data;

c. Environmental setting maps;

d. Environmental setting analysis;

e. Mining and reclamation maps;

f. Mining and reclamation plan; and

g. ~~Biennial plan for the first two years of operation;~~ Operating plan covering the current or immediate upcoming planning period.

4. If the life of the mine will be 5 years or less, the application and deactivation plan may be combined, pursuant to 6 MCAR § 1.0403 E.

5. After receiving a permit to mine, the permittee shall provide the commissioner with the following, pursuant to 6 MCAR § 1.0403 C.-F.:

a. ~~Biennial~~ Operating plans for succeeding years of operation;

b. Annual reports;

c. A deactivation plan;

d. A request for release.

6. When the submittal dates for annual reports and ~~biennial~~ operating plans correspond, they may be combined into one document.

B. Applications. An application for a permit to mine shall be submitted in duplicate by the applicant to the commissioner in the form hereby prescribed. An application for a mining permit shall include all information pursuant to 6 MCAR § 1.0403 B. An application for a scram mining permit shall include all information, pursuant to 6 MCAR § 1.0403 B. 1.,2.,5., and 6.

1. Documents.

a. A certificate or evidence of insurance, as required in Minn. Stat. § 93.481, subd. 1.b.

b. The notice and affidavit of publication, pursuant to 6 MCAR § 1.0404 A.1.

c. If the applicant is a foreign corporation, as defined by Minn. Stat. §§ 300.02 and 303.02, a certified copy of

the certificate of authority to transact business in the state of Minnesota.

d. Financial and income statements from all applicants for the previous 3 years, consisting of annual reports or, if annual reports are not available, a similar statement describing ~~solvency and profitability~~ financial capability to perform reclamation obligations.

2. Organizational data.

a. The post office address of the applicant.

b. The general organizational structure of the applicant, any parent companies, owners, principal stockholders, partners, and joint venturers.

c. Any managing agents or subsidiaries which are or may be involved in the mining operation.

d. Organizational relationships between or among joint applicants.

3. Environmental setting maps. The commissioner shall make available to the applicant, at the applicant's expense, copies of all relevant publication information is his possession for the applicant's use in preparing environmental setting submissions. The applicant shall submit the following information on overlays to 7½ minute U.S.G.S. quadrangle or ~~equivalently scaled~~ other maps of the same scale delineating the mining area. Maps shall include such adjacent lands as required by the commissioner, to show the areas directly or indirectly affected by the mining operation. Overlays shall include:

a. Bedrock geology, including the general shape of the orebody and known or inferred reserves and resources within and adjacent to the mine area. Appropriate cross-sections which show the horizontal and vertical relationships shall also be included;

b. Water basins, water courses, and wetlands which are or could be affected by the mining operation;

c. Boundaries of watersheds which are or could be affected by the mining operation.

d. Details of ground water conditions based on best available information and exploratory drill holes;

e. Natural resource sites identified by the commissioner, such as those listed in "Minesite Data Manual," V 21 Natural Resources Sites, Minnesota Department of Natural Resources.

f. A forest inventory, including species, density, size class, and height;

g. A soil inventory including soil type, extent, and thickness;

h. Past mining facilities including stockpiles, tailings basins, mines, and processing plants;

i. ~~Surface and mineral ownership within the mining area.~~ Surface ownership of record within the mining area, and severed mineral ownership as set forth in verified statements pursuant to Minn. Stat. S 93.52 or in an order or decree pursuant to Minn. Stat. S 93.55 Subd. 2, filed in the county recorder's office with respect to severed mineral interests in parts of the mining area which will be excavated or covered with mine wastes. An owner's agent may be identified in place of the owner. No error in the designation of surface or mineral ownership shall affect the validity of the application. This requirement shall not apply to lands occupied by existing railroads not located in mine or plant areas; and

j. Exclusion, avoidance, and setback areas, pursuant to MCAR § 1.0[illegible]A.

4. Environmental setting analysis. Based on the environmental setting data submitted pursuant to 6 MCAR § 1.0403 B. 3., the applicant shall provide the commissioner with an environmental analysis including:

a. A copy of any environmental reports prepared relative to the mining operation; and

b. An explanation of the basis for siting those parts of operation which will be developed hereafter, including:

(1) A description of the positive and negative aspects of all sites considered; and

(2) How the selected site will aid in the attainment of the reclamation goals.

5. Mining and reclamation maps. The applicant shall submit maps and, ~~as appropriate,~~ cross sections containing all features normally found on a U.S.G.S. quadrangle map, at a scale ~~required by the commissioner,~~ which is normally used by the operator for mine planning purposes, which:

a. Define the shape and extent of the orebody which will support the operating life of the mine.

b. Identify all known and inferred mineral reserves or resources which are located within the mining area but which have not been included as part of the mining plan;

c. Identify lands proposed for use as vegetative reference areas;

d. Depict the detailed drainage patterns for waters which may contact leachable materials; and

e. Depict at appropriate intervals, approved by the commissioner, the status of:

(1) Mining the orebody;

(2) Watershed modifications (including changes in the boundaries, diversions, disposition of surface water flows, and runoff);

(3) Construction (including shape, extent, and content) and reclamation (including contouring, dust control, temporary stabilization, vegetation, and deactivation) of each: stockpile, tailings basin, mine, reservoir, dam, diversion channel, drainage control, settling basin, and ~~semi-permanent mine roads and railroads located outside the mine pit, plant facilities, shops, offices, parking lots, borrow pits, and~~ auxiliary facilities.

6. Mining and reclamation plan. This plan shall describe:

a. The operating life of the mine, including:

(1) The rate of mining and anticipated changes in that rate; and

(2) The factors used to determine the minable reserves and changes which would expand or diminish such reserves.

b. The mining activities to be conducted, including:

(1) The types, amounts, sequence, and schedule for mining the orebody and stockpiling materials, including:

(a) The distinctions among ore, lean ore, and waste rock;

(b) A discussion of in-mine disposal; and

(c) The physical and chemical character of

mine waste.

(2) The ore beneficiating process, including a discussion of the type and amount of any chemicals to be added and the types, amounts, sequence, schedule, and means of tailings disposal.

c. The methods, sequence, and schedules of reclamation which address the goals and meet the requirements of 6 MCAR § 1.0402, including anticipated reclamation research.

C. ~~Biennial~~ Operating plan.

1. The permittee shall submit ~~for the upcoming 2 years a biennial plan~~ to the commissioner in duplicate, ~~on or before January 31 of every other year. The plan shall detail:~~ an operating plan covering a forthcoming period, which does not exceed 5 years in length. The operating plan shall consist of the plans normally prepared for the mining operation which shall include the following:

a. ~~1.~~ Any changes in the rate of mining or minable reserves pursuant to 6 MCAR S 1.0403 B.6.a.;

b. ~~2.~~ The mining activities pursuant to 6 MCAR S 1.0403 B.6.b.;

c. ~~3.~~ The reclamation activities pursuant to 6 MCAR S 1.0403 B.6.c.; and

d. ~~4.~~ A map in the form prescribed by 6 MCAR S 1.0403 B.5., which depicts the status of mining, construction, reclamation, and watershed modifications pursuant to 6 MCAR S 1.0403 B.5.e.

2. Subsequent plans shall be submitted 90 days before the end of the prior plan.

D. Annual report. The permittee shall submit for the previous year an annual report to the commissioner in duplicate on or before January 31 of each year. The report shall detail:

1. Annual financial and income statements for the ~~most recent~~ preceeding fiscal year pursuant to 6 MCAR S 1.0403 B. 1.d.;

2. The actual rate of mining and the remaining minable reserves pursuant to 6 MCAR § 1.0403 B. 6. a., and consistent with 6 MCAR § 1.0403 C. 1.

3. The actual mining activities purusant to 6 MCAR § 1.0403 B. 6. b., and consistent with 6 MCAR § 1.0403 C. 2.

4. The actual reclamation activities pursuant to 6 MCAR § 1.0405 B. 6. c. and consistent with 6 MCAR § 1.0403 C. 3.

5. A map in the form prescribed by 6 MCAR § 1.0403 B. 5., which depicts the status of mining, construction, reclamation, and watershed modifications pursuant to 6 MCAR § 1.0403 B. 5. e.

E. Plan for deactivation. The permittee shall submit to the commissioner in duplicate, a deactivation plan at least 2 years prior to beginning deactivation for any portion of the mining area. This plan shall replace the ~~biennial~~ operating plan for the portion to be deactivated and shall contain:

1. Plans, designs, specifications, and supporting data for reclamation activities which comply with 6 MCAR § 1.0402;

2. A reclamation compliance schedule;

3. A discussion of how the land will be managed until the permittee requests release pursuant to 6 MCAR § 1.0404 F.

F. Request for release. The permittee shall submit to the commissioner in duplicate, a request for release, pursuant to 6 MCAR § 1.0404 F. [illegible]s request shall include the following:

1. Certification of compliance with the applicable sections of these rules, the approved deactivation plans, and the permit to mine;

2. A detailed description of provisions for continued maintenance;

3. Identification of the ownership of the mining area and all remaining structures and facilities; and

4. A map in the form prescribed by 6 MCAR § 1.0403 B. 5., which depicts the following:

a. The final topography;

b. The post mining drainage system including the amounts and locations of discharge to receiving waters;

c. The extent and type of vegetation;

d. The existing and expected level of pit water and the year in which this level will be reached;

e. The location of the safe access to the bottom of the pit;

f. The location of fences and other access barriers; and

g. The areal extent and (as applicable) the height, depth, and physical and chemical characteristics of each stockpile, tailings basin, mine, reservoir, dam, diversion channel, drainage control, structure settling basin, and the location of all ~~mine roads and railroads, borrow pits, plant facilities, shops, offices, parking lots, and~~ auxiliary facilities within the mining area.

6 MCAR § 1.0404 Procedures.

A. Permit to mine.

1. The process for requesting a permit to mine is commenced by submitting an application to the commissioner pursuant to 6 MCAR ss 1.0402 and 1.0403. After the commissioner determines the application is ~~adequate~~ complete, the applicant shall publish an advertisement as required by 6 MCAR d 1.0405. Within 7 days after the last date of publication, the applicant shall submit to the commissioner a copy of the advertisement and an affidavit from the printer verifying publication. The application shall then be considered filed.

2. Determination with hearing.

a. Written objections and a request for a hearing may be filed with the commissioner according to provisions of Minn. Stat. § 93.481, subd. 2.

b. Within 10 days after the receipt of the objections, the commissioner shall determine whether the person filing the objection is entitled to object.

(1) If the objections were filed by a person entitled to object, the commissioner shall:

(a) Select a hearing date which shall be no more than 30 days after the last date of opportunity to object;

(b) Serve an order for hearing in the form and manner required by the provisions of 9 MCAR S 2.204, except those in 9 MCAR S 2.204 B. which shall not apply. (in no event shall such an order be served less than ~~10~~ 20 days prior to the hearing);

(c) Mail a copy of the order for hearing to all persons who filed objections and all local units of government in which all or a part of the operation is located; and

(d) Publish notice of subject, time, date and place of the hearing at least once prior to the hearing in a

newspaper which must be both a legal newspaper within the meaning of Minn. Stat. § 331.02, and [redacted] ulated in the locality of the proposed mining operation.

(2) If the objections were filed by a person not entitled to object, the commissioner shall notify him in writing by mail of such determination giving reasons therefor.

c. The commissioner may hold a hearing on the proposed application without receipt of objections if he deems it necessary to protect public health, safety, and welfare.

d. Within 120 days after the close of the hearing record, or 90 days after ~~receipt~~ service of the hearing ~~officer's~~ examiner's report ~~pursuant to Minn. Stat. 93.481, subd. 2,~~ Whichever comes later, the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine stating reasons therefore.

3. Determination without hearing.

a. If, within 30 days after the last publication required by 6 MCAR S 1.0405, no objections to an application are received from persons entitled to object, the commissioner ~~may,~~ within 120 days, may without hearing process the application in accordance with the following:

(1) Grant the permit to mine with or without modifications or conditions;

(2) Deny the permit to mine stating reasons therefore; or

(3) Request in writing that the applicant provide additional information.

b. If the commissioner has made a request for additional information, within 120 days after receiving such information, the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine stating reasons therefore.

4. Hearing upon demand of applicant.

a. If the commissioner processes the application without a hearing, the applicant may, within 30 days after mailed notice of the commissioner's order on the application, file with the commissioner a demand for hearing pursuant to Minn. Stat. ch. 15. The application shall thereupon be fully heard on notice.

b. Within 120 days after the close of the hearing record, or 90 days after ~~receipt~~ service of the hearing ~~officer's~~ examiner's report ~~pursuant to Minn. Stat. 93.481, subd. 2,~~ Whichever comes later, the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine stating reasons therefore.

5. Review of ~~biennial~~ operating plan.

After granting the permit to mine, the commissioner shall review the biennial plan required by 6 MCAR § 1.0403 C., to determine if it complies with the provisions of the permit to mine and these rules. Upon completion of this review, the commissioner shall inform the permittee regarding compliance of the plan with the permit to mine and these rules.

B. Variance from these rules pursuant to Minn. Stat. S 93.48 (see 6 MCAR S 1.0406 A.).

1. A proceed[redacted] for requesting a variance from these rules is commenced [redacted]en the permit applicant or permittee files an ~~adequate~~ application for a variance with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed variance is consistent with the general welfare and the goals of these rules.

2. Within 30 days after receipt of the application, the commissioner shall determine whether the proposed variance constitutes a substantial change from the requirements of these rules.

a. If the commissioner determines that a substantial change would result, the applicant shall follow the procedures for permit to mine applications, as set forth in 6 MCAR § 1.0404 A.

b. If the commissioner determines that there would be no substantial change the commissioner shall without a hearing:

(1) Allow the variance with or without additional terms or conditions which are consistent with these rules; or

(2) Deny the application stating reasons therefore.

3. If the commissioner processes the application without a hearing, pursuant to 6 MCAR § 1.0404 B. 2. b., the applicant may file with the commissioner a demand for hearing on the decision pursuant to 6 MCAR § 1.0404 A. 4.

4. Applications for variance from these rules may be filed simultaneously with an application for a permit to mine, provided that the advertisement contains all information required for applications for permits to mine and for variance.

C. Amendment of the permit to mine pursuant to Minn. Stat § 93.481, subd. 3.

1. A proceeding for requesting an amendment of a permit to mine is commenced when the permittee files an ~~adequate~~ application for an amendment with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed amendment meets the lawful requirements and these rules.

2. Within 30 days after receipt of the application, the commissioner shall determine whether the proposed amendment constitutes a substantial change in the permit to mine.

a. If the commissioner determines that a substantial change would occur, the applicant shall follow the procedures for permit to mine applications, as set forth in 6 MCAR § 1.0404 A.

b. If the commissioner determines that there would be no substantial change, the commissioner shall without a hearing:

(1) Allow the amendment with or without additional terms or conditions which are consistent with these rules; or

(2) Deny the application stating reasons therefore.

3. If the commissioner processes the application without a hearing pursuant to 6 MCAR § 1.0404 C. 2. b. the applicant may file with the commissioner a demand for hearing on the decision pursuant to 6 MCAR § 1.0404 A. 4.

D. Cancellation of permit.

1. Cancellation at the request of permittee.

a. A proceeding to cancel a permit to mine at the request of the permittee is commenced when a permittee files a written request with the commissioner. The request shall identify the permittee and give reasons for the cancellation.

b. Within 30 days after the receipt of a request, the commissioner shall determine whether cancellation would have a significant adverse effect on any public interest relating to the goals of these rules.

(1) If the commissioner determines that cancellation shall have such adverse effect the permittee shall publish an advertisement pursuant to 6 MCAR § 1.0405 and the commissioner shall proceed as if he had received an application for a permit to mine, pursuant to 6 MCAR § 1.0404 A.

(2) If the commissioner determines that the cancellation shall not have such adverse effect, the permit may be cancelled with or without conditions.

2. Cancellation with the consent of permittee. A proceeding to cancel a permit to mine with the consent of the permittee is commenced when the commissioner serves the permittee with written request giving reasons for the cancellation.

a. If no reply or an affirmative reply is filed with the commissioner within 30 days, procedures pursuant to 6 MCAR § 1.0404 D.1.b. shall be commenced except that the commissioner shall publish an advertisement pursuant to 6 MCAR § 1.0405.

b. If a negative reply is filed with the commissioner within 30 days:

(1) the permit to mine will continue in effect; or

(2) a proceeding to revoke the permit to mine pursuant to 6 MCAR § 1.0404 E. shall be commenced.

E. Revocation or modification of a permit to mine, requiring a performance bond, or assessment of civil penalties.

1. Commencing proceedings.

a. A proceeding to revoke or modify a permit to mine, to require a performance bond, or to assess a civil penalty shall be commenced by serving upon the permittee.

(1) A notice and order for hearing in the form and manner pursuant to 9 MCAR § 2.204;

(2) A proposed order revoking or modifying the permit to mine, requiring a performance bond, or assessing a civil penalty; and

(3) A statement of the measures, if any, required to correct the situation and the time available therefore.

b. If conditions that provided the grounds for such an action are corrected to the commissioner's satisfaction, within a period, established by the commissioner, of not less than 15 days after the notice, or as appropriate, approved measures are taken to ensure that such conditions do not reoccur, the proceedings shall be cancelled.

2. Hearing prior to determination.

a. The commissioner shall hold a hearing prior to the determination to revoke or modify a permit to mine, require a performance bond, or assess a civil penalty if, within 15 days after commencement of the proceeding, any permittee serves an answer on the commissioner and all other parties. If an answer is served, the commissioner, without further notice, shall hold the hearing at the time and place specified in the order for hearing. No hearing shall be held less than 30 days after commencement of the proceeding.

(1) An answer shall contain the following:

(a) A written statement of the defenses to each violation alleged in the order for hearing; and

(b) A specific admission, denial, or explanation of each fact alleged in the order for hearing, or, if the permittee is without knowledge thereof, a statement to that effect.

(2) Allegations of a complaint not thus answered shall be deemed to have been admitted.

b. If an answer contains an admission to an alleged fact no hearing shall be held on that fact and the allegation shall prevail.

c. Failure of a permittee to serve an answer, pursuant to 6 MCAR § 1.0404 E.2.a. or to appear at the hearing shall be deemed to constitute a waiver of a hearing on the allegations of the order for hearing and the contents of the proposed order. Such waiver authorizes the commissioner, without further notice to the permittee and without proceeding further with the hearing, to adopt the proposed order, or that much as is applicable if the proposed order is in the alternative or if there have been correction measures attempted. Said order shall be his final decision on the matter.

d. If the permittee appears at the hearing, the commissioner, in reaching a final decision, shall not be bound by the proposed order.

F. Suspension. The permit to mine may be suspended by the commissioner, pursuant to Minn. Stat. § 93.481, subd. 4. (d). The commissioner's order suspending the permit to mine for the specified period, once served, constitutes the commissioner's final decision on the matter.

G. Deactivation and release of permittee.

1. Deactivation. The commissioner shall review the deactivation plan, pursuant to 6 MCAR § 1.0403 E., to determine if it complies with the requirements of the permit to mine and these rules, in the same manner as if the commissioner had received an application for an amendment pursuant to 6 MCAR § 1.0404 C.

2. Release.

a. A proceeding to release the permittee from responsibility on any portion of a deactivated mining area is commenced when the permittee submits a request for release, pursuant to 6 MCAR § 1.0403 F.

b. The commissioner shall review the request and determine:

(1) If all terms and conditions of applicable sections of these rules, the permit to mine, and the approved deactivation plan have been satisfied; and

(2) That it is not necessary to defer such release until other portions of the mining area have been deactivated.

c. Within 270 days after receipt of the request the commissioner shall:

(1) Release the permittee with or without modifications or conditions; or

(2) Deny the request stating reasons therefore.

~~H. The commissioner may hold a hearing, pursuant to~~

~~Minn. Stat. §§ 93.44-93.51 and these rules, provided that the commissioner issue an order for hearing pursuant to 9 MCAR § 2.204.~~

H. Assignment. Pursuant to Minn. Stat. S 93.481, subd. 5, the commissioner shall allow the assignment of a permit to mine only if the commissioner determines that the assignee will perform all outstanding obligations of the Act, these rules, and the permit to mine.

I. Hearing procedures. Procedures pursuant to 9 MCAR §§ 2.02-2.22, shall apply to any contested case hearing under these rules, except as otherwise provided in Minn. Stat. §§ 93.44-93.51 and these rules.

6 MCAR § 1.0405 Publication. When an advertisement is required, it shall be published once each week for four successive weeks in a legal newspaper, pursuant to Minn. Stat. § 331.02, which is circulated in the locality of the proposed mining operation. This advertisement shall contain:

A. A statement and map indicating the location and boundaries of the mining area;

B. The names of all surface owners of record ~~of the surface and mineral rights to each parcel of land~~ within the mining area, and several mineral ownership as set forth in verified statements pursuant to Minn. Stat. S 93.52 or in an order or decree pursuant to Minn. Stat. S 93.55 subd. 2, filed in the county recorder's office with respect to severed mineral interests in parts of the mining area which will be excavated or covered with mine wastes. An owner's agent may be identified in place of the owner. No error in the designation of surface or mineral ownership shall affect the validity of the publication. This requirement shall not apply to ~~except~~ lands occupied by existing railroads not located ~~outside the~~ in mine or plant areas.

C. The schedule for accomplishing what is being proposed;

D. A notice of the deadline date for filing objections; and

E. The following information;

1. If application is made for a permit to mine — a description of the proposed mining operation including the general kinds of reclamation or restoration measures to be undertaken pursuant to the reclamation plan;

2. If an amendment to a permit to mine is requested — a description of the purpose and nature of the proposed amendment;

3. If a cancellation of a permit to mine is requested — an explanation of the request for cancellation and the consequences of allowing such a request; or

4. If a variance from these rules is requested — a description of the purpose and nature of the requested variance and a description of the proposed alternative means which will be used to meet the goals and comply with the requirements of these rules.

6 MCAR § 1.0406 Administrative standards.

A. Variance (see 6 MCAR S 1.0404 B.).

1. Granting of a variance. The commissioner ~~may~~ shall grant a variance from the requirements of these rules upon application by a permit applicant or permittee, if it is determined that:

a. A variance is consistent with the general welfare and general purposes of these rules;

b. By reason of exceptional circumstances, the strict enforcement of the reclamation requirements would cause undue hardship or strict conformity with the requirements of these rules would be unreasonable or not feasible; and

c. Acceptable alternative means of accomplishing the goals, pursuant to 6 MCAR § 1.0402, have been provided by the permit applicant or permittee.

2. Conditional granting. The commissioner ~~may~~ shall grant a variance upon such conditions as ~~may~~ shall be necessary for the prevention, control, or correction of adverse environmental effects, consistent with the requirements of these rules and Minnesota statutes.

B. Revocation or modification. The commissioner may revoke a permit to mine or modify any of its terms or conditions, pursuant to Minn. Stat. § 93.481, subd. (4). A permittee shall not be considered to have commenced substantial construction of plant facilities unless erection of the primary plant facilities has begun. Planning, securing capital, purchasing land and materials and otherwise preparing for construction are not sufficient.

C. Performance bonds.

1. Need for bond. At any time during the pendency of a permit application, during the mining operation, or following the completion of mining but prior to the release of the permittee, the commissioner:

a. Shall require the operator to furnish a performance bond if the commissioner determines that the operator has failed to:

(1) Perform any part of a reclamation measure required by the permit to mine or any amendment or modification thereto;

(2) Comply with a provision of these rules; or

(3) Perform any research required, pursuant to Minn. Stat. §§ 93.44-93.51.; or

b. May require the operator to furnish a performance bond if there is reasonable doubt that the operator will be financially able to comply with the requirements of the permit to mine or these rules.

2. Amount of bond. The amount of a performance bond shall be determined by the commissioner and shall be equal to the estimated cost, to the Department of Natural Resources, of satisfactorily accomplishing reclamation of all lands disturbed and unreclaimed up to the date of annual bond review.

3. Conditions of bond. A performance bond required pursuant to this regulation shall be conditioned upon the performance by the operator within a time period established by the commissioner of all actions necessary to correct the deficiency or noncompliance for which reason the bond is required. For the purpose of the bond "performance" shall mean the accomplishment as determined by the commissioner, of all actions required under the bond. The bond shall also provide that the surety or his successors or assigns are not released in any way from liability thereunder by any amendment of the terms or conditions of the permit to mine; provided that regardless of amendment the surety shall be liable for no more than the amount specified in the bond. The need for and amount of all bonds shall be reviewed annually.

4. Other security and assurance.

a. Whenever an operator is required to furnish a performance bond pursuant to this regulation, he may, in lieu thereof:

(1) Submit as security to the commissioner for deposit with the state treasurer, assignable bonds or notes of the United States in a sum equal, at their par value, to the amount of the required performance bond.

(2) Give a lien against real or personal property at its wholesale value in lieu of a bond. Such property must remain in the state for the duration of the agreement and be managed and repaired by the permittee as necessary to maintain its value. Failure to maintain value shall allow the commissioner to modify or revoke the permit to mine, or to require bonds or notes to be deposited as a replacement bond. The commissioner shall accept such property as assurance if it is determined, by the commissioner, that:

(a) No other liens exist on said property;

(b) The wholesale value is adequate to cover reclamation costs; and

(c) Sufficient market exists, such that, the sale of said property can occur rapidly.

(3) Submit other security or assurances as may be acceptable to the commissioner.

b. The permittee shall submit an agreement authorizing the commissioner to collect or sell the bonds, notes, property or other security or assurance so submitted or deposited, upon the same conditions as would constitute a default under a performance bond. The acceptance of United States bonds, notes, a lien on property or other security or assurance, in lieu of a performance bond, shall have the same force and effect as if a performance bond has been furnished.

5. When it is determined during the annual bond review that such security is no longer necessary, any bonds, notes, lien or other security or assurance deposited pursuant to ~~this paragraph~~ 6 MCAR S 1.0406 C.4. shall be returned to the permittee.

6. ~~5.~~ Upon forfeiture of a bond the permittee shall allow access to the commissioner and his designated contractors into all mining areas for the purpose of reclaiming all lands disturbed and unreclaimed.

D. Civil penalties.

1. If any person violates any provision of Minn. Stat. §§ 93.44-93.51, these rules, or any permit to mine issued thereunder, the commissioner may order imposition of a civil penalty of not more than $1,000 per day for each violation of:

a. each provision; or

b. the same provision in more than one portion of the mining area.

2. In determining the amount of a penalty, the commissioner shall consider:

a. The severity of the violation;

b. The need to deter future violations, and

c. The magnitude of potential or actual gains resulting from the violation.

3. The commissioner shall collect any assessed civil penalty in the same manner as any other debt owed the state.

E. Suspension. The commissioner may suspend all or any part of a permit to mine pursuant to Minn. Stat. § 93.481, subd. 4. Any suspension ordered pursuant to this section may be for such period and upon such terms as the commissioner deems appropriate to correct the conditions which necessitated suspension.

6 MCAR § 1.0407 Inspection of mining area. The permittee shall allow the commissioner to inspect all mining operations and records needed to monitor compliance with the permit to mine and these rules after reasonable prior notice.

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Attorney General
Natural Resources

TO : MIKE MILES
Assistant Attorney General

DATE: 6-17-80

FROM : BILL CLAPP Bill Clapp
Special Assistant Attorney General

PHONE:

SUBJECT: Mineland Reclamation Rules

We forward to you the rules which Commissioner Alexander has adopted, for review for form and legality. As were the rules for water appropriation, these rules are accompanied by a document authored by the chief hearing examiner which he calls an Order. In it he identifies over two dozen items in the rule which he opines are illegal. Since legality is for the Office of the Attorney General to decide, we pass the rule to you unchanged from the one submitted to the chief hearing examiner, together with agency responses to his opinions, which make up the balance of this letter.

As you review these rules, please bear in mind that they have been years in drafting, and have been subject to intense review by environmentalists, representatives of the iron range community, and the mining industry. The flexibility built into the rules is an outcome of the rule-making process. The rules represent a balancing of a number of interests. The Department of Natural Resources believes strongly that it would not be in the public interest to risk upsetting that balance now.

We ask you to consider the observation of hearing examiner Kaibel, "This was an excellent example of the rules hearing process working as it should". Kaibel, far more familiar than the chief hearing examiner with the subject-matter of the rules and with the hearing record, deemed the flexibilities in the rules appropriate.

We also ask you to note that the mineland reclamation permit system operates in a contested case setting, which because of the substantial evidence rule makes "unbridled discretion" impossible. The chief hearing examiner has forgot that, as he has forgot his failure to put any parameters on "need and reasonableness" in his own rules.

In addition to the foregoing remarks, which apply to all of the conclusions of the chief hearing examiner, the Department makes the following specific comments, using the chief examiner's numbering.

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(1) 402 B.1. The phrase "acceptable research" appears 4 times in the rule, namely in 402 D.2 at d.(2), e., g.(1)(e), and in (2). In each case, the research must be site related, must establish a measure which achieves the goals of 402 D.1. and must be approved by the Commissioner. With regard to the last element, the Commissioner finds

> Any attempt to establish standards which would direct or control the type and degree of proposed research would only hamper the flexibility which is essential for the design of such programs. Further, because such requests for research approval will be part of the permitting process, which includes public notice and the opportunity for public involvement, it is unlikely that abuses in discretion will result.

FINDINGS AND CONCLUSIONS OF THE COMMISSIONER, page 6, finding 4).

(2) The agency agrees that "may" should be "shall".

(3) The State registry of historic sites is Minn. Stat. § 138.53. Approval of incorporation is not required.

(4) See (1).

(5) Agreed: "an" should be "and".

(6) The blasting section received considerable testimony at the hearing; none of it objected to "Other information as the commissioner may require". It is better to confine a list of data elements to those clearly needed, with an opportunity to ask for more when necessary, than to make a long laundry list of requirements even though some might seldom be needed.

(7) Given the contested case environment, the phrase "when required by the commissioner" necessarily means "when the evidence in the record supports a finding that the public health, safety or welfare requires it". That is not unbridled discretion.

(8) The industry asked at the hearing for the inclusion in c. of the flexibility already given in d. Nobody testified that they feared abuse of discretion.

(1) & (10) See statement of need and reasonableness, page 39.

* (11) Agreed as to "may require", which should be "shall require one or more of the following". As to "where open pits contain materials which may become a water quality problem" it is self-evident that the commissioner makes the decision, and it is no more speculative a standard than can be found throughout all kinds of rules.

* (12) & (13). See (8); and change "with the approval of the commissioner" to "in a manner consistent with 402 D.2.b.".

* (14) Agreed. What is wanted are the maps which the operator uses in the normal course of conducting business.

* (15) Change "that are augmented if necessary to include", to "which shall include the following".

* (16) Change "adequate" to "complete".

(17) The "may" indicates that objecting and requesting a hearing is optional, not required. It is absurd to read the rule as permitting violation of the statute.

(18) The relevant statute has already been referenced just 3 lines above.

* (19) Move "may" from before "within" to after "days", and note the paragraph is under the heading Determination without hearing.

* (20) Change "officers" to "examiners".

* (21) & (23) "Adequate" may be deleted. Otherwise, the standards are, although general, perfectly clear.

(22) & (24) "Substantial change" is not a variance standard - it is a determinant of whether or not notice shall be published.

(25) If "significant adverse effect" as a standard for whether publication of notice is required, is illegally vague, then a lot of law is in a lot of trouble.

* (26) Agreed. Both "mays" should be "shalls".

(27) It does violence to the rules of statutory construction to read the "may" as a grant by the commissioner to himself of authority to violate the statute. The clause "deems appropriate" is not a blank check, because it is qualified by "to correct the conditions which necessitated suspension".

(28) The chief hearing examiner has misread the report of the hearing examiner, who stated, in Finding 10, "If scram mining operators are exempted where no public complaints are received, need, reasonableness and authority will be adequately documented". The adopted rule contains just such language, which is that, recommended by Representative Begich and referred to in the first sentence of Finding 10.

BC-dm
enc.

* The agreed-to changes have been made in the final rule submitted to you.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Rules Relating to Mineland Reclamation

FINDINGS AND CONCLUSIONS OF THE COMMISSIONER

I have reviewed the hearing record and have read the report of the hearing examiner. It is my decision to adopt the rules and modifications made by the Department at the public hearing, and recommendations of the Hearing Examiner, except as modified herein:

FINDINGS

I adopt the hearing examiner's Findings of Fact and Conclusions on the Mineland Reclamation Rules public hearings as mine and incorporate them by reference in this document except for the following:

1) The 2:1 sloping requirement, for surface overburden pitwalls and stockpiles, recommended by the hearing examiner, and the 3:1 requirement proposed by the Department staff are both being rejected because of insufficient justification. It is found that a sloping requirement of 2.5:1, applied to surface overburden pitwalls and stockpiles, without regard to their location in relation to residential or public use areas, is reasonable and necessary. The majority of observations by the hearing examiner and the department staff indicate that 2.5:1 slopes repeatedly showed successful and acceptable results. The hearing examiner noted that, "The best mining practice examined on this record was 2.5:1 design slopes with 40 foot lifts, considerably less than the proposed rule maximums." (Hearing Examiner's Finding No. 8, page 9). In addition, field investigations at a Wisconsin mine, where sloping was being conducted, indicated that revegetation success on stockpiles graded to 2.5:1 has been good (Department Exhibit No. 16). Finally, visual inspection of several slopes by the department staff revealed that vegetation was stressed, and

slopes unstable when steeper than about 2.5:1 (Department's final comment, page 7).

The 2:1 sloping requirement recommended by the hearing examiner is being rejected because the justification given is not adequate. The hearing examiner makes reference to Exhibit No. 35 which states, "As a rule of thumb, a 2:1 slope is assumed to be the maximum slope upon which vegetation can be established and maintained satisfactorily" (emphasis added). But the following sentence goes on to state, "However, maximum vegetative stability cannot be attained on slopes steeper than 33 percent (3:1)". Because there will be little or no maintenance of vegetation following abandonment, the 2:1 rule of thumb has limited applicability.

A study of other state reclamation laws, which shows that 15 of the 29 states, that have specific sloping standards, require 2:1 slopes, also has limited applicability. As stated in the department's final comments, several states which require slopes resembling the topography which existed prior to mining (which might be relatively flat in some cases) were not included. In addition, the rationale for the reported slopes was not included in the various states' laws making it difficult to determine if the conditions which regulate slope stability (such as climate, soil types, required vegetation success, etc.) are similar to those in Minnesota.

The hearing examiner referred to Exhibit 68, which is a page from a report containing a table showing the utility of various slopes.

The page also contains some dialogue (unrelated to the table) which was used by the hearing examiner to substantiate his 2:1 sloping recommendation. This dialogue is a discussion of dams constructed from surface overburden, and contains the following quote from the book Moving the Earth, by Herbert L. Nichols, "The dam should be at least six feet thick at the water level and slopes should not exceed 2:1 on the downstream side nor 3:1 upstream." The book in question was obtained and was found to be referring to a general design of water storage dams which were not to exceed 8 feet in height. Such a low bank, consisting of a series of thin compacted overburden layers is not comparable to the higher 30 or 40 foot thick lifts on stockpiles and pitwalls, and is therefore not relevant.

The hearing examiner utilized Department's Exhibit 16 to make a point that, at Inland Steel's Black River Falls, Wisconsin operation, good vegetation success was achieved on 2:1 slopes with 40 foot lifts. However, the exhibit clearly states that the slopes observed were 2.5:1.

The hearing examiner also utilized Exhibits 68 and 69, which consist of tables listing potential uses for a wide range of various slopes, to show the viability of 2:1 slopes. For parks, open spaces, and woodlands, which will be the most likely uses following mining, the range in acceptable slopes is from 2-50% (50:1-2:1). While 2:1 is included, it is certainly the most extreme slope listed, and if used exclusively, would not provide uses of the quality envisioned by those who prepared the tables.

Finally, the hearing examiner utilized the Universal Soil Loss Equation (U.S.L.E.) to show that acceptable results could be derived for 2:1 slopes. However, some of the assumptions which led to the selection of the variables used in his calculation of the equation appear to be invalid. The C factor of .003 which was used, represents permanent grass pastureland which has not been mechanically disturbed for an extensive period. A C factor of .01 corresponds more closely to the drastically disturbed nature of the completed stockpile or pitwall areas. The hearing examiner apparently confused the lift height with the length of the slope when calculating an L.S. factor of 11: the correct value should be 17. As noted below, the department utilized a high value for the K factor, which led to an overly conservative sloping requirement. A better value is the .33 suggested by the hearing examiner. The department staff confused the situation by giving two different R factors in Exhibit No. 67 and in its final comments. The value of 96 was calculated from maps which show various R values for any location in the U. S., while the value of 108 was derived from a map developed specifically for Minnesota. By using the values C=.01, LS=17, K=.33, and R of 108, the calculated soil loss is 6.0, when R value of 96 is used, the soil loss is 5.4. Both these values for the 2:1 sloping condition, are in excess of the recommended 5 ton per acre per year maximum allowable loss, and would therefore be unacceptable.

The sloping requirements proposed by the staff are found to be too conservative. The staff's use of the Universal Soil Loss Equation (U.S.L.E.) incorporated a "K value" (relating to soil characteristics)

which corresponds to a highly erodable soil. Although such soils are found in the vicinity of the Iron Range, it is not indicative of the typical soils located there. In cases where such soils are encountered the rill and gully standard of 6 MCAR § 1.0402 E.2.d. (1) and the standards of 6 MCAR § 1.0402 D.2.f. relating to highly erodable soils will be sufficient.

2) The 40 foot lift height for surface overburden, recommended by the hearing examiner in Finding No. 8, is found to be acceptable when applied to stockpiles but not necessarily when used on pitwalls. Because of the extreme variability in overburden thickness, the variations in need to protect public safety, and variations in the degree to which pitwall slopes may be utilized following mining, the specific conditions at each pit should be considered when requiring specific lift heights. It is therefore reasonable and necessary to amend 6 MCAR § 1.0402 D.2.i. (1) (b) of the rules to allow pitwall lift height to be selected within a range of 40-60 feet, based on circumstances specific to each pit.

