

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 696

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 4/23
DATE FOR REVIEW 5/4
DATE DUE 5/13

Adopted w/a hearing X
Adopted w/o a hearing
Temporary rule

Approved 5/4 Disapproved Returned to Agency 5/4

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 5/4

✓ Rule as Adopted — See "SR, VERSION" for changes to Rule as Prop.

✓ Rule as Proposed see SR.

✓ Order Adopting 4.22.81.

N/A Notice of Intent to Solicit Outside Opinion

see our File #676 ✓ Order for rulemaking
✓ Date of Hearing

N/A Certificate of Board's Authorizing Resolution

see 676 ✓ Notice of rulemaking
✓ Sufficiency

See 676 ✓ Affidavit of Mailing Notice of rulemaking
✓ At least 30 days prior to hearing/adoption

See 676 ✓ Mailing list Certificate

See 676 ✓ Publication in State Register
✓ At least 30/20 days prior to hearing/adoption

✓ Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
11.18.80 Approving H.E.'s Report
4.23.81 Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

N/A Certificate of Board's Resolution Adopting Rules

See 676 Order Approving Incorporation by Reference

See 676 Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

See 676 Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

ADMIN 1003 (Rev. 1-78)
SF-00003-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : GEORGE R. PETTERSEN, M.D.
Commissioner of Health

DATE: 5/4/81

ATTN : WILLIAM MILLER
Special Assistant Attorney General
Department of Health

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 6-4692

SUBJECT: In the Matter of Proposed Adoption of Amendments to Rules of the State Commissioner of Health Governing the Use of Plastic Well Casing

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. Please 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 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 to the rules in the approved set.

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

JSA/gy

Enc.

cc: Duane Harves
Susan Robertson

AG Copy

STATE OF MINNESOTA
DEPARTMENT OF HEALTH

In the Matter of Proposed
Adoption of Amendments to
Rules of the State Commissioner
of Health Governing the Use
of Plastic Well Casing.

ORDER
ADOPTING
RULES

The above-entitled matter came on for hearing before Hearing Examiner Richard C. Luis, on the 30th day of September, 1980, at 9:30 A.M., in the Minnesota Department of Health Building, Minneapolis, Minnesota, after proper notice required by Minnesota Statutes §15.0412 was served upon all persons, associations and other interested groups registered with the State Commissioner of Health for that purpose.

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

NOW, THEREFORE, IT IS ORDERED that these amendments to rules identified as 7MCAR §1.224, a copy of which is attached hereto and made a part hereof, are adopted this 22 day of April, 1981, pursuant to authority vested in me by Minnesota Statutes §156A.031.

STATE OF MINNESOTA
DEPARTMENT OF HEALTH

George R. Pettersen M.D.

George R. Pettersen, M.D.
Commissioner of Health

AG copy.

PLASTIC WELL CASING

Amendments as adopted

7 MCAR § 1.224 Plastic Well Casing. In addition to complying with 7 MCAR §§ 1.210-1.223, an installer who uses plastic well casing must comply with the provisions of this rule with regard to construction and installation.

. . .

B. 2. Any plastic pipe, couplings, components, solvents, cements, or primers used in water well casing construction shall have the approval of a testing laboratory which has demonstrated the use of unbiased, reliable and appropriate testing methods, as determined by the Commissioner of Health. Such laboratory must approve the material as being intended for use in the transport of potable water. This approval shall be stamped on the pipe as prescribed below.

. . .

C. Storage, handling and components . . .

D. Technique for joining plastic well casing.

1. Cutting. The installer shall use fine tooth blades with little or no set for cutting the pipe. Pipe ends shall be cut square. A plastic pipe cutter equipped with extra wide rollers and thin cutting wheels may be used. Standard steel pipe or tubing cutters shall not be used for cutting plastic pipe.

E. Installation of plastic well casing:

1. The installer shall drill an open hole which is 4 inches larger than nominal casing size where:

a. rock (consolidated as opposed to unconsolidated geological material) is encountered within 25 feet of the surface. The annular space shall be grouted with neat cement or concrete grout as prescribed in 7 MCAR § 1.220 C.

b. rock is encountered at a depth greater than 25 feet from the surface. The casing shall extend at least

5 feet into the stable rock formation. The casing shall be sealed into the rock using neat cement grout. The remaining annular space shall be grouted as prescribed in 7 MCAR § 1.220 C. or F.

c. boulders or unstable geologic conditions require that an oversized hole be drilled in order to install and protect the well casing. The annular space shall be grouted as prescribed in 7 MCAR § 1.220 C. or F.

d. the well screen is to be gravel packed. The gravel pack shall not extend more than 10 feet above the static water level nor within 50 feet of the land surface. The remaining annular space shall be grouted as prescribed in 7 MCAR § 1.220 C. or F.

. . .

3. Grouting

a. The installer shall fill the annular space between the drill hole wall and the casing pipe with grout as prescribed in 7 MCAR § 1.220 C. or F. to assure equal loading around the casing in order to prevent collapse or deformation of the casing and to prevent any contamination from entering the well. Native sand may be used in non-artesian wells drilled in outwash material having no clay lense or lenses (a geological stratum composed of clay). The upper 30 feet in any type of well shall be grouted with neat cement grout (defined in 7 MCAR § 1.220 C.3.) using a tremie pipe. A tremie pipe is one which is small enough to fit in the annular space and which carries the grout to the bottom of a hole. The grout shall be fed under pressure from the bottom to the top in one continuous operation.

underlined sentences retained from existing rule per HE 17

b. Because of its high heat of hydration, grout made of rapid-setting cement is not permitted for use in wells which are cased with PVC pipe.[3]

. . .

6. Plastic water well casing shall not be used as an outside casing in wells cased and cement grouted through cavernous rock formations. However, in such formations, plastic casing may be used as an inner casing pursuant to the requirements of 7 MCAR § 1.220 A.7., if surrounded by an outer casing. HE 18

. . .

7. Screws shall not be used to join solvent weld joints.

APPROVED AS TO FORM AND LEGALITY

5-4 1981

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY - 4 1981
Joan Anderson Growe
Secretary of State
9:05 AM.

SF-00006-01

STATE OF MINNESOTA

DEPARTMENT HEALTH

Office Memorandum

TO : William G. Miller
Special Assistant Attorney General
Health Law Division

DATE: Apr. 23, 1981

RECEIVED
APR 23 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

FROM : Pauline M. Bouchard, J.D.
Assistant to the Director
Division of Environmental Health

PHONE: 3331

SUBJECT: Attorney General Review of Adopted Amendments to Rules Relating to Plastic Well Casing

approve on May 4 if possible

The amendments to rules relating to the use of plastic well casing which were heard on September 30, 1980 have been adopted according to the recommendations of the Hearing Examiner. Time is of the essence for getting these approved, filed and printed in the State Register.

All of the jurisdictional documents and post-hearing agency statements were submitted to the Attorney General in February, 1981, when a portion of the rules heard on September 30, 1980, were adopted. We were then instructed by Jerry Anderson, Special Assistant Attorney General, Department of Administration, not to resubmit these documents upon adoption of the remaining portion of the rules, but only to make reference to his File No. 676. In accordance with those instructions, the only ~~items being~~ submitted and enclosed herewith for review are the following:

Rule (amendment) as Adopted, (5 copies) with one copy showing changes made to rule as proposed.

Order Adopting Rule (3 copies). 2 copies

Rule as Proposed, (2 copies) State Register version.

Hearing Examiner's Report and Order of Chief Hearing Examiner (2 copies), attached to Findings.

Agency Finding and Conclusions. (2 copies)

Affidavit of Mailing of Notice of Filing with Attorney General. (2 copies)

PMB:mrs

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Health

Office Memorandum

TO : Jerry Anderson
Special Assistant
Attorney General

DATE: April 23, 1981

FROM : William G. Miller
Special Assistant
Attorney General

PHONE: 341-7272

SUBJECT: In the Matter of the Proposed Adoption of Amendments to Rules of the State Commissioner of Health Governing Plastic Well Casing
Your File No. 676

Enclosed for your review are the relevant documents regarding the above-referenced set of rules. As we discussed by phone, you have already reviewed the jurisdictional documents for these rules, as a joint hearing was held for this set and the mineral explorer's rules, your file No. 676. Please refer to the enclosed memo from Pauline Bouchard for more details.

As we have also discussed, time is important to the promulgation of these rules. For various reasons, we would like to publish this set in the State Register by May 18. If it is possible to expedite your review, it would be greatly appreciated.

WGM:sd

Enclosures

ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES
APR 24 1981
RECEIVED

STATE REGISTER VERSION

Department of Health
Division of Environmental Health

Adopted Amendments to Rules Relating to Plastic Water Well Casing.

