

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 760

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-18-81
DATE FOR REVIEW 12-29-81
DATE DUE ~~1-2-82~~

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved _____ disapproved _____

___✓___ Rule as Adopted

___✓___ Rule as Proposed See SR.

___✓___ Order Adopting 12.1.81 Date

___✓___ Notice of Intent to Solicit Outside Opinion 6.22.81 - comments

___✓___ Order for rulemaking
N/A date of Hearing

___?___ Certificate of Board's Authorizing Resolution

___?___ Notice of rulemaking
? Sufficiency

? See my note

___✓___ Affidavit of Mailing Notice or rulemaking
✓ 10.8.81 At least 30 days prior to ~~hearing~~/adoption

___✓___ Mailing list Certificate

___✓___ Publication in State Register
10.12.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

___N/A___ Hearing Examiner's Report

___✓___ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

___✓___ Agency's Findings of Fact

___N/A___ LCRAR Report or agency Affidavit

___✓___ Certificate of Board's Resolution Adopting Rules

___N/A___ Order Approving Incorporation by Reference

___✓___ Statement of Need and Reasonableness

___N/A___ Petition for Adoption of a Rule

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

___✓___ Certificate of Compliance w/Rulemaking Procedures

___N/A___ Affidavit of Mailing Notice of Submission to Attorney General

___✓___ Notice of Submission to the Attorney General

See affidavit of no requests

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL/MPCA

Office Memorandum

RECEIVED
DEC 18 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

TO : JERRY ANDERSON

DATE: 12/16/81

FROM : MARLENE E. SENECHAL
SPECIAL ASSISTANT ATTORNEY GENERAL

PHONE:

SUBJECT: AMENDMENTS TO 6 MCAR § 4.8024

Enclosed for your review, pursuant to 1 MCAR § 1.203, are the following documents. Only one copy is provided unless otherwise noted.

A. Rule as adopted (original and three copies);

B. Order Adopting (two copies);

C. Certificate of Board's Resolution Adopting the Rule;

D. Notice of Intent to Solicit Outside Opinion and written materials received by the Agency in response thereto;

E. Order for Notice of Intent to Adopt a Rule Without a Public Hearing;

F. Certificate of Board's Authorizing Resolution Ordering Notice;

G. Notice of Intent to Adopt Rule Without a Public Hearing;

H. Affidavit of Mailing;

I. Mailing List Certificate;

J. Rule as Proposed;

K. Findings of Fact and Conclusions;

L. Statements of Need and Reasonableness (one for each stream segment which was reclassified by the rule);

M. Written comments on the rule and requests for a public hearing;

N. Certificate of Compliance with Rulemaking Procedures; and

O. Affidavit of Gerald Blaha (evidencing that there were no requests for notice of submission to the Attorney General).

Please let me know if there is any other information which you need to complete your review of this rule.

MES:cg
Enclosures

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : VIRGIL C. HERRICK
Chairman, Pollution Control Agency

DATE: 12-31-81

ATTN : Marlene Senechal
Special Assistant Attorney General

FROM : Jerry S. Anderson
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Amendments to 6 MCAR § 4.8024 Governing Classification of Waters of the State

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:pap

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed
Adoption of Amendments to 6 MCAR § 4.8024
Governing Classification of Waters of the State

FINDINGS
OF FACT AND
CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (hereinafter, "Agency") on the 1st day of December, 1981. After affording all interested persons an opportunity to present written and oral data, statements and arguments to the Agency, in accordance with the statutory requirements regarding the adoption of noncontroversial rules, after considering the Statements of Need and Reasonableness and the written comments submitted to the Agency, and after considering all the evidence adduced upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby accepts and adopts the following Findings of Fact and Conclusions.

FINDINGS OF FACT

1. The Agency adopts the Statements of Need and Reasonableness, in their entirety, as the factual basis for the amendments to the rule. The Agency hereby incorporates the Statements of Need and Reasonableness into these Findings.

2. The Agency finds that it received two written comments on the proposed rule, in response to the Notice of Intent to Solicit Outside Opinion and two written comments in response to the Notice of Intent to Adopt a Rule Without a Hearing.

3. No comments were received in opposition to the amendments to 6 MCAR § 4.8024 as proposed except as noted in Finding number 5 below.

4. A comment letter dated July 14, 1981, from the Department of Natural Resources was received in response to the Notice of Intent to Solicit Outside

Opinion. After considering these comments, the Agency retracted the proposed reclassification of Judicial Ditch # 26 at Ceylon. This watercourse therefore did not appear in the proposed amendments to 6 MCAR § 4.8024 as published in the October 12, 1981, State Register and shall not be considered for reclassification at this time. The Department of Natural Resources had no further objections to the reclassification of the other water segments as proposed in the rule.

5. The Agency finds that it received only one request for a hearing on the proposed rule and that, therefore, no hearing is required to be held prior to the adoption of the rule. The request came from a person who misinterpreted the purpose for the reclassification. He thought that if the watercourse was reclassified to a Class 7 Limited Resource Value water it would limit the use of the ditch for land drainage purposes. The individual was contacted and the Class 7 use classification was explained. He agreed that the ditch has limited recreational potentials since there is little to no water contained within it at various times of the year.

6. The Agency received two other letters that included comments on the proposed rule changes. One was a letter in support of the reclassification of two watercourses near DeGraff, Minnesota. The other letter was an inquiry as to the correct watershed listing of Minneopa Creek near Lake Crystal, Minnesota. Neither of the comment letters suggested any modification to the rule as proposed.

7. The Agency staff, in its review, discovered a mistake in the legal description for the proposed Class 7 segment for the Old Whetstone River Channel at Ortonville. The rule as proposed should remain as noticed with the exclusion of S17, T121, R46 from the legal description of the Old Whetstone River Channel at Ortonville. This deletion will correct the mistake.

8. The record in this rulemaking consists of the Statements of Need and Reasonableness, the documents referred to in those Statements, these Findings of

Fact and Conclusions, the documents incorporated into these Findings, and all jursidictional documents required to be included in the record by statute or rule.

CONCLUSIONS

1. The Agency duly acquired and has jurisdiction over this proceeding.

2. The Agency published and served due, timely and adequate notice of the adoption of the rule without a hearing.

3. The Agency has statutory authority to promulgate and adopt the proposed rule, as finally amended and adopted by the Agency.

4. All relevant legal and procedural requirements of statutes and rules have been properly complied with.

5. The proposed amendments to 6 MCAR § 4.8024 are needed and reasonable.

6. The change discussed in Finding 7 is not a substantial change and may, therefore, be included within the adopted rule without additional procedural requirements.

DATED THIS 1st DAY OF DECEMBER 1981.

MINNESOTA POLLUTION CONTROL AGENCY

Virgil C. Herrick
Chairman

Louis J. Breimhurst
Executive Director

Rule as Approved for Adoption

AG copy

6 MCAR § 4.8024 Classifications of intrastate waters of Minnesota.

Supplement I

Class 7 Limited Resource Value Waters

Lake Superior Basin

St. Louis River Watershed (No. 1)

Streams	
Buhl Creek	T.58,R.19,S.20,29
Buhl	

Red River of the North Basin

Roseau River Watershed (No. 14)

Streams	
Unnamed Ditch	T.163,R.37,S.19,20,21,22,23
Warroad	T.163,R.38,S.19,20,21,22,23, 24,30
	T.163,R.39,S.25,31,32, 33,34,35,36

Minnesota River Basin

Big Stone Lake Watershed (No. 20)

Streams	
Old Whetstone River Channel	T.121,R.46,S.16, ~~17,~~ 21 FofF
Ortonville	
Big Stone Canning Co.	

Chippewa River Watershed (No. 23)

Streams	
Mud Creek	T.121,R.37,S.31
DeGraff/Murdock	T.121,R.38,S.18,19,20,28,29, 33,34,35,36
	T.121,R.39,S.11,12,13
Judicial Ditch No. 5	T.120,R.38,S.4,5,6,9,10,11
Murdock	T.120,R.39,S.1,4,9,10,11,12
Unnamed Creek	T.120,R.38,S.1,2
Murdock	T.121,R.38,S.35
Unnamed Ditch	T.121,R.38,S.19,29,30
DeGraff	

Yellow Medicine River Watershed (No. 24)

Streams	
County Ditch No. 4	T.110,R.44,S.5
Arco	T.111,R.44,S.31,33
Judicial Ditch No. 29	T.111,R.44,S.21,28,33
Arco	

Cottonwood River Watershed (No. 26)

Streams	
Altermatts Creek	T.108,R.33,S.17,19,20,30
(County Ditch No. 39)	T.108,R.34,S.24,25,35,36
Comfrey	
* Minneopa Creek	T.108,R.28,S.26,27,32,33,34
Lake Crystal	

Minnesota River - Hawk Creek Watershed (No.28)

Streams

* Beaver Creek, East Fork	T.115,R.34,35,S.1,2,3,4,5,6, 13,14,23,24,25,26
(County Ditch No. 63)	T.115,R.35,S.1,12
Olivia	
Olivia Canning Co.	T.116,R.34,S.16,20,21,28,29, 30,32,33,34,35

Lower Minnesota River Watershed (No. 29)

Streams

County Ditch No. 22	T.111,R.23,S.4,9,10
Montgomery	T.112,R.23,S.33
Green Giant Co.	
Unnamed Creek	T.114,R.26,S.2,3,4,8,9,17
Green Isle	
Unnamed Ditch	T.114,R.26,S.19
Green Isle	T.114,R.27,S.11,12,13,14,24
Unnamed Ditch	T.27,R.24,S.28,33
Burnsville	
Freeway Sanitary Landfill	
Unnamed Stream	T.115,R.21,S.8,9
Savage	

Lower Mississippi River Basin

Cannon River Watershed (No. 34)

Streams	
Unnamed Dry Run	T.107,R.20,S.6
Owatonna	T.107,R.21,S.1
Owatonna Canning Co.	
Unnamed Dry Run	T.107,R.20,S.6
Owatonna	T.107,R.21,S.1
Owatonna Canning Co.	