3) The recommendation of the hearing examiner, which would require stricter sloping standards for surface overburden pitwalls and stockpiles, located near roads and residential or public use areas, is rejected. There would have been a clear need for such a standard had the 2:1 sloping requirement, recommended by the hearing examiner, proven to be acceptable. However, with the more moderate 2.5:1 slopes, which I am requiring, the slopes' appearance potential utility, and vegetation success rates are expected to provide needed compatability with adjacent uses. In addition, other requirements such as setback limitations and the use of buffers and barriers will help reduce incompatability problems still further.

4) In his findings, the hearing examiner questions whether past experimentation would qualify as acceptable research, and recommends that standards for such research be developed. I find that no change in the proposed language is necessary. As noted by the hearing examiner, the only requirement on the research is that it be site related. Therefore, any research related to the site, even that conducted in the past, could qualify. The standards for research success included in the rules consist of utilizing the specific standards, found in the rules, as a comparison, and a demonstration that the goals of the appropriate section will be achieved. Any attempt to establish standards which would direct or control the type and degree of proposed research would only hamper the flexibility which is essential for the design of such programs. Further, because such requests for research approval will be part of the permitting process, which includes public notice and the opportunity for public involvement, it is unlikely that abuses in discretion will result.

5) The amendment made by the department in its final comments, which extends these rules to include facilities owned and operated by common carriers and public utilities would, as noted by the hearing examiner, affect a class of persons not represented at the hearings. If this section is retained each common carrier and public utility serving a mining operations would be required to obtain a permit to mine, since this is the only procedural means of ensuring that such companies would comply with the requirements of the rules. Although the law does not specifically delineate who has to obtain a permit, there is no implication that the requirement includes persons supplying services to a mining operation.

Instead the implication is that only firms, partnerships, corporations, or other groups which conduct mining operations, or control companies which conduct mining operations, need permits.

The question of discrimination raised by those mining operators which own docks, railroads, and power plants assumes that their facilities are comparable with those of common carriers and public utilities. However, differences exist which would logically allow them to be treated differently. For example, common carriers and public utilities service a wide variety of customers utilizing a common network of facilities, augmented by a limited amount of equipment specifically designed for each customer. If one of its customers were to cease operations only a limited amount of its entire system would be affected and require reclamation. However, when the mining companies which own their railroads, docks, and power plants cease operations the complete system would be affected, requiring either total dismantling or providing for a subsequent use and maintenance. Because of the extreme disparity between what common carriers and public utilities on the one hand, and mining operations on the other, would have to reclaim, the claim of discrimination seems questionable. It is found that inclusion of common carriers and public utilities in these rules is not needed or reasonable, nor has statutory authority.

It is apparent on this record that much confusion exists, involving which requirements of the rules would apply to privately owned railroads, docks and power plants. As stated in the testimony (R 535) the department is mainly interested in the abandonment of these facilities and not in the day to day operation

of them. It is found that amendments to the rules are necessary to clarify this position and are included in 6 MCAR § 1.0401 C.5.b. (3) and 6 MCAR § 1.0402 I.2.d. (2).

6) "Persons engaged in metallic mining" is the term used in the law to describe who must obtain a permit to mine. Because it is essential that permittees have management responsibilities and possess an economic viability which will ensure that reclamation requirements will be met, and further since the corporate structures of such persons are as numerous as the number of mining operations that exist in Minnesota, it is difficult to describe them in anything but the general term found in the law. While the law does not specifically delineate who has to obtain a permit, the implication is that it is required only of firms, partnerships, corporations, and other groups which conduct mining operations or control companies which conduct mining operations. There is no implication in the law that employees or persons from whom lands or minerals are leased, need permits. Persons representing mineral trusts were the only ones to question this portion of the rule, and as stated by both the hearing examiner and the department (R553) that class of person was not considered to be included by the law or the rules. The recommendation that the word "operator" be used would not clarify this since that term is defined to include mineral owners. Likewise the unqualified exemption of mineral owners would be unacceptable since some mineral owners also conduct mining operations. It is found that the term used in the law and the rules is reasonable and necessary.

7) It is apparent on the record that several mining operators feel that limitations of land disturbance contained in the definition of "scram mining operation" are too small. The purpose of developing this definition and associated rules was to limit the amount of environmental background information which would be required when a relatively small area of land was proposed for mining by a natural iron ore operator. Although no specific number was advanced by the industry, the department staff believes that a doubling of the affected acreage, to 80 acres, would meet the concerns of the mining industry while protecting the environment. Further, because the area of disturbance is not the total measure of potential environmental impacts, and because mining operations cannot be designed to disturb exactly 80 acres, some flexibility in the rule is desirable, as long as similar impacts are expected. It is found that amendments corresponding with these findings are reasonable and necessary.

8) It is reasonable and necessary to amend 6 MCAR § 1.0404 E.1.b. by including the alternative that measures be taken which ensure that the conditions which provided grounds for the commissioner's actions do not reoccur. This is especially necessary with regard to conditions which cannot physically be corrected, such as exceeding the noise limitations while blasting.

9) Upon review of the record it is clear that much confusion existed involving the development of landforms with regard to hydrology and design precipitation events. The wording "capable of handling", in the proposed rules, seems to mean that all water must be

confined within the drainage structure. This may not always be necessary, since it is often possible for a drainage control structure to be overtopped without seriously affecting its integrity. In addition, several mining companies have engineers who are familiar with hydrology and the design of water control structures, but who are not hydrologists. As long as such individuals use acceptable hydraulic and hydrologic practices, their efforts should be as acceptable as those of a hydrologist. Therefore, amendments regarding these issues should be incorporated.

10) The modifications in 6 MCAR § 1.0403 B.3.i. and 6 MCAR § 1.0405 B., relating to severed mineral owners, made in the department's final comments, do not totally correspond with the language of M.S. 93.52-93.55. Amendments to the language of the rules are necessary to correspond with the law.

11) The department's final comments stated that an amendment of 6 MCAR § 1.0404 G.2. should be made, to allow the transfer of reclamation responsibilities from a permittee to an operator who may subsequently take over the operation. Rather than amend this section however, a new section exclusively addressing assignments shall be incorporated.

Dated: May 27, 1980.

JOSEPH N. ALEXANDER
Commissioner

PITTSBURGH PACIFIC COMPANY

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RECEIVED
JUL 7 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

July 3, 1980

Mr. Mike Miles, Asst. Attorney General
Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: Mineland Reclamation

We were informed by a letter dated June 27, 1980, written by Paul Pojar of the DNR, that the final draft of the Mineland Reclamation Rules have been submitted to the Attorney General for his determination concerning form and legality. Pojar's letter also stated that we should write to you within 10 days if we take issue with any part of the final rule.

We do take issue.

According to the law, section 93.47, Subd. 2, we find:

> Subd. 2. In determining the extent and type of regulation required, the commissioner shall give due consideration to the effects of mining upon the following: (a) environment; (b) the future utilization of the land upon completion of mining; and (c) the wise utilization and protection of the natural resources including but not limited to the control of erosion, the prevention of land or rock slides, and air and water pollution. The commissioner also shall give due consideration to (a) the future and economic effect of such regulations upon the mine operators and landowners, the surrounding communities, and the state of Minnesota; (b) the effect upon employment in the state; (c) the effect upon the future mining and development of metallic minerals owned by the state of Minnesota and others, and the revenues received therefrom; and (d) the practical problems of the mine operators and mineral owners including, but not limited to, slope gradients as achieved by good mining or soil stabilization practices.

Note: underlining added.

We contend that the Commissioner has not given due consideration to those items which are underlined.

At the Hearing, an economic study prepared by Ronald M. Hays and Associates was submitted to demonstrate the so-called minimal cost effect of the rules upon mining.

We asked Ronald Hays during a recess if his report covered the cost effect of the rules on natural ore mining. He told us that his assignment was to study the economic effect upon taconite mining and that it did not consider natural ore mining.

I asked Bill Brice of the DNR during the Hearing if the Hays study reported the economic effect of the proposed rules on natural ore mining. His response was in the negative.

In our testimony during the Hearing on October 10, 11, and 12, 1979, we stated that we do not believe the factors to be considered, as provided by the law, were in fact considered by the DNR.

In our written statement submitted on November 16, 1979, we cited two examples of the negative economic effect of the proposed rules on two mineral properties we control. A combination of bank slope requirements and set-back requirements make some 125,000 tons of ore near Virginia, MN, unmineable, ore upon which taxes have been paid for many years. At our mine near Aurora, bank slope requirements would convert a barely profitable mining operation into a loss operation.

In discussions in May 1980 with the DNR staff relating to the economic effects on the natural ore operator, his employees, the communities, the land owners, and the State, we heard a number of statements. The DNR now has the tools to assess the economic effect. One of the problems has been that the DNR had no way of knowing what the costs of the natural ore operator are.

It is very clear to us that the DNR did not consider the factors contained in the law when the rules were developed.

We have suggested to the DNR that the rules as drafted, which were very obviously developed to apply to the taconite mining industry with a very few almost afterthought references and provisions for scram miners, be applied only to taconite mining and that separate rules be developed for the natural ore mining industry.

We make the same suggestions to the Attorney General contending that the Commissioner has not complied with the statute by not taking into consideration specific items that will be affected by the rules.

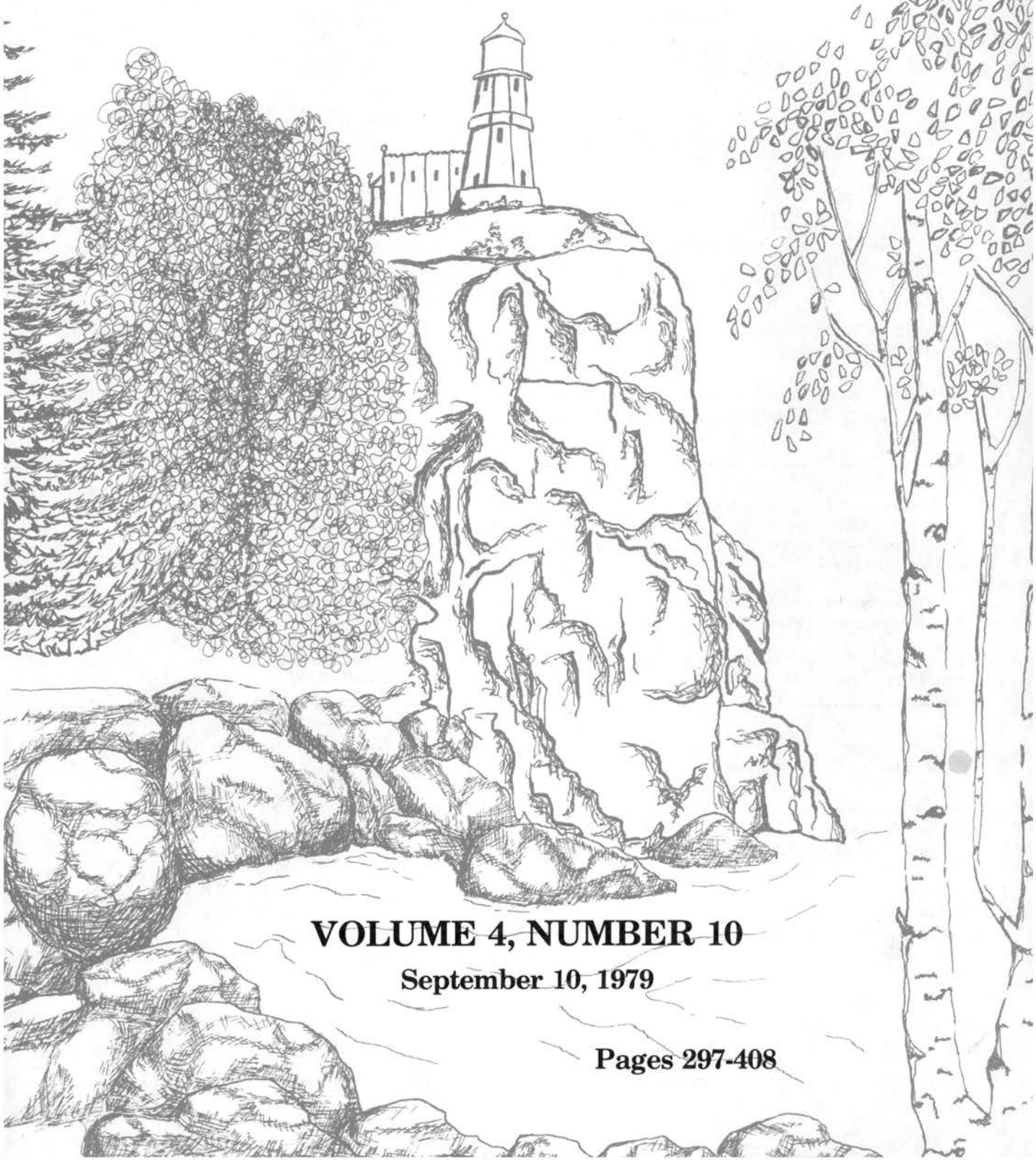
PITTSBURGH PACIFIC COMPANY

John D. Boentje, Jr.

JDB/sac

STATE REGISTER

STATE OF MINNESOTA



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STATE REGISTER

Volume 4 Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
	SCHEDULE FOR VOLUME 4		
11	Tuesday Sept 4	Monday Sept 10	Monday Sept 17
12	Monday Sept 10	Monday Sept 17	Monday Sept 24
13	Monday Sept 17	Monday Sept 24	Monday Oct 1
14	Monday Sept 24	Monday Oct 1	Monday Oct 8

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calenc days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergen situations.

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12 MCAR §§ 3.002, 3.034, 3.062, 3.065-3.066 (adopted) .....

12 MCAR §§ 3.150-3.157 (temporary) .....



COLONEL JOSIAH SNELLING, the red-haired, energetic commander who replaced Colonel Leavenworth in 1820, successfully completed the difficult task of building the military post that bears his name. He served as its commander for seven years. This oil was probably painted about 1825. (Courtesy of Minnesota Historical Society)

he adoption of a rule becomes effective after the requirements of in. Stat. § 15.0412, subd. 4, have been met and five working days r the rule is published in the *State Register*, unless a later date is uired by statutes or specified in the rule.

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

f an adopted rule differs from its proposed form, language which has been deleted will be printed with strike-outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

ousing Finance Agency

dopted Rules Covering Income Limits, Residential Preference for Multi-Unit Developments and Home Improvement Grants for Mobile Homes

The rules proposed and published at *State Register*, lume 3, Number 40, pp. 1873-1876, April 9, 1979 (3 S.R. 73) are adopted with the following amendments:

ules as Adopted

MCAR § 3.002 O. "Persons and families of low and derate income" means:

. with respect to Limited-Unit Mortgage Loans pursuant Chapter Four of these Rules, Development Cost Loans rsuant to Chapter Three of these Rules, Planning Grants rsuant to Chapter Five of these Rules, and American Indian using Loans pursuant to Chapter Eight of these Rules, ich loans and grants are intended for a Limited-Unit Develment, or a dwelling unit in a planned unit development or a ndominium, those persons and families whose Adjusted come does not exceed $19,000 in the metropolitan area as fined in Minn. Stat. § 473.121, subd. 2 and $17,500 in the mainder of the state or such lower amount as shall be quired to assure that the interest on obligations of the ency will be exempt from federal income taxation; and

Livestock Sanitary Board

Adopted Rules for Control of Pseudorabies and Certifying Mink Herds Aleutian Disease Free and Repeal of Five Rules

The five rules proposed for repeal which were published at *State Register*, Volume 3, Number 43, pp. 1978-1984 (3 S.R. 1974) are now repealed.

The rules proposed for adoption and published at *State Register*, Volume 3, Number 43, pp. 1974-1978 (3 S.R. 1974) are adopted with the following amendments:

3 MCAR § 2.024 Control of pseudorabies.

B.3. All swine tested shall be individually identified by eartag, tattoo, registration number or other identification ~~acceptable to the Board~~ which makes individual swine readily identifiable and the identification entered on the test chart.

C.5. Feeder swine on the premises of the Qualified Pseudorabies Negative Herd must be farrowed on the premises or have a negative official pseudorabies test within 30 days prior to entry to the premises ~~or be kept separate from the Qualified Pseudorabies Negative Herd.~~

3 MCAR § 2.025 Aleutian disease free herd of mink.

A.1. Official test — counterelectrophoresis (CEP) plate test conducted in a ~~state~~ laboratory recognized by the Board on samples submitted by an authorized testing agent ~~or other test approved by the Board.~~

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PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, fede law or court order to adopt, suspend or repeal a rule does not allow ti for the usual rulemaking process, temporary rules may be propos Proposed temporary rules are published in the *State Register*, and fo least 20 days thereafter, interested persons may submit data and vi in writing to the proposing agency.

Public Hearings on Agency Rules September 17-21, 1979

Date	Agency & Rule Matter	Time & Place
Sept. 20	Dept. of Public Welfare Administration of Specified Therapies to State Hospital Patients Hearing Examiner: Steven Mihalchick	9:00 a.m., MN Veterans Home, Building 15, Auditorium Chapel, East 51st St. at Minnehaha, Minneapolis, MN
Sept. 21	Dept. of Public Welfare Dept. of Public Safety Dept. of Health Merit System Rules Hearing Examiner: Harry Seymour Crump	9:30 a.m., Rm. 116, Administration Bldg., 50 Sherburne Avenue, St. Paul, MN

Department of Natural Resources Minerals Division

Proposed Rules Relating to Mineland Reclamation

Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4, in Room 135, Mesabi Community College, Virginia, Minnesota on October 10, 1979 commencing at 9:00 a.m.

All interested or affected persons will have an opportunity to participate concerning the proposed rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Howard L. Kaibel, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 206-8107, either before the hearing or within five (5) days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days; any extension beyond the 5 working days will be announced at the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at leas three (3) copies be furnished. In addition, it is suggested, save time and avoid duplication, that those persons, organi tions, or associations having a common viewpoint or inter in these proceedings join together where possible and pres a single statement in behalf of such interests. The conduc the hearing shall be governed by the rules of the Office Hearing Examiners, 9 MCAR §§ 2.101-2.112. Copies of th rules may be obtained, for a fee, from the Documents Secti Minnesota Department of Administration, 140 Centennial fice Building, St. Paul, 55155, telephone (612) 296-2874.

If adopted, the rules proposed by the Commissione Natural Resources will establish standards which direct control mining and reclamation activities of natural iron and taconite mining operations in Minnesota. The major r lamation standards included in the proposed rules relate siting criteria, in-mine disposal, buffer and barrier requ ments, sloping and landform design, vegetation, air polluti blasting, subsidence or other surface displacement, deactivation. The proposed rules will also contain specif tions regarding: permit application submittals, prescri periodic reports and plans, and the publication of noti Procedures for processing: permits, amendments, cance tions, releases, suspensions, variances, revocations, mo cations, performance bonds and assessing penalties, as as administrative standards, to be used by the Commissio are detailed. The authority of the Commissioner to pre such rules is contained in Minn. Stat. §§ 93.44-93.51.

Copies of the proposed rules are now available and at l one free copy may be obtained by writing to the Minne Department of Natural Resources, Division of Minerals, 45, Centennial Building, St. Paul, Minnesota 55155. A tional copies will be available at the door on the date of hearing.

Notice is hereby given that 25 days prior to the hearir statement of need and reasonableness will be available review at the Minnesota Department of Natural Resou and at the Office of Hearing Examiners at a minimal cha

Any person may request notification of the date on w the hearing examiner's report will be available, after w date the Commissioner may not take any final action or rules for a period of five (5) working days. Any person request notification of the date on which the hearing re has been submitted to the Attorney General by the agenc you desire to be so notified, you may so indicate at hearing. After the hearing, you may request notificatio sending a written request to the hearing examiner, in the

the agency's submission or resubmission to the Attorney eneral.

In addition, please be advised that Minn. Stat. ch. 10A quires each lobbyist to register with the State Ethical Prac- ces Board within five (5) days after he commences lobbying. lobbyist is defined in Minnesota Laws of 1978, ch. 463, § 11 any individual:

(a) Engaged for pay or other consideration, or authorized another individual or association to spend money, who ends more than five hours in any month or more than $250, ot including *his own* travel expenses and membership dues, any year, for the purpose of attempting to influence legisla- e or administrative action by communicating or urging hers to communicate with public officials; or

(b) Who spends more than $250, not including *his own* aveling expenses and membership dues, in any year for the rpose of attempting to influence legislative or administra- e action by communicating or urging others to communi- te with public officials.

The statute provides certain exceptions. Questions should directed to the Ethical Practices Board, 41 State Office ilding, Saint Paul, Minnesota 55155, telephone (612) 6-5615.

ptember 10, 1979

Joseph N. Alexander
Commissioner of Natural Resources

ules As Proposed

MCAR § 1.0401 General provisions.

A. Purpose and policy.

1. The purpose of these rules is to implement Minn. at. §§ 93.44-93.51 thereby ensuring progressive, reclama- n of metallic minelands in order to:

a. Protect the public health, safety and welfare;

b. Control possible adverse environmental effects mining;

c. Protect, preserve and use natural resources sely by:

(1) Encouraging multiple resource man- ement;

(2) Controlling erosion, land slides, and air and ter pollution;

(3) Creating land forms water patterns and veg- tive communities which complement and harmonize with surrounding environment; and

(4) Identifying and prohibiting mining in areas not reclaimable with existing technology and fostering the development of improved technology through research.

d. Encourage the planning of future land use by:

(1) Recognizing the potential value of land for mineral resource development;

(2) Minimizing the amount of land used for mining purposes; and

(3) Requiring conversion of minelands to an acceptable subsequent use upon completion of mining.

2. These rules give consideration to:

a. The orderly development of mining;

b. Good mining practices;

c. The beneficial economic and employment impacts of mining;

d. Practical problems of mine operators and mineral owners;

e. Meeting or exceeding minimum mineland reclamation requirements which may be established pursuant to a federal mineland reclamation act, to the extent possible within the authority of the commissioner; and

f. Conforming with state or local land use planning programs.

B. Definitions.

1. "Acceptable research" means research that is approved by the commissioner, is site related and includes the standard described in the rules as a control.

2. "Auxiliary facilities" means all permittee-owned stationary physical property used in a mining operation, including: power plants and associated facilities; transmission lines; pipelines; roads; railroads; docks and associated facilities; borrow areas and leased borrow areas and associated facilities; blasting agent and fuel production or preparation facilities; and shops, offices, buildings, structures, and storage facilities located within the area where mining is conducted. This does not include common carrier transportation facilities.

3. "Beneficiating plants" means all metallic mineral processing plants, such as crushers, mills, concentrators, agglomerating and sintering facilities, smelters, refineries and other metal-making facilities.

4. "Commissioner" means the Commissioner of Natural Resources, or any duly authorized representative.

5. "Completion" or "completed" means the conclusion of construction or development of a surface, structure, facility or element of a mining operation. It occurs when, according to the mining permit, a surface, structure, facility

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or element is no longer scheduled to be disturbed or used in a manner that would interfere with the establishment and maintenance of vegetation or other reclamation or deactivation measures required by these rules.

6. "Deactivation" means the process of finally terminating and reclaiming any specific portion of a mining operation. Deactivation begins when all mining activities and uses have ceased and there will be no renewed use or activity by the permittee.

7. "Good mining practice" means activities which use the best available technology and which are consistent with these rules.

8. "Hereafter" means after the effective date of these rules.

9. "Lands previously affected by mining" means lands from which material has been removed in connection with the production or extraction of metallic minerals and lands upon which mine waste has been deposited.

10. "Mine waste" means any material, such as surface overburden, rock, lean ore, or tailings which in the process of mining and beneficiation has been removed from the earth and stored elsewhere on the surface.

11. "Mining" means the process of removing, stockpiling, processing, storing, transporting (excluding use of common carriers and public transportation systems) and reclaiming any material in connection with the commercial production of metallic minerals. This includes exploration activities such as the taking of large bulk samples.

12. "Mining area" or "area subjected to mining" means any area of land from which material is hereafter removed in connection with the production or extraction of metallic minerals; the lands upon which material from such mining is hereafter deposited, the lands upon which beneficiation plants and auxiliary facilities are hereafter located; lands upon which the water reservoirs used in the mining process are hereafter located; and auxiliary lands which are hereafter used or intended to be used in a particular mining operation.

13. "Mining operation" means a unified mining project without regard to political, administrative or ownership boundaries, which includes all of the facilities used in "mining" as defined in 6 MCAR § 1.0401 B.11.

14. "Natural resources" means all mineral, animal, plant, air, water, land, timber, soil, quietude, recreational, historical, scenic, and aesthetic resources.

15. "Operator" means any owner or lessee of mineral rights engaged in or preparing to engage in a mining operation.

16. "Permit to mine" means legal approval given by the commissioner to conduct a mining operation or a scram mining operation.

17. "Reclamation" means the successful accomplishment of the goals in 6 MCAR § 1.0402.

18. "Reference area" means a vegetated land unit which is designated for comparatively measuring reclamatio vegetation success. The vegetation on a reference area ma be either planted or naturally occurring. For the purpose c controlling erosion, it shall be self-sustaining, regenerating or a stage in a recognized vegetation succession which pr vides wildlife habitat or other uses such as pasture or timbe land. Reference areas must be representative of the sit conditions and possible uses which might exist on minir landforms.

19. "Scram mining operation" means a mining oper tion which produces natural iron ore or natural iron ore co centrates as defined by Minn. Stat. § 93.20, subds. 12-17, fro previously developed stockpiles, tailings basins, unde ground mine workings or open pits, which involves no mo than 40 acres of land not previously affected by mining.

20. "Stockpile" means an accumulation of mine wast It does not include tailings basins, fossil fuel, finished pro uct, or surge piles.

C. Scope and application.

1. Any person engaged in metallic mining shall app for a mining permit or a scram mining permit within 180 da of the effective date of these rules.

2. Any person hereafter intending to conduct a ne mining operation or reactivate an inactive mining operati shall obtain a mining permit or a scram mining permit prior commencing operations.

3. The term of a mining permit shall be the peri determined necessary by the commissioner for the comp tion of the proposed mining operation, based on informati provided pursuant to 6 MCAR § 1.0403 B.

4 The term of a scram mining permit shall not exce five years.

5. These rules apply to metallic mining operatio from which iron is the predominant metal extracted:

a. All portions of any mining operation initiat hereafter, including both new operations and reactivated active operations; and

b. the following portions of existing mining ope tions:

(1) Any portion of such operation which here ter created or used, provided that the siting requirements sh not apply to that portion already constructed;

(2) All of any existing tailings basin, settl pond or water reservoir (including dams, dikes, deltas, bea es, seepage control structures and water control devic where any portion thereof is hereafter used for the deposit of tailings or sediment or for water storage; provided that siting requirements shall not apply; and

(3) Any portion of such operation which adversely affect reclamation conducted hereafter; provi that such portion shall be reclaimed, removed, restored modified to the extent necessary to prevent such adve effects.

6. When part of any mining area is included in the ining and reclamation plans of two or more persons who are ıt co-permittees, that portion of the reclamation require- ents which is the responsibility of the person who first rforms the mining may be waived by the commissioner ovided:

a. Subsequent disturbance by another operator is heduled to occur within 15 years following completion by e first operator;

b. The operator who will perform subsequent min- g presents plans, and accepts responsibility for the perfor- ance of any necessary reclamation which may be incurred a result of the previous mining operation; and

c. No significant environmental damage is likely to cur as a result of the waiver.

7. Nothing in these rules waives the requirements of y other applicable rules of the Department of Natural Re- ırces or any other agency or governmental unit or of any ıer applicable statute or ordinance.

8. Where these rules conflict with other applicable tutes, rules and ordinances, the most restrictive provision ıll apply.

D. Severability. If any provision of these rules is held alid, such invalidity shall not affect any other provision of rules which can be given effect without the invalid provi- n, and to this end the provisions of these rules are declared be severable.

MCAR § 1.0402 Taconite and iron ore reclamation ndards.

A. Siting.

1. Goals. Mining shall be conducted on sites that mini- ze adverse impacts on the environment and the public. parations shall be maintained between mining areas and acent conflicting land uses. All sites shall incorporate set- ks or separations which regulations; and requirements of er appropriate authorities.

2. Requirements.

a. General criteria for site selections. Portions of a ıing operation for which there is flexibility in site selections h as: stockpiles, tailings basins, water reservoirs, process- plants, offices, inter-connecting roadways and auxiliary lities, shall be sited so that:

(1) Impacts on the public due to wind erosion, se and air emissions are minimized.

(2) Potential injury to life, property, and natural ources due to dam or slope failure is minimized;

(3) Major modifications of watersheds, includ- ing diversions of surface water and alterations of groundwater levels are minimized;

(4) Runoff and seepage can be managed to mini- mize environmental effects;

(5) Spilled material resulting from pipeline rup- ture or emergency release can be contained and controlled;

(6) Former mining areas are used in preference to areas undisturbed by mining; and

(7) Conflicts with natural resource sites identi- fied by the commissioner such as those listed in V 21 Natural Resource Sites, "Minesite Data Manual," Minnesota De- partment of Natural Resources are minimized.

b. Exclusion areas for mining. No mining shall be conducted within any of the following areas unless the com- missioner determines that a state or national emergency exists which would require the exploitation of the mineral resources within such areas:

(1) On and within ¼ mile of the Boundary Wa- ters Canoe Area, state or National Wilderness areas, state or National parks and National monuments, except where such areas are established as a result of their association with mining.

(2) Within a National, Wild, Scenic, or Recre- ational River District or within ¼ mile of a National Wild, Scenic, or Recreational River (whichever is greater); and within a designated state Land Use District or within ¼ mile of any state Wild, Scenic, or Recreational River (whichever is greater) however, underground mining may be permitted to the extent consistent with the governing Wild and Scenic Rivers Act and the rules promulgated thereunder.

(3) On sites designated in the state Registry of Historic Sites or National Register of Historic places, except where such areas are established as a result of their associa- tion with mining, and on designated State Scientific or Natu- ral Areas.

(4) Within 300 feet of any state designated trout stream, any river listed in Minn. Stat. § 85.32, subd. 1. and the Redwood, Yellow Medicine, Chippewa, Bois de Sioux, Red River of the North, Roseau, Rainy, Vermillion, Kawishiwi, and Pigeon rivers.

(5) Within 400 feet of any natural watercourse located within the area defined by the Federal Shipsted- Newton-Nolan Act (16 U.S.C. Sections 577-577b).

(6) Within any lake greater than 80 acres in size (Minn. Stat. § 93.13) and any stream trout lake designated by the commissioner.

(7) Within that area adjacent to the North Shore of Lake Superior classifed as the "Lake Orientation Zone" in

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the DNR report "North Shore Characterization Study." However, within this zone the storage of product and fuel, docks and associated facilities shall be permitted at Duluth, Two Harbors, Silver Bay, and Taconite Harbor. The removal of ore by underground mining within this zone may be permitted subject to conditions prescribed by the commissioner.

(8) Within the following setback areas containing dwellings, buildings, roads or facilities which are in existence prior to the issuance of a permit to mine:

(a) 500 feet of any occupied dwelling, public school, church, public institution, county or municipal park or cemetery unless allowed by the owner and

(b) 100 feet of the outside right-of-way line of any public roadway, except where mine access or haul roads join such right-of-way line.

(9) Within any area added to the categories listed in 6 MCAR § 1.0402 A.2.b. which is designated hereafter but prior to the issuance of a permit to mine involving such areas.

c. Avoidance areas for mining. When there is a feasible and prudent alternative, no mining shall be conducted within the following areas: (Minn Stat. § 116. D. 04, subd. 6.)

(1) Within any National Wildlife Refuge or Waterfowl Production area, State Wildlife Management area or on lands designated as National Natural Landmarks or National Trails or any state designated trail listed in Minn. Stat. § 85.015.

(2) Within any shorelands defined in Minn. Stat. § 105.485, subd. 2 for which County or Municipal shoreland management ordinances have been established in compliance with Minn. Stat. § 105.485, Cons. 70-77, and NR 82-84.

(3) Within that area near the North Shore of Lake Superior classified as the "Transition Zone" in the DNR report "North Shore Characterization Study."

(4) Within any area added to the categories listed in 6 MCAR § 1.0402 A.2.c. which is designated hereafter but prior to the issuance of a permit to mine involving such area.

B. In-mine disposal.

1. Goals. Mining shall be conducted to maximize use of past, present, and future mining areas so as to minimize the amount of land disturbed by mining and reduce the loss of non-mineral resources.

2. Requirements.

a. The commissioner may require in-mine disposal of mine waste.

b. Mining methods and schedules shall be used which provide mined out areas for waste disposal at the earliest opportunity.

c. The commissioner will consider factors such as the following to determine the extent to which in-mine disposal shall be required.

(1) The ease of reclamation;

(2) Pollution potential;

(3) Public safety and welfare;

(4) Natural resource preservation; and

(5) Land use demands.

d. Mine waste which is placed within an open p mine below the ultimate pit water elevation shall be exempte from the requirements of 6 MCAR § 1.0402 D and E. Thes shall be designed and constructed to prevent adverse enviro mental effects.

C. Buffers and barriers.

1. Goals. A mining operation shall be designed, co structed, and maintained so that the operation is compatib with surrounding non-mining uses.

2. Requirements.

a. Naturally existing terrain and vegetation, or ve etated mine waste which appear similar to natural terrain sh be used to minimize problems such as: noise, dust and chem cal air pollutants, view, mine traffic, access, and erosion.

b. Buffering shall be implemented prior to begi ning operations in a portion of a mining area that nee buffering.

c. Buffers may be constructed within setback a eas provided:

(1) their primary purpose fulfills 6 MCAR 1.0402 C.2.a.; and

(2) the applicant produces written consent fro affected adjacent landowners for such construction.

D. Sloping and landform design.

1. Goals. Landforms shall be designed and co structed to complement nearby natural terrain, minimize w ter quality and quantity effects on receiving waters, enhan the survival and propagation of vegetation, be structura sound, control erosion, promote early completion and pro ressive reclamation, and encourage the prompt conversi from mining to an approved subsequent use.

2. Requirements.

a. All stockpiles shall be designed and construct according to the following standards:

(1) Existing stockpiles shall be incorporat extended or improved to the extent possible;

(2) Water shall be drained away from the top any stockpile in a manner which will not adversely affect t structural stability of the stockpile and will minimize erosio

(3) All runoff and drainage control measu shall be capable of handling a 100 year frequency, 24 h duration storm;

(4) If applicable water quality standards for discharge are not met all runoff from stockpiles shall be collected d held in a settling basin until it meets such standards.

(5) Runoff or drainage controls shall be de-gned by a qualified person proficient in hydrologic analysis d water channel design;

(6) When stockpiles consist of materials which ay become a water quality problem due to leaching, the mmissioner may requie measures such as the following:

(a) The design of a monitoring system and monitoring of water quality;

(b) The construction of an impermeable se pad to isolate the stockpile from the groundwater;

(c) The construction of a permeable base d containing soil material capable of absorbing and holding toxic materials in the leachates;

(d) The diversion of surface waters around d away from the stockpile;

(e) Covering of stockpiles to minimize the iltration of precipitation;

(f) The use of internal layers of soil or other terial to hold the toxic materials in the leachate;

(g) The use of material which controls pH of leachate and

(h) The collection and treatment of chate.

b. Mining areas shall be managed so that water-d modifications are minimized. Runoff from these areas ll be discharged without injury to life, property and natural ources. Upon deactivation, any runoff from drainage areas red by mining shall be discharged into receiving waters hin the same watershed as existed before mining. When ditions do not allow discharge into the pre-mining water-d, runoff shall be discharged at locations, and in volumes rates which can be accepted by the receiving waters.

c. Mine waste shall not be deposited on areas with table foundations such as peat, muskeg, bedded lacustrian osits, fault zones, and areas above underground mine kings, unless such areas cannot be reasonably avoided. In h cases the foundations shall be examined, and the land-n designed by a qualified engineer subject to approval by commissioner.

d. Rock, lean ore, and coarse tailings stockpiles, ss they are an integral part of a tailings impoundment, ll be designed and constructed according to either of the owing standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) No lift shall exceed 30 feet in height;

(b) No bench width shall be less than 30 feet wide, measured from the crest of the lower lift to the toe of the next lift;

(c) The sloped area between benches shall be no steeper than the angle of repose; and

(d) Benches shall be designed and constructed to control runoff.

(2) Based upon acceptable research the commissioner may approve other standards which satisfy 6 MCAR § 1.0402 D.1.

e. A minimum of 2 feet of soil shall be placed upon the completed portions of each bench and top of any rock, lean ore, or coarse tailing stockpile and upon other portions of such stockpiles for which vegetation has been required or approved.

f. Rock, lean ore, or coarse tailings stockpiles consisting of rapidly decomposable material which is susceptible to wind or water erosion or highly erodable soils shall receive treatment such as:

(1) Covering with less erodable material;

(2) Shortening or flattening the slopes; and

(3) Vegetating the slopes.

g. Surface overburden stockpiles shall be designed and constructed according to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) No lift shall exceed 30 feet in height;

(b) No bench width shall be less than 30 feet wide, measured from the crest of the lower lift to the toe of the next lift;

(c) The sloped area between benches shall be no steeper than 3:1;

(d) Benches shall be sloped toward the interior to control runoff. They shall be large enough to handle runoff water until it can be infiltrated into the stockpile, or a drainage control system shall be constructed to remove water consistent with 6 MCAR § 1.0402 D.2.a. (2) and (3);

(2) Based upon acceptable research, the commissioner may approve other standards which satisfy 6 MCAR § 1.0402 D.1.

h. Mineralized materials of varying grades and types shall be segregated within the same stockpile or placed

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in separate stockpiles. Materials which require different means of beneficiation shall not be commingled.

i. Surface overburden portions of pitwalls shall be designed and constructed to either of the following standards:

(1) The final exterior slopes shall consist of benches and lifts as follows:

(a) The toe of the surface overburden portion shall be set back at least 20 feet from the crest of the rock portion of the pitwall;

(b) No lift shall exceed 30 feet in height;

(c) The sloped area between benches shall be no steeper than 3:1; and

(d) Benches shall be sloped into the overburden to control runoff. They shall be large enough to handle runoff water until it can infiltrate into the slope, or a drainage control system shall be constructed to remove water consistent with 6 MCAR § 1.0402 D.2.a (2) and (3);

(2) Based upon acceptable research, the commissioner may approve other standards which satisfy 6 MCAR § 1.0402 D.1.

j. Tailings basins shall be designed, constructed, and operated according to the following:

(1) The storage of tailings within an approved site shall be maximized while meeting 6 MCAR § 1.0402 D.1.;

(2) A means of draining the pond area and managing runoff shall be provided consistent with 6 MCAR § 1.042 D.2.b.;

(3) During the mining operation dust generation shall be minimized by maximizing the area of permanently reclaimed tailings. The remaining active tailings areas shall be covered with water to the maximum extent possible and beach areas shall be temporarily stabilized consistent with 6 MCAR § 1.0402 F.;

(4) Maximize topographic relief within the reclaimed basin; and

(5) They shall be designed, constructed, operated, and maintained by registered professional engineers proficient in geotechnical and other aspects of design, construction, operation, and maintenance of tailings basins.

