

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1033

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-30-84
DATE FOR REVIEW 6-11-84
DATE DUE 6-19-84

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

Approved 6-19-84 Disapproved Returned to Agency

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 6-21-84 Revisor approved 5/31/84 disapproved

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✓ Rule as Adopted

✓ Rule as Proposed See SR. 10/24- & 1.2.84.

✓ Order Adopting 4.25.84 Date
✓ Supplemental Order Adopting - 5.22.84

✓ Notice of Intent to Solicit Outside Opinion SR. 3.30.81; 6.15.81; 12.20.82 + comments

✓ Order for rulemaking
2/6, 2/8 date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking w/o hrg Notice of Hearing ✓ Sufficiency ✓
✓ Sufficiency
Notice of hearing

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

✓ Mailing list Certificate

✓ Publication in State Register
10.24.83 At least 30/~~20~~ days prior to hearing/~~adoption~~
11.7.83 ERRata 1.2.84

✓ Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
4.10.84 Approving H.E.'s Report Disapproving Agency Action 4.30.84
5.24.84 Approving agency action

✓ Agency's Findings of Fact

LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules
✓ " " " " Refadopting "

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

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

Exhibit List

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : SANDRA S. GARDEBRING
Executive Director/PCA

DATE: 6/19/84

Attn: BONNIE SIMS /Special Assist. Att. General

FROM : MARTHA J. CASSERLY MJC
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9005 and (4.9008 - 4.9010 to be renumbered as 6 MCAR §§ 4.9100 - 4.9560).

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;

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.

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

MJC: sa

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

May 30, 1984

J. Michael Miles
Assistant Attorney General
Office of the Attorney General
Administration Building
St. Paul, MN 55155

RE: In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be renumbered as 6 MCAR §§ 4.9100 - 4.9560)

Dear Mr. Miles:

On May 22, 1984, the Minnesota Pollution Control Agency adopted 6 MCAR §§ 4.9100 - 4.9560, governing the management of hazardous waste. Enclosed for your review are the following:

1. Rules as adopted (original and three copies);
2. Order Adopting, Amending and Repealing Rules (two copies);
3. Certificate of Agency's Resolution Adopting Rules;
4. Supplemental Order Adopting, Amending and Repealing Rules (2 copies);
5. Certificate of Agency's Resolution Adopting Rules;
6. Notices of Intent to Solicit Outside Opinion (5 S.R. 1560, March 30, 1981; 5 S.R. 2014, June 15, 1981; 7 S.R. 964, December 20, 1982);
7. Comments Received in Response to the March 30, 1981 and June 15, 1981, Notices of Intent to Solicit Outside Opinion (MPCA Exhibit No. 97);
8. Comments Received in Response to the December 20, 1982 Notice of Intent to Solicit Outside Opinion (MPCA Exhibit No. 98);
9. Notices of Intent to Adopt Rules Without a Public Hearing (8 S.R. 719 and 811, October 24, 1983);
10. Comments and Hearing Requests Received in Response to Notices of Intent to Adopt Rules Without a Public Hearing (MPCA Exhibit No. 99);

11. Order for Hearing;

12. Certificate of Board's Authorizing Resolution;

13. Notice of Hearing;

14. Affidavit of Mailing of Notice of Hearing and Mailing List;

15. Certificate Concerning Mailing List;

16. Rules as Proposed (8 S.R. 732-958, October 24, 1983 and 8 S.R. 1576-1589, January 2, 1984 with Errata published at 8 S.R. 1084-1086 and 1238);