Zumbro River Watershed (No. 35)

Streams	
Unnamed Creek	T.107,R.15,S.17,20,29
Byron	
Unnamed Stream	T.107,R.17,S.27,34
Dodge Center	
Owatonna Canning Co.	

Root River Watershed (No. 36)

Streams	
Unnamed Creek	T.101,R.9,S.20
Canton	
Unnamed Creek	T.108,R.11,S.16,17,20,21,22,
Plainview	27,34

* See 6 MCAR S 4.8024 E.

APPROVED AS TO LEGALITY

12/30 1981

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 30 1981
Joan Anderson Growe
Secretary of State
3:00 PM

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Amendments to 6 MCAR § 4.8024

MINNESOTA POLLUTION

CONTROL AGENCY

STATEMENT OF NEED
AND REASONABLENESS

As part of the amendments to the Minnesota Pollution Control Agency rules 6 MCAR §§4.8014, 4.8015, 4.8024, and 4.8025 which became effective January 26, 1981, a new class of waters known as Class 7 Limited Resource Value waters was established and a number of waters were given this classification. During and subsequent to the public hearing process on these amendments, formal requests were received from interested parties requesting that additional water segments be reclassified as Class 7 Limited Resource Value. Provisions have been established allowing for the reclassification of additional waters to this classification, provided they meet the criteria established for Class 7 Limited Resource Value waters based on a water assessment. These assessments were performed on each of the water segments in question for the purpose of evaluating their fisheries and recreational use potentials. Once the appropriate use classifications have been determined, effluent standards for wastewater discharges to these waters may be established. The need exists to reclassify waters that meet the criteria set for the Class 7 use classification so that overly restrictive effluent standards are not imposed on dischargers to waters that, due to natural or person-induced conditions, cannot be maintained as a fishery or as a water related recreational resource.

Waters included in the Class 7 Limited Resource Value use classification include surface waters of the State which are of limited value as a water resource and where water quantities are intermittent or less than one cubic feet per second at the once in ten year, seven day low flow. These waters shall be protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply and to protect aesthetic qualities of the water. In conjunction with those factors listed in Minn. Stat. § 115.44, subd. 2 and subd. 3(1978), the Agency, in cooperation and agreement with the Department of Natural Resources with

respect to determination of fisheries values and potential, shall determine the extent to which the waters of the State demonstrate the conditions set forth below:

a. The existing fishery and potential fishery are severely limited by natural conditions as exhibited by poor water quality characteristics, lack of habitat or lack of water;

b. The quality of the resource has been significantly altered by human activity and the effect is essentially irreversible; and

c. There are limited recreational opportunities (such as fishing, swimming, wading, or boating) in and on the water resource.

Conditions "a" and "c" or "b" and "c" must be established by the Agency water assessment procedure before the waters can be classified as Class 7 Limited Resource Value waters.

The attached water assessment of Buhl Creek near Buhl, which was performed on April 14, 1981, establishes the reasonableness of proposing a segment of Buhl Creek as a Class 7 water.

The segment of Buhl Creek being proposed for a Class 7 classification is approximately one mile long and is located in Great Scott Township in St. Louis County. Iron ore mining is the predominant land use in the area. The creek channel in the proposed Class 7 segment meanders through a swampy low land area to a point where it is then channelized around a mine dump about ¼ mile south of U. S. Highway 169. The once in ten year, seven day low flow is estimated to be 0.5 cubic feet per second. According to a local resident of Buhl, there is normally very little flow in the upper reaches of Buhl Creek. Because of this lack of water in the creek (condition b), the recreational opportunities in and on this creek are limited (condition c). It is therefore reasonable to classify this segment of Buhl Creek as a Class 7 water.

MINNESOTA POLLUTION CONTROL AGENCY
Stream Assessment Worksheet

City: Buhl
County: St. Louis
Flow design.
Flow actual: 0.220 MGD
Township: 58
Type of Treatment: HTF
Range: 19
Receiving Water: Buhl Creek
Section: 29
Basin: 08-23 Lake Superior
major
Watershed Unit: 04010201 (USGS cataloging unit no.) 3 (Mn. equivalent unit no.)

Downstream Receiving Water

1. Six mile Lake
2. Dempsey Creek
3. East Swan River

Population: 1303 (1970 Census)

Assessment Stations

Field No.	Location
1	Buhl Creek, culvert under USNTH-169 in S20, T58, R19
2	Buhl Creek, bridge on Co. Rd. 642 in S1, T57, R19

Date of Field Observations: April 14, 1981

MPCA Personnel: Gerald Blaha — PCS, Int. (Classification)

MPCA Regional Staff: Notified

Other Persons Contacted:

DNR Fisheries Manager: William Johnson — Grand Rapids Area

Phone: 218/327-1730

PHYSICAL FEATURE		Station on Receiving Water 1	2	3	4	5	NOTES
Watershed Character (maps or observation)	Size (sq. mi.)	4					
	Soil Type	clayey	clayey				sandy, clay, etc.
	Vegetation Type	forest	forest				
	Predominant Land Use	mining	mining				agr., for., urban., other
Flow Estimations	Cross Section Width(ft)	1.5	15				
	Depth(ft)	2.5	>3				
	Current (fps)	0.5	0.5				
	Flow Rate(est) (cfs)	1.8	>22				
Estimate Overall Stream Width & Depth	Width (average) (ft)	marshy	15-20				
	Depth (average) (ft)	area	>3				
	(maximum at site) (ft)						
Predominant Bottom Type	Stony						
	Sandy						
	Mud	X	X				
	Humus						
Irretriv. Channel Alteration	Natural %	100	100				
	Channelized % (man altered)						
Pools or Refuges For Fish (no. observed/depth)							
Discharge Record	7Q10 Annual	0.5					
	7Q10 Seasonal S W						

USGS Record. Location of nearest station: 04018900 East Two River near Iron Junction

Type of record: continuous partial miscellaneous

Period of record:

	CHEMICAL CHARACTERISTICS	Station on Receiving Water 1	2	3	4	5	NOTES
Field Measurements	Dissolved Oxygen (ppm) / Time	10.8 / 1055	10.2 / 1130	/	/	/	
	Temperature (°C)	1.0	3.0				
	Percent Saturation						
	pH / Time	6.5@6.0°C / 1240	6.4@6.0°C / 1240	/	/	/	
Field Estimates	Turbidity (transparency) High(H) : <0.5 ft. Moderate(M): 0.5-1.0ft. Low(L) : >1.0 ft.	H	H				

WATER SAMPLES TAKEN :

[X] None

[ ] At stations: _____. See attached lab sheets. (use PCA-22 for the billing number)

CLIMATIC CONDITIONS: (statement to include preceding weather and rainfall events

Current condition: Sunny, 0.0°C

Recent conditions: Rain 1.5 inches last 2 days, ~2.4 total inches in the last 2 weeks

Source of information: Buhl Resident - (well driller)

BIOLOGICAL CHARACTERISTICS		Station on Receiving Water 1	2	3	4	5	NOTES
Bank Vegetation	Absent						
	Herbs & grasses						
	Brush (including scattered trees, herbs and grasses)	X	X				
	Tree lined with herbaceous ground cover						
Aquatic Vegetation	Floating plants duckweed, lily pads						
	Submerged rooted plants						
	Emergent plants - cattails, bullrushes, grasses, etc.						
Phytoplankton (algae)	Excessive - very green						Buhl Creek was a
	Moderate - green tinge						milky - reddish -
	Low - no green visible						brown color
	Attached filamentous						
Fish Observed	None	X	X				
	Dead only						
	Minnows observed						
	Game fish observed						
	Rough fish observed						
Barriers to fish movement observed (state type)							culverts, dams, snags, etc.
Invertebrates	None observed	x	x				
	Organisms observed on rocks						
	Organisms observed in/on other substrate (specify)						