E. Vegetation.

1. Goals. Vegetation shall be established to control erosion, prevent and control leaching of toxic substances, screen mining areas from non-compatible uses and provide wildlife habitat or other uses such as pasture or timber land.

2. Requirements.

a. Vegetation shall be established on the following:

(1) Surface overburden stockpiles;

(2) Exposed soils along diversion channels and roads;

(3) Cuts, pits, trenches, and other areas di turbed during the process of obtaining borrow materials bulk samples, except those entirely included in larger mini landforms;

(4) Benches and tops of rock and lean o stockpiles;

(5) Tailings basins;

(6) Dikes and dams;

(7) Exposed soils adjacent to water reservoi

(8) Areas exposed or disturbed duri deactivation procedures such as building sites, parking lo pipeline routes, storage areas, transmission routes, and roa not used for subsequent access;

(9) Surface overburden portions of pit walls

(10) Buffers and barriers; and

(11) Subsided areas not permanently cove by water.

b. Other measures may be required by the co missioner such as:

(1) The placement of vegetative barriers arou pits or other hazardous areas to control access;

(2) The development of vegetative commu ties with specific density and composition for the purpose controlling wind erosion, providing buffers or for spec subsequent uses;

(3) The temporary establishment of vegetat on tailings basins exposed for one or more growing seaso

(4) The establishment of vegetation on visi rock lean ore, and coarse tailings stockpile slopes withir mile of residential and designated public use areas;

(5) The establishment of vegetation on ro lean ore, and coarse tailings stockpile slopes which con of rapidly decomposable material and material subject leaching.

c. The establishment of vegetation shall be init ed during the first normal planting period following com tion or after it has otherwise been required, using techniq such as:

(1) grading;

(2) disking or chisel plowing to reduce c paction;

(3) seeding or planting;

(4) fertilizing;

(5) mulching; and

(6) irrigating.

d. Within 3 growing seasons after completio least 90% of the area where vegetation is required mus covered with living vegetation.

e. Within 10 growing seasons after completion, an rea shall have a vegetative community with characteristics imilar to those in an approved reference area. No release ursuant to 6 MCAR § 1.0405 F. shall be granted until the area as such characteristics.

f. Where rills and gullies more than 9" deep form or here vegetation success standards are not met, the surface hall be repaired and replanted during the next normal plant- ıg period after such conditions occur.

F. Air pollution.

1. Goal. Mining shall be managed to control avoidable ust (APC 6).

2. Requirement. Avoidable dust shall be controlled by chniques such as:

a. Water spray,

b. Chemical binders,

c. Anchored mulches,

d. Vegetation, and,

e. Enclosure and containment.

G. Blasting.

1. Goal. Effects of air overpressure and ground vibra- ons from mining operations shall be kept at levels which will ot be injurious to human health or welfare and animal life ıtside mining areas.

2. Requirements.

a. Air overpressure standards.

(1) Air overpressure outside the mining area all not exceed 130 decibels as measured on a linear peak ale, sensitive to a frequency band ranging from 6 cycles per cond to 200 cycles per second.

(2) All open pit blasts shall be monitored by the erator. Monitoring stations shall be located adjacent to the arest structure not owned by the permittee, and where the mmissioner deems necessary to investigate complaints.

(3) All open pit mining operators shall keep a ıster's log of production blasts for a period of at least 6 years ntaining the following:

(a) Date and time of blast:

(b) Type of explosive used;

(c) Ignition layout with locations of blast les and time intervals of delay;

(d) Pounds of explosives per each delay of 8 lliseconds or more;

(e) Total pounds of explosives;

(f) Type of material blasted;

(g) Monitoring locations and results of monitoring;

(h) Meteorological conditions, including temperature inversions, wind speed and directions as can be determined from the U.S. Weather Bureau, and ground-based observations;

(i) Directional orientation of free faces of bench to be blasted; and

(j) Other information as the commissioner may require.

(4) If a focusing condition is detected which could cause the blast to adversely affect populated areas, blasting shall be postponed until the condition is no longer present.

(5) Blasting shall take place only during daylight hours unless a hazardous condition requiries blasting at another time.

b. Ground vibration control.

(1) The maximum peak particle velocity from blasting shall not exceed one inch per second at the location of any structure not owned by the permittee.

(2) The permittee shall either:

(a) Monitor production blasts for peak particle velocity using a seismograph capable of measuring three mutually perpendicular peak particle velocities, with the peak particle velocity being the largest of these measurements; or

(b) Utilize the scale distance formula $W=(d/60)^2$, where: W=the charge weight in pounds per delay (8 milliseconds or more), and d=the distance (in feet) from the blast to the nearest structure not owned by the permittee to determine the weight of allowable explosive per delay.

When the monitoring is chosen, or complaints are received, seismic measurements shall be conducted adjacent to the nearest structure not owned by the permittee and where the commissioner deems necessary to investigate complaints.

(3) The commissioner may require permittees using underground mining methods to maintain a blaster's log for the purpose of assessing ground vibration control.

c. All monitoring data collected shall be saved for a period of six years and made available to the commissioner upon request.

H. Subsidence and other surface displacement.

1. Goal. Mining operations shall be conducted in a manner which will prevent or mitigate hazardous conditions which result from slumping, heaving, and subsidence.

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2. Requirement.

a. Techniques shall be employed which prevent slumping and heaving.

b. When requested by the commissioner, the permittee shall establish ground control survey locations and conduct surveys to document the extent of ground movement.

c. After subsidence has ceased, affected areas shall be contoured or filled to remove hazard and when required by the commissioner, a drainage system shall be established.

I. Deactivation and release.

1. Goal. The mining area shall be deactivated so that it is non-polluting, is stable, is free of hazards, minimizes the need for fencing, has current land use and future land use potential which recognizes the needs of the surrounding area, and is maintenance free to the maximum extent possible.

2. Requirements.

a. At least 2 years prior to deactivation of any portion of the mining area, proposed subsequent uses shall be presented to the commissioner for approval, pursuant to 6 MCAR § 1.0404 C. The proposed uses shall be selected based on:

(1) Compatibility of adjacent uses;

(2) The needs of the area;

(3) The productivity of the site;

(4) Projected land use trends;

(5) Public health and safety;

(6) Pollution of air and water; and

(7) Written approvals from surface owners and the local zoning authority.

b. The mining area shall be managed during deactivation to achieve the approved subsequent uses.

c. Within 1 year after deactivation begins, debris and mobile equipment which will not be used for reclamation shall be removed from the area being deactivated.

d. Within 3 years after deactivation begins, or within a longer period approved by the commissioner, the following shall be accomplished:

(1) Removal of roads, parking areas, and storage pads except those the commissioner deems necessary for access; and

(2) All other equipment, facilities, and structures shall be removed and foundations razed below ground level and covered with a minimum of 2 feet of soil.

e. Exposed underground mine workings shall be promptly sealed as approved by the commissioner and the county mine inspector.

f. Within 3 years after deactivation of an open pit begins, the following shall be accomplished:

(1) Establishment of at least one safe access to the bottom of the pit;

(2) Construction of fences for safety where r
quired by the commissioner or the county mine inspector; ar

(3) Where open pits contain materials whi
may become a water quality problem due to leaching, t
commissioner may require:

(a) Monitoring pit water quality;

(b) Removing or covering leachable m
terial;

(c) Grouting leachable areas;

(d) Rapid filling of the pit with water;

(e) Using material to control pH or oth
toxic materials in the pit water;

(f) Treating the water discharged from t
pit; and

(g) Continuing maintenance after deac
vation.

g. Within 3 years after deactivation of a tailings settling basin begins the following shall be accomplished:

(1) Drain surface water from the basin, unl
the commissioner permits or requires the retention of wate
specific areas within the basin for water storage, wildl
habitat, or other purposes;

(2) Shape and contour the surface to ens
permanent drainage away from the interior of the basin i
manner which will not result in erosion or adversely aff
structural stability.

(3) Make provisions for the continued main
nance of all dams and overflow or seepage control structure

h. Within 3 years after the commencement
deactivation of a water reservoir, the permittee shall, with
approval of the commissioner:

(1) Drain the reservoir and reintegrate the a
into the natural watershed, pursuant to 6 MCAR § 1.0
I.2.g.

(2) Make provisions for the continued main
nance of all dams and overflow or seepage control structure

i. When continued maintenance is necessary af
deactivation, pursuant to 6 MCAR § 1.0402, and as a con
tion for release pursuant to 6 MCAR § 1.0403 F., operat
plans, schedules and funding arrangements for providing
maintenance shall be submitted to the commissioner.

**6 MCAR § 1.0403 The permit to mine and requireme
of permittees.**

A. Requirements.

1. No person shall carry out a mining operation
metallic minerals in this state without first obtaining a per
to mine from the commissioner. Where 2 or more persons
or will be engaged in a mining operation, all such persons sl
join in the application and the permit to mine shall be issu
on a joint basis. Where a person is or will be engaged in on

portion of the operation, that person need only be a joint permittee in the portion in which that person is participating.

2. A person conducting a mining operation on the effective date of these rules, who applied for a permit to mine within 180 days, after that date, may continue to conduct such operation during the pendency of the application.

3. Applications shall include, pursuant to 6 MCAR § 1.0403 B.:

a. Documents;

b. Organizational data;

c. Environmental setting maps;

d. Environmental setting analysis;

e. Mining and reclamation maps;

f. Mining and reclamation plan; and

g. Biennial plan for the first two years of operation;

4. If the life of the mine will be 5 years or less, the application and deactivation plan may be combined, pursuant to 6 MCAR § 1.0403 E.

5. After receiving a permit to mine, the permittee shall provide the commissioner with the following, pursuant to 6 MCAR § 1.0403 C.-F.:

a. Biennial plans for succeeding years of operation;

b. Annual reports;

c. A deactivation plan;

d. A request for release.

6. When the submittal dates for annual reports and biennial plans correspond, they may be combined into one document.

B. Applications. An application for a permit to mine shall be submitted in duplicate by the applicant to the commissioner in the form hereby prescribed. An application for a mining permit shall include all information pursuant to 6 MCAR § 1.0403 B. An application for a scram mining permit shall include all information, pursuant to 6 MCAR § 1.0403 B. 1.,2.,5., and 6.

1. Documents.

a. A certificate or evidence of insurance, as required in Minn. Stat. § 93.481, subd. 1.b.

b. The notice and affidavit of publication, pursuant to 6 MCAR § 1.0404 A.1.

c. If the applicant is a foreign corporation, as defined by Minn. Stat. §§ 300.02 and 303.02, a certified copy of the certificate of authority to transact business in the state of Minnesota.

d. Financial and income statements from all applicants for the previous 3 years, consisting of annual reports or, if annual reports are not available, a similar statement describing solvency and profitability.

2. Organizational data.

a. The post office address of the applicant.

b. The general organizational structure of the applicant, any parent companies, owners, principal stockholders, partners, and joint venturers.

c. Any managing agents or subsidiaries which are or may be involved in the mining operation.

d. Organizational relationships between or among joint applicants.

3. Environmental setting maps. The commissioner shall make available to the applicant, at the applicant's expense, copies of all relevant publication information in his possession for the applicant's use in preparing environmental setting submissions. The applicant shall submit the following information on overlays to 7½ minute U.S.G.S. quadrangles or equivalently scaled maps delineating the mining area. Maps shall include such adjacent lands as required by the commissioner, to show the areas directly or indirectly affected by the mining operation. Overlays shall include:

a. Bedrock geology, including the general shape of the orebody and known or inferred reserves and resources within and adjacent to the mine area. Appropriate cross-sections which show the horizontal and vertical relationships shall also be included;

b. Water basins, water courses, and wetlands which are or could be affected by the mining operation;

c. Boundaries of watersheds which are or could be affected by the mining operation.

d. Details of ground water conditions based on best available information and exploratory drill holes;

e. Natural resource sites identified by the commissioner, such as those listed in "Minesite Data Manual," V 21 Natural Resources Sites, Minnesota Department of Natural Resources.

f. A forest inventory, including species, density, size class, and height;

g. A soil inventory including soil type, extent, and thickness;

h. Past mining facilities including stockpiles, tailings basins, mines, and processing plants;

i. Surface and mineral ownership within the mining area; and

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j. Exclusion, avoidance, and setback areas, pursuant to MCAR § 1.0402 A.

4. Environmental setting analysis. Based on the environmental setting data submitted pursuant to 6 MCAR § 1.0403 B. 3., the applicant shall provide the commissioner with an environmental analysis including;

a. A copy of any environmental reports prepared relative to the mining operation; and

b. An explanation of the basis for siting those parts of operation which will be developed hereafter, including:

(1) A description of the positive and negative aspects of all sites considered; and

(2) How the selected site will aid in the attainment of the reclamation goals.

5. Mining and reclamation maps. The applicant shall submit maps and, as appropriate, cross sections containing all features normally found on a U.S.G.S. quadrangle map, at a scale required by the commissioner, which:

a. Define the shape and extent of the orebody which will support the operating life of the mine.

b. Identify all known and inferred mineral reserves or resources which are located within the mining area but which have not been included as part of the mining plan;

c. Identify lands proposed for use as vegetative reference areas;

d. Depict the detailed drainage patterns for waters which may contact leachable materials; and

e. Depict at appropriate intervals, approved by the commissioner, the status of:

(1) Mining the orebody;

(2) Watershed modifications (including changes in the boundaries, diversions, disposition of surface water flows, and runoff);

(3) Construction (including shape, extent, and content) and reclamation (including contouring, dust control, temporary stabilization, vegetation, and deactivation) of each: stockpile, tailings basin, mine, reservoir, dam, diversion channel, drainage control, settling basin, and semi-permanent mine roads and railroads located outside the mine pit, plant facilities, shops, offices, parking lots, borrow pits, and auxiliary facilities.

6. Mining and reclamation plan. This plan shall describe:

a. The operating life of the mine, including:

(1) The rate of mining and anticipated changes in that rate; and

(2) The factors used to determine the minable reserves and changes which would expand or diminish such reserves.

b. The mining activities to be conducted, including:

(1) The types, amounts, sequence, and schedule for mining the orebody and stockpiling materials, including:

(a) The distinctions among ore, lean ore, and waste rock;

(b) A discussion of in-mine disposal; and

(c) The physical and chemical character of mine waste.

(2) The ore beneficiating process, including a discussion of the type and amount of any chemicals to be added and the types, amounts, sequence, schedule, and means of tailings disposal.

c. The methods, sequence, and schedules of reclamation which address the goals and meet the requirements of 6 MCAR § 1.0402, including anticipated reclamation research.

C. Biennial plan. The permittee shall submit for the upcoming 2 years a biennial plan to the commissioner in duplicate, on or before January 31 of every other year. The plan shall detail:

1. Any changes in the rate of mining or minable reserves pursuant to 6 MCAR § 1.0403 B. 6. a.;

2. The mining activities pursuant to 6 MCAR § 1.0403 B. 6. b.;

3. The reclamation activities pursuant to 6 MCAR § 1.0403 B. 6. c.;

4. A map in the form prescribed by 6 MCAR § 1.0403 B. 5., which depicts the status of mining, construction, reclamation, and watershed modifications pursuant to 6 MCAR § 1.0403 B. 5. e.

D. Annual report. The permittee shall submit for the previous year an annual report to the commissioner in duplicate on or before January 31 of each year. The report shall detail:

1. Annual financial and income statements for the most recent year pursuant to 6 MCAR § 1.0403 B. 1. d.;

2. The actual rate of mining and the remaining minable reserves pursuant to 6 MCAR § 1.0403 B. 6. a., and consistent with 6 MCAR § 1.0403 C. 1.

3. The actual mining activities purusant to 6 MCAR § 1.0403 B. 6. b., and consistent with 6 MCAR § 1.0403 C. 2.

4. The actual reclamation activities pursuant to 6 MCAR § 1.0405 B. 6. c. and consistent with 6 MCAR § 1.0403 C. 3.

5. A map in the form prescribed by 6 MCAR § 1.0403 B. 5., which depicts the status of mining, construction, reclamation, and watershed modifications pursuant to 6 MCAR § 1.0403 B. 5. e.

E. Plan for deactivation. The permittee shall submit to the commissioner in duplicate, a deactivation plan at least 2 years prior to beginning deactivation for any portion of the mining area. This plan shall replace the biennial plan for the portion to be deactivated and shall contain:

1. Plans, designs, specifications, and supporting data for reclamation activities which comply with 6 MCAR § 1.0402;

2. A reclamation compliance schedule;

3. A discussion of how the land will be managed until the permittee requests release pursuant to 6 MCAR § 1.0404 F.

F. Request for release. The permittee shall submit to the commissioner in duplicate, a request for release, pursuant to 6 MCAR § 1.0404 F. This request shall include the following:

1. Certification of compliance with the applicable sections of these rules, the approved deactivation plans, and the permit to mine;

2. A detailed description of provisions for continued maintenance;

3. Identification of the ownership of the mining area and all remaining structures and facilities; and

4. A map in the form prescribed by 6 MCAR § 1.0403 B. 5., which depicts the following:

a. The final topography;

b. The post mining drainage system including the amounts and locations of discharge to receiving waters;

c. The extent and type of vegetation;

d. The existing and expected level of pit water and the year in which this level will be reached;

e. The location of the safe access to the bottom of the pit;

f. The location of fences and other access barriers; and

g. The areal extent and (as applicable) the height, depth, and physical and chemical characteristics of each stockpile, tailings basin, mine, reservoir, dam, diversion channel, drainage control, structure settling basin, and the location of all mine roads and railroads, borrow pits, plant facilities, shops, offices, parking lots, and auxiliary facilities within the mining area.

6 MCAR § 1.0404 Procedures.

A. Permit to mine.

1. The process for requesting a permit to mine is commenced by submitting an application to the commissioner pursuant to 6 MCAR §§ 1.0402 and 1.0403. After the commissioner determines the application is adequate, the applicant shall publish an advertisement as required by 6 MCAR § 1.0405. Within 7 days after the last date of publication, the applicant shall submit to the commissioner a copy of the advertisement and an affidavit from the printer verifying publication. The application shall then be considered filed.

2. Determination with hearing.

a. Written objections and a request for a hearing may be filed with the commissioner according to provisions of Minn. Stat. § 93.481, subd. 2.

b. Within 10 days after the receipt of the objections, the commissioner shall determine whether the person filing the objection is entitled to object.

(1) If the objections were filed by a person entitled to object, the commissioner shall:

(a) Select a hearing date which shall be no more than 30 days after the last date of opportunity to object;

(b) Serve an order for hearing in the form and manner required by the provisions of 9 MCAR § 2.204, except those in 9 MCAR § 2.204 B. which shall not apply. (In no event shall such an order be served less than 10 days prior to the hearing);

(c) Mail a copy of the order for hearing to all persons who filed objections and all local units of government in which all or a part of the operation is located; and

(d) Publish notice of subject, time, date and place of the hearing at least once prior to the hearing in a newspaper which must be both a legal newspaper, within the meaning of Minn. Stat. § 331.02, and circulated in the locality of the proposed mining operation.

(2) If the objections were filed by a person not entitled to object, the commissioner shall notify him in writing by mail of such determination giving reasons therefor.

c. The commissioner may hold a hearing on the proposed application without receipt of objections if he deems it necessary to protect public health, safety, and welfare.

d. Within 120 days after receipt of the hearing officer's report pursuant to Minn. Stat. § 93.481, subd. 2., the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine.

3. Determination without hearing.

a. If, within 30 days after the last publication required by 6 MCAR § 1.0405, no objections to an application are received from persons entitled to object, the commissioner may within 120 days process the application in accordance with the following:

(1) Grant the permit to mine with or without modifications or conditions;

(2) Deny the permit to mine; or

(3) Request in writing that the applicant provide additional information.

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b. If the commissioner has made a request for additional information, within 120 days after receiving such information, the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine.

4. Hearing upon demand of applicant.

a. If the commissioner processes the application without a hearing, the applicant may, within 30 days after mailed notice of the commissioner's order on the application, file with the commissioner a demand for hearing pursuant to Minn. Stat. ch. 15. The application shall thereupon be fully heard on notice.

b. Within 120 days after receipt of the hearing officer's report the commissioner shall:

(1) Grant the permit to mine with or without modifications or conditions; or

(2) Deny the permit to mine.

5. Review of biennial plan.

After granting the permit to mine, the commissioner shall review the biennial plan required by 6 MCAR § 1.0403 C., to determine if it complies with the provisions of the permit to mine and these rules. Upon completion of this review, the commissioner shall inform the permittee regarding compliance of the plan with the permit to mine and these rules.

B. Variance from these rules, pursuant to Minn. Stat. § 93.48.

1. A proceeding for requesting a variance from these rules is commenced when the permit applicant or permittee files an adequate application for a variance with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed variance is consistent with the general welfare and the goals of these rules.

2. Within 30 days after receipt of the application, the commissioner shall determine whether the proposed variance constitutes a substantial change from the requirements of these rules.

a. If the commissioner determines that a substantial change would result, the applicant shall follow the procedures for permit to mine applications, as set forth in 6 MCAR § 1.0404 A.

b. If the commissioner determines that there would be no substantial change the commissioner shall without a hearing:

(1) Allow the variance with or without additional terms or conditions which are consistent with these rules; or

(2) Deny the application.

3. If the commissioner processes the application without a hearing, pursuant to 6 MCAR § 1.0404 B. 2. b., the applicant may file with the commissioner a demand for hearing on the decision pursuant to 6 MCAR § 1.0404 A. 4.

4. Applications for variance from these rules may be filed simultaneously with an application for a permit to mine, provided that the advertisement contains all information required for applications for permits to mine and for variance.

C. Amendment of the permit to mine pursuant to Minn. Stat § 93.481, subd. 3.

1. A proceeding for requesting an amendment of a permit to mine is commenced when the permittee files an adequate application for an amendment with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed amendment meets the lawful requirements and these rules.

2. Within 30 days after receipt of the application, the commissioner shall determine whether the proposed amendment constitutes a substantial change in the permit to mine.

a. If the commissioner determines that a substantial change would occur, the applicant shall follow the procedures for permit to mine applications, as set forth in 6 MCAR § 1.0404 A.

b. If the commissioner determines that there would be no substantial change, the commissioner shall without a hearing:

(1) Allow the amendment with or without additional terms or conditions which are consistent with these rules; or

(2) Deny the application.

3. If the commissioner processes the application without a hearing pursuant to 6 MCAR § 1.0404 C. 2. b. the applicant may file with the commissioner a demand for hearing on the decision pursuant to 6 MCAR § 1.0404 A. 4.

D. Cancellation of permit.

1. Cancellation at the request of permittee.

a. A proceeding to cancel a permit to mine at the request of the permittee is commenced when a permittee files a written request with the commissioner. The request shall identify the permittee and give reasons for the cancellation.

b. Within 30 days after the receipt of a request, the commissioner shall determine whether cancellation would have a significant adverse effect on any public interest relating to the goals of these rules.

(1) If the commissioner determines that cancellation shall have such adverse effect the permittee shall publish an advertisement pursuant to 6 MCAR § 1.0405 and the commissioner shall proceed as if he had received an application for a permit to mine, pursuant to 6 MCAR § 1.0404 A.

(2) If the commissioner determines that the cancellation shall not have such adverse effect, the permit may be cancelled with or without conditions.

2. Cancellation with the consent of permittee. A

proceeding to cancel a permit to mine with the consent of the permittee is commenced when the commissioner serves the permittee with written request giving reasons for the cancellation.

a. If no reply or an affirmative reply is filed with the commissioner within 30 days, procedures pursuant to 6 MCAR § 1.0404 D.1.b. shall be commenced except that the commissioner shall publish an advertisement pursuant to 6 MCAR § 1.0405.

b. If a negative reply is filed with the commissioner within 30 days:

(1) the permit to mine will continue in effect; or

(2) a proceeding to revoke the permit to mine pursuant to 6 MCAR § 1.0404 E. shall be commenced.

E. Revocation or modification of a permit to mine, requiring a performance bond, or assessment of civil penalties.

1. Commencing proceedings.

a. A proceeding to revoke or modify a permit to mine, to require a performance bond, or to assess a civil penalty shall be commenced by serving upon the permittee.

(1) A notice and order for hearing in the form and manner pursuant to 9 MCAR § 2.204;

(2) A proposed order revoking or modifying the permit to mine, requiring a performance bond, or assessing a civil penalty; and

(3) A statement of the measures, if any, required to correct the situation and the time available therefore.

b. If the conditions that provided the grounds for such an action are corrected to the commissioner's satisfaction, within a time period established by the commissioner of not less than 15 days after the notice, the proceedings shall be cancelled.

2. Hearing prior to determination.

a. The commissioner shall hold a hearing prior to the determination to revoke or modify a permit to mine, require a performance bond, or assess a civil penalty if, within 15 days after commencement of the proceeding, any permittee serves an answer on the commissioner and all other parties. If an answer is served, the commissioner, without further notice, shall hold the hearing at the time and place specified in the order for hearing. No hearing shall be held less than 30 days after commencement of the proceeding.

(1) An answer shall contain the following:

(a) A written statement of the defenses to each violation alleged in the order for hearing; and

(b) A specific admission, denial, or explanation of each fact alleged in the order for hearing, or, if the permittee is without knowledge thereof, a statement to that effect.

(2) Allegations of a complaint not thus answered shall be deemed to have been admitted.

b. If an answer contains an admission to an alleged fact no hearing shall be held on that fact and the allegation shall prevail.

c. Failure of a permittee to serve an answer, pursuant to 6 MCAR § 1.0404 E.2.a. or to appear at the hearing shall be deemed to constitute a waiver of a hearing on the allegations of the order for hearing and the contents of the proposed order. Such waiver authorizes the commissioner, without further notice to the permittee and without proceeding further with the hearing, to adopt the proposed order, or that much as is applicable if the proposed order is in the alternative or if there have been correction measures attempted. Said order shall be his final decision on the matter.

d. If the permittee appears at the hearing, the commissioner, in reaching a final decision, shall not be bound by the proposed order.

F. Suspension. The permit to mine may be suspended by the commissioner, pursuant to Minn. Stat. § 93.481, subd. 4. (d). The commissioner's order suspending the permit to mine for the specified period, once served, constitutes the commissioner's final decision on the matter.

G. Deactivation and release of permittee.

1. Deactivation. The commissioner shall review the deactivation plan, pursuant to 6 MCAR § 1.0403 E., to determine if it complies with the requirements of the permit to mine and these rules, in the same manner as if the commissioner had received an application for an amendment pursuant to 6 MCAR § 1.0404 C.

2. Release.

a. A proceeding to release the permittee from responsibility on any portion of a deactivated mining area is commenced when the permittee submits a request for release, pursuant to 6 MCAR § 1.0403 F.

b. The commissioner shall review the request and determine:

(1) If all terms and conditions of applicable sections of these rules, the permit to mine, and the approved deactivation plan have been satisfied; and

(2) That it is not necessary to defer such release until other portions of the mining area have been deactivated.

c. Within 270 days after receipt of the request the commissioner shall:

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(1) Release the permittee with or without modifications or conditions; or

(2) Deny the request.

H. The commissioner may hold a hearing, pursuant to Minn. Stat. §§ 93.44-93.51 and these rules, provided that the commissioner issue an order for hearing, pursuant to 9 MCAR § 2.204.

I. Hearing procedures. Procedures pursuant to 9 MCAR §§ 2.02-2.22, shall apply to any contested case hearing under these rules, except as otherwise provided in Minn. Stat. §§ 93.44-93.51 and these rules.

6 MCAR § 1.0405 Publication. When an advertisement is required, it shall be published once each week for four successive weeks in a legal newspaper, pursuant to Minn. Stat. § 331.02, which is circulated in the locality of the proposed mining operation. This advertisement shall contain:

A. A statement and map indicating the location and boundaries of the mining area;

B. The names of all owners of record of the surface and mineral rights to each parcel of land within the mining area, except lands occupied by existing railroads located outside the mine and plant areas;

C. The schedule for accomplishing what is being proposed;

D. A notice of the deadline date for filing objections; and

E. The following information;

1. If application is made for a permit to mine — a description of the proposed mining operation including the general kinds of reclamation or restoration measures to be undertaken pursuant to the reclamation plan;

2. If an amendment to a permit to mine is requested — a description of the purpose and nature of the proposed amendment;

3. If a cancellation of a permit to mine is requested — an explanation of the request for cancellation and the consequences of allowing such a request; or

4. If a variance from these rules is requested — a description of the purpose and nature of the requested variance and a description of the proposed alternative means which will be used to meet the goals and comply with the requirements of these rules.

6 MCAR § 1.0406 Administrative standards.

A. Variance.

1. Granting of a variance. The commissioner may grant a variance from the requirements of these rules upon application by a permit applicant or permittee, if it is determined that:

a. A variance is consistent with the general welfare and general purposes of these rules;

b. By reason of exceptional circumstances, the strict enforcement of the reclamation requirements would cause undue hardship or strict conformity with the requirements of these rules would be unreasonable or not feasible; and

c. Acceptable alternative means of accomplishing the goals, pursuant to 6 MCAR § 1.0402, have been provided by the permit applicant or permittee.

2. Conditional granting. The commissioner may grant a variance upon such conditions as may be necessary for the prevention, control, or correction of adverse environmental effects, consistent with the requirements of these rules and Minnesota statutes.

B. Revocation or modification. The commissioner may revoke a permit to mine or modify any of its terms or conditions, pursuant to Minn. Stat. § 93.481, subd. (4). A permittee shall not be considered to have commenced substantial construction of plant facilities unless erection of the primary plant facilities has begun. Planning, securing capital, purchasing land and materials and otherwise preparing for construction are not sufficient.

C. Performance bonds.

1. Need for bond. At any time during the pendency of a permit application, during the mining operation, or following the completion of mining but prior to the release of the permittee, the commissioner:

a. Shall require the operator to furnish a performance bond if the commissioner determines that the operator has failed to:

(1) Perform any part of a reclamation measure required by the permit to mine or any amendment or modification thereto;

(2) Comply with a provision of these rules; or

(3) Perform any research required, pursuant to Minn. Stat. §§ 93.44-93.51.; or

b. May require the operator to furnish a performance bond if there is reasonable doubt that the operator will be financially able to comply with the requirements of the permit to mine or these rules.

2. Amount of bond. The amount of a performance bond shall be determined by the commissioner and shall be equal to the estimated cost, to the Department of Natural Resources, of satisfactorily accomplishing reclamation of all lands disturbed and unreclaimed up to the date of annual bond review.

3. Conditions of bond. A performance bond required pursuant to this regulation shall be conditioned upon the performance by the operator within a time period established by the commissioner of all actions necessary to correct the deficiency or noncompliance for which reason the bond is required. For the purpose of the bond "performance" shall mean the accomplishment as determined by the commissioner, of all actions required under the bond. The bond shall also provide that the surety or his successors or assigns are

not released in any way from liability thereunder by any amendment of the terms or conditions of the permit to mine; provided that regardless of amendment the surety shall be liable for no more than the amount specified in the bond. The need for and amount of all bonds shall be reviewed annually.

4. Other security and assurance.

a. Whenever an operator is required to furnish a performance bond pursuant to this regulation, he may, in lieu thereof:

(1) Submit as security to the commissioner for deposit with the state treasurer, assignable bonds or notes of the United States in a sum equal, at their par value, to the amount of the required performance bond.

(2) Give a lien against real or personal property at its wholesale value in lieu of a bond. Such property must remain in the state for the duration of the agreement and be managed and repaired by the permittee as necessary to maintain its value. Failure to maintain value shall allow the commissioner to modify or revoke the permit to mine, or to require bonds or notes to be deposited as a replacement bond. The commissioner shall accept such property as assurance if it is determined, by the commissioner, that:

(a) No other liens exist on said property;

(b) The wholesale value is adequate to cover reclamation costs; and

(c) Sufficient market exists, such that, the sale of said property can occur rapidly.

(3) Submit other security or assurances as may be acceptable to the commissioner.

b. The permittee shall submit an agreement authorizing the commissioner to collect or sell the bonds, notes, property or other security or assurance so submitted or deposited, upon the same conditions as would constitute a default under a performance bond. The acceptance of United States bonds, notes, a lien on property or other security or assurance, in lieu of a performance bond, shall have the same force and effect as if a performance bond has been furnished. When it is determined during the annual bond review that such security is no longer necessary, any bonds, notes, lien or other security or assurance deposited pursuant to this paragraph shall be returned to the permittee.

5. Upon forfeiture of a bond the permittee shall allow access to the commissioner and his designated contractors into all mining areas for the purpose of reclaiming all lands disturbed and unreclaimed.

D. Civil penalties.

1. If any person violates any provision of Minn. Stat. §§ 93.44-93.51, these rules, or any permit to mine issued thereunder, the commissioner may order imposition of a civil penalty of not more than $1,000 per day for each violation of:

a. each provision; or

b. the same provision in more than one portion of the mining area.

2. In determining the amount of a penalty, the commissioner shall consider:

a. The severity of the violation;

b. The need to deter future violations, and

c. The magnitude of potential or actual gains resulting from the violation.

3. The commissioner shall collect any assessed civil penalty in the same manner as any other debt owed the state.

E. Suspension. The commissioner may suspend all or any part of a permit to mine pursuant to Minn. Stat. § 93.481, subd. 4. Any suspension ordered pursuant to this section may be for such period and upon such terms as the commissioner deems appropriate to correct the conditions which necessitated suspension.

6 MCAR § 1.0407 Inspection of mining area. The permittee shall allow the commissioner to inspect all mining operations and records needed to monitor compliance with the permit to mine and these rules after reasonable prior notice.

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

Department of Health Executive Division

Proposed Adoption of A New Rule and Amendment of Existing Rules of the Minnesota Merit System Governing the Compensation Plan; Salary Adjustments and Increases; and Classification Plan

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4, in the State Office Building, Room 83, 435 Park Street, St. Paul, Minnesota, on October 15, 1979, commencing at 9:30 A.M.

All interested or affected persons will have an opportunity to participate concerning the rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to Harry S. Crump, Hearing Examiner, Office of Hearing Examiners, 1745 University Ave., St. Paul, MN 55104 (612) 296-8111, either before the hearing or within five (5) working days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record.

Proposed revisions to 7 MCAR § 1.314 amend the Merit System Compensation Plan for positions in local health departments which are under the Minnesota Merit System. Proposed revisions to the 1979 Compensation Plan establish the salary range for the new classification listed elsewhere in this notice.

As a result of the 1979 Minnesota Merit System Salary Survey, conducted in accordance with 7 MCAR § 1.239 D., a new Compensation Plan is proposed for 1980. It is recommended that: Professional and Administrative Plans A, B, and C be adjusted 7% at minimum, maximum and intervening steps, with some exceptions; Health Services Support Personnel Plans A, B, and C be adjusted 7% at minimum, maximum and intervening steps, with some exceptions; Clerical Compensation Plans A, B, C, D, E, and F be adjusted $50 at minimum, maximum and intervening steps; and Building Maintenance Plans A and B be adjusted two steps at minimum, maximum and intervening steps. The effective date of these adjustments is January 1, 1979, or the beginning date of the first payroll period following January 1, 1979, for agencies on a bi-weekly or four week payroll period.

Proposed revisions to 7 MCAR § 1.260 B.2. recommend a general adjustment of 7% for incumbents on the Professional and Administrative and Health Services Support Personnel Plans, a general adjustment of $50 for incumbents on the Clerical Plans, and a general adjustment of two steps for incumbents on the Building Maintenance Plans. The effective date of these recommended adjustments is January 1, 1979, or the beginning date of the first payroll period following January 1, 1979, for agencies on a bi-weekly or four week payroll period.

Proposed revisions to 7 MCAR § 1.239 involve adding a section to provide for recommending salary adjustments in even-numbered years equivalent to 80 percent of the increase in the June to June Bureau of Labor Statistics Twin City consumer price index for urban wage earners and clerical workers rounded to the nearest tenth of a percent and not to exceed 8%, to be effective the next succeeding January 1, or for those agencies on a bi-weekly or four week payroll period on the beginning date of the first payroll period following the next succeeding January 1. Changes in language of the current rule are made to make it consistent with the new section and the rules of the Department of Public Welfare Merit System (12 MCAR § 2.494) and Department of Public Safety Merit System (11 MCAR § 1.2094).

The proposed revision to 7 MCAR § 1.239 E.1. requires the appointing authority and exclusive representative, where there is one, to negotiate a salary schedule for new classifications established in the middle of a contract period within sixty days of the establishment of the classification. Currently the Merit System Supervisor is responsible for establishing such salary schedules where no such procedure for establishing a schedule exists in the labor contract.

The proposed rule creating a new classification is 7 MCAR § 1.269 for Nutrition Assistant. This new classification is being proposed in response to an expressed need for such a class from Anoka and Olmsted County Public Health Departments.