17. Hearing Examiner's Report;

18. Chief Hearing Examiner's Report;

19. Findings of Fact and Conclusions;

20. Order of the Chief Hearing Examiner;

21. Amended Findings of Facts and Conclusions;

22. Order of the Chief Hearing Examiner;

23. Statement of Need and Reasonableness;

24. Transcript of Hearing;

25. Hearing Record with List of Exhibits;

26. Certificate of Compliance with Rulemaking Procedures;

27. Notice of Submission to the Attorney General; and

28. Affidavit of Mailing Notices of Submission to the Attorney General.

Very truly yours,

Barbara Lindsey Sims

BARBARA LINDSEY SIMS
Special Assistant
Attorney General

BLS:jh

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

ORDER ADOPTING, AMENDING AND REPEALING RULES

The above-entitled matter came on for hearing before Hearing Examiner Allan W. Klein on the 6th day of February, 1984, at 10:00 A.M. in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota after proper notice as required by Minn. Stat. § 14.14 was served upon all persons, associations, and other interested groups registered with the Minnesota Pollution Control Agency (Agency) for that purpose. After affording all interested persons an opportunity to present written and oral data, statements and arguments, after considering the Statement of Need and Reasonableness, the Report of the Hearing Examiner, and all the evidence adduced, and upon the records, files and proceedings herein and applicable statutory standards or criteria and confirming the need for and reasonableness of the above-captioned rules, and the Agency being fully advised in the premises,

NOW, THEREFORE, IT IS ORDERED that the proposed amendments to 6 MCAR §§ 4.9001-4.9005 and 4.9008-4.9010, recodified as 6 MCAR §§ 4.9100-4.9560, published at 8 State Register 734-811 and 813-958 as corrected in the Errata published at 8 State

Register 1084-1085 and 1238 and as amended at 8 State Register 1578-1589 are hereby adopted with the following changes:

1. Amend the definition of "surface impoundment or impoundment" in 6 MCAR § 4.9100 IIII. to read as follows:

IIII. Surface impoundment or impoundment. "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well ~~or seepage facility~~. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons. Impoundments may be lined with man-made materials.

2. Amend the definition of "waste" in 6 MCAR § 4.9100 WWWW. to read as follows:

WWWW. Waste. "Waste" ~~means any discarded material including, but not limited to, solids, semisolids, sludges, liquids, gases, and their vapors, mists, or dusts~~ has the meaning given in Minnesota Statutes, section 116.06, subdivision 9a.

3. Amend 6 MCAR § 4.9102 G. to read as follows:

G. Test Methods for ~~the Evaluation of~~ Evaluating Solid Waste, Physical/Chemical Methods, publication number SW 846, ~~1980~~ First Edition, 1980 as updated by Revisions A (August 1980), B (July 1981) and C (February 1982) or Second Edition, 1982, of the Office of Solid Waste, United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, available at the state of Minnesota Law Library and by subscription from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202/783-3238; and

4. Amend 6 MCAR § 4.9129 B. to read as follows:

B. Requirements. A hazardous waste that is to be beneficially used, reused, or legitimately recycled or reclaimed is exempt from 6 MCAR §§ 4.9200-4.9560, and the agency's permitting requirements, except as specified in 1.-5. Hazardous waste shall be transported in accordance with all applicable requirements of Minnesota Statutes, section 221.033 and Code of Federal Regulations, title 49, parts 171 through 179 (1983).

5. Amend subparagraph k. of paragraph 3. of 6 MCAR § 4.9131 A. to read as follows:

k. other factors ~~as may be appropriate~~ that are relevant to the agency's determination of whether the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed, or otherwise managed.

6. Amend paragraph 1. of 6 MCAR § 4.9132 D. to read as follows:

1. A waste exhibits the characteristic of corrosivity if a representative sample of the waste has any of the following properties:

a. It is aqueous and has a pH less than or equal to 2.0 or greater than or equal to 12.5, as determined by a pH meter using either the test method in the Test Methods for ~~the Evaluation of~~ Evaluating Solid Waste, Physical/Chemical Methods issued by the United States Environmental Protection Agency, publication number SW 846 (~~1980~~ First Edition, 1980 as updated by Revisions A (August 1980), B (July 1981) and C (February 1982) or Second Edition, 1982) also described in Methods for Chemical Analysis of Water and Waste issued by the Environmental Monitoring and Support Laboratory, publication number 600/7-79-020 (March 1979), or an equivalent test method approved by the director under the procedures set forth in 6 MCAR § 4.9104 A.; or