CULTURAL FEATURE		Station on Receiving Water 1	2	3	4	5		NOTES
Recreational Uses Potential/Observed (indicate obs. for those actually observed)	Bathing							
	Fishing		X					
	Hunting	X	X					
	Picnicking							
	Hiking							
	Nature Study		X					
	Camping							
Type of Drainage Sources Observed	Highways	X						
	Feed Lots							
	Farm Tiles							
	Combined Sewer Overflows							
	Forest							
	Urban Storm-water Runoff							
Property Adjacent to Rec. Water (¼ mi. dist.)	No. of farm residences							
	No. of Municipal residences		1					
Nuisance Complaints Record	Odor							
	Spills							
	Fish Kills							
Discharges which impact assessed waterway	Municipal		X					
	Industrial Process							
	Industrial Cooling							
	Power Plant Cooling Water							
	Other	X	X					Mine drainage

DNR Fisheries Information:

William Johnson, Grand Rapids Area Fisheries Manager contacted April 16, 1981. The DNR survey information contained in the October 26, 1977 water assessment was discussed. Also discussed was the information provided to the MPCA by the local resident of Buhl regarding the upper portion of Buhl Creek. Mr. Johnson indicated that a Class 7 designation would be a reasonable classification for the upper reach of Buhl Creek because of its limited fisheries value and the because of the channelization in the upper stretch.

Comments: (including comments by local residents)

A well driller who is a local resident of Buhl indicated that the flow in Buhl Creek is very high due to recent rains, there is very little to no flow in Buhl Creek near WWTF normally. He does not think there are any fish in Buhl Creek in this area. He noted that there are fish in Sixmile Lake.

GTB: Buhl Creek has been channelized around a mine dump in the NW¼ of S29, T58, R19.

SUMMARY ASSESSMENT SHEET

mmary of the assessed waterway: Buhl Creek to the unnamed lake in S29, T58, R19

tream characteristics bservations or Projected stimates	Limited Resource Value Water 2 mg/l D.O. maintained (non-fishable-swimmable)	Fisheries and Recreation Use Classification 5 mg/l D.O. maintained (fishable-swimmable)
low Characteristic	Normally dry stream bed, would not support fishery, has short term runoff, no dilution flow for effluent	Non-continuous for only short durations, supports fishery, feeder stream to downstream waters, some dilution of effluent available
-Summer base flow period	No Flow /X/	Flow (may be very small) /_/
-Winter base flow	No Flow /X/	Flow (may be very small) /_/
-Velocity	None to very slow (less than .1 fps) /_/	Slow to fast (greater than .1 fps) /X/
hannel Characteristic		
-Alterations	Channelized, or with major alterations /_/	Natural or with minor alterations /X/
-Bank Vegetation	Grass or herbaceous cover only /_/	Scattered to complete brush or tree cover /X/
-Bottom Substrate	Mud, sludge or organic debris /X/	Silt, sand, gravel or rock /_/
Quality Characteristic	Interfere with fishable/swimmable goals	Achieve fishable/swimmable goals
-Dissolved Oxygen	Less than 5 during day /_/	Greater than 5 during day /X/
-Turbidity	High /X/	Moderate to low /_/
-Fish	Not observed or known to be present /X/	Known to be present /_/
Cultural Characteristic		
-Permanent change or sources of pollution	Present /X/	Minimal /_/
-Recreational Uses	Not observed /X/	Observed or possible /_/
RECOMMENDED CLASSIFICATION	Limited Resource Value /X/	Fisheries and Recreation Use Classification /_/

Maps Used	Names
USGS	Buhl
County Highway	St. Louis, Sheet 3
Other	

Additional pre-survey information:

Recommendations:

The upper portion of Buhl Creek has a very limited watershed size. According to the local resident interviewed, there normally is very little if any flow in the upper reaches of Buhl Creek. This fact coupled with the amount of channelization around the mine dump demonstrates that the recreational opportunities in and on this creek in this area are very limited. It is recommended that Buhl Creek be classed Class 7 Limited Resource Value in S20, 29, T58N, R19W.

Prepared by: Gerald Blaha

Date: 1MAY81

Reviewed by: [signature]

Date: 8/13/81

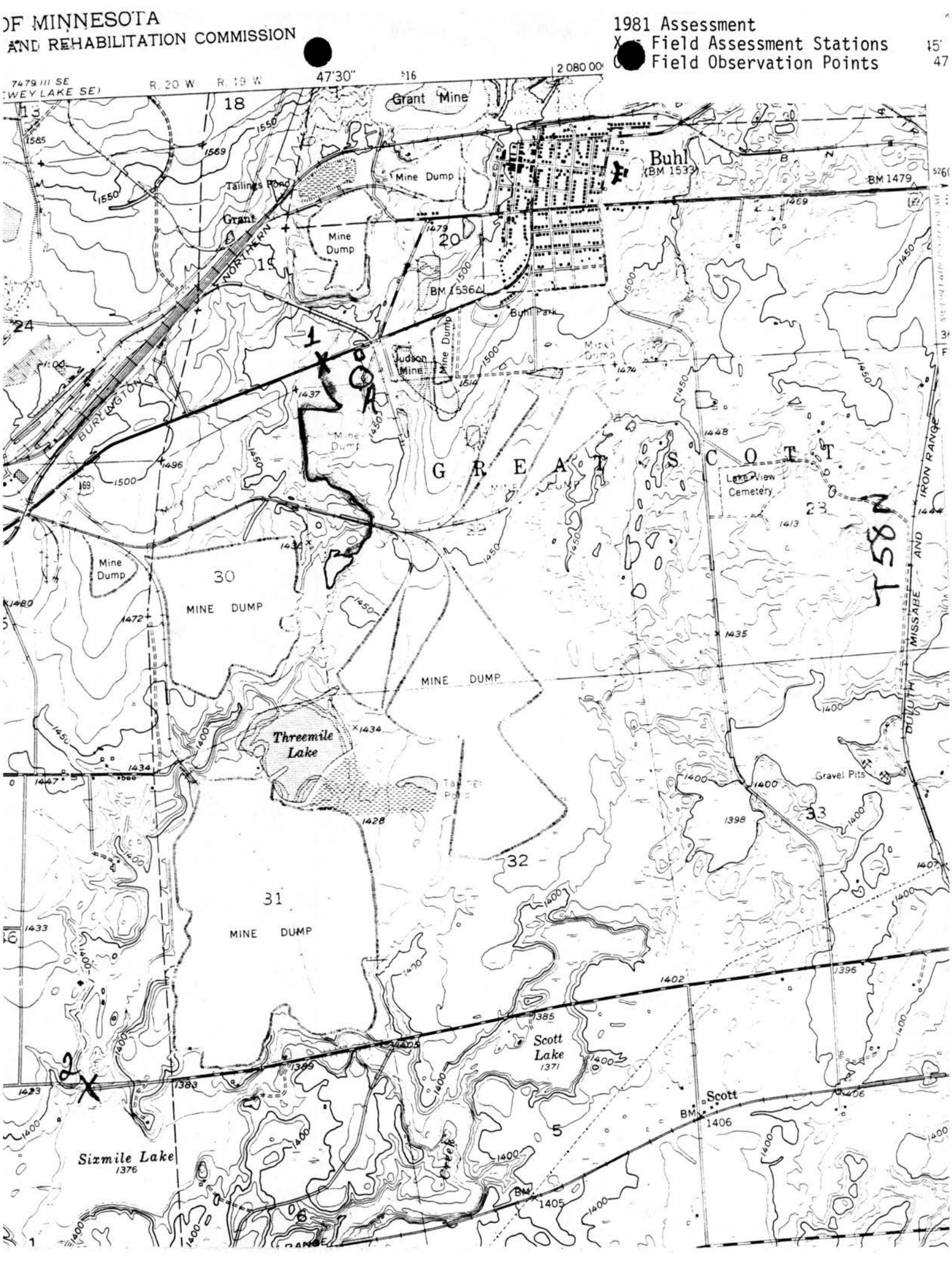
Reviewed by:

Date:

Reviewed by:

Date:

Comments:


OF MINNESOTA
AND REHABILITATION COMMISSION
1981 Assessment
Field Assessment Stations
Field Observation Points
47'30"
R. 20 W
R. 19 W
Grant Mine
Buhl
BM 1533
BM 1479
Tailings Pond
Grant
Mine Dump
NORTHERN
BURLINGTON
BM 1536
Buhl Park
Judson Mine
GREAT SCOTT
Lake View Cemetery
IRON RANGE
DULUTH MISSABE AND
T58N
MINE DUMP
Threemile Lake
Gravel Pits
Scott Lake
1371
Scott
BM 1406
BM 1405
Sixmile Lake
1376
1X
2X



Buhl Creek

Station #1 - upstream



Swampy area through
which Buhl Creek
flows near Station #1

POLLUTION CONTROL AGENCY

WATER QUALITY DIVISION

In the Matter of the Proposed
Amendments of 6 MCAR § 4.8024

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (hereinafter, "Agency") intends to adopt the above-entitled rules without a public hearing. The Agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subd. 4h (1980).