The proposed rule changes will result in approximately $3744 increased county expenditure. The authority for the proposed rule change is contained in Minn. Stat. § 144.071.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph Corey, Merit System, Department of Public Welfare, Centennial Office Building, St. Paul, Minnesota 55155, telephone (612) 296-3996. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that 25 days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed and amended rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Any person may request notification of the date on which

the hearing examiner's report will be available, after which date the commissioner may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the hearing examiner's report, or to the agency, in the case of the agency's submission or resubmission to the Attorney General.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

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

(b) Who spends more than $250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

August 22, 1979

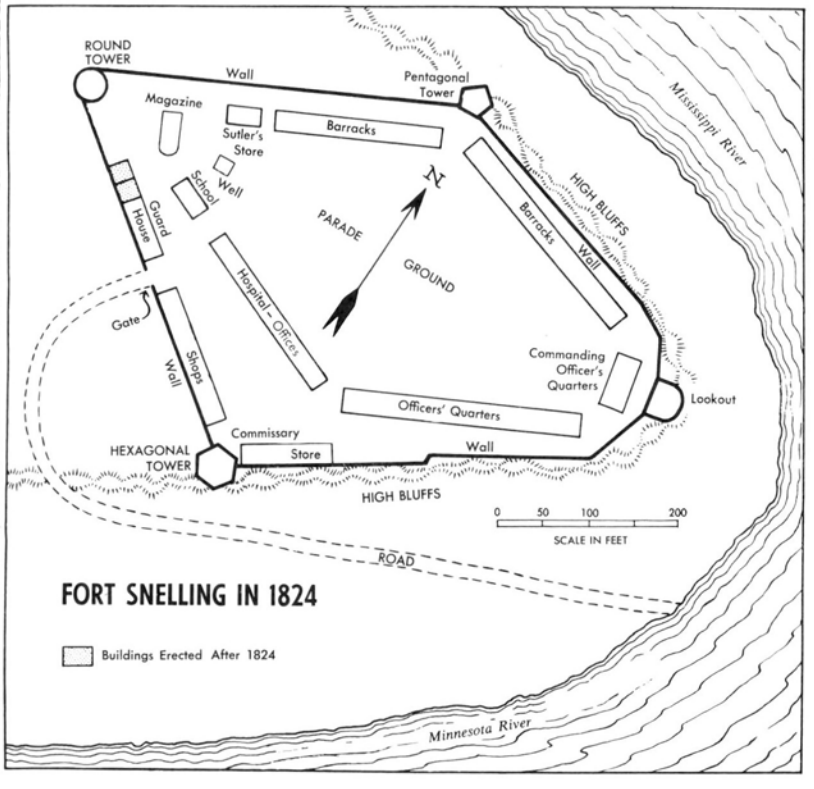
George R. Pettersen, M.D.
Commissioner of Health

Rules as Proposed

7 MCAR § 1.260 Salary adjustments and increases.

B. Adjustments to be made in accordance with Merit System Official Compensation Plan.

2. The general adjustment recommended for incumbents is ~~five~~ seven percent for employees on the Professional Salary Schedule and the Health Services Support Salary Schedule, and ~~forty~~ fifty dollars for employees on the Clerical Salary Schedule. Employees on the Building Maintenance Salary Schedules are recommended to receive a ~~five percent~~ two step adjustment.



MAP indicating the positions of the buildings and fortifications at old Fort Snelling in 1824 when Colonel Josiah Snelling, the fort's commander, completed his task. (Courtesy of Minnesota Historical Society)

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7 MCAR § 1.314 Compansation Plan (Public Health) — ~~1979~~ 1980

A. Professional and Administrative
1. Plan A

a. Class of Positions	1	2	3	4	5	6	7	8	9
Asst. Dir. of Envir. Health	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076
Asst. Dir. of Pub. Hlth. Nurs.	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Business Administrator	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Business Supervisor	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1296~~ 1389
Dir. of Envir. Health	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2370
Dir. of Pub. Hlth. Nurs. I	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Dir. of Pub. Hlth. Nurs. II	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076
Home Care Coordinator	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	
Medical Technologist	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389		
Pub. Health Educator I	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	
Pub. Health Educator II	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	
Public Health Nurse	~~994~~ 1114	~~1041~~ 1164	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454		
Public Health Nurse (Team Leader)	~~1041~~ 1164	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454	~~1359~~ 1523		
Public Health Nutritionist	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	
Registered Nurse (A.A. Degree, 3 yr. Dip. or B.S. Degree)	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273			
Sanitarian I	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	1273				

Sanitarian II	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	
Sanitarian III	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815
Sanitarian IV	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985
School Health Coordinator	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	
Senior Public Health Nurse	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454	~~1359~~ 1523	~~1423~~ 1590		

c. Professional and Administrative

2. Plan B

a. Class of Positions	1	2	3	4	5	6	7	8	9
Asst. Dir. of Envir. Health	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170
Asst. Dir. of Pub. Hlth. Nurs.	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985
Business Administrator	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985
Business Supervisor	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
Dir. of Envir. Health	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483
Dir. of Pub. Hlth. Nurs. I	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985
Dir. of Pub. Hlth. Nurs. II	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170
Home Care Coordinator	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	
Medical Technologist	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454		
Public Health Educator I	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	
Public Health Educator II	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	
Public Health Nurse	~~1041~~ 1164	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454	~~1359~~ 1523		

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Public Health Nurse (Team Leader)	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454	~~1359~~ 1523	~~1423~~ 1590		
Public Health Nutritionist	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	
Registered Nurse (A.A. Degree, 3 yr. Dip. or B.S. Degree)	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328			
Sanitarian I	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	1328				
Sanitarian II	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	
Sanitarian III	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Sanitarian IV	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076
School Health Coordinator	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	
Senior Public Health Nurse	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454	~~1359~~ 1523	~~1423~~ 1590	~~1486~~ 1662		

A. Professional and Administrative

3. Plan C

a. Class of Positions	1	2	3	4	5	6	7	8	9
Asst. Dir. of Envir. Health	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268
Asst. Dir. of Pub. Hlth. Nurs.	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076
Business Administrator	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076
Business Supervisor	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523
Dir. of Envir. Health	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596
Dir. of Pub. Hlth. Nurs. I	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076
Dir. of Pub. Hlth. Nurs. II	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268

Home Care Coordinator	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	
	1273	1328	1389	1454	1523	1590	1662	1737	
Medical Technologist	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~		
	1164	1218	1273	1328	1389	1454	1523		
Public Health Educator I	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	
	1164	1218	1273	1328	1389	1454	1523	1590	
Public Health Educator II	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	
	1454	1523	1590	1662	1737	1815	1897	1985	
Public Health Nurse	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~		
	1244	1300	1357	1419	1487	1556	1624		
Public Health Nurse (Team Leader)	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~		
	1300	1357	1419	1487	1556	1624	1699		
Public Health Nutritionist	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	
	1328	1389	1454	1523	1590	1662	1737	1815	
Registered Nurse (A.A. Degree, 3 yr. Dip. or B.S. Degree)	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~			
	1138	1189	1244	1300	1357	1419			
Sanitarian I	~~1088~~	~~1138~~	~~1190~~	~~1241~~					
	1164	1218	1273	1328	1389				
Sanitarian II	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	
	1273	1328	1389	1454	1523	1590	1662	1737	
Sanitarian III	~~1298~~	~~1359~~	~~1423~~	1486	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~
	1389	1454	1523	1590	1662	1737	1815	1897	1985
Sanitarian IV	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~
	1523	1590	1662	1737	1815	1897	1985	2076	2170
School Health Coordinator	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	
	1218	1273	1328	1389	1454	1523	1590	1662	
Senior Public Health Nurse	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~		
	1357	1419	1487	1556	1624	1699	1773		

B. Health Services Support Personnel

1. Plan A

a. Class of Positions	1	2	3	4	5	6	7	8	9
Animal Warden	~~710~~	~~744~~	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~		
	760	796	834	872	811	951	995		
Bookkeeper	~~744~~	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~
	796	834	872	911	951	995	1039	1088	1138
Home Health Aide	~~547~~	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~		
	585	610	635	666	697	728	760		

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Home Health Aide Coordinator	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088		
Inspector I	~~779~~ 853	~~815~~ 891	~~851~~ 930	~~889~~ 974					
Inspector II	~~851~~ 930	~~889~~ 974	~~930~~ 1018	~~971~~ 1064	~~1017~~ 1114	~~1064~~ 1164	~~1111~~ 1218		
Laboratory Technician	~~636~~ 697	~~666~~ 728	~~696~~ 760	~~728~~ 796	~~762~~ 834	~~797~~ 872	~~833~~ 911		
Licensed Practical Nurse	~~710~~ 760	~~744~~ 796	~~779~~ 834	~~815~~ 872	~~951~~ 911	~~889~~ 951			
Medical Laboratory Assistant	~~680~~ 760	~~710~~ 796	~~744~~ 834	~~779~~ 872	~~815~~ 911	~~851~~ 951	~~889~~ 995		
Nutrition Assistant	~~744~~ 796	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	
Public Health Aide	~~437~~ 511	~~455~~ 536	~~478~~ 561	~~501~~ 585	~~524~~ 610	~~547~~ 635	~~570~~ 666		

2. Plan B

a. Class of Positions	1	2	3	4	5	6	7	8	9
Animal Warden	~~744~~ 796	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039		
Bookkeeper	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	~~1111~~ 1189
Home Health Aide	~~570~~ 610	~~593~~ 635	~~622~~ 666	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796		
Home Health Aide Coordinator	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138		
Inspector I	~~815~~ 891	~~851~~ 930	~~889~~ 974	~~930~~ 1018					
Inspector II	~~889~~ 974	~~930~~ 1018	~~971~~ 1064	~~1017~~ 1114	~~1064~~ 1164	~~1111~~ 1218	~~1163~~ 1273		
Laboratory Technician	~~666~~ 728	~~696~~ 760	~~728~~ 796	~~762~~ 834	~~797~~ 872	~~833~~ 911	~~869~~ 951		
Licensed Practical Nurse	~~744~~ 796	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995			
Medical Laboratory Assistant	~~710~~ 796	~~744~~ 834	~~779~~ 872	~~815~~ 911	~~851~~ 951	~~889~~ 995	~~930~~ 1039		
Nutrition Assistant	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	

Public Health Aide	~~455~~ 536	~~478~~ 561	~~501~~ 585	~~524~~ 610	~~547~~ 635	~~570~~ 666	~~593~~ 697		
3. Plan C a. Class of Positions	1	2	3	4	5	6	7	8	9
Animal Warden	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088		
Bookkeeper	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	~~1111~~ 1189	~~1163~~ 1244
Home Health Aide	~~593~~ 635	~~622~~ 666	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834		
Home Health Aide Coordinator	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	~~1111~~ 1189		
Inspector I	~~851~~ 930	~~889~~ 974	~~930~~ 1018	~~971~~ 1064					
Inspector II	~~930~~ 1018	~~971~~ 1064	~~1017~~ 1114	~~1064~~ 1164	~~1111~~ 1218	~~1163~~ 1273	~~1215~~ 1328		
Laboratory Technician	~~696~~ 760	~~728~~ 796	~~762~~ 834	~~797~~ 872	~~833~~ 911	~~869~~ 951	~~910~~ 995		
Licensed Practical Nurse	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039			
Medical Laboratory Assistant	~~744~~ 834	~~779~~ 872	~~815~~ 911	~~851~~ 951	~~889~~ 995	~~930~~ 1039	~~971~~ 1088		
Nutrition Assistant	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	~~1111~~ 1189	
Public Health Aide	~~478~~ 561	~~501~~ 585	~~524~~ 610	~~547~~ 635	~~570~~ 666	~~593~~ 697	~~622~~ 728		
C. Clerical 1. Plan A a. Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	~~474~~ 524	~~491~~ 541	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671
Clerk II	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk III	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Typist I	~~491~~ 541	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692

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Clerk-Typist II	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk-Typist III	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Steno I	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736
Clerk-Steno II	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerk-Steno III	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Switchboard Operator I	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713
Switchboard Operator II	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762

2. Plan B

a. Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	~~491~~ 541	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692
Clerk II	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789
Clerk III	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk-Typist I	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713
Clerk-Typist II	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789
Clerk-Typist III	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk-Steno I	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk-Steno II	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Clerk-Steno III	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940
Switchboard Operator I	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736
Switchboard Operator II	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789

3. Plan C

a. Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713
Clerk II	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerk III	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940
Clerk-Typist I	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736
Clerk-Typist II	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerk-Typist III	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940
Clerk-Steno I	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789
Clerk-Steno II	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Steno III	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974
Switchboard Operator I	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Switchboard Operator II	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816

C. Clerical

4. Plan D

a. Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736
Clerk II	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Clerk III	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974
Clerk-Typist I	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk-Typist II	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845

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Clerk-Typist III	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~
	736	762	789	816	845	876	908	940	974
Clerk-Steno I	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	629	650	671	692	713	736	762	789	816
Clerk-Steno II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~
	692	713	736	762	789	816	845	876	908
Clerk-Steno III	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	762	789	816	845	876	908	940	974	1011
Switchboard Operator I	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	608	629	650	671	692	713	736	762	789
Switchboard Operator II	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	650	671	692	713	736	762	789	816	845

5. Plan E

a. Class of Positions	1	2	3	4	5	6	7	8
Clerk I	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~
	608	629	650	671	692	713	736	762
Clerk II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876
Clerk III	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	789	816	845	876	908	940	974	1011
Clerk-Typist I	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	629	650	671	692	713	736	762	789
Clerk-Typist II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876
Clerk-Typist III	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	789	816	845	876	908	940	974	1011
Clerk-Steno I	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	671	692	713	736	762	789	816	845
Clerk-Steno II	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~
	736	762	789	816	845	876	908	940
Clerk-Steno III	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~
	816	845	876	908	940	974	1011	1048
Switchboard Operator I	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	650	671	692	713	736	762	789	816
Switchboard Operator II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876

6. Plan F

a. Class of Positions	1	2	3	4	5	6	7	8
Clerk I	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerk II	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk III	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048
Clerk-Typist I	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Clerk-Typist II	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk-Typist III	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048
Clerk-Steno I	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Steno II	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974
Clerk-Steno III	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048	~~1037~~ 1087
Switchboard Operator I	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Switchboard Operator II	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908

D. Building Maintenance

1. Plan A

a. Class of Positions	1	2	3	4	5	6	7
Custodian (1)	~~541~~ 585	~~563~~ 607	~~585~~ 631	~~607~~ 658	~~631~~ 687		
Janitor (1)	~~631~~ 687	~~658~~ 715	~~687~~ 746	~~715~~ 778	~~746~~ 812	~~778~~ 845	~~812~~ 881

2. Plan B

a. Class of Positions	1	2	3	4	5	6	7
Custodian (1)	~~631~~ 687	~~658~~ 715	~~687~~ 746	~~715~~ 778	~~746~~ 812		

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Janitor (1)	~~746~~	~~778~~	~~812~~	~~845~~	~~881~~	~~920~~	~~959~~
	812	845	881	920	959	1000	1044

(1) Employees who are required to work for a period of at least five hours after 6 P.M. on a regular scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

7 MCAR § 1.239 Compensation Plan.

D. Adjustment of the Official Salary Schedule of the Minnesota Merit System.

1. The compensation plan provided in 7 MCAR § 1.314 shall be adjusted for changes in the level of salary rates in business and government ~~and~~ for similar and competing types of employment and for changes in the Twin City Consumer Price Index.

2. In every odd-numbered year ~~T~~the Supervisor shall conduct ~~each year~~ a review of the changes in the level of salary rates in the labor market since the time of the ~~survey preceding the~~ most recent adjustment of the compensation plan. This review shall utilize the data and findings of other labor market surveys and shall, to the extent possible, be based upon similar surveys and data ~~each succeeding year~~ used in previous reviews. The Supervisor shall complete this study and report the findings to the Commissioner of Health on or before July 31 of each ~~year~~ odd-numbered year.

3. If the report of the Supervisor reveals an increase or decrease in the salary rates in the labor market for similar and/or competing employment of four per cent or more, the Commissioner of Health shall ~~call and hold~~ announce a public hearing for a general adjustment of the compensation plan. If the changes in the labor market are of less than four per cent or differ significantly ~~from~~ for various types of employment, the Commissioner may ~~call and hold~~ announce a public hearing to adjust the compensation plan in whole or in part.

4. The announcement of the public hearing to the affected agencies and employee organizations shall include the proposed compensation plan, an explanation of the adjustments proposed, and a summary of the findings of the survey upon which the proposed adjustment is based. ~~Such information shall also be available to any other individual or group requesting the information~~.

5. The public hearing shall provide opportunity for all interested individuals and groups to present evidence, testimony, and views of the proposed compensation plan. Following the public hearing and after consideration of all the evidence, the Commissioner shall make his decision. An amended compensation plan shall not be effective until the next succeeding January 1, or for those agencies on a bi-weekly or four week payroll period on the beginning date of the first payroll period following the next succeeding January 1.

6. The ~~local Public Health~~ appointing authority may implement an adjusted compensation plan by adjusting the salaries of the employees to the same ~~alphabetical~~ numerically designated salary rate on the adjusted plan that such employees were paid under the former plan.

7. In every even-numbered year, the Supervisor shall conduct a review of the changes in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics, new series index (1967 = 100). The Supervisor shall recommend that all rates of pay in the Professional and Administrative, Health Services Support Personnel, Clerical, and Building Maintenance salary schedules be adjusted by an amount equal to 80 percent of the increase between the consumer price index for June of the current year and the consumer price index for June of the preceding year. This amount shall be rounded to the nearest tenth of a percent and may not exceed 8%. The new recommended monthly salary rates shall be rounded to the nearest whole dollar. The same percentage increase recommended by the Supervisor for all rates of pay shall be recommended as a general salary adjustment for all incumbents of positions in the Professional and Administrative, Health Services Support Personnel, Clerical, and Building Maintenance salary schedules. An amended compensation plan resulting from these recommendations shall not be effective until the next succeeding January 1, or for those agencies on a bi-weekly or four-week payroll on the beginning of the first payroll period following the next succeeding January 1.

E. Negotiation of salary schedule.

1. In those agencies where employees have elected an exclusive representative the appointing authority and the exclusive representative may negotiate their own salary schedules for employees in the bargaining unit by class, with the salary for each consistent with the functions outlined in the class specifications. Initial, intervening, and maximum rates of pay for each shall be established to provide for steps in salary advancement without change of duty, in the recognition of meritorious service. When a new classification not previously used in the agency is established in the middle of the contract period and such class falls within the bargaining unit and no provision exists in the contract for establishing such salaries, ~~the Supervisor shall establish the salary level for the class until such time as the contract is again negotiated. In so doing the Supervisor shall consider the salaries for the other classes in the agency as negotiated and the minimum qualifications for the new class.~~ the appointing authority and the exclusive representative shall negotiate a salary schedule for the new classification within sixty days of the date of establishment of the classification.

2. A complete copy of the adopted salary schedule must be filed with the Supervisor within ten days after the signing of the contract or agreement. If the contract or agreement calls for succeeding increases in the salary schedule which change the original minimum and maximum salaries or

intervening steps a new adjusted salary schedule must be filed with the Supervisor within ten days after the effective date of any such succeeding adjustment.

7 MCAR § 1.269 Nutrition Assistant.

A. Kind of work. Performs paraprofessional work in assisting the Public Health Nutritionist in carrying out the nutrition program of a public health agency.

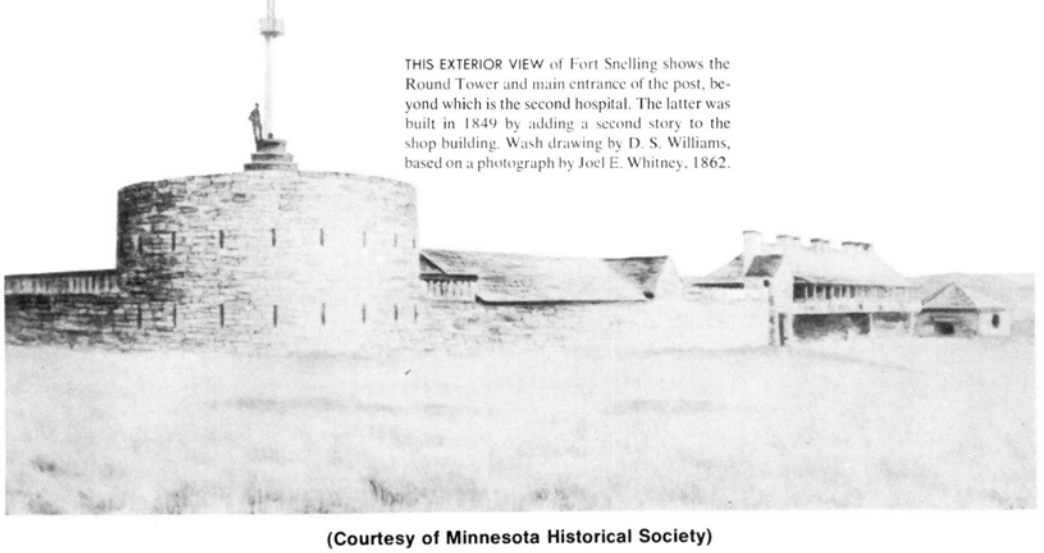
B. Examples of work (Illustrative only). Determines financial, categorical and/or residential eligibility of patients for nutrition programs, and reviews eligibility periodically. Conducts elements of health screening including height, weight, head circumference, dietary evaluation and hematocrit. Explains application procedures to individuals or groups and assists individuals in completing the application forms for nutrition programs. Assists in developing and implementing patient nutrition care plans for the monitoring of individuals determined to be a nutritional risk and eligible for nutrition program services. Schedules and reschedules nutrition program participants for the appropriate visit. Explains and interprets policy and rules for nutrition program participants, vendors, and other individuals. Makes visits to vendors to monitor the program and provides assistance when necessary. Disseminates nutritional information to individuals receiving nutrition program services. Assists in developing and implementing individual nutrition education based upon demonstrated need. Makes referrals to appropriate agencies in the community. Informs the Public Health Nutritionist of special problems encountered in the community and/or nutrition program participant population. Assists the Public Health Nutritionist in analyzing nutritional needs and effectiveness of the nutrition delivery program. Distributes vouchers to nutrition program participants. Maintains records as required for the nutrition program. Performs clerical duties for the nutrition program as directed.

C. Knowledges and abilities required. Knowledge of nutritional needs and development. Knowledge of human behavior. Knowledge of available community resources. Ability to evaluate and solve nutritional problems. Ability to perform under federal, state and county requirements, regulations, and policies relating to nutrition programs. Ability to establish and maintain good working relationships with patients, public, and co-workers. Ability to relate to individual patients. Ability to accept and profit by supervision. Ability to organize and coordinate job activities. Ability to maintain accurate and systematic records. Ability to comprehend and follow written and verbal instructions. Ability to communicate in a verbal and written manner.

D. Minimum qualifications of education and experience. High school graduation and completion of two years of college with emphasis in nutrition, dietetics, and/or health.

OR

On a promotional basis, experience assisting in the administration of a nutrition program may be substituted for the college coursework on a year-for-year basis.



THIS EXTERIOR VIEW of Fort Snelling shows the Round Tower and main entrance of the post, beyond which is the second hospital. The latter was built in 1849 by adding a second story to the shop building. Wash drawing by D. S. Williams, based on a photograph by Joel E. Whitney, 1862.

(Courtesy of Minnesota Historical Society)

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7 MCAR § 1.250 Compensation Plan (Public Health) — 1979

B. Health Services Support Personnel

1. Plan A

a. Class of Positions	1	2	3	4	5	6	7	8	9
Animal Warden	710	744	779	815	851	889	930		
Bookkeeper	744	779	815	851	889	930	971	1017	1064
Home Health Aide	547	570	593	622	651	680	710		
Home Health Aide Coordinator	779	815	851	889	930	971	1017		
Inspector I	779	815	851	889					
Inspector II	851	889	930	971	1017	1064	1111		
Laboratory Technician	636	666	696	728	762	797	833		
Licensed Practical Nurse	710	744	779	815	851	889			
Medical Laboratory Assistant	680	710	744	779	815	851	889		
Nutrition Assistant	744	779	815	851	889	930	971	1017	
Public Health Aide	437	455	478	501	524	547	570		

2. Plan B

a. Class of Positions	1	2	3	4	5	6	7	8	9
Animal Warden	744	779	815	851	889	930	971		
Bookkeeper	779	815	851	889	930	971	1017	1064	111
Home Health Aide	570	593	622	651	680	710	744		
Home Health Aide Coordinator	815	851	889	930	971	1017	1064		
Inspector I	815	851	889	930					
Inspector II	889	930	971	1017	1064	1111	1163		
Laboratory Technician	666	696	728	762	797	833	869		
Licensed Practical Nurse	744	779	815	851	889	930			
Medical Laboratory Assistant	710	744	779	815	851	889	930		

Nutrition Assistant	779	815	851	889	930	971	1017	1064	
Public Health Aide	455	478	501	524	547	570	593		

3. Plan C

a. Class of Positions	1	2	3	4	5	6	7	8	9
Animal Warden	779	815	851	889	930	971	1017		
Bookkeeper	815	851	889	930	971	1017	1064	1111	1163
Home Health Aide	593	622	651	680	710	744	779		
Home Health Aide Coordinator	851	889	930	971	1017	1064	1111		
Inspector I	851	889	930	971					
Inspector II	930	971	1017	1064	1111	1163	1215		
Laboratory Technician	696	728	762	797	833	869	910		
Licensed Practical Nurse	779	815	851	889	930	971			
Medical Laboratory Assistant	744	779	815	851	889	930	971		
Nutrition Assistant	815	851	889	930	971	1017	1064	1111	
Public Health Aide	478	501	524	547	570	593	622		

Department of Public Safety
Executive Division

Proposed Amendments of Existing Rules of the Minnesota Merit System Governing the Compensation Plan and Salary Adjustments and Increases

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4, in the State Office Building Auditorium, Room 83, 435 Park Street, St. Paul, Minnesota, on October 15, 1979, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to Harry S. Crump, Hearing Examiner, Office of Hearing Examiners, 1745 University Ave., St. Paul, MN 55104 (612) 296-8111, either before the hearing or within five (5) working days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record.

Proposed revisions to 11 MCAR § 1.2140 amend the Merit

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System Compensation Plan for positions in county and local emergency services agencies which are under the Minnesota Merit System. As a result of the 1979 Minnesota Merit System Salary Survey, conducted in accordance with 11 MCAR § 1.2094 D., a new Compensation Plan is proposed for 1980. It is recommended that: Professional Compensation Plans A, B, and C be adjusted 7% at minimum, maximum and intervening steps; and Clerical Compensation Plans A, B, C, D, E, and F be adjusted $50 at minimum, maximum and intervening steps. The effective date of these adjustments is January 1, 1979, or the beginning date of the first payroll period following January 1, 1979, for agencies on a bi-weekly or four-week payroll period.

Proposed revisions to 11 MCAR § 1.2116 B.2. recommend a general adjustment of 7% for incumbents on the Professional Plans and a general adjustment of $50 for incumbents on the Clerical Plans. The effective date of these recommended adjustments is January 1, 1979, or the beginning date of the first payroll period following January 1, 1979, for agencies on a bi-weekly or four week payroll period.

Proposed revisions to 11 MCAR § 1.2094 involve adding a section to provide for recommending salary adjustments in even-numbered years equivalent to 80 percent of the increase in the June to June Bureau of Labor Statistics Twin City consumer price index for urban wage earners and clerical workers rounded to the nearest tenth of a percent and not to exceed 8%, to be effective the next succeeding January 1, or for those agencies on a bi-weekly or four week payroll period on the beginning date of the first payroll period following the next succeeding January 1. Changes in language of the current rule are made to make it consistent with the new section and the rules of the Department of Health Merit System (7 MCAR § 1.239 D.) and Department of Public Welfare (12 MCAR § 2.494 D.).

The proposed revision to 11 MCAR § 1.2094 E.1. requires the appointing authority and exclusive representative, where there is one, to negotiate a salary schedule for new classifications established in the middle of a contract period within sixty days of the establishment of the classification. Currently the Merit System Supervisor is responsible for establishing such salary schedules where no such procedure for establishing a schedule exists in the labor contract.

The proposed rule changes will result in approximately $1344 increased county and local expenditures. The authority for the proposed changes is contained in Minn. Stat. § 12.22.

Copies of the proposed rule are now available and at least one free copy may be obtained by writing to Ralph Corey, Merit System, Department of Public Welfare, Centennial Building, St. Paul, Minnesota 55155, telephone (612) 296-3996. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that 25 days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed and amended rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the commissioner may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the hearing examiner's report, or to the agency, in the case of the agency's submission or resubmission to the Attorney General.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

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

(b) Who spends more than $250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

August 23, 1979

John P. Sopsic
Commissioner of Public Safety

Amendments as Proposed

11 MCAR § 1.2116 Salary adjustments and increases.

B. Adjustments to be made in accordance with Merit System Official Compensation Plan.

2. General adjustment recommended for incumbents is ~~five~~ seven percent for employees on the Professional Salary Schedule, and ~~forty~~ fifty dollars for employees on the Clerical Salary Schedules.

11 MCAR § 1.2140 Compensation Plan (Emergency Services)

A. Professional

1. Plan A

a. Class of Positions

Class of Positions	1	2	3	4	5	6	7	8
Administrative Officer	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523
Asst. Civil Defense Director I	~~696~~ 745	~~728~~ 779	~~762~~ 815	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018
Asst. Civil Defense Director II	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218
Asst. Civil Defense Director III	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
Asst. Civil Defense Director IV	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737
Communications Officer	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328
County Civil Defense Director I	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
County Civil Defense Director II	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662
County Civil Defense Director III	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
County Civil Defense Director IV	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710
Local Civil Defense Director I	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164
Local Civil Defense Director II	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328
Local Civil Defense Director III	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523
Local Civil Defense Director IV	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Local Civil Defense Director V	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710
Operations Officer	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523

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Public Information Officer	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523
Radiological Defense Officer	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328
Safety Services Coordinator	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523

A. Professional
2. Plan B
a. Class of Positions

	1	2	3	4	5	6	7	8
Administrative Officer	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590
Asst. Civil Defense Director I	~~728~~ 779	~~762~~ 815	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064
Asst. Civil Defense Director II	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273
Asst. Civil Defense Director III	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523
Asst. Civil Defense Director IV	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815
Communications Officer	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389
County Civil Defense Director I	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
County Civil Defense Director II	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662
County Civil Defense Director III	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
County Civil Defense Director IV	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710
Local Civil Defense Director I	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164
Local Civil Defense Director II	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328
Local Civil Defense Director III	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523

Local Civil Defense Director IV	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Local Civil Defense Director V	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710
Operations Officer	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590
Public Information Officer	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590
Radiological Defense Officer	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389
Safety Services Coordinator	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590

A. Professional
3. Plan C
a. Class of Positions

	1	2	3	4	5	6	7	8
Administrative Officer	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662
Asst. Civil Defense Director I	~~762~~ 815	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114
Asst. Civil Defense Director II	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328
Asst. Civil Defense Director III	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590
Asst. Civil Defense Director IV	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Communications Officer	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
County Civil Defense Director I	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
County Civil Defense Director II	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662
County Civil Defense Director III	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
County Civil Defense Director IV	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710

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Local Civil Defense Director I	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164
Local Civil Defense Director II	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328
Local Civil Defense Director III	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1398~~ 1389	~~1359~~ 1454	~~1423~~ 1523
Local Civil Defense Director IV	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Local Civil Defense Director V	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710
Operations Officer	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662
Public Information Officer	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662
Radiological Defense Officer	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
Safety Services Coordinator	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662

B. Clerical

1. Plan A

a. Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	~~474~~ 524	~~491~~ 541	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671
Clerk II	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk III	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Typist I	~~491~~ 541	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692
Clerk-Typist II	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk-Typist III	~~621~~ 671	~~642~~ 692	~~663~~ 731	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Steno I	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736

Clerk-Steno II	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerk-Steno III	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908

2. Plan B

a. Class of Positions

	1	2	3	4	5	6	7	8	9
Clerk I	~~491~~ 541	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692
Clerk II	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789
Clerk III	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk-Typist I	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713
Clerk-Typist II	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789
Clerk-Typist III	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk-Steno I	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk-Steno II	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Clerk-Steno III	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940

3. Plan C

a. Class of Positions

	1	2	3	4	5	6	7	8	9
Clerk I	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713
Clerk II	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerk III	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940

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Clerk-Typist I	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736
Clerk-Typist II	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~639~~ 789	~~766~~ 816
Clerk-Typist III	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940
Clerk-Steno I	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789
Clerk-Steno II	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Steno III	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974

B. Clerical
4. Plan D

a. Class of Positions	1	2	3	4	5	6	7	8	9
Clerk I	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736
Clerk II	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Clerk III	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974
Clerk-Typist I	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk-Typist II	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Clerk-Typist III	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974
Clerk-Steno I	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerk-Steno II	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk-Steno III	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011

5. Plan E

a. Class of Positions	1	2	3	4	5	6	7	8
Clerk I	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~
	608	629	650	671	692	713	736	762
Clerk II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876
Clerk III	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	789	816	845	876	908	940	974	1011
Clerk-Typist I	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	629	650	671	692	713	736	762	789
Clerk-Typist II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876
Clerk-Typist III	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	789	816	845	876	908	940	974	1011
Clerk-Steno I	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	671	692	713	736	762	789	816	845
Clerk-Steno II	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~
	736	762	789	816	845	876	908	940
Clerk-Steno III	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~
	816	845	876	908	940	974	1011	1048

6. Plan F

a. Class of Positions	1	2	3	4	5	6	7	8
Clerk I	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	650	671	692	713	736	762	789	816
Clerk II	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~
	713	736	762	789	816	845	876	908
Clerk III	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~
	816	845	876	908	940	974	1011	1048
Clerk-Typist I	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	671	692	713	736	762	789	816	845
Clerk-Typist II	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~
	713	736	762	789	816	845	876	908
Clerk-Typist III	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~
	816	845	876	908	940	974	1011	1048
Clerk-Steno I	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876

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Clerk-Steno II	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~
	762	789	816	845	876	908	940	974
Clerk-Steno III	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~	~~1037~~
	845	876	908	940	974	1011	1048	1087

11 MCAR § 1.2094 Compensation Plan.

D. Adjustment of the Official Salary Schedule of the Minnesota Merit System.

1. The compensation plan provided in 11 MCAR § 1.2140 shall be adjusted for changes in the level of salary rates in business and government ~~and~~ for similar and competing types of employment and for changes in the Twin City Consumer Price Index.

2. In every odd-numbered year ~~T~~the Supervisor shall conduct ~~each year~~ a review of changes in the level of salary rates in the labor market since the time of the ~~survey preceding the~~ most recent adjustment of the compensation plan. This review shall utilize the data and findings of other labor market surveys and shall, to the extent possible, be based upon similar surveys and data ~~each succeeding year~~ used in previous reviews. The Supervisor shall complete this study and report the findings to the Commissioner of Public Safety on or before July 31 of each ~~year~~ odd-numbered year.

3. If the report of the Supervisor reveals an increase or decrease in salary rates in the labor market for similar and/or competing employment of four percent or more, the Governor, through the Commissioner of Public Safety, shall announce a public hearing for a general adjustment of the compensation plan. If the changes in the labor market are of less than four per cent or differ significantly for various types of employment, the Governor, through the Commissioner of Public Safety, may announce a public hearing to adjust the compensation plan in whole or in part.

4. The announcement of the public hearing to the affected agencies and employee organizations shall include the proposed compensation plan, an explanation of the adjustments proposed, and a summary of the findings of the survey upon which the proposed adjustment is based. ~~Such information shall also be available to any other individual or group requesting the information.~~

5. The public hearing shall provide opportunity for all interested individuals and groups to present evidence, testimony, and views on the proposed compensation plan. Following the public hearing and after consideration of all the evidence, the Governor, through the Commissioner, shall make his decision. An amended compensation plan shall not be effective until the next succeeding January 1, or for those agencies on a bi-weekly ~~of~~ or four-week payroll period on the beginning date of the first payroll period following the next succeeding January 1.

6. The ~~local Civil Defense~~ appointing authority may implement ~~an~~ an adjusted compensation plan by adjusting the salaries of the employees to the same numerically designated salary rate on the adjusted plan that such employees were paid under the former plan.

7. In every even-numbered year, the Supervisor shall conduct a review of the changes in the consumers price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics, new series index (1967 = 100). The Supervisor shall recommend that all rates of pay in the Professional and Clerical salary schedules be adjusted by an amount equal to 80 percent of the increase between the consumer price index for June of the current year and the consumer price index for June of the preceding year. This amount shall be rounded to the nearest tenth of a percent and may not exceed 8%. The new recommended monthly salary rates shall be rounded to the nearest whole dollar. The same percentage increase recommended by the Supervisor for all rates of pay shall be recommended as a general salary adjustment for all incumbents of positions in the Professional and Clerical salary schedules. An amended compensation plan resulting from these recommendations shall not be effective until the next succeeding January 1, or for those agencies on a bi-weekly or four-week payroll period on the beginning date of the first payroll period following the next succeeding January 1.

E. Negotiation of salary schedule.

1. In those agencies where employees have elected an exclusive representative the appointing authority and the exclusive representative may negotiate their own salary schedules for employees in the bargaining unit by class, with the salary for each consistent with the functions outlined in the class specifications. Initial, intervening, and maximum rates of pay for each shall be established to provide for steps in salary advancement without change of duty, in the recognition of meritorious service. When a new classification not previously used in the agency is established in the middle of the contract period and such class falls within the bargaining unit and no provision exists in the contract for establishing such salaries, ~~the Supervisor shall establish the salary level for the class until such time as the contract is again negotiated. In so doing the Supervisor shall consider the salaries for the other classes in the agency as negotiated and the minimum qualifications for the new class.~~ the appointing authority and the exclusive representative shall negotiate a salary schedule for the new classification within sixty days of the date of establishment of the classification.

2. A complete copy of the adopted salary schedule must be filed with the Supervisor within ten days after the signing of the contract or agreement. If the contract or agreement calls for succeeding increases in the salary schedule which change the original minimum and maximum salaries or intervening steps a new adjusted salary schedule must be filed with the Supervisor within ten days after the effective date of any such succeeding adjustment.

Department of Public Welfare
Executive Division

Proposed Adoption of New Rules and Amendment of Existing Rules of the Minnesota Merit System Governing the Compensation Plan; Salary Adjustments and Increases; and Classification Plan

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4, in the State Office Building Auditorium, Room 83, 435 Park Street, St. Paul, Minnesota, on October 15, 1979, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to Harry S. Crump, Hearing Examiner, Office of Hearing Examiners, 1745 University Ave., St. Paul, MN 55104 (612) 296-8111, either before the hearing or within five (5) working days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record.