The amendments to rules proposed and published at State Register, Vol. 5, pp. 269-271, August 25, 1980 (5 SR 269) are adopted with the following amendments:

Amendments as Adopted

7MCAR §1.224.

...

E. 3. a. The installer shall fill the annular space between the drill hole wall and the casing pipe with grout as prescribed in 7 MCAR § 1.220 C. or F. to assure equal loading around the casing in order to prevent collapse or deformation of the casing and to prevent any contamination from entering the well. Native sand may be used in non-artesian wells drilled in outwash material having no clay lense or lenses (a geological stratum composed of clay). The upper 30 feet in any type of well shall be grouted with neat cement grout (defined in 7 MCAR § 1.220 C.3. using a tremie pipe. A tremie pipe is one which is small enough to fit in the annular space and which carries the grout to the bottom of a hole. The grout shall be fed under pressure from the bottom to the top in one continuous operation.

...

6. Plastic water well casing shall not be used as outside casing in wells cased and cement grouted through cavernous rock formations. However, in such formations, plastic casing may be used as an inner casing pursuant to the requirements of 7 MCAR § 1.220 A.7., if surrounded by an outer casing. ~~which meets the requirement of 7 MCAR § 1.220 A.7.~~

B. Licensing. ~~The procedures and conditions for licensing of water well contractors which are contained in 7 MCAR § 1.211 A. through G. shall apply to the licensing of explorers, except that experience in supervising the construction of borings need not have~~ been gained in Minnesota.

C. Explorer responsibilities.

1. No person shall construct or cause to be constructed any exploratory boring ~~within this state~~ unless he possesses a valid explorer's license issued by the commissioner.

2. The explorer shall be responsible for the construction and abandonment of all exploratory borings completed under his license.

D. Procedures for location, construction and abandonment of exploratory borings.

1. Location and construction.

a. An exploratory boring shall be located in accordance with the isolation distances from sources of contamination which are specified in 7 MCAR § 1.217 C.1.a. through e.

b. An exploratory boring shall be constructed in a location and maintained in such a manner as to prevent all known sources of contamination from entering the boring at any time.

c. Any boring which encounters a cavernous limestone formation shall be cased and grouted to prevent the introduction of surface water into the groundwater and to prevent the passage of water from one aquifer to another. The casing and grouting procedures are prescribed in 7 MCAR § 1.220 A., C. and H.

d. No boring shall be open except during the time when it is actually being drilled or logged.

2. Abandonment.

a. Abandonment of all exploratory borings shall be carried out in accordance with the provisions of ch. 156 A and these rules ~~(7 MCAR §§ 1.210-1.225) as appropriate.~~

~~b.~~ Abandonment, whether temporary or permanent, shall be undertaken immediately upon completion of drilling activities.

c. Temporary abandonment.

(1) A boring which is temporarily abandoned shall be cased from bedrock or the bottom of the boring, to one foot above the ground surface or if in a flood plain, at least two feet above the level of the highest flood of record, and protected with ~~a water-tight~~ cap which will prevent any surface contamination from entering the boring.

(2) Any boring which is temporarily abandoned shall be marked and protected with four steel posts ~~as prescribed in 7 MCAR § 1.217 C.4.b.~~

(3) A boring shall not be temporarily abandoned for more than five years.

d. Permanent abandonment.

(1) Whenever the explorer determines that a boring need not remain open any longer, or whenever he is about to lose the right to explore, the explorer shall permanently abandon the boring ~~in the manner prescribed in these rules.~~

(2) A boring which is permanently abandoned shall be completely filled in the manner and with the materials ~~prescribed~~ in 7 MCAR § 1.218 C.2 a. through e.

e. Abandonment report. The abandonment report required by Minn. Stat. § 156A.017, subd. 8 shall specify whether the boring is being temporarily or permanently abandoned. A separate abandonment report shall be filed when a temporarily abandoned boring is permanently abandoned.

E. Any request for modification of the provisions of rules applicable to exploratory borings shall be submitted according to the procedure prescribed in 7 MCAR § 1.210 D.3.a. and b.

Amendments as Proposed

7 MCAR § 1.224 Plastic well casing. In addition to complying with 7 MCAR §§ 1.210-1.223, an installer who uses plastic well casing* must comply with the provisions of this rule with regard to construction and installation.

~~*Laws of 1977, ch. 398, and Laws of 1979, ch. 312 permit the use of plastic well casing in certain Minnesota counties. A list of these counties is appended at the end of this rule.~~

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~~

B.2. Any plastic pipe, couplings, components, solvents, cements, or primers used in water well casing construction shall have the approval of a testing laboratory which has demonstrated the use of unbiased, reliable and appropriate testing methods, as determined by the Commissioner of Health. Such laboratory must approve the material as being intended for use in the transport of potable water. This approval shall be stamped on the pipe as prescribed below.

~~C. Plastic well casing pipe size: Where a submersible pump is to be installed inside a plastic casing, the casing diameter shall be no less than five inch nominal pipe size, as specified in ASTM F 480.~~

Reletter D. as C.

D. ~~E.~~ Technique for joining plastic well casing.

1. Cutting. The installer shall use fine tooth blades with little or no set for cutting the pipe. Pipe ends shall be cut square ~~using a miter box~~. A plastic pipe cutter equipped with extra wide rollers and thin cutting wheels may be used. Standard steel pipe or tubing cutters shall not be used for cutting plastic pipe.

5. ~~(1). allow sufficient time for the joint to cure before the joined pipe can be dropped into the drilled hole. This additional cure time is specified in Table 3.~~

~~Table 3~~
~~Joint Cure Schedule~~

~~Ambient Temperature, °C~~	~~2 to 3 in. SDR 26 and above~~	~~2 to 3 in. SDR 21 17, 13.5~~	~~3½ to 12 in. SDR 26 and above~~	~~3½ to 12 in. SDR 21 17, 13.5~~
~~15 to 40~~	~~2 h*~~	~~12 h~~	~~6 h~~	~~24 h~~
~~5 to 15~~	~~4 h~~	~~24 h~~	~~12 h~~	~~48 h~~
~~20 to +5~~	~~16 h~~	~~96 h~~	~~48 h~~	~~8 days~~

~~*When the relative humidity is above 60%, increase all of the above times by 50%.~~

E. ~~F.~~ Installation of plastic well casing.

1. The installer shall drill an open hole which is 4 inches larger than nominal casing size where:

a. rock (consolidated as opposed to unconsolidated geological material) is encountered within 25 feet of the surface. The annular space shall be grouted with neat cement or concrete grout as prescribed in 7 MCAR § 1.220 C.

b. rock is encountered at a depth greater than 25 feet from the surface. The casing shall extend at least 5 feet into the stable rock formation. The casing shall be sealed into the rock using neat cement grout. The remaining annular space shall be grouted as prescribed in 7 MCAR § 1.220 C. or F.

c. boulders or unstable geologic conditions require that an oversized hole be drilled in order to install and protect the well casing. The annular space shall be grouted as prescribed in 7 MCAR § 1.220 C. or F.

d. the well screen is to be gravel packed. The gravel pack shall not extend more than 10 feet above the static water level nor within 50 feet of the land surface. The remaining annular space shall be grouted as prescribed in 7 MCAR § 1.220 C. or F.

3. Grouting.

a. The installer shall fill the annular space between the drill hole wall and the casing pipe with grout ~~(defined in 7 MCAR § 1.210)~~ as prescribed in 7 MCAR § 1.220 C. or F. to assure equal loading around the casing in order to prevent collapse or deformation of the casing and to prevent any contamination from entering the well. ~~Native sand may be used in non-artesian wells drilled in outwash material having no clay lense or lenses (a geological stratum composed of clay). The upper 30 feet in any type of well shall be grouted with neat cement grout (defined in 7 MCAR § 1.220 C.3.) using a tremie pipe. A tremie pipe is one which is small enough to fit in the annular space and which carries the grout to the bottom of a hole. The grout shall be fed under pressure from the bottom to the top in one continuous operation.~~

~~b. When drilling a rock well, the installer shall seal the casing pipe into the bedrock using neat cement grout (defined in 7 MCAR § 1.220 C.3.).~~

b. ~~c.~~ Because of its high heat of hydration, grout made of rapid-setting cement is not permitted for use in wells which are cased with PVC pipe.[3]

6. Plastic water well casing shall not be used in wells cased and cement grouted through cavernous rock formations. However, in such formations, plastic casing may be used as an inner casing if surrounded by an outer casing which meets the requirements of 7 MCAR § 1.220A.7.