If adopted, the proposed rules would classify certain water segments as Class 7, Limited Resource Value Waters. Class 7 waters are protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. Class 7 waters are not protected for fisheries and recreation uses. The criteria for classifying water segments as Class 7 waters are contained in 6 MCAR §§ 4.8014B.7 and 4.8015B.7, the water quality standards for Class 7 waters are contained in 6 MCAR §§ 4.8014D.7 and 4.8015D.7, and the effluent limitations for discharges to Class 7 waters are contained in 6 MCAR §§ 4.8014C.6 and C.16, and 4.8015C.6 and C.16. A copy of the proposed rule is attached to this notice.

The Agency will consider each stream segment classification as a separate rule. Therefore, the Agency has prepared a Statement of Need and Reasonableness for each of the stream segments proposed to be classified as a Class 7 water. Copies of these Statements may be obtained by contacting: Mr. Gerald Blaha, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113, (612) 296-7384.

The request should identify the stream segment(s) for which you are requesting the Statement.

The Agency is authorized to adopt these rules under Minnesota Statutes Section 115.03 and 115.44 (1980).

Persons interested in these rules have until November 12, 1981 to submit comments on the proposed rules. The comments should identify the stream segment(s) to which the comment applies. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the classification of a particular stream segment within the comment period, a public hearing will not be held on that stream segment. In the event a public hearing is required on the classification of a particular stream segment the Agency will proceed according to the provisions of Minnesota Statutes section 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request no later than November 12, 1981, to Mr. Gerald Blaha at the address given above. As noted above, the persons requesting a public hearing should identify the particular water segment for which a hearing is requested. Also, persons submitting written comments should identify the particular stream segment to which the comment applies, the suggested modifications to the proposed classification, and the reasons and data relied on to support the suggested modifications.

In those cases where the final rules can be adopted without a public hearing, the proposed rules, this Notice, the Statements of Need and Reasonableness, all written comments received and the final rules as adopted will be delivered to the Attorney General for review as to its legality, and its form to the extent the form relates to legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Gerald Blaha at the address noted above.

Please be advised that Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes § 10A.01, subd. 11 (1980) 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.

Dated: September 25, 1981

LOUIS J. BREIMHURST
Executive Director
Minnesota Pollution Control Agency

Pollution Control Agency
Water Quality Division

Proposed Amendments to 6 MCAR § 4.8024, Classifications of Intrastate Waters of Minnesota

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (hereinafter "agency") intends to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, § 15.0412, subd. 4h (1980).

If adopted, the proposed rules would classify certain water segments as Class 7, Limited Resource Value Waters. Class 7 waters are protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. Class 7 waters are not protected for fisheries and recreation uses. The criteria for classifying water segments as Class 7 waters are contained in 6 MCAR §§ 4.8014 B.7. and 4.8015 B.7.; the water quality standards for Class 7 waters are contained in 6 MCAR §§ 4.8014 D.7 and 4.8015 D.7.; and the effluent limitations for discharges to Class 7 waters are contained in 6 MCAR §§ 4.8014 C.6. and C.16., and 4.8015 C.6. and C.16. A copy of the proposed rule is attached to this notice.

The agency will consider each stream segment classification as a separate rule. Therefore, the agency has prepared a statement of need and reasonableness for each of the stream segments proposed to be classified as a Class 7 water. Copies of these statements may be obtained by contacting: Mr. Gerald Blaha, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113, (612) 296-7384.

The request should identify the stream segment(s) for which you are requesting the statement.

The agency is authorized to adopt these rules under Minnesota Statutes, §§ 115.03 and 115.44 (1980).

Persons interested in these rules have until November 12, 1981 to submit comments on the proposed rules. The comments should identify the stream segment(s) to which the comment applies. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the classification of a particular stream segment within the comment period, a public hearing will not be held on that stream segment. In the event a public hearing is required on the classification of a particular stream segment the agency will proceed according to the provisions of Minnesota Statutes, § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request no later than November 12, 1981, to Mr. Gerald Blaha at the address given above. As noted above, the persons requesting a public hearing should identify the particular water segment for which a hearing is requested. Also, persons submitting written comments should identify the particular stream segment to which the comment applies, the suggested modifications to the proposed classification, and the reasons and data relied on to support the suggested modifications.

In those cases where the final rules can be adopted without a public hearing, the proposed rules, this notice, the statements of need and reasonableness, all written comments received and the final rules as adopted will be delivered to the Attorney General for review as to its legality, and its form to the extent the form relates to legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Gerald Blaha at the address noted above.

Please be advised that Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, § 10A.01, subd. 11 (1980) 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.

September 25, 1981

Louis J. Breimhurst
Executive Director
Minnesota Pollution Control Agency

Rule as Proposed

6 MCAR § 4.8024 Classifications of intrastate waters of Minnesota.

Supplement I

Class 7 Limited Resource Value Waters

Lake Superior Basin
St. Louis River Watershed (No. 1)

Streams	
Buhl Creek	T.58,R.19,S.20,29
Buhl	

Red River of the North Basin
Roseau River Watershed (No. 14)

Streams	
Unnamed Ditch	T.163,R.37,S.19,20,21,22,23
Warroad	T.163,R.38,S.19,20,21,22,23, 24,30
	T.163,R.39,S.25,31,32, 33,34,35,36

Minnesota River Basin
Big Stone Lake Watershed (No. 20)

Streams	
Old Whetstone River Channel	T.121,R.46,S.16,17,21
Ortonville	
Big Stone Canning Co.	

Chippewa River Watershed (No. 23)

Streams	
Mud Creek	T.121,R.37,S.31
DeGraff/Murdock	T.121,R.38,S.18,19,20,28,29 33,34,35,36
	T.121,R.39,S.11,12,13
Judicial Ditch No. 5	T.120,R.38,S.4,5,6,9,10,11
Murdock	T.120,R.39,S.1,4,9,10,11,12
Unnamed Creek	T.120,R.38,S.1,2
Murdock	T.121,R.38,S.35
Unnamed Ditch	T.121,R.38,S.19,29,30
DeGraff	

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

Yellow Medicine River Watershed (No. 24)

Streams	
County Ditch No. 4	T.110,R.44,S.5
Arco	T.111,R.44,S.31,33
Judicial Ditch No. 29	T.111,R.44,S.21,28,33
Arco	

Cottonwood River Watershed (No. 26)

Streams	
Altermatts Creek	T.108,R.33,S.17,19,20,30
(County Ditch No. 39)	T.108,R.34,S.24,25,35,36
Comfrey	
*Minneopa Creek	T.108,R.28,S.26,27,32,33,34
Lake Crystal	

Minnesota River—Hawk Creek Watershed (No. 28)

Streams	
*Beaver Creek, East Fork	T.115,R.34,35,S.1,2,3,4,5,6, 13,14,23,24,25,26
(County Ditch No. 63)	T.115,R.35,S.1,12
Olivia	
Olivia Canning Co.	T.116,R.34,S.16,20,21,28,29, 30,32,33,34,35

Lower Minnesota River Watershed (No. 29)

Streams	
County Ditch No. 22	T.111,R.23,S.4,9,10
Montgomery	T.112,R.23,S.33
Green Giant Co.	
Unnamed Creek	T.114,R.26,S.2,3,4,8,9,17
Green Isle	
Unnamed Ditch	T.114,R.26,S.19
Green Isle	T.114,R.27,S.11,12,13,14,24
Unnamed Ditch	T.27,R.24,S.28,33
Burnsville	
Freeway Sanitary Landfill	
Unnamed Stream	T.115,R.21,S.8,9
Savage	

Lower Mississippi River Basin
Cannon River Watershed (No. 34)

Streams	
Unnamed Dry Run	T.107,R.20,S.6
Owatonna	T.107,R.21,S.1
Owatonna Canning Co.	
Unnamed Dry Run	T.107,R.20,S.6
Owatonna	T.107,R.21,S.1
Owatonna Canning Co.	

Zumbro River Watershed (No. 35)

Streams	
Unnamed Creek	T.107,R.15,S.17,20,29
Byron	
Unnamed Stream	T.107,R.17,S.27,34
Dodge Center	
Owatonna Canning Co.	

Root River Watershed (No. 36)

Streams	
Unnamed Creek	T.101,R.9,S.20
Canton	
Unnamed Creek	T.108,R.11,S.16,17,20,21,22,
Plainview	27,34

* See 6 MCAR § 4.8024 E.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with 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.

Minnesota Energy Agency
Alternative Energy Development Division

Adopted Temporary Rules for the Administration of the District Heating Bonding Act

The rules proposed and published at *State Register*, Volume 6, Number 5, pages 136-138, August 3, 1981, are now adopted with the following modifications.