b. It is liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55 degrees Celsius (130 degrees Fahrenheit) as determined by the test method specified in National Association of Corrosion Engineers Standard TM-01-69 as standardized in Test Methods for ~~the Evaluation of~~ Evaluating Solid Waste, Physical/Chemical Methods, issued by the United States Environmental Protection Agency, publication number SW 846 (~~1980~~ First Edition 1980 as updated by Revisions A (August 1980), B (July 1981) and C (February 1982) or Second Edition, 1982) or an equivalent test method approved by the director under the procedures set forth in 6 MCAR § 4.9104 A.

7. Amend paragraph 7. of 6 MCAR § 4.9133 B. to read as follows:

7. other factors ~~required by~~ that are relevant to the agency's determination of whether the waste is capable of posing a present or potential hazard to human health and the environment if the waste were to be improperly treated, transported, stored, disposed, or managed under routine waste management methods.

8. Amend paragraph 8. of 6 MCAR § 4.9210 E. to read as follows:

8. Transport hazardous waste in accordance with all applicable requirements of Minnesota Statutes, section ~~221.203~~ 221.033 and Code of Federal Regulations, title 49, parts 171 through 179 (1983).

9. Amend 6 MCAR § 4.9217 D. to read as follows:

D. Extension of retention period. The periods of retention referred to in A.-C. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the director for good cause.

10. Amend 6 MCAR § 4.9220 to read as follows:

The director ~~as he deems~~ when necessary to determine compliance with the requirements of 6 MCAR §§ 4.9100-4.9560, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 6 MCAR §§ 4.9128-4.9137.

11. Amend 6 MCAR § 4.9254 to read as follows:

Hazardous waste shall be transported in accordance with all applicable requirements of Minnesota Statutes, section ~~221.203~~ 221.033 and Code of Federal Regulations, title 49, parts 171 through 179 (1983).

12. Amend 6 MCAR § 4.9258 E. to read as follows:

E. Extension of retention period. The periods of retention referred to in A.-D. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the director for good cause.

13. Amend 6 MCAR § 4.9295 B. to read as follows:

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9280-4.9322 is three years and is extended automatically during the course of an unresolved enforcement action regarding the facility or as requested by the agency for good cause.

14. Amend paragraph 3. of 6 MCAR § 4.9297 A. to read as follows:

3. The agency may impose any or all of the requirements of B.-M. on the owner or operator of a facility that treats or stores hazardous waste in tanks or containers if it determines that the facility has the potential to adversely impact ground water quality. The agency shall specify in the facility permit which requirements of B.-M. shall apply.

15. Amend subparagraph b. of paragraph 3. of 6 MCAR § 4.9308 A. to read as follows:

b. If an owner or operator establishes a trust fund as specified in 6 MCAR § ~~4.9410~~ 4.9409 A., and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the fund must be paid in over the pay-in period as defined in 3. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 6 MCAR § ~~4.9410~~ 4.9409 A. The amount of each payment must be determined by this formula:

$$\text{next payment} = \frac{CE-CV}{Y}$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

16. Amend 6 MCAR § 4.9320 D. to read as follows:

D. Leak detection. If liquids are detected in the leak detection, collection, and removal system, the owner or operator shall notify the director of that fact in writing within seven days after detecting the liquids, and:

1. within a period of time specified in the permit, remove accumulated liquids, repair or replace any liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the

best of his or her knowledge and opinion, the leak has been stopped; or

2. if the owner or operator can demonstrate to the director that the repair of the liner is not possible or feasible, he or she must begin to comply with the monitoring requirements of 6 MCAR § 4.9297 K.5. within a period of time specified in the permit.

The agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of 1. or 2. are satisfied.

17. Amend 6 MCAR § 4.9395 B. to read as follows:

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9380-4.9422 is three years and is extended automatically during the course of any unresolved enforcement action regarding the facility or as required by the director for good cause.