7. Screws shall not be used to join solvent weld joints.

Department of Natural Resources

Proposed Amendments to Boat and Water Safety Rules

Notice of Hearing

A public hearing concerning the proposed rule amendments will be held in St. Paul on September 25, 1980 at the Minnesota Historical Society Building, 640 Cedar Street, in the Weyerhaeuser Room. The hearing will begin at 7:00 p.m.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are concerned about the content of the rules, you are urged to participate.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. 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 Phyllis Reha, Hearing Examiner, room 300, 1745 University Avenue, St. Paul, MN 55104, telephone (612) 296-6910 either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.1417 and 15.052, and by 9 MCAR §§ 2.101-2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Twenty-five days prior to the hearing, a Statement of Need and Reasonableness will be available for review 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 rule amendments. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Because of legislative changes during the 1975 and 80 sessions, as well as changes in federal regulations and those additions or deletions necessitated by experience, amendments to the current boat and water safety rules have been found to be necessary. Current rules were promulgated in 1972.

The following amendments are proposed:

—the addition of the term "sailboard" as well as several technical corrections in the rules on licensing and marking of watercraft.

—providing that all required safety equipment be provided by the owner of rental watercraft.

—changing technical terms regarding alcohol and controlled substances to conform to statute changes.

—shortening and clarifying the rules of the road for non-motorized watercraft and the use of emergency lights on patrol craft.

—rewriting the required safety equipment rules to conform to new statutes. This includes requirements for lifesaving devices, sound producing devices, fire extinguishers and navigation lights. No substantial change is proposed from existing rules, however.

—changing the technical requirements for certain waterway markers to more closely conform to what is practical and available commercially.

—removing language on skin and SCUBA diving which was preempted by a 1975 statute.

—clarifying permit requirements for temporary structures, buoys and signs.

—deleting reference to an obsolete address in the Department of Natural Resources.

The authority for and subject-matter of the rules are found in Minn. Stat. ch. 361.

The agency estimates that there will be no cost to local public bodies in the state to implement the amendments for the two years immediately following its adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

STATE OF MINNESOTA
DEPARTMENT OF HEALTH

In the Matter of Proposed
Adoption of Amendments to
Rules of the State Commissioner
of Health Governing the Use
of Plastic Well Casing.

FINDINGS OF
FACT AND
CONCLUSIONS

The above-entitled matter came on for hearing before Hearing Examiner Richard C. Luis, on the 30th day of September, 1980, at 9:30 A.M., in the Minnesota Department of Health Building, Minneapolis, Minnesota, after proper notice required by Minnesota Statutes §15.0412 was served upon all persons, associations and other interested groups registered with the State Commissioner of Health for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all the testimony, having considered all of the evidence adduced upon the records, files, and proceeding herein, I hereby adopt as my own the relevant findings and conclusions of the Hearing Examiner as contained in his Report dated November 19, 1980, and as approved by the Chief Hearing Examiner by his order of November 18, 1980. A copy of the Report and Order are attached hereto and made a part hereof.

April 22, 1981
Date

STATE OF MINNESOTA
DEPARTMENT OF HEALTH

George R. Pettersen M.D.
George R. Pettersen, M.D.
Commissioner of Health

HLTH-81-004-RL

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HEALTH

In the Matter of Proposed New Rules Relating to Mineral Explorers and Exploratory Borings, and Proposed Amendments to Rules Relating to Water Well Construction and the Use of Plastic Casing.

REPORT OF THE HEARING EXAMINER

Pursuant to an Order for and Notice of Hearing issued by George R. Pettersen, Commissioner, Department of Health, on August 8, 1980, the above-entitled matter came on for hearing before Richard C. Luis, duly appointed as Hearing Examiner by the Chief Hearing Examiner, at 9:30 a.m. on September 30, 1980, in the Department of Health Building, Room 105, 717 Delaware Street S. E., Minneapolis, Minnesota.

This Report is part of a rulemaking process held pursuant to Minn. Stat. Ch. 15, to determine whether the proposed rules relating to mineral explorers and exploratory borings and amendments to existing rules relating to water well construction and the use of plastic casing should be adopted by the Department of Health.

William G. Miller, Special Assistant Attorney General, appeared as counsel for the Department of Health. Members of the agency panel included: Pauline Bouchard, Assistant to the Director of the Division of Environmental Health, Department of Health; Edwin H. Ross, Supervisor, Groundwater Quality Control Unit of the Department of Health; and Ron Thompson, Hydrologist, Groundwater Quality Control Unit of the Department of Health.

Thirty-five persons signed the hearing register. Twelve members of the public spoke at the hearing. The Department submitted 12 exhibits. The public submitted nine exhibits. Written comments were received by the Hearing Examiner subsequent to the hearing and prior to the close of the record which remained open through October 20, 1980 by order of the Hearing Examiner. Those comments are part of the record submitted to the Commissioner along with this Report.

In its final submission to the Hearing Examiner on October 20, 1980, the Department of Health included a "Posthearing Revision" accompanied by an "Explanation of Posthearing Revision" regarding the proposed new rules relating to mineral explorers and exploratory borings. In order to alert all interested parties of the Department of Health's present intentions, the Hearing Examiner has appended those documents to this Report.

Pursuant to the provisions of Minn. Laws 1980, Ch. 615, § 6, subd. 4d, this Report has been submitted to the Chief Hearing Examiner for his approval. If the Chief Hearing Examiner approves the findings of this Report, he will advise the Commissioner of actions which will correct the defects and the Commissioner may not adopt the rule until the Chief Hearing Examiner determines that the defects have been corrected. However, in the cases where the Chief Hearing Examiner identifies defects which relate to the issues of need or reasonableness, the Commissioner may either adopt the Hearing Examiner's recommendations

to cure the defects or, in the alternative, if the Commissioner does not elect to adopt the recommendations, he may submit the proposed rule to the Legislative Commission to Review Administrative Rules for the Commission's advice and comment. Provisions relating to this submission to the Commission may be found in Minn. Laws 1980, Ch. 615, § 6, subd. 4d.

The Commissioner must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

If the Commissioner elects to adopt the recommendations of the Hearing Examiner and makes no other changes and the Chief Hearing Examiner determines that the defects have been corrected, then the Commissioner shall submit the rule to the Attorney General for review of form and legality. If the Commissioner makes changes in the rule other than those recommended by the Hearing Examiner, then he shall submit the rule, with the complete record, to the Chief Hearing Examiner for a review of the changes before adopting it and submitting it to the Attorney General. Procedures relating to this subsequent review by the Chief Hearing Examiner are set forth in Minn. Laws 1980, Ch. 615, § 6, subd. 4e.

When the Commissioner submits the rule to the Attorney General, he shall give notice on the day of submission to all persons who requested that they be informed of the submission to the Attorney General.

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

FINDINGS OF FACT

Procedural Requirements

1. On July 31, 1980, the Department of Health (hereinafter "the Department") filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rule amendments and 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 time required for the Agency's presentation.

2. On August 29, 1980, 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, to all persons and associations who had registered their names with the Department of Health, and to all members of the Minnesota Legislature.

3. On August 25, 1980, a Notice of Hearing and Copy of the Proposed Rule Amendments and Proposed Rules were published at 5 State Register 267-271.

4. On September 5, 1980, the Department filed the following documents with the Hearing Examiner:

(a) The Order for Hearing.
(b) Notice of Hearing as mailed.
(c) The affidavit of mailing of the Notice of Hearing.
(d) The Notice of Intent to Solicit Outside Opinions on Proposed Rules pursuant to Minn. Stat. § 15.0412, subd. 6, as published in the State Register on July 14, 1980.
(e) The letters of comment received following the Notice referred to in (d) above.
(f) The Statements of Need and Reasonableness.
(g) The present Water Well Construction Code.

(h) The Statement of Need and Reasonableness supporting the proposed amendments to the Water Well Construction Code Relating to the Use of Plastic Well Casing in 1977.

(i) The names of Department personnel who would represent the Agency at the hearing.

5. The documents listed above were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

6. On September 30, 1980, at the hearing in this matter, the Department introduced into evidence as exhibits the following documents:

(1) Order for Hearing.
(2) Notice of Hearing.
(3) A copy of Volume 5 of the State Register in which was published at 267-271 the Notice of Hearing and Proposed Rules and Rule Amendments.
(4) Affidavit of mailing of Notice of Hearing.
(4a) List of the Secretary of State containing names of persons and associations and their addresses.
(4b) List of the Department of Health containing names of interested persons and associations and their addresses.
(4c) List of names of persons and associations and their addresses to whom notice was sent.
(5) Amendments as proposed.
(5a) New rules as proposed.
(6) Statements of Need and Reasonableness for Proposed New Rules and Amendments to Rules.
(7) Statement of Consultation from the Commissioner of Natural Resources.
(8) Statement of Consultation from the Executive Director of the Minnesota Pollution Control Agency and an attached Memorandum from the Director of the Division of Minerals of the Department of Natural Resources.