Temporary Rules as Adopted

6 MCAR § 2.004 (Temporary) Definitions.

G. Design loan. "Design loan" means a loan made for the purpose of funding all activities required to be completed during the final design phase in order to finance and construct a district heating system, including, economic feasibility analysis, obtaining heat source commitments and customer contracts, structuring financing and related project management tasks.

6 MCAR § 2.006 (Temporary) Application contents and procedures. Applications for design loans under the act and 6 MCAR §§ 2.001-2.006 (Temporary) shall be submitted to the director. Ten complete copies shall be submitted. Applications will be accepted beginning on the date the rules become effective and continuing until either these rules expire or the temporary rules are replaced by permanent rules, whichever occurs first. The application shall contain the following:

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

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Virgil C. Herrick, do hereby certify that I am a member and the chairman of the Board of the Minnesota Pollution Control Agency, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of the Minnesota Pollution Control Agency duly and properly called and held on the 28th day of July, 1981, that a quorum was present at said meeting, that a majority of the members of the Board voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

BE IT RESOLVED, that the Minnesota Pollution Control Agency approves the proposed amendments to 6 MCAR § 4.8024 for the purpose of rule making and authorizes the initiation of rule-making proceedings on the attached proposed amendments to 6 MCAR § 4.8024.

BE IT FURTHER RESOLVED, that the Minnesota Pollution Control Agency finds that the attached proposed amendments are noncontroversial in nature and hereby authorizes rule-making proceedings in accordance with statutory provisions regarding noncontroversial rules.

BE IT FURTHER RESOLVED, that the Executive Director of the Minnesota Pollution Control Agency be and hereby is granted the authority and directed (1) to sign an Order of the Agency directing that Notice be given of the Agency's intent to adopt without a public hearing the attached proposed amendments to 6 MCAR § 4.8024; (2) to sign the Notice thereof; and (3) to perform any and all acts incidental to the promulgation of said amendments.

In the event a public hearing becomes necessary, the Executive Director is also hereby granted the authority and directed to call a hearing for the purpose of promulgating said amendments as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Agency's representative at all hearings.

BE IT RESOLVED, prior to publishing the proposed rule in the State Register, the Executive Director is authorized to make any form changes in the proposed rule that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's certification as required by Minn. State § 15.0412, Subd. 2a.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of December, 1981.

Virgil C. Herrick
Chairman

Cynthia C. Jessen
Attest by one other Board member

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY (MPCA)

In the Matter of the Proposed Adoption of Amendments to 6 MCAR § 4.8024 Governing Classification of Waters of the State

ORDER ADOPTING RULES

Notice of the MPCA Board's intent to adopt amendments to the above-entitled rules without a public hearing was published in the State Register on October 12, 1981, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412 subdivision 4 on October 8, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as amendments to 6 MCAR § 4.8024 are adopted this 1st day of December, 1981, pursuant to authority vested in me (the Board) by Minnesota Statutes section 115.03 and 115.44 (1980).

Minnesota Pollution Control Agency

Virgil C. Herrick
Chairman

Louis J. Breimhurst
Executive Director

Pollution Control Agency
Air Quality Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rule Governing the Issuance of Air Quality Permits in Nonattainment Areas

On April 13, 1981, the Minnesota Pollution Control Agency proposed to adopt without a public hearing a rule governing the agency's permit program for the growth or expansion of industry in nonattainment areas (5 S.R. 1603). The Minnesota Pollution Control Agency intends to re-publish and propose the rule with changes made in response to comments received by the agency.

Notice is therefore hereby given that the Minnesota Pollution Control Agency is seeking information or opinions from sources outside the agency in preparing to promulgate the new rule governing the issuance of air quality permits to persons proposing to construct or modify new or expanded emission facilities in nonattainment areas. The promulgation of this rule is authorized by Minn. Stat. § 116.07, subd. 4a (1980), which permits the agency to "issue, continue in effect or deny permits, under such conditions as [the agency] may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof . . ."

The Minnesota Pollution Control Agency requests information and comments concerning the subject matter of this rule. Interested or affected persons or groups may submit statements of information or comments orally or in writing. Written statements should be addressed to:

Douglas M. Benson, Planner
Air Quality Planning Section
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, MN 55113
(612) 296-7740

All written materials received by the Minnesota Pollution Control Agency shall become part of the record in the event that the rule is promulgated. Any written materials received by the Minnesota Pollution Control Agency to date shall also become part of the record in the event that the rule is promulgated.

Dated this 11th day of June, 1981.

Louis J. Breimhurst
Executive Director

Pollution Control Agency
Water Quality Division

Notice of Intent to Solicit Outside Opinions on the Proposed Reclassification of Various Waters of the State

Notice is hereby given that the Minnesota Pollution Control Agency is seeking information and opinions from sources outside the agency in preparing to promulgate amendments to its existing rule pertaining to the classifications of intrastate waters, 6 MCAR § 4.8024. The amendments would reclassify certain waters as Class 7 Limited Resource Value. The amendment of this rule is authorized by Minnesota Statutes, §§ 115.03 and 115.44 (1980).

Reclassification requests have been received by the agency on the following waters:

St. Louis River Watershed (No. 1)

Buhl Creek Buhl	T58,R19,S20,29
Penobscot Creek Hibbing	T57,R20

Mustinka—Bois de Sioux Rivers Watershed (No. 7)

South Fork Rabbit River Tintah	T129,130,R45,46

	Roseau River Watershed (No. 14)
Unnamed ditch Warroad	T163,R37,S19,20,21,22,23 T163,R38,S19,20,21,22,23,24,30 T163,R39,S25,31,32,33,34,35,36
	Crow River Watershed (No. 17)
Jewett Creek Litchfield	T119,120,R30,31
	Mississippi—Sauk Rivers Watershed (No. 19)
Battle Brook Little Elk Lake Area	T35,36,R26,27
	Big Stone Lake Watershed (No. 20)
Old Whetstone River Channel Ortonville Big Stone Canning Co.	T121,R46,S16,17,21
	Chippewa River Watershed (No. 23)
Mud Creek DeGraff/Murdock	T121,R37,S31 T121,R38,S18,19,20,28,29,33,34,35,36 T121,R39,S11,12,13
Judicial Ditch No. 5 Murdock	T120,R38,S4,5,6,9,10,11 T120,R39,S1,4,9,10,11,12
Unnamed creek Murdock	T120,R38,S1,2 T121,R38,S35
Unnamed ditch DeGraff	T121,R38,S19,29,30
	Yellow Medicine River Watershed (No. 24)
County Ditch No. 4 Arco	T110,R44,S5 T111,R44,S31,33
Judicial Ditch No. 29 Arco	T111,R44,S21,28,33
	Cottonwood River Watershed (No. 26)
Altermatts Creek (County Ditch No. 39) Comfrey	T108,R33,S17,19,20,30 T108,R34,S24,25,35,36
Minneopa Creek Lake Crystal	T108,R28,S26,27,32,33,34
	Minnesota River—Hawk Creek (No. 28)
Beaver Creek, East Fork (County Ditch No. 63) Olivia	T115,R34,S1,2,3,4,5,6 T115,R35,S1,12
Olivia Canning Co.	T116,R34,S16,20,21,28,29,30,32,33,34,35
	Lower Minnesota River Watershed (No. 29)
County Ditch No. 22 Montgomery Green Giant Co.	T111,R23,S4,9,10 T112,R23,S33
High Island Creek Arlington	T113,114,R26,27,28,29,30
Unnamed creek Green Isle	T114,R26,S2,3,4,8,9,17
Unnamed ditch Green Isle	T114,R26,S19 T114,R27,S11,12,13,14,24

Unnamed ditch Burnsville Freeway Sanitary Landfill	T27,R24,S28,33
Unnamed stream Savage	T115,R21,S8,9
	Snake River Watershed (No. 31)
Pokegama Creek Brook Park	T40,41,R21,22
	Cannon River Watershed (No. 34)
County Ditch #7 Owatonna Owatonna Canning Co.	T107,R20,S7 T107,R21,S1,12
Crane Creek Owatonna Owatonna Canning Co.	T107,108,R20,21,22
Unnamed dry run Owatonna Owatonna Canning Co.	T107,R20,S6 T107,R21,S1
Unnamed dry run Owatonna Owatonna Canning Co.	T107,R20,S6 T107,R21,S1
	Zumbro River Watershed (No. 35)
Masten Creek Kasson	T106,107,R16,17
Unnamed creek Byron	T107,R15,S17,20,29
Unnamed stream Dodge Center Owatonna Canning Co.	T107,R17,S27,34
	Root River Watershed (No. 36)
Unnamed Creek Canton	T101,R9,S20
Unnamed creek Plainview	T108,R11,S16,17,20,21,22,27,34
	Cedar River Watershed (No. 37)
East Fork Cedar River Hayfield	T105,R17,18
Unnamed Creek Hayfield	T105,R17,S21,22
Unnamed stream Adams	T101,R16,S9,10,11
	Des Moines River Watershed (No. 38)
Judicial Ditch No. 26 Ceylon	T101,R32,S13,14,23,24

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Each water segment will be considered separately by the MPCA. To fully evaluate the comments that are received, it is requested that the water segment to which the comment is directed be specifically named on all transmittals. Written statements of information and comment may be addressed to:

Gerald T. Blaha
Minnesota Pollution Control Agency
Division of Water Quality
1935 West County Road B2
Roseville, Minnesota 55113

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-7384, or in person at the above address.