18. Amend paragraph 2. of 6 MCAR § 4.9560 B. to read as follows:

2. The director may suspend a previously approved county ordinance or relevant portion thereof if that ordinance has been modified and is determined by the director to be inconsistent with the state hazardous waste rules. Upon suspension by the director, the matter must be placed on the agenda of the next month's regularly scheduled meeting of the agency board. The agency shall notify the county in writing of its decision to approve, suspend, modify, or deny the ordinance.

19. Amend subparagraph g. of paragraph 4. of 6 MCAR § 4.9560 D. to read as follows:

g. Any other information requested by the director that pertains to the county's hazardous waste program which was approved by the agency.

MINNESOTA POLLUTION CONTROL AGENCY

Dated this 25th day
of April, 1984

Cynthia C Jepsen

CYNTHIA JEPSEN
Chairwoman

Sandra Gardebring

Sandra S. Gardebring
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

SUPPLEMENTAL ORDER ADOPTING, AMENDING AND REPEALING RULES

On April 25, 1984, the Minnesota Pollution Control Agency (Agency) adopted amendments to its rules governing the management of hazardous waste, 6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010, recodified as 6 MCAR §§ 4.9100 -4.9560, and executed its Order Adopting, Amending and Repealing Rules. On April 30, 1984, the Chief Hearing Examiner found that the amendments to 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B. and 4.9395 B. did not cure the defects in those provisions noted by the Hearing Examiner and disapproved those four provisions of the rules.

After affording all interested persons an opportunity to present written and oral comments to the Agency, after considering the Order of the Chief Hearing Examiner, after considering all the evidence in the record, and the Agency being fully advised in the premises,

NOW, THEREFORE, IT IS ORDERED that 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B., and 4.9395 B. as adopted by the Agency on April 25, 1984, are withdrawn.

IT IS FURTHERED ORDERED that 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B., and 4.9395 B. as published at 8 State Register 734-811

and 813-958 are hereby adopted with the following changes:

1. Amend 6 MCAR § 4.9217 D. to read as follows:

D. Extension of retention period. The periods of retention referred to in A.-C. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity ~~or as requested by the director~~.

2. Amend 6 MCAR § 4.9258 E. to read as follows:

E. Extension of retention period. The periods of retention referred to in A.-D. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity ~~or as requested by the director~~.

3. Amend 6 MCAR § 4.9295 B. to read as follows:

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9280-4.9322 is three years and is extended automatically during the course of an unresolved enforcement action regarding the facility ~~or as requested by the agency~~.

4. Amend 6 MCAR § 4.9395 B. to read as follows:

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9380-4.9422 is three years and is extended automatically during the course of any unresolved enforcement action regarding the facility ~~or as required by the director~~.

MINNESOTA POLLUTION CONTROL AGENCY

Dated this 22nd day
of May, 1984

DUANE A. DAHLBERG
Vice-Chairman

Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed
Amendment of Rules Governing
Hazardous Waste Treatment,
Storage, and Disposal Facilities,
6 MCAR §4.9004 to be Renumbered
as 6 MCAR §§4.9280-4.9481

Notice of Intent to Adopt Rules
Without a Public Hearing

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (hereinafter "agency") proposes to adopt amendments to the rules governing hazardous waste treatment, storage, and disposal facilities without a public hearing. The agency has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedure set forth in Minn. Stat. §§14.21-14.28 (1982).

Persons interested in these rules shall have until November 25, 1983 to submit comments on the proposed rules. 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 proposed amendments by November 25, 1983 a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. §§14.13-14.20 (1982). The agency asks that requests for a public hearing identify the particular objection and suggest appropriate modifications to the proposed rules and the reasons or data relied on to support the suggested modifications.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Steven A. Reed
Division of Solid and Hazardous Waste
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7786

Authority for adoption of these rules is contained in Minn. Stat. §116.07, subds. 4 and 4b. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and that identifies the data and information relied upon to support the proposed amendments, has been prepared and is available upon request. It is also available for review in the Minnesota Pollution Control Agency Office in Roseville and in each of the Minnesota Pollution Control Agency Regional Offices:

Duluth Regional Office
Duluth Government Services Center
Room 704
320 West 2nd Street
Telephone: (218) 723-4660

Detroit Lakes Regional Office
116 East Front Street
Telephone: (218) 847-1519

Rochester Regional Office
1200 South Broadway, Suite 140
Telephone: (507) 285-7343

Marshall Regional Office
Box 286, 1104 East College Drive
Telephone: (507) 537-7146

Brainerd Regional Office
304 East River Road, Suite 3
Telephone: (218) 828-2492

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement 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 form and 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 should submit a written statement of such request to Mr. Reed.

The amendments proposed for adoption relate to the storage, treatment, and disposal of hazardous waste and the location and operation of hazardous waste facilities. The revised rules have been divided into three chapters.

The standards governing the operation of hazardous waste facilities are set forth in Chapters Five, Six, and Seven. Chapter Seven, 6 MCAR §§4.9480 and 4.9481, provides operational standards for elementary neutralization units, pretreatment units, wastewater treatment units and combustion waste facilities. All other hazardous waste facilities are governed by Chapters Five and Six.

Rules 6 MCAR §§4.9280-4.9322, Chapter Five, establish permanent requirements applicable to owners and operators of facilities which treat, store, or dispose of hazardous waste. These rules set forth requirements relating to the location of hazardous waste facilities, emergency procedures including personnel training and contingency plans, record keeping requirements, closure requirements, and financial requirements as well as operational and design requirements for various types of facilities.

Rules 6 MCAR §§4.9380-4.9422, Chapter Six, establish interim status standards for hazardous waste facilities which cover the same general areas as the permanent requirements. The interim status standards apply to existing facilities until final disposition of the owner or operator's permit application is made.

In addition to the amendments to the rules described herein, the agency is also proposing amendments to the rules governing definitions, generators of, and the identification, transportation and management of hazardous waste. These proposed amendments are the subject of a separate rulemaking proceeding. Copies of these rules appear in the October 24, 1983 State Register and are available at the addresses listed above.

You are hereby advised, pursuant to Minn. Laws 1983, ch. 188, Small Business Considerations in Rulemaking, that the proposed rule amendments may have an impact on some small businesses which generate hazardous wastes. The nature of any impact on a small business is dependent upon the amount of hazardous waste the business generates. The changes being proposed in the amendments to the rule which may affect small businesses include more stringent facility standards which may increase the cost of waste storage and disposal.

More detailed information concerning the nature of the impact of these changes upon small businesses is set forth in the agency's statement of need and reasonableness.

Copies of the notice and the proposed rules are available for review in the Minnesota Pollution Control Agency Office in Roseville and each of the Minnesota Pollution Control Agency Regional Offices and may be obtained by contacting Mr. Reed.

Dated: October 5, 1983

Sandra S. Gardebring
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

Notice of Hearing

The Minnesota Pollution Control Agency (Agency) issued two notices, both entitled "Notice of Intent to Amend Rules Without A Public Hearing", concerning the above-entitled rule amendments. State Register, Volume 8, Number 17, pages 732 and 811 (October 24, 1983). The proposed amendments were divided into two sets:

(1) proposed amendments to the rules governing generators of hazardous waste, the identification, transportation and management of hazardous waste, and county hazardous waste programs, 6 MCAR § 4.9001 - 4.9003, 4.9008 - 4.9010, renumbered as 6 MCAR § 4.9100 - 4.9259 and 4.9559 - 4.9560, published at 8 S.R. 732 (October 24, 1983) as corrected in the Errata published at 8 S.R. 1086 (November 7, 1983) and 8 S.R. 1238, (November 21, 1983); and,

(2) proposed amendments to the rules governing hazardous waste treatment, storage and disposal facilities, 6 MCAR § 4.9004, renumbered as 6 MCAR §§ 4.9280 - 4.9481, published at 8 S.R. 811 (October 24, 1983) as corrected in the Errata published at 8 S.R. 1084 (November 7, 1983) and 8 S.R. 1238 (November 21, 1983).