7. The record remained open through October 20, 1980 for the receipt of written comments and statements. Twenty-five comments and a final submission from the Department of Health were submitted through the close of business on October 20, 1980.

Statutory Authority for Proposed Amendments to Rules Relating to Water Well Construction and the Use of Plastic Casing.

8. The Department cites Minn. Stat. § 156A.031 (1979 Supp.) as the statutory authority for adoption of the proposed rule amendments. Authority for the amendments is granted specifically in subdivision 1 of that section. Minn. Stat. § 156A.031 (1979 Supp.) requires that the rules relating to installation and use of plastic water well casing pipes and couplings be adopted by January 1, 1981, so that such pipes and couplings may be used on a state-wide basis.

The Hearing Examiner finds that the Department has statutory authority to adopt the proposed rule amendments and has properly documented that authority.

Discussion of the Proposed Amendments to Rules Relating to Water Well Construction and the Use of Plastic Casing.

9. 7 MCAR § 1.224 was adopted prior to January 31, 1978, pursuant to Minn. Laws 1977, Ch. 398, §§ 1 and 2, codified at Minn. Stat. § 156A.031. In 1979, the Minnesota Legislature amended Minn. Stat. § 156A.031 to allow the use of plastic casings in water wells in more Minnesota counties than were originally stated in the 1977 statute. The amendment also provided that the Commissioner of Health was to adopt rules prior to January 31, 1981 for the statewide use of plastic casings. The amendments offered in this proceeding are an effort by the Department to respond to that legislation.

10. The Department proposes to amend the introductory sentence of 7 MCAR § 1.224. The amendment would strike the asterisk after the word "casing" and

the footnote to which the asterisk refers. This change would reflect the permissible statewide use of plastic casing as authorized by the 1979 statutory change. The Hearing Examiner finds this proposed amendment to be necessary and reasonable.

11. Subsection B.2. of 7 MCAR § 1.224 deals with materials used in water well plastic casing construction which must be approved by the Commissioner of Health before use. Certain materials commonly used in the plastic well casing installation process, which are not mentioned in the present rule, have been proposed for inclusion in the rule. Since the added language clarifies the Department's intent that solvents, cements and primers must be approved for use in water well construction, the Hearing Examiner finds the proposed amendment to be reasonable and necessary.

12. The Department proposes to delete subsection C. The five-inch minimum diameter for plastic well casing pipe was found not to serve the purpose of preventing potential melting problems. In order to avoid the unjustifiably high costs associated with large diameter casing, the Hearing Examiner finds the proposed amendment to be reasonable and necessary.

13. Because the deletion of subsection C. is proposed, the Department also proposes to re-letter the remaining subsections. The Hearing Examiner finds this proposal reasonable and necessary.

14. The Department proposes a change in subsection E.1. of the existing rule. The Department no longer considers the use of a miter box necessary for the square cut of pipe ends. The Hearing Examiner finds the proposed amendment necessary and reasonable.

15. In the amendments as proposed, the Department proposes to strike subsection E.5.i. of 7 MCAR § 1.224. This subsection details the required cure time for joints in plastic pipe before the pipe can be dropped into a drilled hole. The proposal as found at 5 State Register 270 does not, however, accurately reflect the language of 7 MCAR § 1.224 E.5.i. as published by the Office of the State Register, Department of Administration. The language in subsection E.5.i., as published by the Office of the State Register, states that the cure time is specified in Table 6. Table 6 immediately follows that statement in the Minnesota Code of Agency Rules. The proposed amendment states that the cure time is specified in Table 3. The table which is part of subsection E.5.i. in the State Register notice, the deletion of which is proposed, is entitled Table 3. Except for these differences, the language of 7 MCAR § 1.224 E.5.i., in its official version, and in the notice published at 5 State Register 270, are alike. Additionally, the Statement of Need and Reasonableness refers to Table 6 as Table G. The Hearing Examiner finds these mistakes to be technical, not substantial in nature, and finds that they do not prevent adoption of the proposed amendment. The Hearing Examiner, for the reasons stated by the Department in its Statement of Need, and Reasonableness, finds the proposed deletion of 7 MCAR § 1.224 E.5.i. to be necessary and reasonable.

16. The Department proposes to amend subsection F.1. by defining exactly where an installer must drill an open hole which is four inches larger than nominal casing size. This is a recognition that it is not always necessary to have such a wide space around the outside casing to allow for the smooth and continuous flow of grouting material. The proposed amendment also states the type of grouting material to be used when the four-inch larger diameter hole

is required. The Hearing Examiner finds the proposed addition to subsection F.1. to be reasonable and necessary.

17. Amendments to subsections F.3.a.-c. are proposed. In subsection F.3.a., the cross-reference to a definitional section in Rule 210 is being replaced with a more informative cross-reference to the particular subsections which describe the procedure to be used. The Hearing Examiner finds this amendment to be necessary and reasonable.

The Department also proposes to delete certain other language in subsection F.3.a. The Department asserts that this is reasonable because the language merely repeats language which is already found in 7 MCAR §§ 1.220 C. and F. The Hearing Examiner, upon a comparison of 7 MCAR §§ 1.220 C. and F. and the proposed deleted language, does not find a mere repetition. In the absence of a sufficient presentation of fact showing the need for and reasonableness of the proposed deletion, the Hearing Examiner does not find this proposed deletion to be necessary and reasonable. In order to correct this defect, the Hearing Examiner suggests that the proposed deletion not be adopted and that the last four sentences of 7 MCAR § 1.224 F.3.a. be retained. Since the Hearing Examiner has concluded that the Department has not established the need for and reasonableness of the proposed deletion, this Report will be submitted to the Chief Hearing Examiner for his approval pursuant to Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d).

retained p.2

The deletion of subsection F.3.b. is proposed. Because this provision was incorporated into the amendment of subsection F.1., the Hearing Examiner finds the amendment reasonable and necessary.

In light of the deletion of 7 MCAR § 1.224 F.3.b., the re-lettering of the following subsection is proposed. The Hearing Examiner finds this to be necessary and reasonable.

18. The Department proposes to add a subpart 6 to the existing subsection F. This subpart would prevent the use of plastic water well casing as an outer casing in cavernous rock formations. The proposal allows the use of plastic pipe in such formations where it is used as an inner casing. The Department argues that the proposal is necessary because of the possible destruction of plastic casing during the grouting process when the pipe is used in such rock formations. The Hearing Examiner finds the proposed addition to be necessary and reasonable.

The proposed subpart may, however, be better stated to effectuate the Department's intent. The Hearing Examiner suggests that subpart 6. read as follows:

> Plastic well casing shall not be used as outside casing in wells cased and cement grouted through cavernous rock formations. However, in such formations, plastic casing may be used as an inner casing, pursuant to the requirements of 7 MCAR § 1.220 A.7., if surrounded by an outer casing.

restated p.3

19. The Department proposes to add a subpart 7. to the existing subsection F. It states that screws shall not be used to join solvent weld joints. The Hearing Examiner finds the proposal reasonable and necessary.

Statutory Authority for Proposed New Rules Relating to Mineral Explorers and Exploratory Borings.

20. The Department cites Minn. Laws 1980, Ch. 535, §§ 5 and 8 as authority for adoption of the proposed new rules. Authority for rules is granted specifically in those two sections. As related to mineral explorers and exploratory

borings, the Department originally proposed to amend 7 MCAR § 1.210 and to create a new rule, 7 MCAR § 1.225. After a posthearing revision (See Appendix), the Department now proposes only to add a new rule, 7 MCAR § 1.225. The purpose of both proposals was and is to adopt rules for the licensing of explorers, the examination and approval of individuals supervising exploratory borings, for the location and construction of exploratory borings, and the abandonment of exploratory borings.

In testimony taken at the hearing and written commentary received during the period of comment after the hearing, a number of representatives of the mining industry challenged the Department's statutory authority to adopt the proposed rules relating to location and construction of exploratory borings. Two of these representatives, Raymond A. Haik and Gary R. Macomber, attorneys with the firm of Popham, Haik, Schnobrich, Kaufman and Doty, Ltd., representing AMAX Exploration, Inc., submitted a detailed analysis of the history of Chapter 535, Laws of 1980. Chapter 535 is asserted as the statutory authority for the rules proposed here. In this study, it is argued that the Legislature purposely did not authorize the Department to regulate location and construction of borings. Support for this is grounded in a comparison of draft bills prepared before and leading up to adoption of Chapter 535. Messrs. Haik and Macomber would have the Hearing Examiner read the revisions of Staff Draft No. 1, as found in Staff Draft No. 2, in order to discover the legislative intent in the adoption of Chapter 535.