All statements of information and comment shall be accepted until July 15, 1981. Any written material received by the MPCA shall become part of the record in the event that the amendments are promulgated.

Department of Public Welfare
Department of Health
Department of Public Safety

Merit System

Notice of Intent to Solicit Outside Opinion Concerning Merit System Rules

Notice is hereby given that the Minnesota Department of Public Welfare (12 MCAR), the Minnesota Department of Health (7 MCAR) and the Minnesota Department of Public Safety (11 MCAR) are considering proposed amendments to those rules affecting their compensation plans and salary schedules.

If adopted, these rule changes will alter the salaries paid to those employees in agencies under the jurisdiction of the Merit System which have not negotiated a compensation plan with the exclusive representative for a bargaining unit.

The proposed rule changes are:

12 MCAR § 2.840
7 MCAR § 1.314
11 MCAR § 1.2140

The Minnesota Department of Public Welfare, the Minnesota Department of Health, and the Minnesota Department of Public Safety are also considering proposed amendments to several other rules affecting:

(1) definitions;

(2) statement of policy and means of affecting policy;

(3) organization;

(4) classification plan;

(5) compensation plan;

(6) examinations;

(7) certification of eligibles;

(8) probationary period;

(9) separation, tenure and reinstatement;

(10) leave of absence;

(11) appeals;

(12) salary adjustments and increases;

(13) salary computation provisions for full and part-time employment, terminal vacation and sick leave pay, partial pay periods, overtime and part payment from another source;

(14) appointment, promotions, demotions, transfers and reinstatements;

(15) provisions for computing monthly, less-than-full-time, bi-weekly, and four-week salary rates.

If adopted, these rules will alter various personnel policies in agencies under the jurisdiction of the Merit System.

Additionally, the Minnesota Department of Public Welfare is considering proposed amendments to those rules affecting its position classification specifications.

If adopted, these rule changes will create a new position classification and will alter existing position classification specifications for ten classifications under the jurisdiction of the Merit System.

State of Minnesota

Minnesota Pollution Control Agency

In the Matter of the Proposed
Amendments to 6MCAR 4.8024

Order for Notice of Intent to Adopt
Rules Without Public Hearing

It is ordered this 21st day of September, 1981 that Notice of Intent to Adopt Rules Without Public Hearing in the above - entitled matter be given to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

Dated September 25, 1981

Louis Breimhurst
Executive Director
Minnesota Pollution Control Agency

In the Matter of the Proposed Amendments
to 6 MCAR § 4.8024

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Gerald Blaha, being first duly sworn, deposes and says:

That on the 8th day of October, 1981, at the City of Roseville, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without Public Hearing and the proposed rules by depositing in the State of Minnesota Central Mail System for first class mailing at said City of Roseville, a copy thereof on all persons and associations named on the attached mailing list.

Gerald G. Blaha

Subscribed and
sworn to before me
this 8th day of October, 1981

Maryanne Gibbons
Notary Public

MARYANNE GIBBONS
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Sept 26, 1985

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Amendments
to 6 MCAR § 4.8024

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4. that their names be placed on file with and maintained by the Minnesota Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by the Agency is accurate and complete as of 3 :00 P.M. this 8th day of October, 1981.

Marjorie Borchard

LAKE SUPERIOR
INDUSTRIAL BUREAU
828 FIRST NATIONAL BANK
DULUTH MN 55802 1

N S P LAW DEPT
ATTN JOSEPH D BIZZANO JR
414 NICOLLET MALL
MPLS MN 55401 1

NORTHERN STATES POWER CO
ATTN G V WELK MANAGER
REG COMPLIANCE AND SERV
414 NICOLLET MALL
MPLS MN 55101 1

MN MULTI HOUSING ASSOC
ATTN JOHN G HORNER
3100 W LAKE ST
MPLS MN 55416 1

HOLMES & GRAVEN
ATTN LARRY M WERTHEIM
4610 IDS CENTER
MPLS MN 55402 1

POTLATCH CORPORATION
ATTN MR ARCHIE D CHELSETH
BOX 510
CLOQUET MN 55720 1

ANOKA CO COMM HEALTH &
SOCIAL SERV DEPT
ATTN GERTRUDE M JAMES
COURTHOUSE 4TH FL
ANOKA MN 55303 1

FEDERAL STATE REPORTS INC
ATTN STATE REG DIV
5203 LEESBURG PIKE
SUITE 1201
FALLS CHURCH VA 22041 1

LAKE MINNETONKA CONS DIST
402 E LAKE ST
WAYZATA MN 55391 1

U OF M PHYSICAL PLANT DEPT
ATTN ROBERT SILVAGNI
200 SHOPS BLDG
319 15TH AVE SE
MPLS MN 55455 1

GENERAL MILLS INC
ATTN J W HAUN
P O BOX 1113
MPLS MN 55440 1

HESSIAN MCKASY & SODERBERG
ATTN MR JOHN A KNAPP
1500 MIDWEST PLAZA BLDG
MPLS MN 55402 1

MN ASSOC HEALTH CARE FAC
ATTN RICK CARTER
2850 METRO DRIVE SUITE 429
MPLS MN 55420 1

PETERSON POPOVICH KNUTSON
& FLYNN LAW OFFICE
ATTN PETER S POPOVICH
314 MN BULD
ST PAUL MN 55101 1

JONES HAUGH & SMITH INC
515 SOUTH WASHINGTON
ALBERT LEA MN 56007 1

WILLIAM MITCHELL COLLEGE
OF LAW
ATTN PROF MARCIA GELPE
875 SUMMIT AVE
ST PAUL MN 55102 1

COLOR-AD PACKAGING INC
ATTN MICHAEL S KECKEISEN
3600 ALABAMA AVE
MPLS MN 55416 1

THE SHERWIN-WILLIAMS CO
ATTN D A COHAGAN
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Route 1
Murdock, MN 56271

Mr. Donald Flower
Torning Township
Route 2
Benson, MN 56215

Mr. Larry Bunjer
Lake Stay Township
Arco, MN 56113

Mr. Dean E. Peters
Marshfield Township
Tyler, MN 56178

Mr. Orville D. Hanson
Bashaw Township
Comfrey, MN 56019

Mr. Orville Kloempken
Washington Lake Township
Hamburg, MN 55339

Hiliarius J. Taurer
Mulligan Township
Route 4
Sleepy Eye, MN 56085

Mr. Michael Davis
Judson Township
Route 1
Lake Crystal, MN 56055

Mr. George Kopacek
Kingman Township
Route 1, Box 133
Olivia, MN 56277

Mr. Leo Kirbesh
Bird Island Township
Route 2, Box 12
Bird Island, MN 55310

Mr. Gene Dillon
Troy Township
Route 2, Box 17A
Olivia, MN 56277

Mr. George Vlasak
Montgomery Township
Route 2, Box 28
Montogomery, MN 56069

Mr. George Zelenka
Lanesburgh Township
Route 3, Box 61
New Prague, MN 56071

Mr. Elford Ehlers
Green Isle Township
Glencoe, MN 55336

Mr. Ambrose McShane
Meriden Township
Route 1, Box 181
Meriden, MN 55060

Mr. Robert H. Marshman
Plainview Township
Rural Route
Plainview, MN 55964

Mr. Thomas Roozen
South Bend Township
Route 1
Mankato, MN 56001

Mr. Donald Deitz
Owatonna Township
Route 1, Box 295
Owatonna, MN 55060

Mr. Sander Senjem
Wasioja Township
Route 1, Box 189
Dodge Center, MN 55927

Mr. Richard Bird
Kalmar Township
Byron, MN 55920

Mr. Wayne Lingbeck
Canton Township
Canton, MN 55922

County Board of Commissioners

County Board of Commissioners
c/o Auditor
Cass County Courthosue
Walker, MN 56484

● Counties appearing in [ ] were sent a copy of the Notice & Proposed Rules.