Proposed revisions to 12 MCAR § 2.840 amend the Merit System Compensation Plan for positions in county welfare and human service agencies which are under the Minnesota Merit System. (Those agencies with a negotiated contract with a bargaining unit's exclusive representative which provides for different salaries are not covered by 12 MCAR § 2.840.) Proposed revisions to the 1979 Compensation Plan establish salaries for the new classifications and retitled classifications listed elsewhere in this notice. As a result of the 1979 Minnesota Merit System Salary Survey, conducted in accordance with 12 MCAR § 2.494 D., a new Compensation Plan is proposed for 1980. It is recommended that: Professional Compensation Plans A, B, and C be adjusted 7% at minimum, maximum, and intervening steps, with some exceptions; Support Compensation Plans A, B, and C be adjusted 7% at minimum, maximum and intervening steps, with some exceptions; Clerical Compensation Plans A, B, C, D, E and F be adjusted $50 at minimum, maximum and intervening steps; and Maintenance and Trades Compensation Plans A and B be adjusted two steps at minimum, maximum and intervening steps. The effective date of these adjustments is January 1, 1979, (or the beginning date of the first payroll period following January 1, 1979, for agencies on a bi-weekly or four-week payroll period.)

Proposed revisions to 12 MCAR § 2.516 B.2. recommend a general adjustment of 7% for incumbents on the Professional and Support Plans, a general adjustment of $50 for incumbents on the Clerical Plans, and a general adjustment of two steps for incumbents on the Maintenance and Trades Plans. The effective date of these recommended adjustments is January 1, 1979, or the beginning date of the first payroll period following January 1, 1979, for agencies on a bi-weekly or four week payroll period.

Proposed revisions to 12 MCAR § 2.494 involve adding a section to provide for recommending salary adjustments in even-numbered years equivalent to 80 percent of the increase in the June to June Bureau of Labor Statistics, Twin City, consumer price index for urban wage earners and clerical workers rounded to the nearest tenth of a percent and not to exceed 8%, to be effective the next succeeding January 1, or for those agencies on a bi-weekly or four week payroll period on the beginning date of the first payroll period following the next succeeding January 1. Changes in language of the current rule are made to make it consistent with the new section and the rules of the Department of Health Merit System (7 MCAR § 1.239 D.) and Department of Public Safety Merit System (11 MCAR § 1.2094).

The proposed revision to 12 MCAR § 2.494 E.1. requires the appointing authority and exclusive representative, where there is one, to negotiate a salary schedule for new classifications established in the middle of a contract period within sixty days of the establishment of the classification. Currently the Merit System Supervisor is responsible to establish such salary schedules where no such procedure for establishing a schedule exists in the labor contract.

Proposed rules creating new classifications are 12 MCAR § 2.655 for Nutrition Project Director, 12 MCAR § 2.656 for Nutrition Project Assistant Director, and 12 MCAR § 2.619 for Housing Coordinator. These new classifications are being proposed in response to an expressed need for each such class from the Headwaters Nutrition Project and the Todd county welfare department. Proposed revisions to current rules which alter and in some cases retitle existing positions are 12 MCAR § 2.693 for Family Service Aide/Home Health Aide (presently Homemaker/Home Health Aide); 12 MCAR § 2.578 for Financial Assistance Supervisor I; 12 MCAR § 2.579

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for Financial Assistance Supervisor II. These revisions are proposed to reflect a more descriptive class title and to update current classification specifications including minimum qualifications for such classifications.

The proposed rule changes will result in approximately $92,086 increased county expenditures. The authority for the proposed changes is contained in Minn. Stat. § 393.07, subd. 5.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Ralph Corey, Merit System, Department of Public Welfare, Centennial Building, St. Paul, Minnesota, 55155, telephone: (612) 296-3996. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that 25 days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed and amended rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the commissioner may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the hearing examiner's report, or to the agency, in the case of the agency's submission or resubmission to the Attorney General.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

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

(b) Who spends more than $250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

August 21, 1979

Arthur E. Noot
Commissioner of Public Welfare

Amendments as Proposed

12 MCAR § 2.516 Salary adjustments and increases.

B. Adjustments to be made in accordance with Merit System Official Compensation Plan.

2. General adjustment recommended is ~~five~~ seven percent for employees on the Professional~~,~~ and Support~~, and Maintenance and Trades~~ Salary Schedules~~,~~ ~~and forty~~ fifty dollars for employees on the Clerical Salary Schedule~~.~~, and two steps for employees on the Maintenance and Trades Salary Schedules.



THE HEXAGONAL TOWER at Fort Snelling and the road leading to the ferry below are shown in this photograph taken by Truman W. Ingersoll in 1887. This tower, with cannon ports on the top floor and musket loopholes below, is the least altered of the four original buildings still remaining at Fort Snelling. (Courtesy of Minnesota Historical Society)

12 MCAR § 2.840 Compensation Plan — ~~1979~~ 1980

A. Professional
1. Plan A*

a. Class of Positions	1	2	3	4	5	6	7	8	9	10
Accountant I	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	
Accountant II	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	2170
Adm. Asst. I	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029
Adm. Asst. II	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216
Adm. Asst. III	~~1553~~ 1737	~~1623~~ 1815	~~1696~~ 1897	~~1773~~ 1985	~~1855~~ 2076	~~1940~~ 2170	~~2028~~ 2268	~~2120~~ 2375	~~2220~~ 2483	
Adm. Services Director	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	
Adult Day Care Center Supvr.	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662
Asst. Human Services Director	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	
Asst. Welfare Director	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	~~2759~~ 2952	~~2884~~ 3086	~~3015~~ 3226	
Assoc. M.-&-P. Analyst	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218						
Auditor	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985
Center Coordinator	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815
Chemical Dependency Coord.	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815
Collection Services Supvr. II	~~1215~~ 1300	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941
Community-Health Serv. Supvr.	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029
Community-Rela. Spec.	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	

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Computer Programmer	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~			
	1064	1114	1164	1218	1273	1328	1389			
Day Care Center Supvr.	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	
	1357	1419	1487	1556	1624	1699	1773	1855	1941	
Dev. Achievement Center Dir.	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~
	1114	1164	1218	1273	1328	1389	1454	1523	1590	1662
Dev. Achievement Center Teacher	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~
	1018	1064	1114	1164	1218	1273	1328	1389	1454	1523
Dev. Disabilities Coord.	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~
	1114	1164	1218	1273	1328	1389	1454	1523	1590	1662
Dietitian	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	
	1064	1114	1164	1218	1273	1328	1389	1454	1523	
Dir. of Assessment Systems	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~
	1419	1487	1556	1624	1699	1773	1855	1941	2029	2122
Dir. of Business Mgmt. I	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~		
	1624	1699	1773	1855	1941	2029	2122	2216		
Dir. of Business Mgmt. II	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	~~2644~~	
	1985	2076	2170	2268	2375	2483	2596	2710	2829	
Dir. of Financial Asst.	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	
	1815	1897	1985	2076	2170	2268	2375	2483	2596	
Dir. of Planning	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	
	1815	1897	1985	2076	2170	2268	2375	2483	2596	
Dir. of Pub. Hlth. Nurs. I	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	
Dir. of Soc. Serv.	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	
	1815	1897	1985	2076	2170	2268	2375	2483	2596	
Dir. of Support Services	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	
	1815	1897	1985	2076	2170	2268	2375	2483	2596	
Education Supervisor	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	
	1273	1328	1389	1454	1523	1590	1662	1737	1815	
Emp. Guid. Couns. I	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	
	1018	1064	1114	1164	1218	1273	1328	1389	1454	
Emp. Guid. Couns. II	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	
	1064	1114	1164	1218	1273	1328	1389	1454	1523	
Emp. Guid. Couns. III	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	
	1114	1164	1218	1273	1328	1389	1454	1523	1590	

Family Service Coord. II	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~		
	1164	1218	1273	1328	1389	1454	1523	1590		
Finan. Asst. Supvr. III	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~
	1357	1419	1487	1556	1624	1699	1773	1855	1941	2029
Finan. Asst. Supvr. IV	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Home Care Coordinator	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~		
	1164	1218	1273	1328	1389	1454	1523	1590		
Homemaker Supervisor	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	
	1273	1328	1389	1454	1523	1590	1662	1737	1815	
Human Services Dir. I	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~
	1624	1699	1773	1855	1941	2029	2122	2216	2321	2427
Human Services Dir. II	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Human Services Dir. III	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	~~2644~~	~~2759~~	
	2076	2170	2268	2375	2483	2596	2710	2829	2952	
Human Services Supvr. I	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~
	1357	1419	1487	1556	1624	1699	1773	1855	1941	2029
Marriage Counselor	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	
Med.-Care Advisor	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	
	1114	1164	1218	1273	1328	1389	1454	1523	1590	
Med.-Serv. Adm.	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~		
	1815	1897	1985	2076	2170	2268	2375	2483		
Mental Health Worker	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	
	1218	1273	1328	1389	1454	1523	1590	1662	1737	
Meth.-&-Proc. Analyst	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	
	1244	1300	1357	1419	1487	1556	1624	1699	1773	
Meth.-&-Proc. Supvr.	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	
	1454	1523	1590	1662	1737	1815	1897	1985	2076	
Nursing Care Advisor	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	
	1114	1164	1218	1273	1328	1389	1454	1523	1590	
Nutrition Proj.Asst. Dir.	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	
	1018	1064	1114	1164	1218	1273	1328	1389	1454	1523
Nutrition Proj. Dir.	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~
	1357	1419	1487	1556	1624	1699	1773	1855	1941	2029

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

Occupa. Supvr.-Inst. I	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
Occupa. Supvr.-Inst. II	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662
Office Manager	~~951-~~ 1018	~~994-~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	
Personnel Officer	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523
Personnel Director	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122
Physical Therapist	~~951~~ 1039	~~994~~ 1088	~~1041~~ 1138	~~1088~~ 1189	~~1138~~ 1244	~~1190~~ 1300	~~1241~~ 1357	~~1298~~ 1419		
Planner (Human Services)	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	
Policy/Program Analyst	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122
Programmer Analyst	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737		
Psychologist I	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	
Psychologist II	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	
Psychologist III	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216	~~2169~~ 2321		
Psychologist IV	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216	~~2169~~ 2321	~~2268~~ 2427	~~2373~~ 2539		
Public Health Educator I	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454		
Public Health Educator II	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815		
Public Health Nurse	~~994~~ 1114	~~1041~~ 1164	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454			
Pub.-Hlth. Nur. (Team Leader)	~~1041~~ 1164	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454	~~1359~~ 1523			
Registered Nurse (A.A. Deg., 3 yr. Dip., or B.S. Degree)	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273				

Sanitarian I	~~994~~	~~1041~~	~~1088~~	~~1138~~						
	1064	1114	1164	1218	1273					
Sanitarian II	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~		
	1164	1218	1273	1328	1389	1454	1523	1590		
Sr. Pub. Health Nurse	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~			
	1218	1273	1328	1389	1454	1523	1590			
Social Worker I	~~951~~	~~994~~	~~1041~~	~~1088~~						
	1018	1064	1114	1164	1218	1273	1328	1389	1454	1523
Social Worker II	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~
	1114	1164	1218	1273	1328	1389	1454	1523	1590	1662
Social Worker III	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~
	1218	1273	1328	1389	1454	1523	1590	1662	1737	1815
Social Worker Trainee	~~869~~									
	930									
Soc.-Serv. Supvr. I	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~
	1357	1419	1487	1556	1624	1699	1773	1855	1941	2029
Soc.-Serv. Supvr. II	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Soc.-Welf. Supvr. III	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	
	1737	1815	1897	1985	2076	2170	2268	2375	2483	
Soc.-Welf. Supvr. Trainee	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~				
	1300	1357	1419	1487	1556	1624				
Staff-Trng. Supvr. I	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	
	1389	1454	1523	1590	1662	1737	1815	1897	1985	
Staff-Trng. Supvr. II	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	
	1523	1590	1662	1737	1815	1897	1985	2076	2170	
Student Soc. Worker (Intern)	Rate proposed by appointing authority.									
Student Soc. Worker (SWEP)	Rate proposed by appointing authority.									
Systems Prog.-Analyst	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~			
	1454	1523	1590	1662	1737	1815	1897	1985		
Trainee	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.									
Vol.-Serv. Coord. I	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	
	1018	1064	1114	1164	1218	1273	1328	1389	1454	1523

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Vol.-Serv. Coord. II	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	
	1273	1328	1389	1454	1523	1590	1662	1737	1815	
Welfare Director I	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Welfare Director II	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~
	1624	1699	1773	1855	1941	2029	2122	2216	2321	2427
Welfare Director III	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Welfare Director IV	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	~~2644~~	~~2759~~	
	2076	2170	2268	2375	2483	2596	2710	2829	2952	
Welfare Director V	~~2644~~	~~2759~~	~~2884~~	~~3015~~	~~3150~~	~~3292~~	~~3447~~	~~3594~~	~~3750~~	
	2829	2952	3086	3226	3371	3522	3688	3846	4111	
Work-Exp. & Trng. Spec.	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	
	1273	1328	1389	1454	1523	1590	1662	1737	1815	

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

2. Plan B*

a. Class of Positions	1	2	3	4	5	6	7	8	9	10
Accountant I	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	
	1218	1273	1328	1389	1454	1523	1590	1662	1737	
Accountant II	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	
	1454	1523	1590	1662	1737	1815	1897	1985	2076	2170
Adm. Asst. I	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~
	1419	1487	1556	1624	1699	1773	1855	1941	2029	2122
Adm. Asst. II	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~
	1556	1624	1699	1773	1855	1941	2029	2122	2216	2321
Adm. Asst. III	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	
	1815	1897	1985	2076	2170	2268	2375	2483	2596	
Adm. Services Director	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Adult Day Care Center Supvr.	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~
	1164	1218	1273	1328	1389	1454	1523	1590	1662	1737
Asst. Human Services Director	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	
	1815	1897	1985	2076	2170	2268	2375	2483	2596	
Asst. Welfare Director	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	~~2644~~	~~2759~~	~~2884~~	~~3015~~	
	2268	2375	2483	2596	2710	2829	2952	3086	3226	

Assoc. M.-&-P. Analyst	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273						
Auditor	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076
Center Coordinator	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Chemical Dependency Coord.	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897
Coll. Serv. Supvr. II	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029
Comm. Hlth. Serv. Supvr.	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122
Community-Rela. Spec.	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	
Computer Programmer	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454			
Day Care Center Supvr.	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	
Dev. Achievement Center Dir.	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737
Dev. Achievement Center Teacher	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590
Dev. Disabilities Coord.	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737
Dietitian	~~994~~ 1114	~~1041~~ 1164	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454	~~1359~~ 1523	~~1423~~ 1590	
Dir. of Assessment Systems	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216
Dir. of Business Mgmt. I	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216		
Dir. of Business Mgmt. II	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	
Dir. of Financial Asst.	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	
Dir. of Planning	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	

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Dir. of Pub. Hlth. Nurs. I	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	
	1389	1454	1523	1590	1662	1737	1815	1897	1985	
Dir. of Soc. Services	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Dir. of Support Services	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Education Supervisor	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	
Emp. Guid. Couns. I	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	
	1064	1114	1164	1218	1273	1328	1389	1454	1523	
Emp. Guid. Couns. II	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	
	1114	1164	1218	1273	1328	1389	1454	1523	1590	
Emp. Guid. Couns. III	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	
	1164	1218	1273	1328	1389	1454	1523	1590	1662	
Family Serv. Coord. II	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~		
	1218	1273	1328	1389	1454	1523	1590	1662		
Finan. Asst. Supvr. III	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~
	1419	1487	1556	1624	1699	1773	1855	1941	2029	2122
Finan. Asst. Supvr. IV	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~
	1556	1624	1699	1773	1855	1941	2029	2122	2216	2321
Home Care Coordinator	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~		
	1218	1273	1328	1389	1454	1523	1590	1662		
Homemaker Supervisor	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	
Human Services Dir. I	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~
	1624	1699	1773	1855	1941	2029	2122	2216	2321	2427
Human Services Dir. II	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Human Services Dir. III	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	~~2644~~	~~2759~~	
	2076	2170	2268	2375	2483	2596	2710	2829	2952	
Human Services Supvr. I	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~
	1419	1487	1556	1624	1699	1773	1855	1941	2029	2122
Marriage Counselor	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	
	1389	1454	1523	1590	1662	1737	1815	1897	1985	
Med.-Care Advisor	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	
	1164	1218	1273	1328	1389	1454	1523	1590	1662	

Med.-Serv. Adm.	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~		
	1897	1985	2076	2170	2268	2375	2483	2596		
Mental Health Worker	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	
	1273	1328	1389	1454	1523	1590	1662	1737	1815	
Meth.-&-Proc. Analyst	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	
	1300	1357	1419	1487	1556	1624	1699	1773	1855	
Meth.-&-Proc. Supvr.	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	
	1523	1590	1662	1737	1815	1897	1985	2076	2170	
Nursing Care Advisor	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	
	1164	1218	1273	1328	1389	1454	1523	1590	1662	
Nutrition Proj. Asst. Dir.	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	
	1064	1114	1164	1218	1273	1328	1389	1454	1523	1590
Nutrition Proj. Dir.	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~
	1419	1487	1556	1624	1699	1773	1855	1941	2029	2122
Occup. Supvr.-Inst. I	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~
	1018	1064	1114	1164	1218	1273	1328	1389	1454	1523
Occupa. Supvr.-Inst. II	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~
	1164	1218	1273	1328	1389	1454	1523	1590	1662	1737
Office Manager	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	
	1064	1114	1164	1218	1273	1328	1389	1454	1523	
Personnel Officer	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~
	1064	1114	1164	1218	1273	1328	1389	1454	1523	1590
Personnel Director	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Physical Therapist	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~		
	1088	1138	1189	1244	1300	1357	1419	1487		
Planner (Human Services)	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	
Policy/Program Analyst	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Programmer Analyst	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~		
	1328	1389	1454	1523	1590	1662	1737	1815		
Psychologist I	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	
	1273	1328	1389	1454	1523	1590	1662	1737	1815	
Psychologist II	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	
	1523	1590	1662	1737	1815	1897	1985	2076	2170	

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

Psychologist III	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~		
	1773	1855	1941	2029	2122	2216	2321	2427		
Psychologist IV	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~	~~2373~~	~~2477~~		
	1941	2029	2122	2216	2321	2427	2539	2650		
Pub. Health Educator I	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~		
	1114	1164	1218	1273	1328	1389	1454	1523		
Pub. Health Educator II	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~		
	1389	1454	1523	1590	1662	1737	1815	1897		
Public Health Nurse	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~			
	1164	1218	1273	1328	1389	1454	1523			
Pub. Hlth. Nurse (Team Leader)	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~			
	1218	1273	1328	1389	1454	1523	1590			
Registered Nurse (A.A. Deg., 3 yr. Dip., or B.S. Deg.)	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~				
	1064	1114	1164	1218	1273	1328				
Sanitarian I	~~1041~~	~~1088~~	~~1138~~	~~1190~~						
	1114	1164	1218	1273	1328					
Sanitarian II	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~		
	1218	1273	1328	1389	1454	1523	1590	1662		
Sr. Pub. Health Nurse	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~			
	1273	1328	1389	1454	1523	1590	1662			
Social Worker I	~~994~~	~~1041~~	~~1088~~	~~1138~~						
	1064	1114	1164	1218	1273	1328	1389	1454	1523	1590
Social Worker II	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~
	1164	1218	1273	1328	1389	1454	1523	1590	1662	1737
Social Worker III	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~
	1273	1328	1389	1454	1523	1590	1662	1737	1815	1897
Social Worker Trainee	~~869~~									
	930									
Soc. Serv. Supvr. I	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~
	1419	1487	1556	1624	1699	1773	1855	1941	2029	2122
Soc. Serv. Supvr. II	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~
	1556	1624	1699	1773	1855	1941	2029	2122	2216	2321
Soc. Welf. Supvr. III	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	
	1815	1897	1985	2076	2170	2268	2375	2483	2596	
Soc. Welf. Supvr. Trainee	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~				
	1357	1419	1487	1556	1624	1699				

Staff Trng. Supvr. I	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	
	1454	1523	1590	1662	1737	1815	1897	1985	2076	
Staff Trng. Supvr. II	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	
	1590	1662	1737	1815	1897	1985	2076	2170	2268	
Student Soc. Worker (Intern)	Rate proposed by appointing authority.									
Student Soc. Worker (SWEP)	Rate proposed by appointing authority.									
Systems Prog.-Analyst	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~			
	1523	1590	1662	1737	1815	1897	1985	2076		
Trainee	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.									
Vol.-Serv. Coord. I	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	
	1064	1114	1164	1218	1273	1328	1389	1454	1523	1590
Vol.-Serv. Coord. II	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	
Welfare Director I	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Welfare Director II	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~
	1624	1699	1773	1855	1941	2029	2122	2216	2321	2427
Welfare Director III	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Welfare Director IV	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	~~2644~~	~~2759~~	
	2076	2170	2268	2375	2483	2596	2710	2829	2952	
Welfare Director V	~~2644~~	~~2759~~	~~2884~~	~~3015~~	~~3150~~	~~3292~~	~~3447~~	~~3594~~	~~3750~~	
	2829	2952	3086	3226	3371	3522	3688	3846	4111	
Work-Exp. & Trng. Spec.	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

3. Plan C*

a. Class of Positions	1	2	3	4	5	6	7	8	9	10
Accountant I	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	
	1218	1273	1328	1389	1454	1523	1590	1662	1737	
Accountant II	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	
	1454	1523	1590	1662	1737	1815	1897	1985	2076	2170

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Adm. Asst. I	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216
Adm. Asst. II	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216	~~2169~~ 2321	~~2268~~ 2427
Adm. Asst. III	~~1696~~ 1897	~~1773~~ 1985	~~1855~~ 2076	~~1940~~ 2170	~~2028~~ 2268	~~2120~~ 2375	~~2220~~ 2483	~~2321~~ 2596	~~2426~~ 2710	
Adm. Services Director	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	
Adult Day Care Center Supvr.	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815
Asst. Human Services Director	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	
Asst. Welfare Director	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	~~2759~~ 2952	~~2884~~ 3086	~~3015~~ 3226	
Assoc. M-&-P. Analyst	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328						
Auditor	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170
Center Coordinator	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985
Chemical Dependency Coord.	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985
Collections Serv. Supvr. II	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122
Comm.-Hlth. Serv. Supvr.	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216
Community-Rela. Spec.	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	
Computer Programmer	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523			
Day Care Center Supvr.	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	
Dev. Achievement Center Dir.	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815
Dev. Achievement Center Teacher	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662

Dev. Disabilities Coord.	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815
Dietitian	~~1041~~ 1164	~~1088~~ 1218	~~1138~~ 1273	~~1190~~ 1328	~~1241~~ 1389	~~1298~~ 1454	~~1359~~ 1523	~~1423~~ 1590	~~1486~~ 1662	
Dir. of Assessment Systems	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216	~~2169~~ 2321
Dir. of Bus. Mgmt. I	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216		
Dir. of Business Mgmt. II	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	
Dir. of Financial Asst.	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	
Dir. of Planning	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	
Dir. of Pub. Hlth. Nurs. I	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	~~1940~~ 2076	
Dir. of Soc. Serv.	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	
Dir. of Support Services	~~1855~~ 1985	~~1940~~ 2076	~~2028~~ 2170	~~2120~~ 2268	~~2220~~ 2375	~~2321~~ 2483	~~2426~~ 2596	~~2533~~ 2710	~~2644~~ 2829	
Education Supervisor	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	~~1696~~ 1815	~~1773~~ 1897	~~1855~~ 1985	
Emp. Guid. Couns. I	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	
Emp. Guid. Couns. II	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	
Emp. Guid. Couns. III	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737	
Family Service Coord. II	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737		
Finan. Asst. Supvr. III	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216
Finan. Asst. Supvr. IV	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855	~~1814~~ 1941	~~1896~~ 2029	~~1983~~ 2122	~~2071~~ 2216	~~2169~~ 2321	~~2268~~ 2427
Home Care Coordinator	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454	~~1423~~ 1523	~~1486~~ 1590	~~1553~~ 1662	~~1623~~ 1737		

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Homemaker Supervisor	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	
	1389	1454	1523	1590	1662	1737	1815	1897	1985	
Human Services Dir. I	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~
	1624	1699	1773	1855	1941	2029	2122	2216	2321	2427
Human Services Dir. II	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Human Services Dir. III	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	~~2644~~	~~2759~~	
	2076	2170	2268	2375	2483	2596	2710	2829	2952	
Human Services Supvr. I	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Marriage Counselor	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	
	1454	1523	1590	1662	1737	1815	1897	1985	2076	
Med.-Care Advisor	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	
	1218	1273	1328	1389	1454	1523	1590	1662	1737	
Med.-Serv. Adm.	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~		
	1985	2076	2170	2268	2375	2483	2596	2710		
Mental Health Worker	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	
Meth.-&-Proc. Analyst	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	
	1357	1419	1487	1556	1624	1699	1773	1855	1941	
Meth.-&-Proc. Supvr.	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	
	1590	1662	1737	1815	1897	1985	2076	2170	2268	
Nursing Care Advisor	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	
	1218	1273	1328	1389	1454	1523	1590	1662	1737	
Nutrition Proj. Asst. Dir.	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	
	1114	1164	1218	1273	1328	1389	1454	1523	1590	1662
Nutrition Proj. Dir.	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Occup. Supvr.-Inst. I	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~
	1064	1114	1164	1218	1273	1328	1389	1454	1523	1590
Occup. Supvr.-Inst. II	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~
	1218	1273	1328	1389	1454	1523	1590	1662	1737	1815
Office Manager	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	
	1114	1164	1218	1273	1328	1389	1454	1523	1590	

Personnel Officer	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~
	1114	1164	1218	1273	1328	1389	1454	1523	1590	1662
Personnel Director	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~
	1556	1624	1699	1773	1855	1941	2029	2122	2216	2321
Physical Therapist	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~		
	1164	1218	1273	1328	1389	1454	1523	1590		
Planner (Human Services)	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	
	1389	1454	1523	1590	1662	1737	1815	1897	1985	
Policy/Program Analyst	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~
	1556	1624	1699	1773	1855	1941	2029	2122	2216	2321
Programmer Analyst	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~		
	1389	1454	1523	1590	1662	1737	1815	1897		
Psychologist I	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	
	1328	1389	1454	1523	1590	1662	1737	1815	1897	
Psychologist II	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	
	1590	1662	1737	1815	1897	1985	2076	2170	2268	
Psychologist III	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~	~~2373~~		
	1855	1941	2029	2122	2216	2321	2427	2539		
Psychologist IV	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~	~~2373~~	~~2477~~	~~2587~~		
	2029	2122	2216	2321	2427	2539	2650	2768		
Pub. Health Educator I	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~		
	1164	1218	1273	1328	1389	1454	1523	1590		
Pub. Health Educator II	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~		
	1454	1523	1590	1662	1737	1815	1897	1985		
Public Health Nurse	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~			
	1244	1300	1357	1419	1487	1556	1624			
Pub. Hlth. Nurse (Team Leader)	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~			
	1300	1357	1419	1487	1556	1624	1699			
Registered Nurse (A.A. Deg., 3 yr. Dip., or B.S. Deg.)	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~				
	1138	1189	1244	1300	1357	1419				
Sanitarian I	~~1088~~	~~1138~~	~~1190~~	~~1241~~						
	1164	1218	1273	1328	1389					
Sanitarian II	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~		
	1273	1328	1389	1454	1523	1590	1662	1737		
Sr. Pub. Health Nurse	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~			
	1357	1419	1487	1556	1624	1699	1773			

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

Social Worker I	~~1041~~	~~1088~~	~~1138~~	~~1190~~						
	1114	1164	1218	1273	1328	1389	1454	1523	1590	1662
Social Worker II	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~
	1218	1273	1328	1389	1454	1523	1590	1662	1737	1815
Social Worker III	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~
	1328	1389	1454	1523	1590	1662	1737	1815	1897	1985
Social Worker Trainee	~~869~~									
	930									
Soc. Serv. Supvr. I	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Soc. Serv. Supvr. II	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~
	1624	1699	1773	1855	1941	2029	2122	2216	2321	2427
Soc. Welf. Supvr. III	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	
Soc. Welf. Supvr. Trainee	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~				
	1419	1487	1556	1624	1699	1773				
Staff Trng. Supvr. I	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	
	1523	1590	1662	1737	1815	1897	1985	2076	2170	
Staff Trng. Supvr. II	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	
	1662	1737	1815	1897	1985	2076	2170	2268	2375	
Student Soc. Worker (Intern)	Rate proposed by appointing authority.									
Student Soc. Worker (SWEP)	Rate proposed by appointing authority.									
Systems Prog.-Analyst	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	~~1940~~			
	1590	1662	1737	1815	1897	1985	2076	2170		
Trainee	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.									
Vol.-Serv. Coord. I	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	
	1114	1164	1218	1273	1328	1389	1454	1523	1590	1662
Vol.-Serv. Coord. II	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~	
	1389	1454	1523	1590	1662	1737	1815	1897	1985	
Welfare Director I	~~1390~~	~~1454~~	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~
	1487	1556	1624	1699	1773	1855	1941	2029	2122	2216
Welfare Director II	~~1518~~	~~1588~~	~~1657~~	~~1734~~	~~1814~~	~~1896~~	~~1983~~	~~2071~~	~~2169~~	~~2268~~
	1624	1699	1773	1855	1941	2029	2122	2216	2321	2427
Welfare Director III	~~1773~~	~~1855~~	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	
	1897	1985	2076	2170	2268	2375	2483	2596	2710	

Welfare Director IV	~~1940~~	~~2028~~	~~2120~~	~~2220~~	~~2321~~	~~2426~~	~~2533~~	~~2644~~	~~2759~~
	2076	2170	2268	2375	2483	2596	2710	2829	2952
Welfare Director V	~~2644~~	~~2759~~	~~2884~~	~~3015~~	~~3150~~	~~3292~~	~~3447~~	~~3594~~	~~3750~~
	2829	2952	3086	3226	3371	3522	3688	3846	4111
Work-Exp. & Trng. Spec.	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~	~~1696~~	~~1773~~	~~1855~~
	1389	1454	1523	1590	1662	1737	1815	1897	1985

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

B. Support Personnel

1. Plan A*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Account Clerk	~~696~~	~~728~~	~~762~~	~~797~~	~~833~~	~~869~~	~~910~~	~~951~~	
	745	779	815	853	891	930	974	1018	
Accounting Officer I	~~869~~	~~910~~	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~
	930	974	1018	1064	1114	1164	1218	1273	1328
Accounting Officer II	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~
	1018	1064	1114	1164	1218	1273	1328	1389	1454
Accounting Officer III	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~
	1138	1189	1244	1300	1357	1419	1487	1556	1624
Adult Day Care Center Prog. Coord.	~~710~~	~~774~~	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~
	760	796	834	872	911	951	995	1039	1088
Asst. Residential Fac. Opr.(s)	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~	
	610	635	666	697	728	760	796	834	
Case Aide	~~696~~	~~728~~	~~762~~	~~797~~	~~833~~	~~869~~			
	760	796	834	872	911	951	995	1039	1088
Chemical Dependency Couns.	~~910~~	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~		
	974	1018	1064	1114	1164	1218	1273		
Child Support Officer I	~~869~~	~~910~~	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~
	930	974	1018	1064	1114	1164	1218	1273	1328
Child Support Officer II	~~971~~	~~1017~~	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	
	1039	1088	1138	1189	1244	1300	1357	1419	
Coll. Serv. Supvr. I	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	
	1189	1244	1300	1357	1419	1487	1556	1624	
Community-Service Aide	~~437~~	~~455~~	~~478~~	~~501~~	~~524~~	~~547~~	~~570~~		
	511	536	561	585	610	635	666		
Coord. of Aging	~~710~~	~~744~~	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~
	779	815	853	891	930	974	1018	1064	1114

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Dev. Achievement Center Inst.	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~			
	610	635	666	697	728	760			
Family Service Aide I	~~547~~	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~		
	585	610	635	666	697	728	760		
Family Service Aide II	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~	~~815~~	
	635	666	697	728	760	796	834	872	
Family Service Coord. I	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~		
	834	872	911	951	995	1039	1088		
Family Service/Home Health Aide	~~547~~	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~		
	585	610	635	666	697	728	760		
Finan.-Asst. Specialist	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~	~~1111~~	~~1163~~	~~1215~~	
	974	1018	1064	1114	1164	1218	1273	1328	
Finan.-Asst. Supvr. I	~~971~~	~~1017~~	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~
	1088	1138	1189	1244	1300	1357	1419	1487	1556
Finan.-Asst. Supvr. II	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	
	1189	1244	1300	1357	1419	1487	1556	1624	1699
Financial Worker I	~~696~~	~~728~~	~~762~~	~~797~~	~~833~~	~~869~~			
	760	796	834	872	911	951	995	1039	1088
Financial Worker II	~~779~~	~~815~~	~~951~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~	~~1111~~
	853	891	930	974	1018	1064	1114	1164	1218
Home Health Aide	~~574~~	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~		
	585	610	635	666	697	728	760		
Home Health Aide Coordinator	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~		
	834	872	911	951	995	1039	1088		
Housekeeper	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.								
Housing Coordinator	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~
	951	995	1039	1088	1138	1189	1244	1300	1357
Licensed Practican Nurse	~~710~~	~~744~~	~~779~~	~~815~~	~~851~~	~~889~~			
	760	796	834	872	911	951			
Public Health Aide	~~437~~	~~455~~	~~478~~	~~501~~	~~524~~	~~547~~	~~570~~		
	511	536	561	585	610	635	666		
Residential Fac. Opr.(s)	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~	~~815~~	
	635	666	697	728	760	796	834	872	
Senior Case Aide	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~	~~1111~~
	853	891	930	974	1018	1064	1114	1164	1218

Senior Citizen's Aide	~~437~~	~~455~~	~~478~~	~~501~~	~~524~~	~~547~~	~~570~~	
	511	536	561	585	610	635	666	
Transportation Coord.	~~728~~	~~762~~	~~797~~	~~833~~	~~869~~	~~910~~	~~951~~	~~994~~
	779	815	853	891	930	974	1018	1064
Welfare Fraud Investigator	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	
	1189	1244	1300	1357	1419	1487	1556	
Welfare Fraud Unit Supvr.	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	
	1300	1357	1419	1487	1556	1624	1699	

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B. Support Personnel
2. Plan B*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Account Clerk	~~728~~	~~762~~	~~797~~	~~833~~	~~869~~	~~910~~	~~951~~	~~994~~	
	779	815	853	891	930	974	1018	1064	
Accounting Officer I	~~869~~	~~910~~	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~
	930	974	1018	1064	1114	1164	1218	1273	1328
Accounting Officer II	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~
	1018	1064	1114	1164	1218	1273	1328	1389	1454
Accounting Officer III	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~
	1138	1189	1244	1300	1357	1419	1487	1556	1624
Adult Day Care Center Prog. Coord.	~~744~~	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~
	796	834	872	911	951	995	1039	1088	1138
Asst. Residential Fac. Opr.(s)	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~	~~815~~	
	635	666	697	728	760	796	834	872	
Case Aide	~~728~~	~~762~~	~~797~~	~~833~~	~~869~~	~~910~~			
	796	834	872	911	951	995	1039	1088	1138
Chemical Dependency Couns.	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~		
	1018	1064	1114	1164	1218	1273	1328		
Child Support Officer I	~~910~~	~~951~~	~~994~~	~~1041~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~
	974	1018	1064	1114	1164	1218	1273	1328	1389
Child Support Officer II	~~1017~~	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	
	1088	1138	1189	1244	1300	1357	1419	1487	
Coll. Serv. Supvr. I	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	
	1244	1300	1357	1419	1487	1556	1624	1699	

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Community-Serv. Aide	~~455~~	~~478~~	~~501~~	~~524~~	~~547~~	~~570~~	~~593~~		
	536	561	585	610	635	666	697		
Coord. of Aging	~~744~~	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~
	815	853	891	930	974	1018	1064	1114	1164
Dev. Achievement Center Inst.	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~			
	635	666	697	728	760	796			
Family Service Aide I	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~		
	610	635	666	697	728	760	796		
Family Service Aide II	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~	~~815~~	~~851~~	
	666	697	728	760	796	834	872	911	
Family Service Coord. I	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~		
	872	911	951	995	1039	1088	1138		
Family Service/Home Health Aide	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~		
	610	635	666	697	728	760	796		
Finan.-Asst. Specialist	~~930~~	~~971~~	~~1017~~	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	
	1018	1064	1114	1164	1218	1273	1328	1389	
Finan.-Asst. Supvr. I	~~1017~~	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~
	1138	1189	1244	1300	1357	1419	1487	1556	1624
Finan.-Asst. Supvr. II	~~1163~~	~~1215~~	~~1268~~	~~1326~~	~~1390~~	~~1454~~	~~1518~~	~~1588~~	
	1244	1300	1357	1419	1487	1556	1624	1699	1773
Financial Worker I	~~728~~	~~762~~	~~797~~	~~833~~	~~869~~	~~910~~			
	796	834	872	911	951	995	1039	1088	1138
Financial Worker II	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~	~~1111~~	~~1163~~
	891	930	974	1018	1064	1114	1164	1218	1273
Home Health Aide	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~		
	610	635	666	697	728	760	796		
Home Health Aide Coordinator	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~		
	872	911	951	995	1039	1088	1138		
Housekeeper	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.								
Housing Coordinator	~~930~~	~~971~~	~~1017~~	~~1064~~	~~1111~~	~~1163~~	~~1215~~	~~1268~~	~~1326~~
	995	1039	1088	1138	1189	1244	1300	1357	1419
Licensed Practical Nurse	~~744~~	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~			
	796	834	872	911	951	995			
Public Health Aide	~~455~~	~~478~~	~~501~~	~~524~~	~~547~~	~~570~~	~~593~~		
	536	561	585	610	635	666	697		