The Notice provided that if, during the comment period, seven or more persons requested that the Agency conduct a public hearing, the Agency would conduct a hearing. During the comment period on the two sets of hazardous waste rules described above, the Agency received more than seven requests for public hearing. Therefore, the Agency has scheduled a combined public hearing on both sets of proposals as described below.

PLEASE TAKE NOTICE, therefore, that a public hearing concerning the proposed amendments to the rules governing the management of hazardous waste will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota, on Monday, February 6, 1984, commencing at 10:00 a.m. and continuing on subsequent days at

the same location until all interested persons have had an opportunity to be heard. An evening session will be held on Wednesday, February 8, 1984, at 7:00 p.m. at the same location.

The hearing will be conducted by Mr. Allan W. Klein, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7609, a hearing examiner appointed by the Chief Hearing Examiner of the State of Minnesota.

PLEASE ALSO NOTE, that during the comment period following publication of the Notice of Intent to Amend Rules Without a Public Hearing, the Agency received numerous comments on both sets of proposed amendments. On December 20, 1983, at its Board meeting, the Agency revised its proposed amendments to incorporate some of the changes suggested by the comments and to make other clarifying, grammatical or technical changes. The following rules, or portions thereof were amended: 6 MCAR §§ 4.9100 SSS. and FFFF., 4.9102 H, 4.9104 B.1., 4.9128 B.6.c, and C.9. and 15., 4.9129 B.1. and 2., 4.9132 D.1. and F.4., 4.9134 E., 4.9215 A. and B., 4.9216 A.1. and 5., 4.9217 B., 4.9254, 4.9255 A., 4.9289 F., 4.9296 C., and C.7., 4.9297 A.1., K.7. and L.7., 4.9302, 4.9307 D., 4.9308 A.12., D.10., and E.6., 4.9310 A.2., B.9. and F.4., 4.9314 A.1., 4.9317 C.3. and E.4., 4.9318 A., 4.9321 D.1., 4.9389 F., 4.9396 C. and C.7., 4.9401 C., 4.9403, 4.9409 A.4., 4.9411 E.8. and 4.9560 B.2. and 3. Spelling errors and an erroneous cross-reference were corrected in Exhibits 6 MCAR §§ 4.9132 G.3. -1., 4.9134 C.2., D.5. - 3. and D. 6. - 4., 4.9137 - 1, 4.9297 F.2. -1. and 4.9314 F. - 7. A copy of these revisions may be obtained by contacting Steven A. Reed at the address and telephone listed below. The proposed amendments, with the revisions listed above, will be the subject of the hearing scheduled in this notice.

The proposed amendments which are the subject of this hearing address the following:

Rules 6 MCAR § 4.9100 - 4.9104, Chapter One, address the general provisions of the rules. These provisions include the definitions applicable to the hazardous waste rules, procedural matters relating to variances and to petitions to delist a waste or to utilize an alternative testing method, and methods of obtaining material referenced in the rules.

Chapter Two, 6 MCAR § 4.9128 - 4.9137, establishes the criteria for determining whether a waste is hazardous and identifies specific wastes and waste streams which are hazardous. The existing criteria for classifying wastes due to characteristics have been modified to include provisions from the U.S. Environmental Protection Agency's (EPA) characteristics. The lists of hazardous waste in the existing hazardous waste rules have been replaced by the lists of hazardous waste found in the EPA regulations. These rules also sets forth standards for the management of mixtures of hazardous and nonhazardous wastes, for the management of wastes which are to be beneficially used, reused, recycled or reclaimed and for the management of residues of hazardous waste in empty containers and liners.

The standards applicable to generators of hazardous waste are contained in Chapter Three, 6 MCAR § 4.9200 - 4.9222. Pursuant to these provisions a generator is required to evaluate his wastes to determine if they are hazardous, file a disclosure and management plan with the Agency for each hazardous waste produced, and obtain an identification number. These rules also provide the requirements applicable to generators with regard to the use of manifests, accumulation of hazardous waste and record keeping. The special requirements applicable to small quantity generators are also set forth in this chapter.