Responding to this argument, the Department of Health asserts that there is clear authorization for the regulation of location and construction of exploratory borings. In a memorandum from the Department, received on October 20, 1980, three reasons are given to support this assertion.

The Department argues that the section on legislative intent, Minn. Stat. § 156A.01 (1978), as amended by Minn. Laws 1980, Ch. 535, § 1, provides a basis for the proposed rules. That section specifies that protection of groundwater and prevention of diseases which might be caused by contamination of groundwater are goals to be achieved.

The Department's second reason in support of its position is based on language used in Minn. Laws 1980, Ch. 535, § 8. In subdivision 2 of that section, entitled "Licensing", the Department would have the Hearing Examiner focus his attention on the language stating that the person who will supervise exploratory borings "shall take and pass an examination on those sections of the Minnesota Water Well Construction Code relating to construction, location, and abandonment of wells, which apply to exploratory borings." The Department argues that the Legislature would not have required such a person to be so examined unless the Legislature was authorizing the regulation of those activities by the Department.

The Department also finds evidence of the statutory authority for its proposed rules in a letter by Representative Mary Murphy to the Hearing Examiner dated October 1, 1980. Representative Murphy states in her letter that it was the intent of the Legislature that the location and construction of exploratory borings should be regulated by the Department. The Department asserts that this letter is further evidence of the legislative intent behind Chapter 535, Laws of 1980, and that it is evidence of statutory authority on the basis of which the new rules are proposed.

The Hearing Examiner finds that the Department does not have the statutory authority to adopt rules relating to the location and construction of exploratory borings. The language of Minn. Laws 1980, Chapter 535, is not so ambiguous that opposite conclusions about the authority to regulate location and construction of borings can be drawn. The language of Chapter 535 is clear. Minn. Stat. § 645.16 (1978) provides:

> "When the words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit."

Because the Hearing Examiner finds no ambiguity in the statutory language, he is not persuaded to reach his conclusion by an examination of the staff drafts which preceded the bill enacted as Chapter 535, Laws of 1980. Under the laws of statutory construction, extrinsic aids may be used to interpret ambiguities in statutes. See, Knopp v. Gutterman, 258 Minn. 33, 102 N.W.2d 689, 695 (1960) (extraneous aids to construction permissible only to resolve doubt). Only where statutory language is ambiguous should legislative history be used to aid in construction of the statute. See, Rice v. City of St. Paul, 208 Minn. 509, 295 N.W. 529 (1940). Since the Heaing Examiner has concluded that no ambiguity exists in the enabling legislation, the legislative history presented by Messrs. Haik and Macomber is not considered by him as evidence of an expressed legislative intent to grant no authority for rules relating to location and construction of exploratory borings.

Contrary to the Department's assertion, the Hearing Examiner does not find evidence of statutory authority to adopt the proposed rules on location and construction of borings in Minn. Laws 1980, Ch. 535, § 1, the section entitled "Legislative Intent." This section amended Minn. Stat. § 156A.01 (1978). The amended version continues the pre-existing legislative intent and purpose in Minn. Stat. §§ 156A.01-08, that is, "to reduce and minimize the waste of groundwater resources within the state." It is significant that Minn. Laws 1980, Chapter 535, amended Minn. Stat. § 156A.01 by adding that the stated purpose could also be effected by "the regulation of exploratory borings.". This phrase, "the regulation of exploratory borings", is not a grant of authority to the Department to adopt any rules or regulations. Nor is the phrase, alone or in the context used in the statement of legislative intent, a description of the scope of authority to adopt rules as granted elsewhere in Chapter 535.

The Department finds specific authority to adopt rules in Minn. Laws 1980, Ch. 535, §§ 5 and 8. Under § 5, an amendment of Minn. Stat. § 156A.03 (1978), the Department is given authority to license explorers engaged in exploratory borings and to examine individuals who supervise or oversee exploratory boring. The Commissioner of Health's authority to do these things is "as provided in section 8" of Chapter 535. Thus, subdivision 2, within Ch. 535, § 8, grants authority to the Department to do that which § 5 requires. Chapter 535, § 5, in and of itself, grants no authority to the Department to regulate exploratory borings.

Chapter 535, § 8, is cited as authority to adopt the proposed rules. The Hearing Examiner, after careful study, finds in no other section of Chapter 535 a grant of authority to the Department to regulate mineral explorers and mineral exploration. Within subdivision 2 of § 8, the Hearing Examiner finds

a grant of authority to the Department to regulate the licensing of explorers and the examination of supervising, "responsible individuals". The Hearing Examiner also finds in subdivision 7 of § 8 a grant of authority to the Department to adopt rules for procedures used in permanent and temporary abandonment of exploratory borings. The Hearing Examiner does not find anywhere in Chapter 535 statutory authority for the adoption of rules relating to the location and construction of exploratory borings.

The Department further argues that language within subdivision 2 of § 8 supports a finding of authorization to regulate location and construction of exploratory borings. The Department points specifically to the statement providing that it shall examine responsible individuals who supervise or oversee exploratory borings on the sections of the Water Well Construction Code relating to construction, location and abandonment of wells, which apply to exploratory borings. The Department concluded that the Legislature would not have required such an examination unless it also intended the Department to regulate construction and location, as well as the abandonment, of exploratory borings.

The Hearing Examiner cannot agree with this conclusion. Elsewhere within Ch. 535, § 8, the Legislature specifically stated the activities to be regulated by Department rules. It is unreasonable to conclude that the Legislature intended to grant authority by implication for rules relating to location and construction of borings while every other grant of authority for rulemaking was express. Furthermore, if the language relied upon by the Department was a grant of authority to adopt rules, it would make superfluous subdivision 7 of § 8, which expressly authorizes the adoption of rules for abandonment procedures. See, State by Spannaus v. Lloyd A. Fry Roofing Co., 246 N.W.2d 696 (Minn. 1976), and Minnesota-Dakotas Retail Hardware Assoc. v. State, 284 N.W.2d 820 (Minn. 1979), which imply that in Minnesota, authority to adopt a specific rule may not be implied from a statute expressly giving an agency certain other rulemaking duties without explicitly stating the authority to adopt the specific rules in question. The Hearing Examiner therefore concludes that the Legislature did not intend the language at issue to be statutory authority for rules relating to the location and construction of exploratory borings. Instead, the language relied upon by the Department reflects the Legislature's intent that responsible individuals must be competent and well-trained in the drilling operations of exploratory boring. The statutory language does not grant authority to adopt rules, but provides guidelines for the examination given by the Commissioner, which must be taken and passed by individuals supervising exploratory borings.

The Hearing Examiner, finding Chapter 535 clear and specific in its grant of authority to the Department to adopt rules, is bound by the rules of statutory construction, as discussed above, to disregard Representative Murphy's letter regarding the legislative intent behind Chapter 535. The general rule is that the opinion of one legislator cannot be equated with or even considered when ascertaining legislative intent. 82 C.J.S. Statutes § 354, Iowa St. Educ. Assn.-Iowa Higher Educ. Assn. v. Public Employment Relations Board, 269 N.W.2d 446, 448 (Ia. 1978).

In connection with the finding of the Hearing Examiner that statutory authority to adopt rules relating to the location and construction of exploratory borings does not exist, he concludes that the only action that can be taken to

correct this defect is by a specific legislative grant of appropriate authority. It is impossible to cure the defect at this time.

21. The Department has also proposed rules relating to the qualifications of persons approved as responsible individuals who supervise exploratory borings. Included among these are rules pertaining to experience requirements for responsible individuals. The Department assumes it has the statutory authority to make rules regarding an experience requirement on the basis of its authority to examine responsible individuals. The Hearing Examiner finds no statutory authority for rules relating to experience requirements for responsible individuals. Minn. Laws 1980, Ch. 535, § 5, states that "as provided in section 8", the Commissioner of Health shall examine responsible individuals. Subdivision 2, within § 8 of Ch. 535, states the manner in which the responsible individual will be examined. (S)he will be examined by taking "an examination on those sections of the Minnesota Water Well Construction Code relating to construction, location and abandonment of wells, which apply to exploratory borings." The statute allows the Commissioner to administer such an examination. It does not grant authority to create and approve other qualifications for responsible individuals. The Hearing Examiner concludes that the only action which can be taken to correct this defect is by a specific legislative grant of authority to include "experience" as a factor (either independently or as part of an "examination") in the designation of a "responsible individual". There is no present cure for the defect.

22. The Hearing Examiner finds that the Department has properly documented its statutory authority for the adoption of proposed rules relating to the licensing of explorers, examination of individuals supervising or overseeing an exploratory boring, and the procedures for temporary and permanent abandonment of exploratory borings.