Residential Fac. Opr.(s)	~~622~~ 666	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834	~~815~~ 872	~~851~~ 911	
Senior Case Aide	~~815~~ 891	~~851~~ 930	~~889~~ 974	~~930~~ 1018	~~971~~ 1064	~~1017~~ 1114	~~1064~~ 1164	~~1111~~ 1218	~~1163~~ 1273
Senior Citizen's Aide	~~455~~ 536	~~478~~ 561	~~501~~ 585	~~524~~ 610	~~547~~ 635	~~570~~ 666	~~593~~ 697		
Transportation Coordinator	~~762~~ 815	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	
Welfare Fraud Investigator	~~1163~~ 1244	~~1215~~ 1300	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624		
Welfare Fraud Unit Supvr.	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773		

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

B. Support Personnel
3. Plan C*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Account Clerk	~~762~~ 815	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	
Accounting Officer I	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328
Accounting Officer II	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454
Accounting Officer III	~~1064~~ 1138	~~1111~~ 1189	~~1163~~ 1244	~~1215~~ 1300	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624
Adult Day Care Center Prog. Coord.	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	~~1111~~ 1189
Asst. Residential Facility Opr.(s)	~~622~~ 666	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834	~~815~~ 872	~~851~~ 911	
Case Aide	~~762~~ 834	~~797~~ 872	~~833~~ 911	~~869~~ 951	~~910~~ 995	~~951~~ 1039	1088	1138	1189
Chemical Dependency Counselor	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389		
Child Support Officer I	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	~~1138~~ 1218	~~1190~~ 1273	~~1241~~ 1328	~~1298~~ 1389	~~1359~~ 1454

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Child Support Officer II	~~1064~~ 1138	~~1111~~ 1189	~~1163~~ 1244	~~1215~~ 1300	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	
Coll. Serv. Supvr. I	~~1215~~ 1300	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	
Community-Serv. Aide	~~478~~ 561	~~501~~ 585	~~524~~ 610	~~547~~ 635	~~570~~ 666	~~593~~ 697	~~622~~ 728		
Coord. of Aging	~~779~~ 853	~~815~~ 891	~~851~~ 930	~~889~~ 974	~~930~~ 1018	~~971~~ 1064	~~1017~~ 1114	~~1064~~ 1164	~~1111~~ 1218
Dev. Achievement Center Inst.	~~622~~ 666	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834			
Family Service Aide I	~~593~~ 635	~~622~~ 666	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834		
Family Service Aide II	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	
Family Service Coord. I	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	~~1111~~ 1189		
Family Service/Home Health Aide	~~593~~ 635	~~622~~ 666	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834		
Finan.-Asst. Spec.	~~971~~ 1064	~~1017~~ 1114	~~1064~~ 1164	~~1111~~ 1218	~~1163~~ 1273	~~1215~~ 1328	~~1268~~ 1389	~~1326~~ 1454	
Finan.-Asst. Supvr. I	~~1064~~ 1189	~~1111~~ 1244	~~1163~~ 1300	~~1215~~ 1357	~~1268~~ 1419	~~1326~~ 1487	~~1390~~ 1556	~~1454~~ 1624	~~1518~~ 1699
Finan.-Asst. Supvr. II	~~1215~~ 1300	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	1855
Financial Worker I	~~762~~ 834	~~797~~ 872	~~833~~ 911	~~869~~ 951	~~910~~ 995	~~951~~ 1039	1088	1138	1189
Financial Worker II	~~851~~ 930	~~889~~ 974	~~930~~ 1018	~~971~~ 1064	~~1017~~ 1114	~~1064~~ 1164	~~1111~~ 1218	~~1163~~ 1273	~~1215~~ 1328
Home Health Aide	~~593~~ 635	~~622~~ 666	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834		
Home Health Aide Coord.	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	~~1111~~ 1189		
Housekeeper	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.								
Housing Coordinator	~~971~~ 1039	~~1017~~ 1088	~~1064~~ 1138	~~1111~~ 1189	~~1163~~ 1244	~~1215~~ 1300	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487

Licensed Practical Nurse	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	~~930~~ 995	~~971~~ 1039			
Public Health Aide	~~478~~ 561	~~501~~ 585	~~524~~ 610	~~547~~ 635	~~570~~ 666	~~593~~ 697	~~622~~ 728		
Residential Fac. Opr.(s)	~~651~~ 697	~~680~~ 728	~~710~~ 760	~~744~~ 796	~~779~~ 834	~~815~~ 872	~~851~~ 911	~~889~~ 951	
Senior Case Aide	~~851~~ 930	~~889~~ 974	~~930~~ 1018	~~971~~ 1064	~~1017~~ 1114	~~1064~~ 1164	~~1111~~ 1218	~~1163~~ 1273	~~1215~~ 1328
Senior Citizen's Aide	~~478~~ 561	~~501~~ 585	~~524~~ 610	~~547~~ 635	~~570~~ 666	~~593~~ 697	~~622~~ 728		
Transportation Coordinator	~~797~~ 853	~~833~~ 891	~~869~~ 930	~~910~~ 974	~~951~~ 1018	~~994~~ 1064	~~1041~~ 1114	~~1088~~ 1164	
Welfare Fraud Investigator	~~1215~~ 1300	~~1268~~ 1357	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699		
Welfare Fraud Unit Supvr.	~~1326~~ 1419	~~1390~~ 1487	~~1454~~ 1556	~~1518~~ 1624	~~1588~~ 1699	~~1657~~ 1773	~~1734~~ 1855		

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C. Clerical
1. Plan A*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Bkkp. Machine Operator	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerical Supervisor	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974
Clerk I	~~474~~ 524	~~491~~ 541	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671
Clerk II	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk III	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Typist I (1)	~~491~~ 541	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692
Clerk-Typist II	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762

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Clerk-Typist III	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	671	692	713	736	762	789	816	845	876
Clerk Specialist	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	762	789	816	845	876	908	940	974	1011
Clerk-Steno I	~~523~~	~~539~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~
	573	589	608	629	650	671	692	713	736
Clerk-Steno II	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	629	650	671	692	713	736	762	789	816
Clerk-Steno III	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~
	692	713	736	762	789	816	845	876	908
Information Systems Specialist	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~
	713	736	762	789	816	845	876	908	940
Keypunch Operator	~~523~~	~~538~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~
	573	589	608	629	650	671	692	713	736
Swbd. Operator I	~~507~~	~~523~~	~~539~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~
	557	573	589	608	629	650	671	692	713
Swbd. Operator II	~~539~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~
	589	608	629	650	671	692	713	736	762

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

(1) Employees in this class assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

2. Plan B*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Bkkp. Machine Operator	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	608	629	650	671	692	713	736	762	789
Clerical Supervisor	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	762	789	816	845	876	908	940	974	1011
Clerk I	~~491~~	~~507~~	~~523~~	~~539~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~
	541	557	573	589	608	629	650	671	692
Clerk II	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	608	629	650	671	692	713	736	762	789
Clerk III	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~
	692	713	736	762	789	816	845	876	908

Clerk-Typist I (1)	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713
Clerk-Typist II	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789
Clerk-Typist III	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk Specialist	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048
Clerk-Steno I	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Clerk-Steno II	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Clerk-Steno III	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940
Information Systems Specialist	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974
Key Punch Operator	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762
Swbd. Operator I	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736
Swbd. Operator II	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

(1) Employees in this class assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

C. Clerical
3. Plan C*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Bkkp. Machine Operator	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerical Supervisor	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048
Clerk I	~~507~~ 557	~~523~~ 573	~~539~~ 589	~~558~~ 608	~~579~~ 629	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713

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Clerk II	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	629	650	671	692	713	736	762	789	816
Clerk III	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~
	713	736	762	789	816	845	876	908	940
Clerk-Typist I (1)	~~523~~	~~539~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~
	573	589	608	629	650	671	692	713	736
Clerk-Typist II	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	629	650	671	692	713	736	762	789	816
Clerk-Typist III	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~
	713	736	762	789	816	845	876	908	940
Clerk Specialist	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~	~~1037~~
	816	845	876	908	940	974	1011	1048	1087
Clerk-Steno I	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	608	629	650	671	692	713	736	762	789
Clerk-Steno II	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	671	692	713	736	762	789	816	845	876
Clerk-Steno III	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~
	736	762	789	816	845	876	908	940	974
Information Systems Specialist	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	762	789	816	845	876	908	940	974	1011
Keypunch Operator	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	608	629	650	671	692	713	736	762	789
Swbd. Operator I	~~539~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~
	589	608	629	650	671	692	713	736	762
Swbd. Operator II	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	629	650	671	692	713	736	762	789	816

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

(1) Employees in this class assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

4. Plan D*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Bkkp. Machine Operator	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	650	671	692	713	736	762	789	816	845
Clerical Supervisor	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~	~~1037~~
	816	845	876	908	940	974	1011	1048	1087

Clerk I	~~523~~	~~539~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~
	573	589	608	629	650	671	692	713	736
Clerk II	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	650	671	692	713	736	762	789	816	845
Clerk III	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~
	736	762	789	816	845	876	908	940	974
Clerk-Typist I (1)	~~539~~	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~
	589	608	629	650	671	692	713	736	762
Clerk-Typist II	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	650	671	692	713	736	762	789	816	845
Clerk-Typist III	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~
	736	762	789	816	845	876	908	940	974
Clerk Specialist	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~	~~1037~~	~~1079~~
	845	876	908	940	974	1011	1048	1087	1129
Clerk-Steno I	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	629	650	671	692	713	736	762	789	816
Clerk-Steno II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~
	692	713	736	762	789	816	845	876	908
Clerk-Steno III	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	762	789	816	845	876	908	940	974	1011
Information Systems Specialist	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~
	789	816	845	876	908	940	974	1011	1048
Keypunch Operator	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	629	650	671	692	713	736	762	789	816
Swbd. Operator I	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	608	629	650	671	692	713	736	762	789
Swbd. Operator II	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	650	671	692	713	736	762	789	816	845

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(1) Employees in this class assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

C. Clerical
5. Plan E*

a. Class of Positions	1	2	3	4	5	6	7	8
Bkkp. Machine Operator	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876

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Clerical Supervisor	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~	~~1037~~	~~1079~~
	876	908	940	974	1011	1048	1087	1129
Clerk I	~~558~~	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~
	608	629	650	671	692	713	736	762
Clerk II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876
Clerk III	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	789	816	845	876	908	940	974	1011
Clerk-Typist I (1)	~~579~~	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~
	629	650	671	692	713	736	762	789
Clerk-Typist II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876
Clerk-Typist III	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~
	789	816	845	876	908	940	974	1011
Clerk Specialist	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~	~~1037~~	~~1079~~	~~1122~~
	908	940	974	1011	1048	1087	1129	1172
Clerk-Steno I	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	671	692	713	736	762	789	816	845
Clerk-Steno II	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~
	736	762	789	816	845	876	908	940
Clerk-Steno III	~~766~~	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~
	816	845	876	908	940	974	1011	1048
Information Systems Specialist	~~795~~	~~826~~	~~858~~	~~890~~	~~924~~	~~961~~	~~998~~	~~1037~~
	845	876	908	940	974	1011	1048	1087
Keypunch Operator	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~
	671	692	713	736	762	789	816	845
Swbd. Operator I	~~600~~	~~621~~	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~
	650	671	692	713	736	762	789	816
Swbd. Operator II	~~642~~	~~663~~	~~686~~	~~712~~	~~739~~	~~766~~	~~795~~	~~826~~
	692	713	736	762	789	816	845	876

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

(1) Employees in this class assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

6. Plan F*

a. Class of Positions	1	2	3	4	5	6	7	8
Bkkp. Machine Operator	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerical Supervisor	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048	~~1037~~ 1087	~~1079~~ 1129	~~1122~~ 1172
Clerk I	~~600~~ 650	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816
Clerk II	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk III	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048
Clerk-Typist I (1)	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Clerk-Typist II	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Clerk-Typist III	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048
Clerk Specialist	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048	~~1037~~ 1087	~~1079~~ 1129	~~1122~~ 1172	~~1167~~ 1217
Clerk-Steno I	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876
Clerk-Steno II	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974
Clerk-Steno III	~~795~~ 845	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048	~~1037~~ 1087
Information Systems Specialist	~~826~~ 876	~~858~~ 908	~~890~~ 940	~~924~~ 974	~~961~~ 1011	~~998~~ 1048	~~1037~~ 1087	~~1079~~ 1129
Keypunch Operator	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908
Swbd. Operator I	~~621~~ 671	~~642~~ 692	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845
Swbd. Operator II	~~663~~ 713	~~686~~ 736	~~712~~ 762	~~739~~ 789	~~766~~ 816	~~795~~ 845	~~826~~ 876	~~858~~ 908

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

(1) Employees in this class assigned on a full-time basis to transcribing machine operation may be paid within the county range for Clerk-Stenographer I.

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D. Maintenance & Trades

1. Plan A*

a. Class of Positions	1	2	3	4	5	6	7
Auto Driver	~~585~~ 631	~~607~~ 658	~~631~~ 687	~~658~~ 715	~~687~~ 746	~~715~~ 778	~~746~~ 812
Bus Driver	~~631~~ 687	~~658~~ 715	~~687~~ 746	~~715~~ 778	~~746~~ 812	~~778~~ 845	~~812~~ 881
Janitor (1)	~~631~~ 687	~~658~~ 715	~~687~~ 746	~~715~~ 778	~~746~~ 812	~~778~~ 845	~~812~~ 881
Laborer	~~$3.63/hour~~ $3.95/hour						
Maintenance Worker	~~658~~ 715	~~687~~ 746	~~715~~ 778	~~746~~ 812	~~778~~ 845	~~812~~ 881	~~845~~ 920

~~*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.~~

~~(1) Employees who are required to work for a period of at least five hours after 6 P.M. on a regular scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.~~

2. Plan B*

a. Class of Positions	1	2	3	4	5	6	7
Auto Driver	~~746~~ 812	~~778~~ 845	~~812~~ 881	~~845~~ 920	~~881~~ 959	~~920~~ 1000	~~959~~ 1044
Bus Driver	~~778~~ 845	~~812~~ 881	~~845~~ 920	~~881~~ 959	~~920~~ 1000	~~959~~ 1044	~~1000~~ 1089
Janitor (1)	~~746~~ 812	~~778~~ 845	~~812~~ 881	~~845~~ 920	~~881~~ 959	~~920~~ 1000	~~959~~ 1044
Laborer	~~$4.47/hour~~ $4.86/hour						
Maintenance Worker	~~812~~ 881	~~845~~ 920	~~881~~ 959	~~920~~ 1000	~~959~~ 1044	~~1000~~ 1089	~~1044~~ 1136

*The salary steps herein shall not include any amount paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

(1) Employees who are required to work for a period of at least five hours after 6 P.M. on a regular scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

12 MCAR § 2.494 Compensation Plan.

D. Adjustment of the Official Salary Schedule of the Minnesota Merit System.

1. The compensation plan provided in 12 MCAR § 2.840 shall be adjusted for changes in the level of salary rates in business and government ~~and~~ for similar and competing types of employment and for changes in the Twin City Consumer Price Index.

2. In every odd-numbered year ~~T~~the Supervisor shall conduct ~~each year~~ a review of the changes in the level of salary rates in the labor market since the time of the ~~survey preceding the~~ most recent adjustment of the compensation plan. This review shall utilize the data and findings of other labor market surveys and shall, to the extent possible, be based upon similar surveys and data ~~each succeeding year~~ used in previous reviews. The Supervisor shall complete this study and report the findings to the Commissioner of Public Welfare on or before July 31 of each ~~year~~ odd-numbered year.

3. If the report of the Supervisor reveals an increase or decrease in salary rates in the labor market for similar and/or competing employment ~~(particularly with the teaching profession, for professional rates)~~ of four per cent or more, the Commissioner of Public Welfare shall announce a public hearing for a general adjustment of the compensation plan. If the changes in the labor market are of less than four per cent or differ significantly for various types of employment, the Commissioner may announce a public hearing to adjust the compensation plan in whole or in part.

4. The announcement of the public hearing to the ~~county~~ affected agencies and employee organizations shall include the proposed compensation plan, an explanation of the adjustments proposed and a summary of the findings of the survey upon which the proposed adjustment is based.

5. The public hearing shall provide opportunity for all interested individuals and groups to present evidence, testimony, and views of the proposed compensation plan. Following the public hearing and after consideration of all the evidence, the Commissioner shall make his decision. An amended compensation plan shall not be effective until the next succeeding January 1, or for those agencies on a bi-weekly or four-week payroll period on the beginning date of the first payroll period following the next succeeding January 1.

6. The ~~County Welfare Board~~ appointing authority may implement an adjusted compensation plan by adjusting the salaries of the employees to the same ~~alphabetically~~ numerically designated salary rate on the adjusted plan that such employees were paid under the former plan.

7. In every even-numbered year, the Supervisor shall conduct a review of the changes in the consumers price index for urban wage earners and clerical workers for Minneapolis-St. Paul, as published by the Bureau of Labor Statistics, new series index (1967 = 100). The Supervisor shall recommend that all rates of pay in the Professional, Support, Clerical and Maintenance and Trades salary schedules be adjusted by an amount equal to 80 percent of the increase between the consumer price index for June of the current year and the consumer price index for June of the preceding year. This amount shall be rounded to the nearest tenth of a percent and may not exceed 8%. The new recommended monthly salary rates shall be rounded to the nearest whole dollar. The same percentage increase recommended by the Supervisor for all rates of pay shall be recommended as a general salary adjustment for all incumbents of positions in the Professional, Support, Clerical and Maintenance and Trades salary schedules. An amended compensation plan resulting from these recommendations shall not be effective until the next succeeding January 1, or for those agencies on a bi-weekly or four-week payroll period on the beginning date of the first payroll period following the next succeeding January 1.

E. Negotiation of salary schedule.

1. In those agencies where employees have elected an exclusive representative the appointing authority and the exclusive representative may negotiate their own salary schedules for employees in the bargaining unit by class, with the salary for each consistent with the functions outlined in the class specifications. Initial, intervening, and maximum rates of pay for each shall be established to provide for steps in salary advancement without change of duty, in the recognition of meritorious service. When a new classification not previously used in the agency is established in the middle of the contract period and such class falls within the bargaining unit and no provision exists in the contract for establishing such salaries, ~~the Supervisor shall establish the salary level for the class until such time as the contract is again negotiated. In so doing the Supervisor shall consider the salaries for the other classes in the agency as negotiated and the minimum qualifications for the new class.~~ the appointing authority and the exclusive representative shall negotiate a salary schedule for the new classification within sixty days of the date of establishment of the classification.

2. A complete copy of the adopted salary schedule must be filed with the Supervisor within ten days after the signing of the contract or agreement. If the contract or agreement calls for succeeding increases in the salary schedule which change the original minimum and maximum salaries or intervening steps a new adjusted salary schedule must be filed with the Supervisor within ten days after the effective date of any such succeeding adjustment.

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12 MCAR § 2.578 Financial Assistance Supervisor I.

A. Kind of work. Under general supervision, supervises a small number of income maintenance personnel working in one or more of the financial assistance programs; ~~employees working in the public assistance program;~~ interprets policies, rules, and regulations; coordinates activities of the financial unit with the social-service unit; and performs related work as assigned.

B. Examples of work (Illustrative only). Supervises and assigns work to staff. Holds individual and group conferences with subordinates and interprets policies, rules, and regulations. Reviews case records ~~of subordinates~~ to see that agency policies and regulations are adhered to and proper procedures are being followed. Assists in selecting adequate personnel for the unit. Trains new employees. Evaluates staff performance and recommends appropriate action. ~~When necessary, acts as intermediary between client and case aide and hears informal appeals.~~ Interviews clients when special problems arise, listens to grievances, and recommends appropriate action. ~~Makes work load assignment.~~ Maintains necessary contacts with other agencies and vendors. ~~Coordinates and reviews inter-agency referrals.~~ Assists in facilitating referrals to social services. Attends appeal hearings. May present material to ~~welfare~~ board. Makes special studies and surveys as occasion demands. Attends appropriate meetings and training sessions. Coordinates food stamp, or food distribution~~,~~ program. ~~Follows up on unusual medical bills.~~ Directs activities of clerical staff assigned to the division. ~~Assists in selecting adequate personnel for the unit.~~

C. Knowledges and abilities required. ~~Thorough~~ kKnowledge of financial-aid programs, operations, policies, and procedures. ~~Thorough~~ kKnowledge of the federal program for public assistance as expressed in the Social Security Act. ~~Considerable~~ kKnowledge of community resources. Knowledge of ~~the~~ social ~~service program~~ and economic problems. Knowledge of functions of other ~~welfare~~ social service and financial agencies. Knowledge of federal and state ~~the~~ laws ~~on which the state program is based~~ relevant to public assistance programs, and a broad understanding of the objectives and functions of the state welfare program. ~~Knowledge of family economics.~~ Ability to supervise and direct the work of others. Ability to evaluate performance and stimulate growth. Ability to organize efficiently ~~and to care for details in an orderly fashion~~ and effectively. Ability to establish and maintain good relationships with staff, clients, and community in general. Ability to understand and effectively carry out complex oral and written directions.

D. Minimum qualifications of education and experience. ~~Two years of successful experience as a Senior Case Aide in a public welfare agency.~~ Four years of experience as either a Financial Worker I or II, or the equivalent.

OR

Three years of experience as either a Financial Worker I or II, or the equivalent, and completion of two years of study at an accredited two- or four-year college, with emphasis in the behavioral sciences, business, or closely related subjects (at least 23 quarter credits or 16 semester credits).

OR

Thirty months of experience as either a Financial Worker I or II, or the equivalent, and completion of a bachelor's degree from an accredited four-year college or similar institution with a major in the behavioral sciences, business or closely related subjects.

12 MCAR § 2.579 Financial Assistance Supervisor II.

A. Kind of work. Under general supervision, ~~is responsible for~~ supervisinges a large number of employees ~~working in the public assistance program in a large area~~ working in one or more of the financial assistance programs; has ~~direct~~ involvement in policy development; interprets policies, rules, and regulations; coordinated activities of the financial unit with the social-service unit; and performs related work as assigned.

B. Examples of work (Illustrative only). Supervises and assigns work to staff. Analyzes, evaluates, and suggests modification in procedures involved in the management of the public assistance division. Holds individual and group conferences with subordinates and interprets policies, rules, and regulations. Reviews case records ~~of subordinates~~ to see that agency policies and regulations are adhered to and proper procedures are being followed. Assists in selecting adequate personnel for the unit. Trains new employees. Evaluates staff performance and recommends appropriate action. ~~When necessary, acts as intermediary between client and case aide and hears formal appeals.~~ Interviews clients when special problems arise, listens to grievances, and recommends appropriate action. ~~Makes work load assignment.~~ Maintains necessary contacts with other agencies and vendors. ~~Coordinates and reviews inter agency referrals.~~ Assists in facilitating referrals to social services. Attends appeal hearings. May present material to ~~welfare~~ board. Makes special studies and surveys as occasion demands. Attends appropriate meetings and training sessions. Coordinates food stamp, or food distribution~~,~~ program. ~~Follows up on unusual medical bills.~~ Directs activities of clerical staff assigned to the division. ~~Assists in selecting adequate personnel for the unit.~~

C. Knowledges and abilities required. ~~Extensive~~ kKnowledge of financial-aid programs, operations, policies, and procedures. ~~Extensive~~ kKnowledge of the federal program for public assistance as expressed in the Social Security Act. ~~Considerable~~ kKnowledge of community resources. ~~Considerable~~ kKnowledge of ~~the~~ federal and state laws ~~on which the state program is based~~ relevant to public assistance programs, and a broad understanding of the objectives and functions of the state welfare program. Knowledge of ~~the~~ social ~~service program~~ and economic problems. Knowledge of functions of other ~~welfare~~ social service and financial agencies. ~~Knowledge of family economics.~~ Ability to supervise and direct the work of others. Ability to evaluate performance and stimulate growth. Ability to organize efficiently ~~and to care~~

~~for details in an orderly fashion~~ and effectively. Ability to establish and maintain good relationships with staff, clients, and community in general. Ability to understand and effectively carry out complex oral and written directions.

D. Minimum qualifications of education and experience. One ~~Two~~ years of ~~successful~~ experience as a Financial Assistance Supervisor I.

OR

Two years of experience as a Financial Assistance Specialist.

12 MCAR § 2.619 Housing Coordinator.

A. Kind of work. Under general supervision, administers a housing rehabilitation program, determines eligibility of clients for program, advises agency director and board on program policies and standards, and performs related work as assigned.

B. Examples of work (Illustrative only). Performs initial on-site inspection of homes in order to determine what repairs and/or improvements are needed and advises clients on financial arrangements. Assists clients in completing applications for the housing rehabilitation program. Interviews clients to obtain necessary factual information, and verifies information received from clients. Determines financial eligibility of client for the housing rehabilitation program. Presents the client's application to the board for approval and submits application and necessary verification to the appropriate funding authority for approval. Obtains bids and selects contractors. Carries out "in-progress" work inspections to check quality of contractor's work. Prepares and makes presentations to the Board and community groups explaining the housing rehabilitation program.

C. Knowledges and abilities required. Knowledge of state building code requirements. Knowledge of financing regulations and procedures. Knowledge of basic mathematics. Knowledge of available community resources. Ability to establish and maintain good working relationships with agency staff members, clients, and building contractors. Ability to organize and coordinate job activities. Ability to maintain accurate and systematic records. Ability to communicate orally and in writing.

D. Minimum qualifications of education and experience. High school diploma, or the equivalent, and two years of experience in one of the following fields: real estate appraisal, building inspectors, or closely related occupation involving appraisal of dwellings and/or estimating of cost of building construction and repairs.

12 MCAR § 2.655 Nutrition Project Director.

A. Kind of work. Under the direction of an administrative board and the State Department of Public Welfare administers a nutrition program in a regional area as designated by the state's regional boundaries; supervises professional, support, and clerical staff; participates with the community and social service agencies in developing nutrition programs and supportive services for the elderly; is responsible for providing reports as required; and performs related work as required.

B. Examples of work (Illustrative only). Plans and develops nutrition programs for the most effective service to meet the needs of the elderly. Directs the preparation of and presents the annual budget for approval by board. Interprets federal, state, and county policies and procedures to staff, board and community. Furnishes the board with total information on nutrition program activities for the region and their respective counties. Presents material on the nutrition program to the board. Analyzes and evaluates nutrition program policies through conferences, staff meetings, and consultation. Evaluates staff needs, and recommends personnel changes to board. Recruits personnel and administers tests in accordance with affirmative action procedures and Minnesota Merit System rules. Supervises the preparation of statistical, financial, and activity reports. Meets with professional groups, and caterers for discussion of contracts for price of meals. Conducts a public information program. Meets and confers with local advisory committees, elderly participants, and community groups. Assumes responsibility for office management and directs the purchasing of all supplies and equipment.

C. Knowledges and abilities required. Knowledge of laws and regulations relating to the nutrition program. Knowledge of methods, procedures and principles of nutrition program administration. Knowledge of the functions and organization of the state, federal, and local agencies involved with the nutrition program. Knowledge of fiscal management and office procedures. Ability to supervise staff in a manner that will stimulate growth and development. Ability to plan and organize work effectively. Ability to establish and maintain good working relationships with staff, citizens, and community officials. Ability to formulate new methods and techniques to meet the changing demands of the nutrition program. Ability to be able to maintain good working relationship with county welfare and/or human service boards.

D. Minimum qualifications of education and experience. Graduation from any accredited four-year college with a major in business administration, or related fields, and two years of experience assisting in the administration of a nutrition program.

On a promotional basis two years of full-time paid experience administering a nutrition program may be substituted for each year of college.

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12 MCAR § 2.656 Nutrition Project Assistant Director.

A. Kind of work. Under the direction of a Nutrition Project Director, assists in planning fiscal budget and accounting procedures for the year; assists in supervising and coordinating staff, site, and program activities; and performs related work as required.

B. Examples of work (Illustrative only). Assists director in hiring and training of staff. Assists in the supervision of part-time site managers. Assists in the supervision of office staff and assigns work load. Assists director in evaluating performance of employees. Assists in preparation of budget and program planning for yearly operation. Prepares complete budget reports and statistical reports as required. Assists with contract negotiations at catered sites. Maintains and is responsible for all bookkeeping records and accounts for fiscal year end audit. Assists in year end audit. Maintains all pertinent ledgers and accounts for the program. Prepares financial and statistical reports for the board and the state. Processes all bills related to program expenses for presentation at monthly board meetings. Represents Nutrition Project Director at nutrition sites, community meetings, advisory councils and other agency meetings.

C. Knowledges and abilities required. Knowledge of federal, state, and local policies concerning the nutrition program, and a broad understanding of the objectives and functions of the nutrition program. Knowledge of community resources and agencies that provide service to the elderly. Knowledge of principles and practices of accounting and record keeping practices. Ability to coordinate planning activities of nutrition program's objectives and goals. Ability to maintain good working relationships with board, other staff members, and other community agencies. Ability to communicate effectively to maintain effective professional and public relations. Ability to supervise and evaluate program employees. Ability to appraise and review reports from state. Ability to work with and communicate with the elderly.

D. Minimum qualifications of education and experience. High school diploma, or the equivalent, and two years of experience supervising clerical operations, maintaining financial records, or performing related duties.

OR

Two years of study at an accredited two- or four-year college or similar institution, with emphasis in business administration or related fields.

12 MCAR § 2.693 Family Service/~~HOMEMAKER/~~ Home-Health-Aide.

A. Kind of work. Under supervision, instructs families in their homes in household skills and management; performs personal health care services in the home; works closely with the social worker or public health nurses in determining and evaluating the plan for care of clients, patients and their families; and performs related work as assigned. This work is performed under the supervision of a public health nurse or home-health-aide coordinator and/or a social worker, a social service supervisor, or a ~~homemaker~~ family service coordinator. Work requiring nursing judgment must be under the supervision of a nurse.

B. Examples of work (Illustrative only). Plans menus, purchases food, and prepares and serves meals including special diets as required. Assists in budgeting and expense planning. Provides personal care to children and/or disabled household members including bathing, dressing, feeding, personal hygiene, medication, and therapy as prescribed by the health staff. Teaches and instructs clients/patients in homemaking, child care, and personal care skills. Performs light housekeeping services including cleaning, washing, ironing, and mending of clothes and linens. Transports and escorts children and adults to schools, clinics, libraries, doctors' offices, and recreational facilities. Reports any changes in patient's or family's condition and reports on patient/family activities.

C. Knowledges and abilities required. Knowledge of the principles of home management. Knowledge of elements of nutrition and meal planning. Knowledge of personal health care practices and principles. Knowledge of first-aid and home safety. Knowledge of child-care methods. Knowledge of the process of aging and behavior of the aged. Knowledge of emotional problems accompanying illness. Knowledge of budgeting. Ability to adapt to a variety of home and personal situations. Ability to maintain an interest in and project a sympathetic and cheerful attitude in caring for the sick at home. Ability to follow written and oral instructions. Ability to accept and profit by supervision. Ability to retain confidentiality of home conditions and situations. Ability to exercise tact and good judgment in working with children and adults.

D. Minimum qualifications of education and experience.

1. Five years of successful nurses' aide, child-care, or homemaking experience.

Note: The following may be required by county welfare and human services agencies:

2. Satisfactory physical condition as evidenced by a physical examination immediately prior to employment;

3. Completion of a training program for Home-Health-Aides prior to appointment to this class as set forth by the Social Security Act;

4. Possession of a valid Minnesota driver's license.

12 MCAR § 2.840 Compensation Plan — 1979

A. Professional

1. Plan A*

a. Class of Positions	1	2	3	4	5	6	7	8	9	10
Accountant I	1138	1190	1241	1298	1359	1423	1486	1553	1623	
Accountant II	1359	1423	1486	1553	1623	1696	1773	1855	1940	
Adm. Asst. I	1268	1326	1390	1454	1518	1588	1657	1734	1814	1896
Adm. Asst. II	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Adm. Asst. III	1553	1623	1696	1773	1855	1940	2028	2120	2220	
Adm. Services Director	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Adult Day Care Ctr. Supvr.	1041	1088	1138	1190	1241	1298	1359	1423	1486	1553
Asst. Human Services Dir.	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Asst. Welfare Director	2120	2220	2321	2426	2533	2644	2759	2884	3015	
Assoc. M.-&-P. Analyst	994	1041	1088	1138						
Auditor	1241	1298	1359	1423	1486	1553	1623	1696	1773	1855
Center Coordinator	1138	1190	1241	1298	1359	1423	1486	1553	1623	1696
Chemical Dependency Coord.	1138	1190	1241	1298	1359	1423	1486	1553	1623	1696
Collection Services Supvr. II	1215	1268	1326	1390	1454	1518	1588	1657	1734	1814
Community Health Serv. Supvr.	1268	1326	1390	1454	1518	1588	1657	1734	1814	1896
Community-Rela. Spec.	1298	1359	1423	1486	1553	1623	1696	1773	1855	
Computer Programmer	994	1041	1088	1138	1190	1241	1298			
Day-Care Center Supvr.	1268	1326	1390	1454	1518	1588	1657	1734	1814	
Dev. Achievement Center Dir.	1041	1088	1138	1190	1241	1298	1359	1423	1486	1553
Dev. Achievement Ctr. Teacher	951	994	1041	1088	1138	1190	1241	1298	1359	1423
Dev. Disabilities Coord.	1041	1088	1138	1190	1241	1298	1359	1423	1486	1553
Dietitian	951	994	1041	1088	1138	1190	1241	1298	1359	
Dir. of Assessment Systems	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983

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Dir. of Business Mgmt. I	1518	1588	1657	1734	1814	1896	1983	2071		
Dir. of Business Mgmt. II	1855	1940	2028	2120	2220	2321	2426	2533	2644	
Dir. of Finan. Assist.	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Dir. of Planning	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Dir. of Pub. Hlth. Nurs. I	1241	1298	1359	1423	1486	1553	1623	1696	1773	
Dir. of Soc. Serv.	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Dir. of Support Services	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Education Supervisor	1190	1241	1298	1359	1423	1486	1553	1623	1696	
Emp. Guid. Couns. I	951	994	1041	1088	1138	1190	1241	1298	1359	
Emp. Guid. Couns. II	994	1041	1088	1138	1190	1241	1298	1359	1423	
Emp. Guid. Couns. III	1041	1088	1138	1190	1241	1298	1359	1423	1486	
Family Serv. Coord. II	1088	1138	1190	1241	1298	1359	1423	1486		
Finan. Assist. Supvr. III	1268	1326	1390	1454	1518	1588	1657	1734	1814	1896
Finan. Assist. Supvr. IV	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Home Care Coordinator	1088	1138	1190	1241	1298	1359	1423	1486		
~~Homemaker Coordinator II~~	~~1088~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~		
Homemaker Supervisor	1190	1241	1298	1359	1423	1486	1553	1623	1696	
Human Services Dir. I	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Human Services Dir. II	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Human Services Dir. III	1940	2028	2120	2220	2321	2426	2533	2644	2759	
Human Services Supvr. I	1268	1326	1390	1454	1518	1588	1657	1734	1814	1896
Marriage Counselor	1241	1298	1359	1423	1486	1553	1623	1696	1773	
Med.-Care Advisor	1041	1088	1138	1190	1241	1298	1359	1423	1486	
Med.-Serv. Adm.	1696	1773	1855	1940	2028	2120	2220	2321		
Mental Health Worker	1138	1190	1241	1298	1359	1423	1486	1553	1623	
Meth.-&-Proc. Analyst	1163	1215	1268	1326	1390	1454	1518	1588	1657	
Meth.-&-Proc. Supvr.	1359	1423	1486	1553	1623	1696	1773	1855	1940	

Nursing Care Advisor	1041	1088	1138	1190	1241	1298	1359	1423	1486	
Nutrition Project Asst. Dir.	951	994	1041	1088	1138	1190	1241	1298	1359	
Nutrition Project Director	1268	1326	1390	1454	1518	1588	1657	1734	1814	1896
Occupa. Supvr.-Inst. I	910	951	994	1041	1088	1138	1190	1241	1298	1359
Occupa. Supvr.-Inst. II	1041	1088	1138	1190	1241	1298	1359	1423	1486	1553
Office Manager	951	994	1041	1088	1138	1190	1241	1298	1359	
Personnel Officer	951	994	1041	1088	1138	1190	1241	1298	1359	1423
Personnel Director	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983
Physical Therapist	951	994	1041	1088	1138	1190	1241	1298		
Planner (Human Services)	1190	1241	1298	1359	1423	1486	1553	1623	1696	
Policy/Program Analyst	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983
Programmer Analyst	1190	1241	1298	1359	1423	1486	1553	1623		
Psychologist I	1138	1190	1241	1298	1359	1423	1486	1553	1623	
Psychologist II	1359	1423	1486	1553	1623	1696	1773	1855	1940	
Psychologist III	1588	1657	1734	1814	1896	1983	2071	2169		
Psychologist IV	1734	1814	1896	1983	2071	2169	2268	2373		
Public Health Educator I	994	1041	1088	1138	1190	1241	1298	1359		
Public Health Educator II	1241	1298	1359	1423	1486	1553	1623	1696		
Public Health Nurse	994	1041	1088	1138	1190	1241	1298			
Pub Hlth. Nur. (Team Leader)	1041	1088	1138	1190	1241	1298	1359			
Registered Nurse (A.A. Deg., 3 yr. Dip. or B.S. Deg.)	951	994	1041	1088	1138	1190				
Sanitarian I	994	1041	1088	1138						
Sanitarian II	1088	1138	1190	1241	1298	1359	1423	1486		
Senior Public Health Nurse	1088	1138	1190	1241	1298	1359	1423			
Social Worker I	951	994	1041	1088						
Social Worker II	1041	1088	1138	1190	1241	1298	1359	1423	1486	1553
Social Worker III	1138	1190	1241	1298	1359	1423	1486	1553	1623	1696