County Board of Commissioners
c/o Auditor
Aitkin County Courthouse
Aitkin, MN 56431

County Board of Commissioners
c/o Auditor
Chippewa County Courthosue
Montevideo, MN 56265

County Board of Commissioners
c/o Auditor
Anoka County Courthouse
Anoka, MN 55303

County Board of Commissioners
c/o Auditor
Chisago County Courthosue
Center City, MN 55012

County Board of Commissioners
c/o Auditor
Faribault County COurthouse
Blue Earth, MN 56013

County Board of Commissioners
c/o Auditor
Becker County Courthouse
Detroit Lakes, MN 56501

County Board of Commissioners
c/o Auditor
Clay County Courthouse
Moorhead, MN 56560

[County Board of Commissioners
c/o Auditor
Fillmore County Courthouse
Preston, MN 55965]

County Board of Commissioners
c/o Auditor
Beltrami County Courthouse
Bemidji, MN 56601

County Board of Commissioners
c/o Auditor
Clearwater County Courthosue
Bagley, MN 56621

County Board of Commissioners
c/o Auditor
Freeborn County Courthouse
Albert Lea, MN 56007

County Board of Commissioners
c/o Auditor
Benton County Courthouse
Foley, MN 56329

County Board of Commissioners
c/o Auditor
Cook County Courthouse
Grand Marais, MN 55604

County Board of Commissioners
c/o Auditor
Goodhue County COurthouse
Red Wing, MN 55066

[County Board of Commissioners
c/o Auditor
Big Stone County Courthouse
Ortonville, MN 56278]

County Board of Commissioners
c/o Auditor
Cottonwood County Courthouse
Windom, MN 56101

County Board of Commissioners
c/o Auditor
Grant County Courthouse
Elbow Lake, MN 56531

[County Board of Commissioners
c/o Auditor
Blue Earth County Courthouse
Mankato, MN 56001]

County Board of Commissioners
c/o Auditor
Crow Wing County Courthouse
Brainerd, MN 56401

County Board of Commissioners
c/o Auditor
325 Hennepin County Courthouse
Minneapolis, MN 55415

[County Board of Commissioners
c/o Auditor
Brown County COurthosue
New Ulm, MN 56073]

[County Board of Commissioners
c/o Auditor
Dakota County Courthouse
Hastings, MN 55033]

County Board of Commissioners
c/o Auditor
Houston COunty Courthouse
Caledonia, MN 55921

County Board of Commissioners
c/o Auditor
Carlton Courthouse
Carlton, MN 55718

[County Board of Commissioners
c/o Auditor
Dodge County Courthouse
Mantorville, MN 55955]

County Board of Commissioners
c/o Auditor
Hubbard County Courthouse
Park Rapids, MN 56470

County Board of Commissioners
c/o Auditor
Carver County Courthouse
Chaska, MN 55318

County Board of Commissioners
c/o Auditor
Douglas County Courthouse
Alexandria, MN 56308

County Board of Commissioners
c/o Auditor
Isanti County Courthouse
Cambridge, MN 55008

County Board of Commissioners
c/o Auditor
Itasca County Courthouse
Grand Rapids, MN 55744

County Board of Commissioners
C/O Auditor
Jackson County Courthouse
Jackson, MN 56143

County Board of Commissioners
c/o Auditor
Kanabec County Courthouse
Mora, MN 55051

County Board of Commissioners
c/o Auditor
Kandiyohi County Courthouse
Willmar, MN 56201

County Board of Commissioners
c/o Auditor
Kittson County COurthouse
Hallock, MN 56728

County Board of Commissioners
c/o Auditor
Koochiching County Courthouse
International Falls, MN 5664

County Board of Commissioners
c/o Auditor
Lac Qui Parle Co. Courthouse
Madison, MN 56256

County Board of Commissioners
c/o Auditor
Lake County Courthouse
Two Harbors, MN 55616

County Board of Commissioners
c/o Auditor
Lake of the Woods Co. Courthou
Baudette, MN 56623

County Board of Commissioners
c/o Auditor
LeSueur County Courthouse
LeCenter, MN 56057

County Board of Commissioners
c/o Auditor
Lincoln County Courthouse
Ivanhoe, MN 56142

County Board of Commissioners
c/o Auditor
Lyon County COurthouse
Marshall, MN 56258

County Board of Commissioners
c/o Auditor
McLeod County Courthouse
Glencoe, MN 55336

County Board of Commissioners
C/O Auditor
Mahnomen County COurthouse
Mahnomen, MN 56557

County Board of Commissioners
c/o Auditor
Marshall County Courthouse
Warren, MN 56762

County Board of Commissioners
c/o Auditor
Martin County Courthouse
Fairmont, MN 56031

County Board of Commissioners
c/o Auditor
Meeker County Courthouse
Litchfield, MN 55355

County Board of Commissioners
c/o Auditor
Mille Lacs County COurthouse
Milaca, MN 56353

County Board of Commissioners
c/o Auditor
Morrison COunty Courthouse
Little Falls, MN 56345

County Board of Commissioners
c/o Auditor
Mower County Courthouse
Austin, MN 55912

County Board of Commissioners
c/o Auditor
Murray County Courthouse
Slayton, MN 56172

County Board of Commissioners
c/o Auditor
Nicollet County Courthouse
St. Peter, MN 56082

County Board of Commissioners
c/o Auditor
Nobles County Courthouse
Worthington, MN 56187

County Board of Commissioners
C/O Auditor
Norman County Courthouse
Ada, MN 56510

County Board of Commissioners
c/o Auditor
Olmsted County Courthouse
Rochester, MN 55901

County Board of Commissioners
c/o Auditor
Otter Tail County Courthouse
Fergus FAlls, MN 56537

County Board of Commissioners
c/o Auditor
Pennington County Courthouse
Thief River Falls, MN 56701

County Board of Commissioners
c/o Auditor
Pine County Courthouse
Pine City, MN 55063

County Board of Commissioners
c/o Auditor
Pipestone County Courthouse
Pipestone, MN 56164

County Board of Commissioners
c/o Auditor
Polk County Courthouse
Crookston, MN 56716

County Board of Commissioners
c/o H.W. Bly
Hancock, MN 56244

County Board of Commissioners
c/o Auditor
Courthouse
St. Paul, MN 55102

County Board of Commissioners
c/o Auditor
Red Lake County Courthouse
Red Lake Falls, MN 56750

County Board of Commissioners
c/o Auditor
Redwood County Courthouse
Redwood Falls, MN 56283

County Board of Commissioners
c/o Auditor
Steele County Courthouse
Owatonna, MN 55060

County Board of Commissioners
c/o Auditor
Winona County Courthouse
Winona, MN 55987

County Board of commissioners
c/o Auditor
Renville County Coutthouse
Olivia, MN 56277

County Board of Commissioners
c/o Auditor
Stevens County Courthouse
Morris, MN 56267

County Board of Commissioners
c/o Auditor
Wright County Courthouse
Buffalo, MN 55313

County Board of Commissioners
c/o Auditor
Rice County Courthouse
Faribault, MN 55021

County Board of Commissioners
c/o Auditor
Swift County COurthouse
Benson, MN 56215

County Board of Commissioners
c/o Auditor
Yellow Medicine County Courth
Granite Falls, MN 56241

County Board of Commissioners
c/o Auditor
Rock County Courthouse
Luverne, MN 56156

County Board of Commissioners
c/o Auditor
Todd County Courthouse
Long Prairie, MN 56347

County Board of Commissioners
c/o Auditor
Roseau County Courthouse
Roseau, MN 56751

County board of Commissioners
c/o Auditor
Traverse County Courthouse
Wheaton, MN 56296

County Board of Commissioners
c/o Auditor
St. Louis County Courthouse
Duluth, MN 55802

County Board of Commissioners
c/o Auditor
Wabashe County Courthouse
Wabasha, MN 55981

County Board of Commissioners
c/o Joseph S. Ries
Courthouse
Shakopee, MN 55379

County Board of Commissioners
c/o Auditor
Wadena County Coutthouse
Wadena, MN 56482

County Board of Commissioners
c/o Auditor
Sherburne County COurthouse
Elk River, MN 55330

County Board of Commissioners
c/o Auditor
Waseca County Courthouse
Waseca, MN 56093

County Board of Commissioners
c/o Auditor
Sibley County Courthouse
Gaylord, MN 55334

County Board of Commissioners
c/o Auditor
Washington County Courthouse
Stillwater, MN 55082

County Board of Commissioners
c/o Auditor
Stearns County Courthouse
St. Cloud, MN 56301

County Board of Commissioners
c/o Auditor
Watonwan County Courthouse
St. James, MN 56081

County Board of Commissioners
c/o Auditor
Wilkin County Courthouse
Breckenridge, MN 56520

Toltz, King, Duvall, Anderson and Associates Inc.
2500 American National Bank Bldg.
St. Paul, MN 55101

Koehnlein, Lightowler, Johnson, Incorporated
1103 West Burnsville Parkway
Burnsville, Minnesota 55337

Pfeifer and Schultz/HDR, Inc.
300 Parkdale Bldg.
5401 Gamble Drive
Minneapolis, Minnesota 55416

Barr Engineering Company
6800 France Ave. South
Minneapolis, Minnesota 55435

Bonestroo, Rosene, Anderlik, Associates
2335 West Trunk Highway 36
St. Paul, Minnesota 55113