23. The Hearing Examiner finds that, for the reasons explained above, the Department has no statutory authority to adopt rules relating to the location and construction of exploratory borings and an experience requirement for responsible individuals.

24. Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d), requires submission of the Hearing Examiner's report to the Chief Hearing Examiner when the Hearing Examiner finds that the agency proposing the rules has not met the requirements of subdivisions 4 through 4f of that same statute. It was noted at Findings 20, 21, and 23 that the Department has proposed rules which exceed statutory authority. Minn. Laws 1980, Ch. 615, § 6, subd. 4c (to be codified as Minn. Stat. § 15.0412 subd. 4c), requires an agency seeking to adopt rules to fulfill any relevant, substantive or procedural requirements imposed on it by law or rule. One such requirement is found at § 15.0412, subd. 1 (1978), which allows amendment or adoption of rules "only pursuant to authority delegated by law". Since the Hearing Examiner has found that the Department is proposing to adopt rules going beyond "authority delegated by law", this Report will be submitted to the Chief Hearing Examiner for approval.

Discussion of the Proposed New Rules Relating to Mineral Explorers and Exploratory Borings

25. The Department originally proposed to amend 7 MCAR §§ 1.210 B.6., B.9., and B.10. These amendments were proposed to make definitions, as found

in the Water Well Construction Code, applicable to proposed rules relating to mineral explorers and exploratory borings. Since these definitions will not be made to apply to the revised proposed rules, the Department withdraws the proposed amendments to §§ 210 B.6., B.9. and B.10. The Hearing Examiner finds this to be reasonable and necessary.

26. The amendment of 7 MCAR § 1.210 B.2. is proposed. This amendment is not found in the posthearing revision of the proposed rules submitted by the Department. The Department's explanation of the posthearing revisions does not state whether the proposed amendment is being withdrawn. The proposed amendment is found, however, in the revised proposed rule 7 MCAR § 1.225 B.8. Yet, since this definition reflects the 1980 amendment to Minn. Stat. § 156A.06 (1978), a question arises as to whether the definition of 7 MCAR § 1.210 B.2. should also reflect the 1980 amendment. The Hearing Examiner finds that since the Department has not expressly withdrawn the proposed amendment to 7 MCAR § 1.210 B.2., it should be adopted because it is reasonable and necessary. The addition of the proposed new rule, § 1.225 B.8., which is identical to the amended § 1.210 B.2., is not a substantial change and is necessary and reasonable in order to effect the purpose of having separate rules for mineral explorers and exploratory boring.

27. The Department proposed a new rule, 7 MCAR § 1.225, to implement those provisions of Minn. Laws 1980, Chapter 535, which imposed upon the Department certain obligations to regulate mineral exploration. The introductory sentence of the originally proposed rule stated that the rule was to apply to explorers engaged in exploratory boring in accordance with the provisions of Chapter 535. This sentence is not included in the proposed posthearing revised rules. This is not a substantial change.

28. Subsection A. of § 1.225, dealing with the definition of terms, was originally proposed to read:

> Unless otherwise specified in this rule, the definitions given in 7 MCAR § 210 B. and C. shall apply to the terms used in this rule, as appropriate.

Responding to a great deal of public comment that incorporation by reference of definitions "as appropriate" was vague and confusing, the Department, in a posthearing revision, proposed a new 7 MCAR § 1.225 B., different from the § 1.225 B. originally published. The revised proposed § 1.225 B. lists the definitions which are to be applicable to rules relating to mineral exploration and exploratory borings.

Proposed revised rules § 1.225 B.10. and 11. substantially repeat the definitions of "exploratory boring" and "explorer" as found in Chapter 535. The Hearing Examiner finds the inclusion of these definitions to be crucial to the ability of persons affected by these rules to comprehend their meaning and effect. Therefore, the intent of Minn. Stat. § 15.0412, subd. 1 (which proscribes duplication of statutory language in rules in most cases) has not been violated.

Proposed revised rule § 1.225 B.16. is technically incorrect in that it states that a responsible individual is approved "for designation by the Commissioner in accordance with the terms of part C.4.d." There is no proposed part C.4.d. in the proposed revised rule. The Hearing Examiner finds that this error can be corrected with the substitution of "C.4.c." for "C.4.d.".

Because the proposed revised rule was a reasonable response to public comment and did not effectively change the definitional section, the Hearing Examiner finds that there has not been a substantial change. The Hearing Examiner finds the proposed revised rule, § 1.225 B., to be reasonable and necessary.

29. The Department originally proposed § 1.225 B. to provide the procedures for licensing of explorers. It substantially incorporated by reference 7 MCAR §§ 1.211 A.-G., which state the procedures and conditions for licensing of water well contractors. In the posthearing revision, the Department responded to much public comment and proposed the revised rule § 1.225 C. Sections 1.225 C.1.-3. state that an explorer is required to be licensed and what the explorer must do to be licensed. The Hearing Examiner finds that these proposed rules are reasonable and necessary. He is persuaded that the qualifications imposed in these subsections adequately distinguish an "explorer" from a water well contractor. He further finds that the posthearing revision is not a substantial change which would prevent adoption of the rules.

30. The Department proposes revised rule § 1.225 C.4. relating to the qualifications to be met before a person can qualify as a "responsible individual". The Hearing Examiner has found that the Department has no statutory authority to impose an experience requirement on these individuals. If the Chief Hearing Examiner agrees, proposed revised 7 MCAR §§ 1.225 C.4.a.(2) and C.4.b. cannot be adopted. In the event the Chief Hearing Examiner rejects that view, the need and reasonableness of these two subsections must be addressed.

31. Section 1.225 C.4.a.(3)(b) states that the examination to be taken by responsible individuals "shall consist of any combination of written, oral or practical work based on the substance of this rule and an evaluation interview by the Council." The Hearing Examiner finds this rule to be a violation of substantive provisions of law as proposed because it violates constitutional principles of equal protection of the law. Every person seeking approval as a responsible individual should be guaranteed the same examination as is given to all applicants taking the examination at the same time. It is within the discretion of the Commissioner or Council to determine the make-up of the examination given to all candidates at any one time and to change the examination at subsequent testing intervals, but one applicant may not be given a different combination from another applicant in the same Class. In order to remedy this defect, the rule should be revised to make it clear that all Applicants in any one examination session will receive the same combination of tests.

32. Subject to approval by the Chief Hearing Examiner of the Finding of no statutory authority for the imposition of an experience requirement on responsible individuals, the Hearing Examiner finds all of § 1.225 C.4., except § 1.225 C.4.a.(3)(b), to be reasonable and necessary. The posthearing revision is not a substantial change because the Department is merely spelling out requirements incorporated by reference in the original proposed rule.

33. In the proposed revised rule, § 1.225 C.5., the Department proposes rules relating to revocation of licenses and disqualification of responsible individuals. Subsection C.5.d. states:

A license may be revoked and a responsible individual may be disqualified until certain conditions are fulfilled and/or for a specified period of time as determined to be most appropriate by the Commissioner. A revoked license shall be returned to the Commissioner.

Revocation and disqualification serve as penalties. The proposed subsection as written allows the Commissioner permissable discretion as to the period of time the penalties will be in effect. It is, however, also vague as to the conditions to be fulfilled before reinstatement of a license or requalification of responsible individuals. The Hearing Examiner finds proposed revised subpart § 1.225 C.5.d. to be a violation of substantive provisions of law in that it vests overly broad discretion in the Commissioner and deprives explorers and responsible individuals of due process of law. They are not given notice of the conditions for relicensing and requalification. In order to remedy this defect, it is suggested that proposed revised 7 MCAR § 1.225 C.5.d. delete all reference to fulfillment of "certain conditions" for relicensing or requalification. It is noted that these subjects are covered in proposed revised 7 MCAR § 1.225 C.5.e. With the above exception, the Hearing Examiner finds the proposed revised rule, 7 MCAR § 1.225 C.5., to be reasonable and necessary and not a substantial change from the originally proposed rules.

The Hearing Examiner notes that proposed subsection C.5.e. refers back to subsection C.4.b. for requalification procedures for responsible individuals. It is suggested that this reference contains a typographical error, and it should read "C.4.a.".

34. The Department originally proposed rule 7 MCAR § 1.225 C., relating to explorer responsibilities. All parts of this proposed rule were subsumed in the proposed revised rules. Therefore, the Hearing Examiner finds § 1.225 C., as originally proposed, to have been withdrawn.