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Social Worker Trainee	869									
Soc.-Serv. Supvr. I	1268	1326	1390	1454	1518	1588	1657	1734	1814	1896
Soc.-Serv. Supvr. II	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Soc.-Serv. Supvr. III	1553	1623	1696	1773	1855	1940	2028	2120	2220	
Soc.-Serv. Supvr. Trainee	1215	1268	1326	1390	1454	1518				
Staff-Trng. Supvr. I	1298	1359	1423	1486	1553	1623	1696	1773	1855	
Staff-Trng. Supvr. II	1423	1486	1553	1623	1696	1773	1855	1940	2028	
Student Soc. Worker (Intern)	Rate proposed by appointing authority.									
Student Soc. Worker (SWEP)	Rate proposed by appointing authority.									
Systems Prog.-Analyst	1359	1423	1486	1553	1623	1696	1773			
Trainee	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.									
Vol.-Serv. Coord. I	951	994	1041	1088	1138	1190	1241	1298	1359	
Vol.-Serv. Coord. II	1190	1241	1298	1359	1423	1486	1553	1623	1696	
Welfare Director I	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Welfare Director II	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Welfare Director III	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Welfare Director IV	1940	2028	2120	2220	2321	2426	2533	2644	2759	
Welfare Director V	2644	2759	2884	3015	3150	3292	3447	3594	3750	
Work-Exp. & Trng. Spec.	1190	1241	1298	1359	1423	1486	1553	1623	1696	

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

A. Professional

2. Plan B*

a. Class of Positions	1	2	3	4	5	6	7	8	9	10
Accountant I	1138	1190	1241	1298	1359	1423	1486	1553	1623	
Accountant II	1359	1423	1486	1553	1623	1696	1773	1855	1940	
Adm. Asst. I	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983
Adm. Asst. II	1454	1518	1588	1657	1734	1814	1896	1983	2071	2169
Adm. Asst. III	1623	1696	1773	1855	1940	2028	2120	2220	2321	
Adm. Services Director	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Adult Day Care Ctr. Supvr.	1088	1138	1190	1241	1298	1359	1423	1486	1553	1623
Asst. Human Services Dir.	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Asst. Welfare Director	2120	2220	2321	2426	2533	2644	2759	2884	3015	
Assoc. M.-&-P. Analyst	1041	1088	1138	1190						
Auditor	1298	1359	1423	1486	1553	1623	1696	1773	1855	1940
Center Coordinator	1190	1241	1298	1359	1423	1486	1553	1623	1696	1773
Chemical Dependency Coord.	1190	1241	1298	1359	1423	1486	1553	1623	1696	1773
Collection Services Supvr. II	1268	1326	1390	1454	1518	1588	1657	1734	1814	1896
Community Health Serv. Supvr.	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983
Community-Rela. Spec.	1359	1423	1486	1553	1623	1696	1773	1855	1940	
Computer Programmer	1041	1088	1138	1190	1241	1298	1359			
Day-Care Center Supvr.	1326	1390	1454	1518	1588	1657	1734	1814	1896	
Dev. Achievement Center Dir.	1088	1138	1190	1241	1298	1359	1423	1486	1553	1623
Dev. Achievement Ctr. Teacher	994	1041	1088	1138	1190	1241	1298	1359	1423	1486
Dev. Disabilities Coord.	1088	1138	1190	1241	1298	1359	1423	1486	1553	1623
Dietitian	994	1041	1088	1138	1190	1241	1298	1359	1423	
Dir. of Assessment Systems	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Dir. of Business Mgmt. I	1518	1588	1657	1734	1814	1896	1983	2071		

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Dir. of Business Mgmt. II	1855	1940	2028	2120	2220	2321	2426	2533	2644	
Dir. of Finan. Asst.	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Dir. of Planning	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Dir. of Pub. Hlth. Nurs. I	1298	1359	1423	1486	1553	1623	1696	1773	1855	
Dir. of Soc. Serv.	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Dir. of Support Services	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Education Supervisor	1241	1298	1359	1423	1486	1553	1623	1696	1773	
Emp. Guid. Couns. I	994	1041	1088	1138	1190	1241	1298	1359	1423	
Emp. Guid. Couns. II	1041	1088	1138	1190	1241	1298	1359	1423	1486	
Emp. Guid. Couns. III	1088	1138	1190	1241	1298	1359	1423	1486	1553	
Family Serv. Coord. II	1138	1190	1241	1298	1359	1423	1486	1553		
Finan. Assist. Supvr. III	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983
Finan. Assist. Supvr. IV	1454	1518	1588	1657	1734	1814	1896	1983	2071	2169
Home Care Coordinator	1138	1190	1241	1298	1359	1423	1486	1553		
~~Homemaker Coordinator II~~	~~1138~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~		
Homemaker Supervisor	1241	1298	1359	1423	1486	1553	1623	1696	1773	
Human Services Dir. I	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Human Services Dir. II	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Human Services Dir. III	1940	2028	2120	2220	2321	2426	2533	2644	2759	
Human Services Supvr. I	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983
Marriage Counselor	1298	1359	1423	1486	1553	1623	1696	1773	1855	
Med.-Care Advisor	1088	1138	1190	1241	1298	1359	1423	1486	1553	
Med.-Serv. Adm.	1773	1855	1940	2028	2120	2220	2321	2426		
Mental Health Worker	1190	1241	1298	1359	1423	1486	1553	1623	1696	
Meth.-&-Proc. Analyst	1215	1268	1326	1390	1454	1518	1588	1657	1734	
Meth.-&-Proc. Supvr.	1423	1486	1553	1623	1696	1773	1855	1940	2028	
Nursing Care Advisor	1088	1138	1190	1241	1298	1359	1423	1486	1553	
Nutrition Project Asst. Dir.	994	1041	1088	1138	1190	1241	1298	1359	1423	

Nutrition Project Director	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983
Occupa. Supvr.-Inst. I	951	994	1041	1088	1138	1190	1241	1298	1359	1423
Occupa. Supvr.-Inst. II	1088	1138	1190	1241	1298	1359	1423	1486	1553	1623
Office Manager	994	1041	1088	1138	1190	1241	1298	1359	1423	
Personnel Officer	994	1041	1088	1138	1190	1241	1298	1359	1423	1486
Personnel Director	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Physical Therapist	994	1041	1088	1138	1190	1241	1298	1359		
Planner (Human Services)	1241	1298	1359	1423	1486	1553	1623	1696	1773	
Policy/Program Analyst	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Programmer Analyst	1241	1298	1359	1423	1486	1553	1623	1696		
Psychologist I	1190	1241	1298	1359	1423	1486	1553	1623	1696	
Psychologist II	1423	1486	1553	1623	1696	1773	1855	1940	2028	
Psychologist III	1657	1734	1814	1896	1983	2071	2169	2268		
Psychologist IV	1814	1896	1983	2071	2169	2268	2373	2477		
Public Health Educator I	1041	1088	1138	1190	1241	1298	1359	1423		
Public Health Educator II	1298	1359	1423	1486	1553	1623	1696	1773		
Public Health Nurse	1041	1088	1138	1190	1241	1298	1359			
Pub. Hlth. Nur. (Team Leader)	1088	1138	1190	1241	1298	1359	1423			
Registered Nurse (A.A. Deg., 3 yr. Dip. or B.S. Deg.)	994	1041	1088	1138	1190	1241				
Sanitarian I	1041	1088	1138	1190						
Sanitarian II	1138	1190	1241	1298	1359	1423	1486	1553		
Senior Public Health Nurse	1138	1190	1241	1298	1359	1423	1486			
Social Worker I	994	1041	1088	1138						
Social Worker II	1088	1138	1190	1241	1298	1359	1423	1486	1553	1623
Social Worker III	1190	1241	1298	1359	1423	1486	1553	1623	1696	1773
Social Worker Trainee	869									

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Soc.-Serv. Supvr. I	1326	1390	1454	1518	1588	1657	1834	1814	1896	1983
Soc.-Serv. Supvr. II	1454	1518	1588	1657	1734	1814	1896	1983	2071	2169
Soc.-Serv. Supvr. III	1623	1696	1773	1855	1940	2028	2120	2220	2321	
Soc.-Serv. Supvr. Trainee	1268	1326	1390	1454	1518	1588				
Staff-Trng. Supvr. I	1359	1423	1486	1553	1623	1696	1773	1855	1940	
Staff-Trng. Supvr. II	1486	1553	1623	1696	1773	1855	1940	2028	2120	
Student Soc. Worker (Intern)	Rate proposed by appointing authority.									
Student Soc. Worker (SWEP)	Rate proposed by appointing authority.									
Systems Prog.-Analyst	1423	1486	1553	1623	1696	1773	1855			
Trainee	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.									
Vol.-Serv. Coord. I	994	1041	1088	1138	1190	1241	1298	1359	1423	
Vol.-Serv. Coord. II	1241	1298	1359	1423	1486	1553	1623	1696	1773	
Welfare Director I	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Welfare Director II	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Welfare Director III	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Welfare Director IV	1940	2028	2120	2220	2321	2426	2533	2644	2759	
Welfare Director V	2644	2759	2884	3015	3150	3292	3447	3594	3750	
Work-Exp. & Trng. Spec.	1241	1298	1359	1423	1486	1553	1623	1696	1773	

*The salary steps herein shall not include any amounts paid by any county welfare board under the provisions of Minn. Stat. § 471.61.

A. Professional

3. Plan C*

a. Class of Positions

	1	2	3	4	5	6	7	8	9	10
Accountant I	1138	1190	1241	1298	1359	1423	1486	1553	1623	
Accountant II	1359	1423	1486	1553	1623	1696	1773	1855	1940	

Adm. Asst. I	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Adm. Asst. II	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Adm. Asst. III	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Adm. Services Director	1855	1940	2028	2120	2220	2321	2425	2533	2644	
Adult Day Care Ctr. Supvr.	1138	1190	1241	1298	1359	1423	1486	1553	1623	1696
Asst. Human Services Dir.	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Asst. Welfare Director	2120	2220	2321	2426	2533	2644	2759	2884	3015	
Assoc. M.-&-P. Analyst	1088	1138	1190	1241						
Auditor	1359	1423	1486	1553	1623	1696	1773	1855	1940	2028
Center Coordinator	1241	1298	1359	1423	1486	1553	1623	1696	1773	1855
Chemical Dependency Coord.	1241	1298	1359	1423	1486	1553	1623	1696	1773	1855
Collection Services Supvr. II	1326	1390	1454	1518	1588	1657	1734	1814	1896	1983
Community Health Serv. Supvr.	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Community-Rela. Spec.	1423	1486	1553	1623	1696	1773	1855	1940	2028	
Computer Programmer	1088	1138	1190	1241	1298	1359	1423			
Day-Care Center Supvr.	1390	1454	1518	1588	1657	1734	1814	1896	1983	
Dev. Achievement Center Dir.	1138	1190	1241	1298	1359	1423	1486	1553	1623	1696
Dev. Achievement Ctr. Teacher	1041	1088	1138	1190	1241	1298	1359	1423	1486	1553
Dev. Disabilities Coord.	1138	1190	1241	1298	1359	1423	1486	1553	1623	1696
Dietitian	1041	1088	1138	1190	1241	1298	1359	1423	1486	
Dir. of Assessment Systems	1454	1518	1588	1657	1734	1814	1896	1983	2071	2169
Dir. of Business Mgmt. I	1518	1588	1657	1734	1814	1896	1983	2071		
Dir. of Business Mgmt. II	1855	1940	2028	2120	2220	2321	2426	2533	2644	
Dir. of Finan. Asst.	1855	1940	2028	2120	2220	2321	2426	2533	2644	
Dir. of Planning	1855	1940	2028	2120	2220	2321	2426	2533	2644	
Dir. of Pub.-Hlth. Nurs. I	1359	1423	1486	1553	1623	1696	1773	1855	1940	
Dir. of Soc. Serv.	1855	1940	2028	2120	2220	2321	2426	2533	2644	

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Dir. of Support Services	1855	1940	2028	2120	2220	2321	2426	2533	2644	
Education Supervisor	1298	1359	1423	1486	1553	1623	1696	1773	1855	
Emp. Guid. Couns. I	1041	1088	1138	1190	1241	1298	1359	1423	1486	
Emp. Guid. Couns. II	1088	1138	1190	1241	1298	1359	1423	1486	1553	
Emp. Guid. Couns. III	1138	1190	1241	1298	1359	1423	1486	1553	1623	
Family Serv. Coord. II	1190	1241	1298	1359	1423	1486	1553	1623		
Finan. Assist. Supvr. III	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Finan. Assist. Supvr. IV	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Home Care Coordinator	1190	1241	1298	1359	1423	1486	1553	1623		
~~Homemaker Coordinator II~~	~~1190~~	~~1241~~	~~1298~~	~~1359~~	~~1423~~	~~1486~~	~~1553~~	~~1623~~		
Homemaker Supervisor	1298	1359	1423	1486	1553	1623	1696	1773	1855	
Human Services Dir. I	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Human Services Dir. II	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Human Services Dir. III	1940	2028	2120	2220	2321	2426	2533	2644	2759	
Human Services Supvr. I	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Marriage Counselor	1359	1423	1486	1553	1623	1696	1773	1855	1940	
Med.-Care Advisor	1138	1190	1241	1298	1359	1423	1486	1553	1623	
Med.-Serv. Adm.	1855	1940	2028	2120	2220	2321	2426	2533		
Mental Health Worker	1241	1298	1359	1423	1486	1553	1623	1696	1773	
Meth.-&-Proc. Analyst	1268	1326	1390	1454	1518	1588	1657	1734	1814	
Meth.-&-Proc. Supvr.	1486	1553	1623	1696	1773	1855	1940	2028	2120	
Nursing Care Advisor	1138	1190	1241	1298	1359	1423	1486	1553	1623	
Nutrition Project Asst. Dir.	1041	1088	1138	1190	1241	1298	1359	1423	1486	
Nutrition Project Director	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Occupa. Supvr.-Inst. I	994	1041	1088	1138	1190	1241	1298	1359	1423	1486
Occupa. Supvr.-Inst. II	1138	1190	1241	1298	1359	1423	1486	1553	1623	1696
Office Manager	1041	1088	1138	1190	1241	1298	1359	1423	1486	

Personnel Officer	1041	1088	1138	1190	1241	1298	1359	1423	1486	1553
Personnel Director	1454	1518	1588	1657	1734	1814	1896	1983	2071	2169
Physical Therapist	1064	1111	1163	1215	1268	1326	1390	1454		
Planner (Human Services)	1298	1359	1423	1486	1553	1623	1696	1773	1855	
Policy/Program Analyst	1454	1518	1588	1657	1734	1814	1896	1983	2071	2169
Programmer Analyst	1298	1359	1423	1486	1553	1623	1696	1773		
Psychologist I	1241	1298	1359	1423	1486	1553	1623	1696	1773	
Psychologist II	1486	1553	1623	1696	1773	1855	1940	2028	2120	
Psychologist III	1734	1814	1896	1983	2071	2169	2268	2373		
Psychologist IV	1896	1983	2071	2169	2268	2373	2477	2587		
Public Health Educator I	1088	1138	1190	1241	1298	1359	1423	1486		
Public Health Educator II	1359	1423	1486	1553	1623	1696	1773	1855		
Public Health Nurse	1111	1163	1215	1268	1326	1390	1454			
Pub. Hlth. Nur. (Team Leader)	1163	1215	1268	1326	1390	1454	1518			
Registered Nurse (A.A. Deg., 3 yr. Dip. or B.S. Deg.)	1064	1111	1163	1215	1268	1326				
Sanitarian I	1088	1138	1190	1241						
Sanitarian II	1190	1241	1298	1359	1423	1486	1553	1623		
Senior Public Health Nurse	1215	1268	1326	1390	1454	1518	1588			
Social Worker I	1041	1088	1138	1190						
Social Worker II	1138	1190	1241	1298	1359	1423	1486	1553	1623	1696
Social Worker III	1241	1298	1359	1423	1486	1553	1623	1696	1773	1855
Social Worker Trainee	869									
Soc.-Serv. Supvr. I	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Soc.-Serv. Supvr. II	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Soc.-Serv. Supvr. III	1696	1773	1855	1940	2028	2120	2220	2321	2426	
Soc.-Serv. Supvr. Trainee	1326	1390	1454	1518	1588	1657				

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Staff-Trng. Supvr. I	1423	1486	1553	1623	1696	1773	1855	1940	2028
Staff-Trng. Supvr. II	1553	1623	1696	1773	1855	1940	2028	2120	2220
Student Soc. Worker (Intern)	Rate proposed by appointing authority.								
Student Soc. Worker (SWEP)	Rate proposed by appointing authority.								
Systems Prog.-Analyst	1486	1553	1623	1696	1773	1855	1940		
Trainee	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.								
Vol.-Serv. Coord. I	1041	1088	1138	1190	1241	1298	1359	1423	1486
Vol.-Serv. Coord. II	1298	1359	1423	1486	1553	1623	1696	1773	1855
Welfare Director I	1390	1454	1518	1588	1657	1734	1814	1896	1983	2071
Welfare Director II	1518	1588	1657	1734	1814	1896	1983	2071	2169	2268
Welfare Director III	1773	1855	1940	2028	2120	2220	2321	2426	2533	
Welfare Director IV	1940	2028	2120	2220	2321	2426	2533	2644	2759	
Welfare Director V	2644	2759	2884	3015	3150	3292	3447	3594	3750	
Work-Exp. & Trng. Spec.	1298	1359	1423	1486	1553	1623	1696	1773	1855	

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B. Support Personnel

1. Plan A*

a. Class of Positions

	1	2	3	4	5	6	7	8	9
Account Clerk	696	728	762	797	833	869	910	951	
Accounting Officer I	869	910	951	994	1041	1088	1138	1190	1241
Accounting Officer II	951	994	1041	1088	1138	1190	1241	1298	1359
Accounting Officer III	1064	1111	1163	1215	1268	1326	1390	1454	1518
Adult Day Care Ctr. Prog. Coord.	710	744	779	815	851	889	930	971	1017

Asst. Residential Facility Opr.(s)	570	593	622	651	680	710	744	779	
Case Aide	696	728	762	797	833	869			
Chemical Dependency Counselor	910	951	994	1041	1088	1138	1190		
Child Support Officer I	869	910	951	994	1041	1088	1138	1190	1241
Child Support Officer II	971	1017	1064	1111	1163	1215	1268	1326	
Collection Services Supvr. I	1111	1163	1215	1268	1326	1390	1454	1518	
Community-Service Aide	437	455	478	501	524	547	570		
Coordinator of Aging	710	744	779	815	851	889	930	971	1017
Dev. Achievement Center Inst.	570	593	622	651	680	710			
Family Service Aide I	547	570	593	622	651	680	710		
Family Service Aide II	593	622	651	680	710	744	779	815	
Family Service Coordinator I	779	815	851	889	930	971	1017		
Family Service/Home Health Aide	547	570	593	622	651	680	710		
Finan.-Assistance Spec.	889	930	971	1017	1064	1111	1163	1215	
Finan.-Assistance Supvr. I	971	1017	1064	1111	1163	1215	1268	1326	1390
Finan.-Assistance Supvr. II	1111	1163	1215	1268	1326	1390	1454	1518	
Financial Worker I	696	728	762	797	833	869			
Financial Worker II	779	815	851	889	930	971	1017	1064	1111
Home Health Aide	547	570	593	622	651	680	710		
Home Health Aide Coordinator	779	815	851	889	930	971	1017		
~~Homemaker I~~	~~547~~	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~		
~~Homemaker II~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~	~~815~~	
~~Homemaker Coordinator I~~	~~779~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~		
~~Homemaker/Home-Health-Aide~~	~~547~~	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~		
Housekeeper	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.								

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Housing Coordinator	889	930	971	1017	1064	1111	1163	1215	1268
Licensed Practical Nurse	710	744	779	815	851	889			
Public Health Aide	437	455	478	501	524	547	570		
Residential Facility Operator(s)	593	622	651	680	710	744	779	815	
Senior Case Aide	779	815	851	889	930	971	1017	1064	1111
Senior Citizen's Aide	437	455	478	501	524	547	570		
Transportation Coordinator	728	762	797	833	869	910	951	994	
Welfare Fraud Investigator	1111	1163	1215	1268	1326	1390	1454		
Welfare Fraud Unit Supvr.	1215	1268	1326	1390	1454	1518	1588		

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B. Support Personnel

2. Plan B*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Account Clerk	728	762	797	833	869	910	951	994	
Accounting Officer I	869	910	951	994	1041	1088	1138	1190	1241
Accounting Officer II	951	994	1041	1088	1138	1190	1241	1298	1359
Accounting Officer III	1064	1111	1163	1215	1268	1326	1390	1454	1518
Adult Day Care Ctr. Prog. Coord.	744	779	815	851	889	930	971	1017	1064
Asst. Residential Facility Opr.(s)	593	622	651	680	710	744	779	815	
Case Aide	728	762	797	833	869	910			
Chemical Dependency Counselor	951	994	1041	1088	1138	1190	1241		
Child Support Officer I	910	951	994	1041	1088	1138	1190	1241	1298
Child Support Officer II	1017	1064	1111	1163	1215	1268	1326	1390	
Collection Services Supvr. I	1163	1215	1268	1326	1390	1454	1518	1588	

Community-Service Aide	455	478	501	524	547	570	593		
Coordinator of Aging	744	779	815	851	889	930	971	1017	1064
Dev. Achievement Center Inst.	593	622	651	680	710	744			
Family Service Aide I	570	593	622	651	680	710	744		
Family Service Aide II	622	651	680	710	744	779	815	851	
Family Service Coordinator I	815	851	889	930	971	1017	1064		
Family Service/Home Health Aide	570	593	622	651	680	710	744		
Finan.-Assistance Spec.	930	971	1017	1064	1111	1163	1215	1268	
Finan.-Assistance Supvr. I	1017	1064	1111	1163	1215	1268	1326	1390	1454
Finan.-Assistance Supvr. II	1163	1215	1268	1326	1390	1454	1518	1588	
Financial Worker I	728	762	797	833	869	910			
Financial Worker II	815	851	889	930	971	1017	1064	1111	1163
Home Health Aide	570	593	622	651	680	710	744		
Home Health Aide Coordinator	815	851	889	930	971	1017	1064		
~~Homemaker I~~	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~		
~~Homemaker II~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~	~~815~~	~~851~~	
~~Homemaker Coordinator I~~	~~815~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~		
~~Homemaker/Home Health Aide~~	~~570~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~		
Housekeeper	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.								
Housing Coordinator	930	971	1017	1064	1111	1163	1215	1268	1326
Licensed Practical Nurse	744	779	815	851	889	930			
Public Health Aide	455	478	501	524	547	570	593		
Residential Facility Opr.(s)	622	651	680	710	744	779	815	851	
Senior Case Aide	815	851	889	930	971	1017	1064	1111	1163
Senior Citizen's Aide	455	478	501	524	547	570	593		

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Transportation Coordinator	762	797	833	869	910	951	994	1041
Welfare Fraud Investigator	1163	1215	1268	1326	1390	1454	1518	
Welfare Fraud Unit Supervisor	1268	1326	1390	1454	1518	1588	1657	

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B. Support Personnel

3. Plan C*

a. Class of Positions	1	2	3	4	5	6	7	8	9
Account Clerk	762	797	833	869	910	951	994	1041	
Accounting Officer I	869	910	951	994	1041	1088	1138	1190	1241
Accounting Officer II	951	994	1041	1088	1138	1190	1241	1298	1359
Accounting Officer III	1064	1111	1163	1215	1268	1326	1390	1454	1518
Adult Day Care Ctr. Prog. Coord.	779	815	851	889	930	971	1017	1064	1111
Asst. Residential Facility Opr.(s)	622	651	680	710	744	779	815	851	
Case Aide	762	797	833	869	910	951			
Chemical Dependency Counselor	994	1041	1088	1138	1190	1241	1298		
Child Support Officer I	951	994	1041	1088	1138	1190	1241	1298	1359
Child Support Officer II	1064	1111	1163	1215	1268	1326	1390	1454	
Collection Services Supvr. I	1215	1268	1326	1390	1454	1518	1588		
Community-Service Aide	478	501	524	547	570	593	622		
Coordinator of Aging	779	815	851	889	930	971	1017	1064	1111
Dev. Achievement Center Inst.	622	651	680	710	744	779			
Family Service Aide I	593	622	651	680	710	744	779		
Family Service Aide II	651	680	710	744	779	815	851	889	
Family Service Coordinator I	851	889	930	971	1017	1064	1111		

Family Service/Home Health Aide	593	622	651	680	710	744	779		
Finan.-Assistance Spec.	971	1017	1064	1111	1163	1215	1268	1326	
Finan.-Assistance Supvr. I	1064	1111	1163	1215	1268	1326	1390	1454	1518
Finan.-Assistance Supvr. II	1215	1268	1326	1390	1454	1518	1588	1657	
Financial Worker I	762	797	833	869	910	951			
Financial Worker II	851	889	930	971	1017	1064	1111	1163	1215
Home Health Aide	593	622	651	680	710	744	779		
Home Health Aide Coordinator	851	889	930	971	1017	1064	1111		
~~Homemaker I~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~		
~~Homemaker II~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~	~~815~~	~~851~~	~~889~~	
~~Homemaker Coordinator I~~	~~851~~	~~889~~	~~930~~	~~971~~	~~1017~~	~~1064~~	~~1111~~		
~~Homemaker/Home Health Aide~~	~~593~~	~~622~~	~~651~~	~~680~~	~~710~~	~~744~~	~~779~~		
Housekeeper	Rate proposed by appointing authority and approved by the Merit System Supervisor and the Commissioner of Public Welfare.								
Housing Coordinator	971	1017	1064	1111	1163	1215	1268	1326	1390
Licensed Practical Nurse	779	815	851	889	930	971			
Public Health Aide	478	501	524	547	570	593	622		
Residential Facility Opr.(s)	651	680	710	744	779	815	851	889	
Senior Case Aide	851	889	930	971	1017	1064	1111	1163	1215
Senior Citizen's Aide	478	501	524	547	570	593	622		
Transportation Coordinator	797	833	869	910	951	994	1041	1088	
Welfare Fraud Investigator	1215	1268	1326	1390	1454	1518	1588		
Welfare Fraud Unit Supvr.	1326	1390	1454	1518	1588	1657	1734		

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STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Agriculture Plant Industry Division

Notice of Request for Proposals for Advertising Services

The Plant Industry Division, Department of Agriculture, is seeking a consultant to provide advertising services under contract as follows:

1. To promote the quality of Minnesota Certified Seed Potatoes and thus increase the demand and sales of same through advertising promotion in various printed media, including various potato oriented publications throughout the country;

2. To develop and implement, upon review and approval of the department, an advertising campaign to accomplish objective #1.

The selected consultant will be paid up to $18,600 for services rendered. The actual contract payment will be based upon the actual services performed. The contract will be for October 1, 1979 through June 30, 1980.

Proposal submissions will be accepted until 4:30 p.m. on October 1, 1979 by and inquiries may be made to:

Jerome Jevning, Supervisor
Seed Potato Certification
670 State Office Building
St. Paul, Minnesota 55155
(612) 296-0592

Energy Agency Conservation Division

Notice of Availability of Contract for Building Inspections and Energy Conservation Assistance

The State of Minnesota solicits bidders to handle building inspections and energy conservation assistance as stipulated in the Emergency Building Temperature Restrictions Regulations.



A DRAGOON, or mounted infantryman, like those stationed at Minnesota forts in the early days. This one was sketched at Fort Snelling by Frank B. Mayer in 1851. (Courtesy of Minnesota Historical Society).

Qualified bidders shall be firms, partnerships or individuals incorporated in the State of Minnesota to operate a consulting engineer business or an architect-engineer corporation also licensed under State requirements. The work to be bid requires a strong background in the H.V.A.C. field with a thorough knowledge of the State Energy Code, and total building design concepts.

The method for bidding shall be by dividing the State into four (4) geographical areas such that travel distances and subsistence can be held to a minimum. These areas are approximate with no fixed requirement for bidders other than to bid on one or more or all areas with the exception that each zone be bid individually to allow selection of the lowest combinations.

Bidders shall carry the full complement of standard AIA, P.E. insurance requirements plus errors and omissions policies.

The inspections will include the following information and be completed on the standard forms to be provided:

1. Building name, address, contact person's name and phone number.

2. Record the outside air wet and dry bulb temperature.

3. Is EBTR certificate properly filled out and mounted in a visible location.

4. Description of heating—cooling equipment and type of fuel used.

5. General description to type of heating, cooling, and all energy using systems.

6. Select a minimum of four (4) rooms or areas and record wet and dry temperatures and the control settings handling the areas being inspected. Record the readings and commend as required on the observed situation.

7. Check exemption certificate filed areas identically as listed in #6 above.

8. Provide energy conservation information and assistance to the building owner/manager.

9. Assist the building owner/manager in establishing a building energy management program.

10. Make energy conservation recommendations to the building owner/manager.

11. Complete inspection report in triplicate.

For a copy of the proposal, contact:

Robert Gish
Manager of Technical Services
Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
Telephone (612) 296-4353

Energy Agency Conservation Division

Notice of Request for Proposals for Maxi-Audit Review

Proposals are requested from engineering and architectural consultants to develop a maxi-audit report review procedure and to conduct a review of maxi-audit reports on file at the energy agency. The review will enable institutions which have completed maxi-audits under the state survey program to upgrade their audits to comply with federal requirements so they may apply for energy conservation project funding provided by the Minnesota Institutional Buildings Grants Program. This program will provide grants for technical assistance and energy conservation projects to schools, hospitals, local government buildings, and public care institutions. These grants represent the largest direct financial assistance effort ever undertaken and are funded by $965 million at the national level plus $10 million appropriated by the Minnesota legislature.

More than one award, but no more than five awards, could be made under this solicitation if it is determined that this would lead to a better and/or more economical final product. Therefore, consultants may submit proposals for a portion of the project if they choose to do so.

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

I. Scope of Project

The purpose of this project is to (1) review maxi-audit reports completed under the state survey program so these audits may be upgraded to meet federal requirements for a project grant, and (2) to report the review results to the energy agency, individual institutions and their consultants so they will be eligible to apply for project funding.

The agency has several hundred maxi-audit reports to review.

II. Objectives

The goals of this project are to: (1) develop a standardized procedure to review maxi-audit reports; and (2) perform the procedure on several hundred maxi-audit reports; and (3) to complete these tasks within the overall program timetable.

III. Project Tasks

The major tasks to be performed include the following:

A. Completion of a draft maxi-audit review procedure including a standardized review form.

B. Approval of the draft procedure and form by the Agency.

C. Review of maxi-audit reports on file at the Agency.

D. Report the review results to the Agency, individual institutions and their consultants.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

IV. Department Contacts

Prospective responders who have any questions regarding this request for proposal may call or write:

Lynn B. Olsson (612) 296-9081
Conservation Division
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Please note: Other department personnel are not allowed to discuss the project with responders before the deadline for submitting proposals.

V. Submission of Proposals

All proposals must be sent to:
Lynn B. Olsson
Conservation Division
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

All proposals must be received by the Agency not later than 4:30 p.m., October 1, 1979.

Late proposals will not be accepted. One duplicate of the proposal shall be submitted with the original. Proposals shall be sealed in mailing envelopes or packages with the proposer's name and address clearly written on the outside. Each copy of the proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

VI. Project Costs

The agency has estimated that the cost of this project should not exceed $20,000 for professional services and expenses.

VII. Project Completion Date

The project will be completed by December 15, 1979 or within two months from the date of project authorization, whichever comes first.

VIII. Proposal Contents

The following will be considered minimum contents of the proposal:

A. a restatement of the objectives to show or demonstrate the responder's view of the nature of the project, in 75 words or less;

B. identification and description of the deliverables to be provided by the responder, in 75 words or less;

C. an outline of the responder's background and experience with particular emphasis on local, state and federal government work;

C. identification of the personnel to conduct the project and a list of their training and work experience;

E. a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing; and

F. identification of the level of the Agency's participation in the project, as well as any other services to be provided by the Agnency.

IX. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Minnesota Energy Agency. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but shall not be limited to the following:

A. expressed understanding of project objectives;

B. the project work plan;

C. the project cost detail; and

D. the qualifications of both company and personnel, of which the latter will be given greater weight.

Evaluation and selection will be completed by October 3, 1979. Results will be sent immediately by mail to all responders.

X. Additional Information

Respondents will be expected to offer significant skills and knowledge in the areas of energy technology, engineering, and maxi-audit procedures. Writing and organizational abilities are considered very important by the Agency. The program timetable must also be considered by the Agency.

The agency is working under a January 4, 1980 date, which is contingent upon approval of a state plan, as the deadline for submittal of grant applications by institutions. Therefore, this project must be completed by December 15, 1979, to allow institutions sufficient time to upgrade their audits to meet federal requirements.

Department of Health Disease Prevention and Control Section

Notice of Request for Proposals for Technical Services Contract

The Disease Prevention and Control Section seeks to prevent and control disease in Minnesota and, as part of this activity, seeks to prevent and control hypertension (high blood pressure) and its adverse effects. DPC's Hypertension Control Program includes continuing education of nurses and other health professionals working in Minnesota to improve their systems for hypertensive patient education and followup. Evaluation of this ongoing program indicates that those who complete the department's course curriculum "Hypertension Patient Education and Followup Workshop" become more capable of developing and operating an effective, efficient system of education and followup of hypertensive patients to help them adhere to prescribed therapy.

Therefore, the Department is requesting a proposal from a health care organization to plan, organize, conduct and evaluate another series of ten such two-day (16-hour) workshops for another 250 such health professionals during the year beginning approximately November 1, 1979, using the course curriculum "Hypertension Patient Education and Followup Workshop." The contractor's duties shall include:

1. Coordination with State agency representative regarding selection of faculty, location and dates of proposed workshops.

2. Publicize the planned workshops and secure registration by qualified health professionals.

3. Conduct workshops in keeping with approved plan and curriculum.

4. Evaluate the effectiveness of the workshops through an approved followup survey, data collection and analysis.

The total obligation of the State for all compensation and reimbursements to contractor shall not exceed thirty-five thousand dollars ($35,000).

Proposals and requests for information shall be submitted to Richard A. Huset, M.D., Disease Prevention and Control Section, Room 318, Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, telephone (612) 296-5216, by September 24, 1979.

Pollution Control Agency Water Quality Division

Notice of Request for Proposals for a Social and Economic Analysis of the Metropolitan Area Mississippi River Load Allocation Study

I. Introduction

A waste load allocation study of the Metropolitan Area segment of the Mississippi River is currently being prepared by the Minnesota Pollution Control Agency (MPCA). The purpose of the load allocation study is to determine what effluent standards should be assigned to the affected wastewater discharges, particularly the Metropolitan Wastewater Treatment Plant (MWWTP).

The preliminary results of this study demonstrate that advanced wastewater treatment (AWT) will be required at the MWWTP in order to maintain the applicable water quality standards and the designated uses of the Mississippi River. The MPCA has concluded that under present conditions the Mississippi River in the Metropolitan Area (Anoka to Hastings) does not comply with either applicable water quality standards or the national goal of obtaining "fishable, swimmable" waters. The reach of the Mississippi River of primary concern extends from the outfall of the MWWTP to Spring Lake, a distance of approximately 10 river miles. Although the benefits of providing AWT will primarily be realized in this reach below the MWWTP, it is also expected that water quality improvements would extend further downstream, particularly to the Lake Pepin area.

The results of this load allocation study will be promulgated through a public hearing process. This hearing will include an assessment of the costs of providing AWT and other necessary wastewater treatment in relation to U.S. Environmental Protection Agency regulations and policy and Minnesota laws.

II. Purpose

As part of the 201 Facilities Planning process the operating and capital costs associated with providing AWT at the MWWTP are currently being estimated by engineering consultants. The purpose of this proposed consultant study is to determine the relationship of these operating and capital costs relative to their impact on the Metropolitan Area in terms of the standard of "substantial and widespread economic and social impact" specified in 40 CFR, §130.7 (c)(3)(iii) and U.S. Environmental Protection Agency's (EPA) Advance Wastewater Treatment Policy Part 3 "Local Financial Impacts," 44 Fed. Reg. 29538 (May 21, 1979). In addition the study is intended to identify the costs, including any economic or social dislocation, of industrial treatment requirements for the Metropolitan Area segment.

Finally, the study is intended to identify and quantify to the extent possible the economic and social benefits which will be obtained.

Types of benefits to be considered would include improved aesthetics and recreation, reduced pre-use treatment costs for downstream users, health consideration, improved property values, compliance with Environmental Protection Agency and state laws and goals, the reduction of energy associated with enhanced recreational opportunities within the Metropolitan Area, and so on.

III. Scope

The consultant will perform an economic analysis describing and quantifying the social and economic costs and benefits of implementing the findings of the Metropolitan Area Mississippi River Waste Load Allocation Study. The analysis will be submitted in the form of a report to the MPCA and will be presented at public hearings as requested.

Specifically the consultant will perform the following duties:

A. Secure from the Metropolitan Waste Control Commission (MWCC) or their engineering consultants the operating and capital costs associated with providing AWT at the MWWTP. No additional economic costs for this point source need be developed. Costs are to be reported in total dollars, per capita, per household, and any other appropriate basis. A comparison with the corresponding treatment costs of representative U.S. EPA Region V municipalities is also required.

After obtaining and properly formating costs, the study shall consider whether these costs cause substantial and widespread economic and social impact as that term is used in 40 CFR, §130.17 (c)(3)(iii) and evaluate the costs in terms of U.S. EPA's Advance Wastewater Treatment Policy Part 3 "Local Financial Impacts," 44 Fed. Reg. 29538 (May 21, 1979).

B. For industrial dischargers to Metropolitan Area Segments of the Mississippi River, the consultant shall identify in conjunction with the Agency staff the extent and type of equipment which would be required and estimate the costs including any economic or social dislocation of such equipment.

C. Describe the social benefits to be realized by implementing AWT and by achieving water quality standards in the Mississippi River. For the purposes of this assessment, it can be assumed that the implementation of the findings of this load allocation study will result in achieving compliance with applicable water quality standards and the national goal.

D. Similarly describe and quantify the economic benefits to be obtained.

E. Submit to the MPCA a report of the findings of the study. The study shall be completed within six months of the letting of the contract. If this deadline is not practicable, the proposal should identify and justify a suitable deadline.

F. Present the findings of the study at the load allocation public hearing and possibly at the water quality standards revision hearing if so requested.

IV. Proposal Format

A. Introduction

A brief description of the firm should be presented focusing primarily on any unique capabilities relating to this project and relevant experience.

B. Staff Availability

Resumes of the staff to be assigned to this project should be presented.

C. Time and Cost Estimates

Consultant services should not exceed $30,000. A task-by-task estimate of cost and person-hours should be prepared.

D. References

A brief list of references should be included.

E. Work Plan

The specific methodology or methodologies to be utilized by the consultant to perform the economic analysis must be described.