Davy Engineering
115 South Sixth Street
LaCrosse, Wisconsin 54601

Howard A. Kuusisto
196 North Griggs - Midway Bldg.
1821 University Ave. West
St. Paul, Minnesota 55104

Robert R. Wallace
505 East 16th Street
P.O. Box 481
Hibbing, Minnesota 55746

Stewart and Walker
P.O.Box 634
15th Street and Bemidji Ave.
Bemidji, Minnesota 56601

Zenk Engineering
P.O. Box 689
1206 West Front Street
Albert Lea, Minnesota 56007

Hagemeister-Ebbling-Lehn, Inc.
Suite 14 Mick Office Plaza
921 4th Avenue
Post Office Box 624
Worthington, Minnesota 56187

The Honorable Harold Van Winkle
Mayor, City of Ortonville
315 Madison
Ortonville, Minnesota 56278

Big Stone Canning Company
Post Office Box 577
Ortonville, Minnesota 56278

The Honorable LaVerne Boyd
Mayor, City of Plainview
Box 606
Plainview, Minnesota 55964

The Honorable Alvin Groen
Mayor, City of Murdock
Murdock, Minnesota 56271

The Honorable Wilbert Dean
Mayor, City of Byron
Byron, Minnesota 55920

The Honorable Donald Helgeson
Mayor, City of Canton
Canton, Minnesota 55922

The Honorable Rod Hopp
Mayor, City of Savage
12305 Quentin Ave. South
Savage, Minnesota 55378

Mr. Harvey Nelson
Regional Director
U.S. Fish & Wildlife Service
U.S. Federal Office Bldg.
Fort Snelling
Twin Cities, Mn. 55111

Mr. Richard McGowan
Freeway Sanitary Landfill
5704 Tucker Lane
Minneapolis, Minnesota 55436

The Honorable Leonard Talcott
Mayor, City of Dodge Center
23 West Main
Dodge Center, Minnesota 55927

The Honorable Gary Hendrickson
Mayor, City of Warroad
Warroad, Minnesota 56763

The Honorable Milton Radjenovich
Mayor, City of Buhl
Buhl, Minnesota 55713

Mr. Everard Berdan, President
Upper Minnesota River Watershed District
Ortonville, Minnesota 56278

Mr. Eugene Battles, President
Warroad Watershed District
Route 1
Warroad, Minnesota 56763

The Honorable Francis C. Wiskocil
Mayor, City of Montgomery
201 Ash Avenue
Montgomery, Minnesota 56069

The Honorable John M. McGaheran
Mayor, City of Owatonna
540 West Hills Circle
Owatonna, Minnesota 55060

Mr. Howard Ward, Manager
Minneopa State Park
Box 69, Route 1
Mankato, Minnesota 56001

Mr. Clarence G. Sprague
Green Giant Company
LeSueur, Minnesota 56058

Owatonna Canning Company
P.O. Box 447
Owatonna, Minnesota 55060

The Honorable Mary J. Page
Mayor, City of Olivia
1009 West Lincoln Ave.
Olivia, MN 56277

Olivia Canning Company
301 North 11th Street
Olivia Minnesota 56277

The Honorable Melvin Kaasa
Mayor, City of Lake Crystal
Lake Crystal, Minnesota 56055

The Honorable Erling Pederson
Mayor, City of Arco
Arco, Minnesota 56113

Casimer Lubansky, President
Lower Minnesota River Watershed District
315 East Third Street
Chaska, Minnesota 55318

The Honorable Roland F. Krueger
Mayor, City of Green Isle
Green Isle, Minnesota 55338

The Honorable D.W. Regan
Mayor, City of De Graff
De Graff, Minnesota 56233

Mr. Howard Degerness, President
Roseau River Watershed District
704 Main Avenue
Roseau, Minnesota 56751

Wallace-Holland-Kastler-Schmit and Company
216 South Broadway
Rochester, Minnesota 55901

The Honorable Harold H. Pidde
Mayor, City of Comfrey
Comfrey, Minnesota 56019

PLEASE FORWARD TO	Located at	PLEASE FORWARD TO	Loc
Mr. Donald Davison, Director Parks and Recreation Minnesota Dept. of Nat. Resources Centennial Office Building	658 Cedar St. St. Paul, MN 55155		

This Envelope May be Used Several Times
DO NOT SEAL UNLESS NECESSARY

ADMIN 1031 (Rev. 5-77)

PLEASE FORWARD TO	Located at	PLEASE FORWARD TO	Loc
Mr. Larry Seymour, Director Waters Division Minnesota Dept. of Nat. Resources Centennial Office Building	658 Cedar St. St. Paul, MN 55155		

This Envelope May be Used Several Times
DO NOT SEAL UNLESS NECESSARY

ADMIN 1031 (Rev. 5-77)

PLEASE FORWARD TO	Located at	PLEASE FORWARD TO	Loc
Mr. Jerry Kuehn, Director Fish and Wildlife Division Minnesota Dept. of Nat. Resources Centennial Office Building	658 Cedar St. St. Paul, MN 55155		

Mr. Stanley Daley
Regional Fisheries Supervisor
Route 5, Box 41A
Bemidji, MN 56601

Mr. Guy Oklobzija
Regional Fisheries Supervisor
Box 756, Highway 15 South
New Ulm, MN 56073

Mr. James A. Schneider
Regional Fisheries Supervisor
2300 Silver Creek Road, N.E.
Rochester, MN 55901

Mr. Duane Shodeen
Regional Fisheries Supervisor
1200 Warner Road
St. Paul, MN 55106

Mr. William Johnson
Area Fisheries Manager
1201 East Hwy 2
Grand Rapids, MN 55744

Mr. Edward Feiler
Area Fisheries Manager
1200 Warner Road
St. Paul, MN 55106

Mr. Bruce Hawkinson
Area Fisheries Manager
Fisheries Station Box 69
Lake City, MN 55041

Mr. Mike Larson
Area Fisheries Manager
Route 1, Box 1001
Baudette, MN 56623

Mr. Warren C. Kirsch
Regional Fisheries Supervisor
Regional Fisheries Headquarters
1201 East Hwy. 2
Grand Rapids, MN 55744

Mr. John Larson
Area Fisheries Manager
Box 26
Ortonville, MN 56278

Mr. Melford Haugstad
Area Fisheries Manager
Fisheries Station
Lanesboro, MN 55949

Mr. Robert Johnson
Area Fisheries Manager
Box 221
Windom, MN 56101

Mr. Roland Ruth
Area Fisheries Manager
Box 86
Waterville, MN 56096

Mr. Kenneth Schumann
Area Fisheries Manager
Box 296
Hutchinson, MN 55350

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, Virgil C. Herrick, do hereby certify that I am a member and the chairman of the Board of the Minnesota Pollution Control Agency, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of the Minnesota Pollution Control Agency, duly and properly called and held on the 1st day of December, 1981, that a quorum was present at said meeting, that a majority of the members of the Board voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"BE IT RESOLVED, that the Minnesota Pollution Control Agency adopts the attached Findings of Fact and Conclusions and the Order Adopting Amendments 6 MCAR § 4.8024, a rule classifying waters of the State,

BE IT RESOLVED, that the amendments to 6 MCAR § 4.8024 are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 115.03 and 115.44 (1980) and that the Executive Director of the Agency be and hereby is authorized to sign an order adopting these amendments and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.

BE IT FURTHER RESOLVED, that prior to the publishing of the adopted amendments to 6 MCAR § 4.8024 in the State Register, the Executive Director is authorized to make any form changes in the adopted rule that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's certification as required by Minnesota State § 15.0412, subd. 2a."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of December, 1981.

Virgil C. Herrick, Chairman

Cynthia C Jepsen
Attest by one other Board member

In the Matter of the Proposed Adoption
of Rules of the Minnesota Pollution
Control Agency Regarding Amendments to
6 MCAR § 4.8024 Governing the
Classification of Intrastate Waters

STATEMENT OF COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General Marlene E. Senechal, 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 Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Marlene Senechal

Special Assistant
Attorney General

Dated: December 16, 1981

In the Matter of the Proposed Adoption of Rules of the Minnesota Pollution Control Agency Regarding Amendments to 6 MCAR § 4.8024 Governing the Classification of Intrastate Waters

AFFIDAVIT OF GERALD BLAHA

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Gerald Blaha, being first duly sworn, deposes and says:

1. I am the person named in the Notice of Intent to Adopt Rules without a Public Hearing for receiving requests for notice of submission of material related to the above-entitled matter to the Attorney General.

2. I received no requests for notice of submission of material related to the above entitled matter to the Attorney General.

Gerald A. Blaha
GERALD BLAHA

Subscribed and sworn to before me this 17th day of December 1981.

Maryanne Gibbons

MARYANNE GIBBONS
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Sept 26, 1985