35. The Department originally proposed 7 MCAR § 1.225 D., relating to procedures for location, construction and abandonment of exploratory borings. In response to public dissatisfaction with provisions incorporated by reference from the Water Well Construction Code, the Department delineated the applicable portions of 7 MCAR §§ 1.217 C.1.a.-e. in the proposed revised rule § 1.225 D.1. Subject to approval by the Chief Hearing Examiner of a finding of no statutory authority for rules relating to location and construction of exploratory borings, the Hearing Examiner finds this proposed revised rule to be reasonable and necessary and not a substantial change from the rule originally proposed.

36. The Department proposes rule § 1.225 D.2., relating to location of exploratory borings relative to gas and electric lines. This rule is subject to the earlier Finding that the Department lacks statutory authority to adopt rules on the location of exploratory borings. This proposed rule also appears, for the first time, in the proposed revised rules. There has been no notice of the intent to adopt such a rule. In addition, the proposal goes to a new subject matter of significant substantive effect. See, 9 MCAR § 2.111 B. Therefore, the Hearing Examiner finds § 1.225 D.2. to be a substantial change in the originally proposed rules. As such, it may not be adopted without initiation of a new rule hearing complying with all requirements of law or rule. Since the Hearing Examiner has found that the proposed rule is substantially different from that which was proposed at the public hearing, this Report is being submitted to the Chief Hearing Examiner for his approval in accordance

with Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d). If the Chief Hearing Examiner agrees with the Finding that the Department lacks statutory authority to adopt rules governing location of exploratory borings, this Finding is moot.

37. The Department originally proposed sections 1.225 D.1.b. and c. to regulate the construction of exploratory borings. After the hearing, revisions were made and revised 7 MCAR § 1.225 E. was proposed. The Hearing Examiner has found no statutory authority for adoption of rules relating to construction of exploratory borings. If this Finding is upheld by the Chief Hearing Examiner, proposed revised rule § 1.225 E. may not be adopted. If the Chief Hearing Examiner rejects the Finding, the Hearing Examiner finds §§ 1.225 E.7. and 8. to be reasonable and necessary.

Proposed revised 7 MCAR §§ 1.225 E.1.-6. are proposed for the first time in the proposed hearing revision. For this reason, the Hearing Examiner finds the addition of the rules proposed in §§ 1.225 E.1.-6. to be a substantial change in the rules as originally proposed. This addition also goes to a new subject matter of significant substantive effect. Before proposed revised 7 MCAR §§ 1.225 E.1.-6. can be adopted, a new rulemaking proceeding complying with all requirements of law or rule must be initiated.

38. The Department originally proposed rules relating to abandonment in § 1.225 D.2. The posthearing proposed revised rules on abandonment of borings are found in proposed 7 MCAR § 1.225 F. The proposed revised rules are found by the Hearing Examiner to be reasonable and necessary, except as noted below.

Proposed revised rule, § 1.225 F.2. relates to temporary abandonment of borings. Rules relating to temporary abandonment were originally proposed in 7 MCAR § 1.225 D.2.c. Proposed revised rules §§ 1.225 F.2.a. and b. are new proposals. They did not appear in the original proposed rules. The Hearing Examiner finds, however, that they do not represent a substantial change in the rules as originally proposed. It is so found because these new proposals do not impose new substantive requirements on explorers. The Hearing Examiner finds §§ 1.225 F.2.a. and b. to be reasonable and necessary.

Proposed revised rule § 1.225 F.2.c. is the same as originally proposed rule § 1.225 D.2.c.(1), except for minor changes. The first sentence of § 1.225 F.2.c. was added in the posthearing revision. This sentence merely expands on the policy behind regulation of abandonment procedures and is, therefore, not a substantial change in the originally proposed rule. The proposed revised rule also changes the requirement of a water-tight cap on the boring to an overlapping cap. This is a recognition that, as pointed out by industry representatives, water-tight caps are unnecessary for temporary abandonment of borings in light of the other rules proposed. The Hearing Examiner does not find this change to be substantial.

Proposed revised rule § 1.225 F.2.d. is a change of the originally proposed rule, 7 MCAR § 1.225 D.2.c.(2). The original proposal was incorporated by reference in sections of the Water Well Construction Code. The proposed revised rule is merely a statement repeating the contents of the incorporated sections, reference to which has been deleted. The Hearing Examiner does not find this to be a substantial change.

Proposed revised rule § 1.225 F.2.e. limits the time period for temporary abandonment to two years. This is a change in the originally proposed rule,

§ 1.225 D.2.c.(3). The originally proposed rule set a limit of five years. The change was a response to public comments calling for a more limited allowable period for temporary abandonment. A basic qualitative difference between temporary and permanent abandonment is that temporary abandonment involves casing, or sealing the sides of, a boring, whereas permanent abandonment entails actual filling of the boring. The Hearing Examiner finds the revised proposal to be unreasonable and unnecessary. The proposal is unreasonable because an explorer may wish to resume operations in certain holes but not have the facility to resume them within a relatively short period. The Hearing Examiner finds the change unnecessary because it is his conclusion that the shortening of the time limit for temporary abandonment serves no demonstrable purpose. The Hearing Examiner notes that the Water Well Construction Code has no limitation on the temporary abandonment of water wells. If protection of groundwater is a common policy behind regulation of water well drilling and exploratory boring, the Hearing Examiner questions the reasonableness of different limitations on temporary abandonment of wells and borings.

However, a limitation on temporary abandonment time is within the reasonable discretion of the Department. The Hearing Examiner is also not persuaded by the argument advanced by many that the explorers and/or responsible individuals will ignore their temporarily-abandoned holes and lack the responsiblity to follow through with monitoring or permanent abandonment. The Hearing Examiner further finds that adoption of the originally proposed five-year limit is necessary and reasonable and recommends its adoption.

Proposed revised rule 7 MCAR § 1.225 F.3. relates to permanent abandonment. Rules on permanent abandonment were originally proposed in § 1.225 D.2.d. The proposed revision includes changes which restate sections incorporated by reference in the originally proposed rules. The Hearing Examiner does not find these changes to be substantial.

The Department originally proposed rule 7 MCAR § 1.225 D.2.e., relating to abandonment reports. The proposed revised 7 MCAR § 1.225 F.4. changes the originally proposed rule on reports. It rewords the original proposal slightly and adds the requirement that within 30 days of temporary or permanent abandonment, a report must be filed. This change does not significantly affect the substance of the originally proposed rule and is, therefore, not a substantial change. The Hearing Examiner does suggest an editorial correction. The reference to Minn. Stat. § 156A.017 is incorrect. Such a section does not exist. A reference to § 156A.071 would be correct.

39. The Department originally proposed 7 MCAR § 1.225 E., relating to requests for modification of the proposed rules. This proposed rule was subsumed under proposed revised rules § 1.225 A.2. The proposed revision changes the original proposal by restating sections of the Water Well Construction Code incorporated by reference in the originally proposed rules. The Hearing Examiner does not find these changes to be substantial and finds proposed revised rule § 1.225 A.2. to be reasonable and necessary.

40. The Department proposes for the first time, in its proposed revised rules, 7 MCAR § 1.225 A.1. relating to the policies behind the rules proposed. The Hearing Examiner finds this rule to be necessary and reasonable and not a substantial change because no new substantive requirements are imposed.

CONCLUSIONS

1. That due, timely and legally adequate notice of the hearing in this matter was properly served and published by the Department.

2. That the Department has met the procedural requirements of Minn. Laws 1980, Ch. 615, § 6, subds. 4-4f (to be codified as Minn. Stat. §§ 15.0412, subds. 4-4f), and all other procedural requirements of law or rule; the procedural irregularity noted at Finding 15 is technical in nature, and no corrective action is needed in the absence of any evidence of prejudice to interested parties.

3. That the Department has demonstrated its statutory authority to adopt the proposed rules within the meaning of Minn. Laws 1980, Ch. 615, § 6, subd. 4c (to be codified as Minn. Stat. § 15.0412, subd. 4c), and Minn. Stat. § 15.0412, subd. 1 (1978), and has complied with all other substantive requirements of law or rule, except as noted at Findings 20, 21, 23, 31 and 33 and as discussed throughout the remainder of this Report.

4. That the Department has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Laws 1980, Ch. 615, § 6, subd. 4c (to be codified as Minn. Stat. § 15.0412, subd. 4c), except as noted at Findings 17 and 38.

5. That the additions to the proposed rules which were proposed after publication of the rules in the State Register are not substantially different from the rules as published in the State Register within the meaning of Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d), except as noted at Findings 36 and 37.

6. That the Hearing Examiner has suggested action to correct the defects mentioned in Conclusions 3, 4 and 5, as noted at Findings 17, 20, 21, 23, 31, 33, 36, 37, and 38.

7. That due to Conclusions 3, 4, 5 and 7, this Report has been submitted to the Chief Hearing Examiner for his approval pursuant to Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d).