V. Submittal of Proposals

A. Proposals should be submitted to:

Jerry C. Winslow
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113
(612) 296-7386

B. Deadline for submittals is October 5, 1979.

VI. Consultant Selection

A. Selection will be based upon relevant qualifications, past experience and cost. An MPCA, Division of Water Quality selection committee will evaluate the proposals. Qualifications and experience will be the primary determinants in the selection of the contractor.

B. Finalists will be interviewed by telephone and/or in person.

Barry C. Schade
Acting Division Director

Department of Public Welfare
Bureau of Support Services

Notice of Request for Proposals to Develop Planning Models for Community Social Service Programs

Notice is hereby given that the Commissioner of Public Welfare has issued Request Bulletin #79-28 to Boards of County Commissioners and Human Services Boards requesting proposals to carry out one or more short term planning projects related to implementation of the Community Social Services Act, Minnesota Laws 1979, Chapter 324. The amount of the planning grant(s) awarded as a result of this request will not exceed $75,000 in total. All grants will be for up to but no more than twelve months. Proposals should be sent to Barbara Stromer, Assistant Commissioner, Bureau of Support Services. The deadline for submission is 8:00 a.m., October 1, 1979. All inquiries should be directed to Ken Steger, Division of Social Services, at (612) 297-2192.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Department of Administration Office of the Commissioner

Notice of Application for a Planning Grant with the National Telecommunications and Information Administration

The North Central Telecommunications Consortium, of which the State of Minnesota is a member, has filed an application for a planning grant with the National Telecommunications and Information Administration, Department of Commerce — File No. 128-P/C790088-P, to conduct cooperative regional telecommunications developments in conjunction with the States of Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin. Proposal determined acceptable: June 5, 1979. Estimated total project costs: $78,500. Grant requested: $54,000. Application signed by: Kenneth E. Lindner, Secretary, Department of Administration, State of Wisconsin. A copy of the application may be inspected at the offices of the Department of Administration, State of Minnesota, St. Paul, Minnesota, 55155, Monday through Friday from 8:00-4:30. Comments supporting or opposing the application may be filed with the Administrator, National Telecommunications and Information Administration, Public Telecommunications Facilities Program, Washington, D.C., 20005, within 30 calendar days from the date of this public notice, and must be accompanied by a certificate that a copy of the comments have been mailed to the applicant.

Department of Economic Development Indian Business Loan Program

Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Relating to the Indian Business Loan Program

Notice is hereby given pursuant to Minn. Stat. § 15.0412, subd. 6 (1978) that the Department of Economic Development is commencing the process of drafting rules governing the Indian Business Loan program authorized by Minn. Stat. § 362.40 (1978).

The proposed rules are required by the language of Minn. Stat. § 362.40, subd. 9 (1978), as amended by Laws of 1979, ch. 333, § 100 and further by Minn. Stat. § 15.0412, subd. 3. Information and opinions regarding the following matters are solicited from sources outside the department:

1. Criteria, conditions and guidelines for the acceptance or rejection of loan applications by the Department.

2. Review procedures of loan status of accounts in the program.

3. Reviewing authorities and their method of appointment. Comments should be addressed to the Minnesota Department of Economic Development, Indian Business Loan Division, 480 Cedar Street, St. Paul, MN 55101 (Attention: Charlotte White). Any comments received by the Department of Economic Development shall become a part of the record of proceedings leading to the adoption of permanent rules.

The department invites interested persons or groups to provide information, comments, opinions and advice on the subject at an information meeting to be held in St. Paul, MN at the Auditorium, Room #83, State Office Bldg, commencing at 7:00 p.m., on September 18, 1979; and in Cass Lake, MN, at the Tribal Chambers Room, Facilities Center, commencing at 7:30 p.m., on September 19, 1979.

Please be advised that a lobbyist must register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined by Minn. Stat. § 10A.01, subd. 11, as any individual who is:

A. Engaged for pay or other consideration, or authorized

by another individual or association to spend money, and who spends more than five hours in any month, or more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials, or who

B. Spends more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

A lobbyist does not include any:

A. Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

B. Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

C. Individual while engaged in selling goods or services to be paid for by the public funds;

D. News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

E. Paid expert witness whose testimony is requested by the body before which he is appearing but only to the extent of preparing or delivering testimony; or

F. Stockholder of a family farm corporation as defined in Minn. Stat. § 500.24, subd. 1, who does not spend over $250, excluding *his own* travel expenses in any year in communication with public officials. Questions should be addressed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, Saint Paul, Minnesota 55155, telephone: (612) 296-5615.

Department of Education Instruction Division

Notice of Request for Proposal for a Nutrition Education Media Campaign

The Nutrition Education and Training (NET) Program of Minnesota Department of Education is seeking proposals for the design and development of a nutrition education media campaign. The media campaign is to include the selection of a nutrition message for a particular target group of children (K-12th grade), the development of a 30 second spot announcement using the nutrition message, purchase of television air-time, to present the spot announcement, and development of a companion poster.

The estimated amount of the contract is $7,000. The contract period is from October 1, 1979 to March 1, 1980. Final submission date of the completed proposal: 4:30 p.m., September 19, 1979.

For the formal Request for Proposal document, interested parties should contact:

Barbara Kalina
Minnesota Department of Education
638 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-1443

Ethical Practices Board

Advisory Opinion #59

Approved by the Ethical Practices Board on August 24, 1979

Issued to:

Ms. Allene D. Evans
Broeker, Hartfeldt, Hedges & Grant
2850 Metro Drive, Suite 800
Minneapolis, MN 55420

RE: Reporting Legal Fees, Paralegal and Secretarial Expenses

Summary

#59. A lawyer lobbyist is not required to report any portion of a legal fee which is considered personal compensation for services rendered to a client. Secondly, a lobbyist is required to report a prorata portion of secretarial and paralegal time of a lobbyist support staff which is directly related to assisting the lobbyist in his or her lobbying activities.

The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, MN. 55155, (612) 296-5148.

Minnesota Sentencing Guidelines Commission

Notice of Meeting

Executive Committee

The Minnesota Sentencing Guidelines Commission, for the purpose of facilitating work in the development of draft guidelines, has appointed an Executive Committee, comprised of six Commission members. The Executive Committee has established the following schedule of meetings for the month of September:

September 6	Metro Council — Room A 3rd Floor Metro Square
September 12	Suite 404 Metro Square Bldg (DOC Personnel Conference Rm)
September 19	Suite 430 Metro Square Bldg (DOC Large Conference Room)
September 26	Suite 430 Metro Square Bldg (DOC Large Conference Room)

It should be noted that the Chair may cancel a Committee meeting up to two days prior to the scheduled meeting date, for reasons of insufficient business or lack of a quorum of Committee members. Anyone interested in attending a meeting is urged to contact Linda Anderson at 296-7508 one or two days in advance of a scheduled meeting to determine if it will be held.

Pollution Control Agency Water Quality Division

Financial Criteria in WPC 34

The Minnesota Pollution Control Agency ("Agency") administers the state and, to some extent, the federal construction grants program for wastewater treatment facilities pursuant to Minn. Stat. § 116.16, *et seq.* (1978) and Minnesota Rule WPC 34. Minn. Stat. § 116.16, subd. 6 (1978) requires the Agency to give high priority to municipalities "which would face extreme financial hardship without the assistance provided through the State Water Pollution Control Fund." However, the statute also allows the Agency to establish other criteria with respect to federal grants if necessary to comply with federal law; guidelines or regulations. Minn. Stat. § 116.16, subd. 7 (1978). In accordance with Minn. Stat. § 116.16, subd. 6 (1978), Minnesota Rule WPC 34, as recently amended, considers the financial need of the municipality in determining the priority of projects which are certified for federal funding and given state's funding.

The U.S. Environmental Protection Agency (EPA) has recently issued a Program Requirements Memorandum (PRM) which prohibits consideration of "the project area's development needs 'or' economic factors." (PRM No. 79-6, page three.) Accordingly, in order to continue with the Construction Grants Program, the Agency has eliminated financial need criteria as an element of the priority system pursuant to its authority under Minnesota Statutes 116.16, subdivision 7. This change will not affect the funding eligibility of any community on the Fiscal Year (FY) 1979 Municipal Project List (MPL), but will be implemented on all subsequent project lists.

Any comments or questions regarding this matter should be directed to:

Mr. Duane Anderson, Supervisor
Construction Grants Unit
Division of Water Quality
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7205

Office of the Secretary of State

Election and Legislative Manual Division

Notice of Vacancies in Multi-Member Agencies — Application and Appointment Procedures

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, Mn. 55155; (612) 296-2805. **Application deadline is September 25, 1979.**

Workers' Compensation Court of Appeals: One (1) vacancy open November 8, 1979, for an attorney for a six year term. The Court has appellate jurisdiction for all workers' compensation claims and original jurisdiction in some other claims. This is a full-time position. Members receive $38,000 per year. The appointing authority is the governor, and Senate approval is required. For specific information, contact Buzz Cummins, Governors' Office, St. Paul 55155; (612) 296-3391.

Southern Minnesota Rivers Basin Board: One vacancy open immediately for a term expiring January 1, 1980. Members must be residents of the basin. The board develops and implements a comprehensive plan for the Minnesota River and its southeast tributaries. Meetings are held monthly. Members receive $35 per diem plus expenses. The appointing authority is the governor. For specific information, contact Marilyn Lundberg, 600 American Center Bldg., 150 E. Kellogg Blvd., St. Paul, Mn. 55101; (612) 296-0676.

State Planning Agency Human Resources Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Relating to Human Services Planning and Management Grants

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (1978) that the Director of State Planning will propose the adoption of rules relating to the planning and management improvement grants authorized in Laws of 1979, ch. 333, § 16, subd. 3.

All interested parties desiring to submit data or views relating to the proposed rules should address their written comments to:

Linda Sutherland
State Planning Agency
Room 101, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

All comments should be submitted to the Agency by September 30, 1979.

The proposed rules will cover the following areas:

1. Categories of Eligible Projects
2. Selection Criteria
3. Selection Process
4. Final Report Format

Any materials submitted will be reviewed and considered by the State Planning Agency during the preparation of the proposed rule and will become part of the record of the public hearing on the proposed rules. Notice of the public hearing will be published in the State Register and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provisions of the Administrative Procedures Act.

September 4, 1979

Art Sidner
Director

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Relating to Human Services Board Plan Format

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (1978) that the Director of the State Planning Agency will propose rules relating to the Human Services Board plan format specified in Laws of 1979, ch. 118, § 8, subd. 1.

All interested parties desiring to submit data or views relating to the proposed rules should address their written comments to:

Linda Sutherland
State Planning Agency
Room 101, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

All comments should be submitted to the Agency by October 15, 1979.

The proposed rule will cover the following areas:

1. Content of Plan
2. Format of Plan
3. Extent to which plan will replace separate agency plans
4. Date for implementation

Any materials submitted will be reviewed and considered by the State Planning Agency during preparation of the proposed rule and will become part of the record of the public hearing on the proposed rules. Notice of the public hearing will be published in the State Register and given to all parties who have registered with the Secretary of State in accordance with the provisions of the Administrative Procedures Act.

September 4, 1979

Art Sidner
Director

Department of Transportation

Request for Response to a Construction Cost Control Survey

The Minnesota Department of Transportation requests information, opinions and comments from outside the Department regarding a construction cost control survey recently completed by the Department. Portions of this survey have been printed in the weekly "Construction Bulletin," published by Chapin Publishing Company. The survey deals with methods which may be used to decrease the cost of construction projects.

Any comments regarding this matter should be submitted orally or in writing to:

Rollie Glewwe
Minnesota Department of Transportation
305 Transportation Building
Saint Paul, Minnesota 55155
Telephone: (612) 296-0369

SUPREME COURT

Decisions Filed Friday, August 31, 1979

Compiled by John McCarthy, Clerk

48920/22 City of Duluth vs. John William Sarette, James Leroy Pichotta, and Robert Bernard Fox, Appellants. St. Louis County.

A city obscenity ordinance which completely exempts certain governmental, religious, and other public or quasi-public organizations has no rational relationship to any legitimate state interest and, in view of the equal protection clause, may not stand.

An impermissible portion of an ordinance may be severed from the remainder of the ordinance if its intent is not altered thereby. This is particularly true where the severance furthers the court's duty to construe ordinances in a manner consistent with the constitution.

Although not constitutionally mandated, a jury is required in all criminal prosecutions for obscenity whether or not there is a possibility of incarceration.

Reversed and remanded. Rogosheske, J.

47874/44 (1978) Lavinia Hague, Personal Representative of the Estate of Ralph Alvin Hague, Deceased, vs. Allstate Insurance Company, Appellant. Hennepin County.

On rehearing, the former decision applying the Minnesota rule of law, allowing "stacking" of uninsured motorist insurance coverages, is affirmed. Automobiles are mobile items, and insurance companies know that the owners may be subject to liability not just under the laws of the state in which the policy is written, but also under the laws of the other states in which the owner drives. It is therefore not unreasonable to apply the Minnesota rule of law in this case.

On rehearing, affirmed. Yetka, J. Dissenting, Otis and Peterson, JJ.

48574/124 Earl H. Krahl, Appellant, vs. Nine Mile Creek Watershed District, City of Eden Prairie (formerly the Village of Eden Prairie). Hennepin County.

In light of all the facts and surrounding circumstances of this case, the watershed district's floodplain encroachment regulations which limit riparin landowners' use of their land do not constitute the taking of property without just compensation when the harm posed to society by the lack of regulation outweighs the impact of the regulation upon the usability of the land.

Statutory appeal procedures are the exclusive method of appeals from special property tax assessments and preclude such issues from being part of a declaratory judgment action.

Affirmed. Scott, J. Took no part, Todd, J.

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

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(612) 296-8239

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STATE OF MINNESOTA

DEPARTMENT OFFICE OF HEARING EXAMINERS

Office Memorandum

TO : A. W. CLAPP, III
Special Assistant Attorney General
Department of Natural Resources

DATE: 6-5-80

FROM : DUANE R. HARVES
Chief Hearing Examiner

PHONE: 6-8100

SUBJECT: Mineland Reclamation Rules
HE Docket No. DNR-80-001-HK

Enclosed with this memo is the original of the Chief Hearing Examiner's Report following your submission to the Chief Hearing Examiner pursuant to Rule 9 MCAR § 2.110.

Pursuant to the provisions of 9 MCAR § 2.111, a copy of this Report and this memorandum have been sent to the Special Assistant Attorney General responsible for review of rules.

DRH/eag
CC: Joanne Hinderaker
Special Assistant Attorney General

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OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Proposed Rules for
Mineland Reclamation

ORDER
FOR
HEARING

Minnesota Statutes sections 93.44 through 93.51 establish requirements for the reclamation of lands subjected to the mining of metallic minerals. Pursuant to Minnesota Statute Section 93.47, the Commissioner of Natural Resources has conducted a comprehensive study and survey, determined the extent and type of regulation of mining areas required, developed rules, received public comment on them and redrafted them. The proposed rules are now ready for public hearing.

It is therefore now ordered that a public hearing on the proposed rules for Mineland Reclamation be held pursuant to the rule-making provisions of Minnesota Statutes, Chapter 15 and the rules of the Office of Hearing Examiners.

The hearing shall be at Mesabi Community College in Virginia, Minnesota and shall begin at 9:00 a.m. on October 10.

A notice of the hearing shall be mailed to all on the Secretary of State's mailing list for rules hearings and published in the State Register.

Dated August 21, 1979

Joseph N. Alexander
Commissioner

Notice of Hearing

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EXAMINERS

HK

Department of Natural Resources
Division of Minerals
Proposed Rules Relating to Mineland Reclamation
Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, Subd. 4, in Room 135, Mesabi Community College, Virginia, Minnesota on October 10, 1979 commencing at 9:00 a.m.

All interested or affected persons will have an opportunity to participate concerning the proposed rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Howard L. Kaibel, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 206-8107, either before the hearing or within five (5) days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20 calendar days; any extension beyond the 5 working days will be announced at the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, 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. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners, Minn. Rule 9 MCAR §§ 2.101-2.112. Copies of those rules may be

obtained, for a fee, from the Documents Section, Minnesota Department of Administration, 140 Centennial Office Building, St. Paul, 55155, telephone (612) 296-2874.

If adopted, the rules proposed by the Commissioner of Natural Resources will establish standards which direct and control mining and reclamation activities of natural iron ore and taconite mining operations in Minnesota. The major reclamation standards included in the proposed rules relate to: siting criteria, in-mine disposal, buffer and barrier requirements, sloping and landform design, vegetation, air pollution, blasting, subsidence or other surface displacement, and deactivation. The proposed rules will also contain specifications regarding: permit application submittals, prescribed periodic reports and plans, and the publication of notices. Procedures for processing: permits, amendments, cancellations, releases, suspension variances, revocations, modifications, performance bonds and assessing penalties, as well as administrative standards, to be used by the Commissioner, are detailed. The authority of the commissioner to prepare such rules is contained in Minn. Stat. §§ 93.44-93.51.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to the Minnesota Department of Natural Resources, Division of Minerals, Box 45, Centennial Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Minnesota Department of Natural Resources and at the Office of Hearing Examiners at a minimal charge.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the commissioner may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner, in the case of the agency's submission or resubmission to the Attorney General.

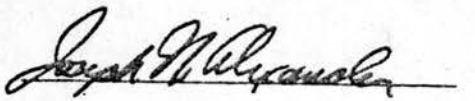
In addition, please be advised that Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minnesota Laws of 1978, ch. 463, § 11 as any individual:

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

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

August 31, 1979



Joseph N. Alexander
Commissioner of Natural Resources

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55420

BRUNING C.R.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BUSCH NOEL
SUITE 705 510 MARQUETTE
MPLS MN
55402

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CARVER CO. AUDITOR
600 E. 4TH. ST.
CHASKA, MN
55318

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CITY OF ALBERT LEA
221 E CLARK ST
ALBERT LEA MN
56007

CITY OF ALEXANDRIA
114 7TH AVE W BOX 231
ALEXANDRIA MN
56308

CITY OF BLAINE
9150 CENTRAL AVE NE
BLAINE MN
55434

CITY OF BRAINERD
CITY HALL
BRAINERD MN
56401

CITY HALL
BRECKENRIDGE MN
56520

CITY OF BROOKLYN CENTER
6301 SHINGLE CREEK PKWY
BROOKLYN CENTER MN
55430

CITY OF CAMBRIDGE
139 E FIRST AVE
CAMBRIDGE MN
55008

CITY OF CHAMPLIN
12001 HWY 52
CHAMPLIN MN
55316

CITY OF COTTAGE GROVE
7516 80TH ST SO
COTTAGE GROVE MN
55016

CITY OF CRYSTAL
4141 DOUGLAS DRIVE NO
CRYSTAL MN
55422

CITY OF EAGAN
3795 PILOT KNOB ROAD
EAGAN MN
55122

CITY OF EAST BETHEL
2751 VIKING BLVD NE
WYOMING MN
55092

CITY OF EDINA
4801 W 50TH ST
EDINA MN
55424

CITY OF GOLDEN VALLEY
7800 GOLDEN VALLEY RD
GOLDEN VALLEY MN
55427

CITY OF JORDAN FRANK HOUSER2
10 E 1ST
JORDAN MN
55352

CITY OF LAKE INDEPENDENCE
RT 1 BOX 123A
MAPLE PLAIN MN
55359

CITY OF MINNEPOLIS
3801 66TH AVE NO
BROOKLYN CTR MN
55429

CITY OF MINNETONKA
74600 MINNETONKA BLVD
MINNETONKA MN
55343

CITY OF NEW HOPE
4401 XYLON AVE NO
NEW HOPE MN
55428

CITY OF ORONO
PO BOX 66
CRYSTAL BAY MN
55323

CITY OF ROSEVILLE
2701 NO LEXINGTON AVE
ROSEVILLE MN
55113

CITY OF ST CLOUD
CITY HALL
ST CLOUD MN
56301

CITY OF SHAKOPEE
129 E 1ST AVE
SHAKOPEE MN
55379

CITY OF SHOREVIEW
4665 NO VICTORIA ST
SHOREVIEW MN
55112

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
40 NO MILTON ST STE 106
ST PAUL MN
55104

CITY OF BROCKLYN PARK
5800 85TH AVE NO
BROCKLYN PARK MN
55443

CITY OF BURNSVILLE
1313 E HWY 13
BURNSVILLE MN
55337

CITY OF CHANHASSEN
7610 LAREDO
CHANHASSEN MN
55317

CITY OF CHASKA
205 E 4TH ST
CHASKA MN
55318

CITY OF DETROIT LAKES
106 E HOLMES ST
DETROIT LAKES MN
56501

CITY OF DULUTH
CITY HALL
DULUTH MN
55802

CITY OF E GRAND FORKS
P O BOX 453
E GRAND FORKS MN
46721

CITY OF EDEN PRAIRIE
8950 EDEN PRAIRIE RD
EDEN PRAIRIE MN
55343

CITY OF HASTINGS
100 SIBLEY ST
HASTINGS MN
55033

CITY OF HUTCHINSON
37 WASHINGTON AVE WEST
HUTCHINSON MN
55350

CITY OF MAPLE GROVE
9401 FERNBROOK LANE
MAPLE GROVE MN

CITY OF MAPLEWOOD
1380 FROST AVE
MAPLEWOOD MN
55109

CITY OF MORRIS
CITY HALL
MORRIS MN
56244

CITY OF MOUNDSVIEW
2401 HWY 10
ST PAUL MN
55113

CITY OF ROCHESTER
1421 3RD AVE SE
ROCHESTER MN
55901

CITY OF ROSEMOUNT
BOX 455
ROSEMOUNT MN
55068

CITY OF ST LOUIS PARK
5005 MINNETONKA BLVD
ST LOUIS PARK MN
55416

CITY OF ST PAUL
445 CITY HALL
ST PAUL MN
55102

CITY OF WAYZATA
600 RICE STREET
WAYZATA MN
55391

CITY OF WHITE BEAR LAKE
250 MILLER AVE
WHITE BEAR LK MN
55110

COHEN LAWRENCE
1291 1 APPLETREE SOU
MPLS MN
55420

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DAKOTA CO MENTAL HEALTH CTR
744 19THAVE NO
SO ST PAUL MN
55075

DAYTON, HERMAN, ET AL
800 MIDLAND BANK BLDG.
MPLS., MN
55401

DEVELOP DISABILITIES PROG
STATE PLAN 200 CAP SQ.
ST. PAUL, MN
55155

DZUGAN KEN ST.PAUL PLANNING
25 W. 4TH. ST.
ST PAUL, MN
55102

ECKLUND WM EELLHABER-LARSON
W 1080 1ST NATL BANK
ST PAUL MN
55101

EDINA HEALTH DEPT
4801 W 50TH ST
EDINA MN
55424

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FARSETH PAUL FOOD STAMPS PRJ
WELFARE DEPT 690 N ROBT
ST PAUL MN

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FITZPATRICK LEO
8138 HENSLOWE AVE S
COTTAGE GROVE MN
55016

FORSCHLER RICHARD
7900 XERXES AVE. SO.
BLOOMINGTON, MN
55431

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRISON FRANK NECA
RM 305 200 SO ROBERT
ST PAUL MN
55107

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GOLDBERG PROF MELVIN
WM MITCHELL COL OF LAW
ST PAUL MN
55105

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

HAIK RAYMOND A
4344 IDS CENTER
MPLS MN
55402

HALVERSON SUE R
720 AMERICAN CENTER BLD
ST PAUL MN
55101

DANIELSON RODNEY L.
411 MAIN ST. SU 210
ST. PAUL, MN
55102

DAWSON JEAN MN C[illegible]T REP
ROOM B12 CAPITOL
ST PAUL MN
55155

DICKSON GARY L
4665 NO VICTORIA ST
SHOREVIEW MN
55112

DUPONT MIKE
5720 EXCELSIOR BLVD
MPLS MN
55416

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

ENDERSON WILLIAM
3644 NICOLLET AVE
MINNEAPOLIS MN
55409

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FED-ST REPORTS INC.
5203 LEESBURGPIKE S1201
FALLS CHURCH, VA
22041

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

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

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FRIESEN MILLER A
RAHR BD 624 13TH ST S
VIRIGINIA MN
55792

GEBERT KENNETH L
300 PUBLIC HEALTH CTR
MPLS MN
55415

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

GRAHAM THOS H.
900 MIDLAND BK. BLDG.
MPLS., MN
55401

GREATER MET AREA HOSPITAL
5152 CEDAR AVE S
MPLS MN
55417

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HARRY, RICK
1000 LAKESHORE DR.
MOOSE LAKE, MN
55767

HARTFELDT WILL
2850 METRO DRIVE STE800
BLOOMINGTON MN
55420

HAUN DR J W GEN MI[redacted]
PO BOX 1113
MPLS MN
55440

HAYES, THOM[redacted] W
700 SELLWOOD BLG
DULUTH MN
55812

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

HEALTH CENTRAL
2810 57TH. AVE. NO.
MINNEAPOLIS, MN
55430

HEARING EX.OFF. M GREENBERG
1745 UNIV AVE
ST PAUL MN
55104

HEIM, PAUL M.
5501 NORMAN CENTER DR.
MPLS., MN
55437

HOGLUND RICHARD C
BOX 755
WILLMAR MN
56201

HOLEY GEORGE
1509 SW SIXTH STREET
FARIBAULT MN
55021

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

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

INGRAM ALAN NASW MN CH
22 NO DALE ST
ST PAUL MN

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
ST PAUL MN
55164

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JOHANSEN BUS SERV INC.
11911 HWY. 52
CHAMPLIN, MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON KEL MACI
HANOVER BLDG
ST PAUL MN
55101

JOHNSON LEROY
1207 98TH LANE NW
COON RAPIDS MN
55433

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

HAVEN ROBT TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HEANEY BILL
10 W SUPERIOR ST
DULUTH MN
55802

HELTZER JAMES DAYTON HUDSON
777 NICOLLET MALL
MPLS MN
55402

HINIKER JAMES COMM OF ADM
200 ADMIN BLDG
ST PAUL MN

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HORNER WALDORF - KAZIUKEN
PO BOX 3260
ST PAUL MN
55165

IMS PAUL

ECHO MN

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

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

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KELLY BARBARA SOLID WASTE
4001 PEBBLEBROOK DR
BLOOMINGTON MN
55437

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

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

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

LANGEVIN, DAVID P.
8748 IDEN AVE. SO.
COTTAGE GROVE MN
55016

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEG.REF.LIB. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LOCH DAVID REG 5 REG DEV COG
11 IOWA AVE
STAPLES MN
56479

LOEFFLER DOROTHY MRS
U OF M 101 EDDY HALL
MPLS MN
55455

MAHCF RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
55420

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MARLATT RALPH J
1320 SCO LINE BLDG
MPLS MN
55402

MAUL WARREN E.
605 4TH. AVE. SO.
MPLS., MN
55415

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MILLER THOMAS F
1628 IDS CENTER
MPLS MN
55402

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN CHAP ASSOC BLDRS-CONTRS
7204 W 27TH ST
MPLS MN
55426

MINN HOSPITAL ASSN
2333 UNIV AVE SE
MPLS MN
55414

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN PCA WATER QUALITY
1935 W CO RD B 2
ROSEVILLE MN
55113

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN RURAL ELECTRIC ASSN
4901 W 77TH ST
MPLS MN
55435

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

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
STPAUL MN
55101

LEG REPORT SERV-P STURDEV[illegible]T
PO BOX 3259
ANNAPOLIS MD
2140

LEWIS DR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS MN
55403

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS MN
55404

MALECKI JAMES
1 SO STATE ST
NEW ULM MN
56073

MANKATO STAT STUDENT SENA
CENTENNIAL STUDENT UN
MANKATO MN
56001

MARQUARDT PHILIP
RTE 2 BOX 209
JANESVILLE MN
56048

MASTOR & BALE, LTD.
315 PEAVEY BLDG.
MPLS. MN
55402

MCNEILLY GREG MNDSVIEW ED AS
41 SHERBURNE AVE
ST PAUL MN
55103

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

MIDLAND GLASS-BARTO R.J.
P.O. BOX 69
SHAKOPEE, MN
55379

MILLER PAUL J PHARMACY SE
ST MARYS HOSP
ROCHESTER MN
55901

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

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

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

MINN GOV ENG COUNCIL
2400 SHERWOOD HILL RD
MINNETONKA MN
55343

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

MINN NEWSPAPER ASSN
84 S 6TH ST STE 400
MPLS MN
55402

MINN POLLUTION CONTROL AGCY
1935 W CO RD B2
ROSEVILLE MN
55113

MINN RETAIL FEDERATION
180 METRO SQUARE BLDG
ST PAUL MN
55101

MINN. SERV. STA. ASSN.
1115 2ND. AVE. SO.
MPLS., MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN. TBR. PRODUCERS ASSN
333 W. SUPERIOR ST.
DULUTH, MN
55802

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

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

MIXA FRANK LK MNTKA CONS DIS
402 E LAKE ST
WAYZATA MN
55391

MN AUTOMOBILE DEALERS ASSN
277 UNIV AVE
ST PAUL MN
55103

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

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

MN ST PHARMACEUTICAL ASSN
2469 UNIVERSITY AVE
ST PAUL MN
55114

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOTOR VEHICLE MFRS ASSN
411 MAIN ST (215)
ST PAUL MN
55102

MPLS ASSN RETARDED CITIZENS
2344 NICOLLET AVE. SO.
MPLS., MN
55404

MURPHY PATRICK FSR INC
BOX 986 COURTHOUSE STA
ARLINGTON VA
22216

NELSON HOWARD I

LINDSROM MN
55045

NOZISKA HOWARD
7851 METRO PKWY S 103
MPLS MN
55420

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

NW COUNTRY ELEVATOR ASSN
P.O.BOX.15004COMM.STAT
MPLS., MN
55415

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

O'CONNELL RAY
MN GAS CO 733 MARQ AVE
MPLS MN
55402

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

PETERSON, H. COMM LABOR&IND.
444 LAFAYETTE RD.5TH FL
ST. PAUL, MN
55101

PHAR MFGRS ASSN GROSSMAN S.
1155 15TH. ST. N.W.
WASHINGTON,DC
20005

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

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

[illegible] AREA [illegible]
600 2ND ST
HUDSON WI
54016

MINNESOTA AFL-CIO
175 AURORA AVE
ST PAUL MN
55103

MN BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MN ST COUNCIL FOR HANDICA
METRO SQ 7TH & ROBERT
ST PAUL MN
55101

MOSS DR JEROME
125 PEIK 159 PILLSBURY
MPLS MN
55455

MOSTCA
PO BOX J
PERHAM MN
56573

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

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

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

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

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

PAYNE COL ALVIN

DEGRAFF MN
56233

PETERSON DOUG AM RED CROS
11 DELL PLACE
MPLS MN
55403

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PIDGEON, JOHN G. CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON, MN
55431

PORTER DAVID
3002 27 AVE S
MPLS MN
55406

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE J.C.
1313 COON RAPIDS BLVD.
COON RAPIDS, MN
55433

PRICE WALT C REISS COAL CO
1011 SO 8TH ST
SHEBOYGAN WI
53081

RADMAN RICHARD-LABOR TEMPLE
411 MAIN STREET
ST. PAUL, MN
55102

RALPH BURKE ASSOCIATES
5200 W 73RD ST
MPLS MN
55435

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

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

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROYAL ESQUIRE REALTY INC
1612 PIONEER BLDG
ST PAUL MN
55101

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE. SO.
DULUTH, MN
55802

SHEEHY LEE E
625 ADMIN BLDG
ST PAUL MN
55155

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

ST. PAUL FOOD RETAILERS ASSN
555 WABASHA ST. STE.204
ST. PAUL, MN
55102

STATE & FEDERAL AGENCIES
1101-15TH NW
WASHINGTON DC
20005

STONE JOHN F MOSS FLAHERTY
2350 IDS CENTER
MPLS MN
55402

SULLIVAN J KIRK
P.O. BOX 50
BOISE, IDAHO
83728

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

RAUENHORSTCORP-RONALD G K
7900 XERXES S S-2200
MPLS MN
55431

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REGION NINE DEV. COMM.
120 S. BROAD ST.
MANKATO, MN
56001

RIEKE, DAVID
SCORPION IND. INC.
CROSBY, MN
56441

RITTER, JERRY
1011 NICOLLET MALL
MPLS., MN
55403

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

SCHMIDT WARREN WELLCOME M
GARDEN CITY
MN
56034

SCHWINN, ROBT. P.
1830 SOO LINE BLDG.
MPLS., MN
55402

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

SMITH BOB III
PIONEER BLDG
ST PAUL MN
55101

SOUTHWEST REGIONAL DEV COMM
25TH & BROADWAY
SLAYTON MN
56172

SPRAGUE CHARLOTTE B
AREA HOSPITAL BOX 339
WINDOM MN
56101

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

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

SULLIVAN JEANETTE
COIC SW STATE UNIV
MARSHALL MN
56258

SWANSON DALE
1068 SO LAKE ST
FOREST LAKE MN
55025

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

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

THORNTON, P.J.
107 SO. 15TH. AVE. W.
VIRGINIA, MN
55792

TOWNSHIP OF WHITE BEAR
1281 HAMMOND RD
WHITE BEAR LK MN
55110

US DEPT OF AGRICULTURE
252 FEDERAL BLDG
ST PAUL MN
55101

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WAMPLER LINUS DIR USW OF AM
609 PROVIDENCE BLDG
DULUTH MN

WASHINGTON COUNTY
14900 61ST ST NO
STILLWATER MN
55082

WEST CENTRAL REG. DEV.
ADM BLDG,COMMUNITY COLL
FERGUS FALLS MN
56537

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VALLY CENTER DRUG
4827 W 124TH ST
SAVAGE MN
55378

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

WALTERS THOMAS MN MFG HOUSE
4530 W 77TH ST STE 227
MPLS MN
55435

WALZ SAM CO ADMINISTRATIO
ANOKA CTY COURTHOUSE
ANOKA MN
55303

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WHITLOCK MARSHALL LCRAR
RM.44 ST. OFF. BLDG.
ST. PAUL, MN
55155

WM. MITCHELL LAW LIB.
875 SUMMIT AVE.
ST. PAUL, MN
55105

WRIGHT CO COMMUNITY SERVICES
7NW 1ST ST
BUFFALO MN
55313

ADDITIONAL NAMES FOR GENERAL MAILING LIST

nderson, Stanford Fire Marshall Minnetonka, 14600 Minnetonka Blvd. Mtka. 55343

naak Walton League of America, 111 E. Franklin Ave., Suite 210, Mpls 55404

A-Line Company, The, 740 Winnetka Ave. N., Golden Valley 55427

Belisle, Jon, 2594 Brookview Dr., St. Paul 55119

Chapman, Jon P., c/o Loon Falls Portage, Crane Lake 55725

Chu, Lori, 1098 13th Ave. S.E., Mpls 55414

Dawald, Don US Dept. of Agr. 230 Federal Bldg. & U.S. Courthouse, 316 No. Robert St. Paul, Mn. 55101

Duluth Area Chamber Comm. - Carlson-Peterson, 30 W. Supr. St., Duluth 55802

Forseth, Dale, 5405 Halefax Lane, Edina 55424

Friends of the Earth, c/o John Satterlee, Box 273, Aitkin 56431

Gelpe, Marcia R., Univ. of MN Law School, 125 Fraser Hall, Mpls 55455

Green, Prof. John C., U of M., Div. Science & Math, Dept., Geology, Duluth 55812

Hoffman, Terry, Rm 820, Transportation Bldg., St. Paul 55155

Hubachek, Frank B., Sr., 3220 Prudential Plaza, Chicago IL 60601

Houghtaling, T.W. 30 W. Superior St. Duluth, Mn. 55802

Lee, Carol, 818 Midland Bank Bldg,. Mpls 55401

Lindahl, John R., 1202 W. 53rd St., Mpls 55419

Nachbar, R.H., P.O. Box 911, International Falls, 56649

John S. Persell, Water Quality Planner, Mn. Chippewa Tribe, P.O. 217, Cass Lk., Mn. 56633

Rahr, Frederick, 8301 W. 108th St., Bloomington 55438

Rider, Bennett et al, 1910 1st Nat'l Bank Bldg., Mpls 55402

Ripley, Robert, Mankato Free Press, Mankato, 56001

Rovers Outting Club, c/o Conservation Chairman, U of M, Coffman Union, Mpls 554

U.S. Dept of Interior, Field Solicitor, 686 Fed. Bldg., Ft. Snelling, Mpls 55450

Village of Maple Grove, 14310 - 93rd Ave. N., Maple Grove, 55369

Waligora, Robert, 3228 S. 17th Ave., Mpls 55407

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of
Rules for Water
Appropriation

STATEMENT
OF
COMPLIANCE

I am familiar with the proposed rules and related documents, and worked with the agency in the rule-adoption process. Based on that knowledge, and my familiarity with the statutes and rules regarding rule-making, I believe that the rules have been lawfully adopted.

Dated June 27, 1980.

A. W. Clapp III

A. W. CLAPP, III
Special Assistant
Attorney General

RECEIVED
SEP 14 1979
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption of Rules of Minn. DNR ~~Division~~ Governing Mineland Reclamation.

I hereby certify that the attached 326 labels 3 sheets constitute the complete list of persons, associations, and other interested groups who as of 10:45 o'clock A.M, this 5th day of September, 1979, have requested pursuant to M.S. 1974, 15.0412, 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.

Secretary of State
Joan Anderson Growe

By Donna Rutt

RECEIVED
SEP 14 1979
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

STATE OF MINNESOTA
COUNTY OF RAMSEY

AFFIDAVIT

Paul Pojar, being first duly sworn, deposes and says:

That on the 5th day of September, 1979, he personally received from the Minnesota Secretary of State's Office, the attached list of names and addresses of persons who had filed their names with said office for the purpose of receiving notice of public rule-making hearings, and

That on the 6th day of September, 1979, he personally served the attached Notice of Hearing to all persons named on said list by depositing the notice into the U. S. Postal System with adequate postage affixed thereto.

Further your affiant sayeth naught.

Paul Pojar

Subscribed and sworn to before me
this 6th of September 1979

Helen A. Alexander
Notary Public

HELEN A. ALEXANDER
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES May 31, 1985