8. That any Findings which might properly be termed Conclusions, and any Conclusions which might properly be termed Findings, are hereby adopted as such.

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the proposed rule amendments and proposed new rules be adopted consistent with the Findings and Conclusions made above.

Dated this 19th day of November, 1980.

Richard C. Luis

RICHARD C. LUIS
Hearing Examiner

HLTH-81-004-RL

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HEALTH

In the Matter of Proposed New Rules Relating to Mineral Explorers and Exploratory Borings, and Proposed Amendments to Rules Relating to Water Well Construction and the Use of Plastic Casing.

ORDER OF THE CHIEF HEARING EXAMINER

The above-entitled matter came on for review by the Chief Hearing Examiner pursuant to the provisions of Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d) which provides in part:

> If the [hearing examiner's] report contains a finding that the proposed rule is substantially different from that which was proposed at the public hearing, or that the agency has not met the requirements of section 15.0412, subdivisions 4 through 4f, it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, he shall advise the agency of actions which will correct the defects, and the agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected. If the chief hearing examiner determines that the need for and reasonableness of the rule has not been established pursuant to subdivision 4, clause (c), and if the agency does not elect to follow the suggested actions of the hearing examiner to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not proceed to adopt the rule until it has received and considered the advice of the commission; provided, that the agency is not required to delay adoption longer than 30 days after the commission's receipt of the agency's submission.

Based upon a review of the record in this proceeding, the Chief Hearing Examiner hereby approves the Report of the Hearing Examiner in all respects and specifically as to any finding of substantial change or of failure to comply with Minn. Laws 1980, Ch. 615, § 6 (to be codified as Minn. Stat. § 15.0412, subd. 4-4f), or of failure to establish need for and reasonableness of the proposed rule.

In order to correct the defects enumerated by the Hearing Examiner, the agency shall either take the action recommended by the Hearing Examiner or reconvene the rule hearing if appropriate. If the agency chooses to reconvene the rule hearing, it shall do so as if it is initiating a new rule hearing, complying with all substantive and procedural requirements imposed on the agency by law or rule.

If the agency chooses to take the action recommended by the Hearing Examiner, it shall, prior to submitting the rules to the Attorney General for review, submit to the Chief Hearing Exmainer a copy of the rules as initially published in the State Register, a copy of the rules as proposed for final adoption in the form required by the State Register for final publication, and a copy of the agency's Findings of Fact and Order Adopting Rules. The Chief Hearing Examiner will then make a determination as to whether the defect in

regard to substantial change and the requirements of Minn. Laws 1980, Ch. 615, § 6 (to be codified as Minn. Stat. § 15.0412, subd. 4-4f) have been corrected.

Should the agency make changes in the rules other than those recommended by the Hearing Examiner, it shall also, prior to submitting the rule to the Attorney General, submit the complete record to the Chief Hearing Examiner for a review in regard to substantial changes.

Dated this 18th day of November, 1980.

DUANE R. HARVES
Chief Hearing Examiner

HLTH-81-004-RL

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HEALTH

IN THE MATTER OF PROPOSED ADOPTION OF AMENDMENTS TO RULES OF THE STATE COMMISSIONER OF HEALTH GOVERNING THE USE OF PLASTIC WELL CASING.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 30, 1980, before Richard C. Luis, a Hearing Examiner of the State Office of Administrative Hearings, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Department of Health and;

WHEREAS, the Department of Health has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, subd. 4-4f; and

WHEREAS, the Department of Health has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §§ 15.0412, subd. 4e and 15.052, subd. 4, and 9 MCAR § 2.111; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing.

NOW, THEREFORE, upon receipt of this Order, the Department of Health has the responsibility of submitting the complete hearing record and the rules as adopted by the Department of Health to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4e and 4f.

Dated: April 23, 1981.



DUANE R. HARVES
Chief Hearing Examiner

STATEMENT OF COMPLIANCE WITH

RULEMAKING PROCEDURES

I, Special Assistant Attorney General WILLIAM G. MILLER, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.
Any exceptions are noted below.

Special Assistant
Attorney General

Dated: 4-23-81

In the Matter of the Proposed Adoption of Amendments to Rules of the State Commissioner of Health Governing Plastic Well Casing

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
ss.
COUNTY OF HENNEPIN)

Deborah Nelson, being first duly sworn, deposes and says:

That on the 23rd day of April, 1981, in the City of Minneapolis, County of Hennepin, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Deborah Nelson

Subscribed and sworn to before me this 23 day of April, 1981.

LOUISE K. KANIUK
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Comm. Expires Feb. 23, 1984

minnesota department of health
717 s.e. delaware st. minneapolis 55440
(612) 296-5221

In the Matter of the Proposed Adoption of Amendments to Rules of the State Commissioner of Health Governing Plastic Well Casing

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, April 23, 1981, for review as to form and legality. Pursuant to 1 MCAR § 1.206 B., the Attorney General will not approve the rules for at least ten calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612)296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after and before submission to the Attorney General, you may contact Ms. Pauline Bouchard at (612)296-5331.

an equal opportunity employer

Arvid Anderson
Dairy Farmers
Route 1
Grasston, Minnesota 55030

Donna Heximer
Rocky Mountain Energy
P.O. Box 288
Barnum, Minnesota 55707

Allen Fryberger
AFCO
17825 19th Avenue N.
Plymouth, Minnesota 55447

Jim Hershey
Jet Stream Plastics
Box 190
Siloam Springs, Arkansas 72761

John B. Gordon
1300 N.W. Bank Building
Minneapolis, Minnesota 55402

Susan Robertson
Legis. Comm. to Review Admin. Rules
Room 430
State Office Building
St. Paul, Minnesota 55155

John A. Yellich
Rocky Mountain Energy
4704 Harlow
Denver, Colorado 80212

Thomas J. Triplett
Ad Hoc Coalition on Uranium Mining
618 E. 22nd Street
Minneapolis, Minnesota 55404

Warren Pladsen
MN/DOT
Transportation Building
St. Paul, Minnesota 55155

George H. Keys
Keys Well Drilling
413 No. Lexington
St. Paul, Minnesota 55104

Am Shield Company
740 East Superior Street
Duluth, Minnesota 55802

Anita Williams
Phillips Uranium
12751 County Road 5
Burnsville, Minnesota 55338

Susan Wallace
HIMCO
1325 South Colorado Boulevard
Denver, Colorado 80222

Stan Watowich
AMAX
P.O. Box C
Babbitt, Minnesota 55706

Robert J. Davidson
Davids Well Company
Route 3
Thief River Falls, Minnesota 56701

Morris T. Eng
Department of Natural Resources
Centennial Building
St. Paul, Minnesota 55101

Stanley K. Hamilton
AMAX Exploration, Inc.
P.O. Box 1019
Chesterfield, Missouri 63017

Thomas W. Bastien
Ernest K. Lehmanns & Associates
1409 Willow Street
Minneapolis, Minnesota 55403

Gary Macomber
4344 IDS Center
Minneapolis, Minnesota 55402

Jack Millen
Longyear Company
925 Delaware Street S.E.
Minneapolis, Minnesota 55414

Tony Ruppert
M.D.H. W.W. Adv. Council
20420 County Road #50
Hamel, Minnesota 55340

Ted S. Waskosky
M.D.H. W.W. Adv. Council
Route 2
Elbow Lake, Minnesota 56531

Jennifer O'Neill
MN Public Radio
400 Sibley Street
St. Paul, Minnesota 55101

Ted S. Waskosky
M.D.H. W.W. Adv. Council
Route 2
Elbow Lake, Minnesota 56531

Rex Singer
M.H.D. Advisory Council
1444 Englewood Avenue
St. Paul, Minnesota 55104

Harold Hietala
M.H.D. Advisory Council
Star Route Box 2226
Virginia, Minnesota 55792

Loni Kemp
Ad Hoc Coalition on Uranium Mining
618 E. 22nd Street
Minneapolis, Minnesota 55404

Virgil Mikkelsen
MN Department of Transportation
Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155

Carole Lannon
Physicians for Social Responsibility
4613 Cedar Avenue S.
Minneapolis, Minnesota 55407

R. H. Merkel
ANACONDA
555 17th Street
Denver, Colorado 80217

Paul G. Schmidt
Exxon Minerals Company
Box 676
Rhinelander, Wisconsin 54501

Ralph T. Keyes
MN Water Well Association
1631 Brooks Avenue W.
St. Paul, Minnesota 55113

Peter Ashbrook
MEQB
LL-50 Metor Square Building
St. Paul, Minnesota 55101

Raymond A. Haik
4344 IDS Center
Minneapolis, Minnesota 55402

Doug Franzen
Consulting Engineers Council
3848 IDS Center
Minneapolis, Minnesota 55402