Rules 6 MCAR § 4.9250 - 4.9259, Chapter Four, set forth the standards applicable to transporters of hazardous waste. The provisions of this chapter are substantially the same as the transporter provisions of the existing hazardous waste rules.

The standards governing the operation of hazardous waste facilities are set forth in Chapters Five, Six, and Seven. Rules 6 MCAR §§ 4.9280 - 4.9316, Chapter Five, establish permanent requirements applicable to owners and operators of facilities which treat, store, or dispose of hazardous waste. These rules set forth requirements relating to the location of hazardous waste facilities, emergency procedures including personnel training and contingency plans, record keeping, ground water monitoring programs, closure, post-closure and financial responsibility, and operational and design requirements for various types of facilities.

Rules 6 MCAR §§ 4.9380 - 4.9422, Chapter Six, establish interim status standards for hazardous waste facilities which cover the same general areas as the permanent requirements. The interim status standards apply to existing facilities until final disposition of the owner or operator's permit application is made. Chapter Seven, 6 MCAR §§ 4.9480 and 4.9481, provides operational standards for elementary neutralization units, pretreatment units, wastewater treatment units and combustion waste facilities.

Chapter Eight, 6 MCAR §§ 4.9559 - 4.9560, establishes procedures for the Agency's overview of county hazardous waste programs.

Authority for adoption of these rules is contained in Minn. Stat. § 116.07, subds. 4 and 4b (1982 as amended by Minn. Laws 1983, ch. 373). The proposed amendments may be modified as the result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the hearing process.

One free copy of the proposed rules may be obtained by contacting Steven A. Reed, Division of Solid and Hazardous Waste, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113, telephone (612) 296-7786.

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Agency offices and at the Office of Administrative Hearings. This statement of need and reasonableness will include a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying the need for and reasonableness of the proposed rule amendments. Copies of the statement of need and reasonableness may be obtained from the Office of Adminsitrative Hearings at a minimal charge. The Agency intends to present only a short summary of the statement of need and reasonableness at the hearing but will answer questions raised by interested persons.

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 Allan W. Klein, Hearing Examiner, at the address and telephone listed above 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.

In the interests of efficiency, the Agency requests that written materials be submitted to Steven A. Reed, at the address and telephone listed above, prior to the hearing, preferably by January 20, 1984. Failure to submit material in advance of the hearing will not affect a person's right to appear at the hearing. All comments and hearing requests received by the Agency in response to the Notices of Intent to Adopt Rules Without a Public Hearing published in the State Register on October 24, 1983, will be submitted to the hearing examiner for inclusion in the record.

The rule hearing procedure is governed by Minn. Stat. §§ 14.05 - 14.20 and by 9 MCAR §§ 2.101 - 2.113 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

You are hereby advised, pusuant to Minn. Laws 1983, ch. 188, Small Business Consideration in Rulemaking, that the proposed rule amendments may have an impact on some small businesses that generate hazardous waste. The nature of any impact on small business is dependent upon the amount of hazardous waste the business generates. The amendments being proposed which may affect small businesses include, but are not limited to, the following:

1. The reuse, recycling, or reclamation of certain types of hazardous wastes are not required to comply with all facility standards, thus reducing the financial impact on small businesses which reuse, recycle, or reclaim hazardous waste.

2. Less burdensome testing and evaluation requirements for a generator's hazardous waste are proposed. Thus, the financial impact on small businesses may be lessened.

3. Facility standards are more stringent which may increase the cost of waste storage and disposal and may therefore have a greater financial impact on small businesses.

More detailed information concerning the nature of the impact of these changes upon small businesses is set forth in the Agency's statement of need and reasonableness.

NOTICE: Any person may request notification of the date on which the hearing examiner's report will be available after which date the Agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to Steven Reed (in the case of the Agency's submission to the Attorney General).

Please be advised that Minn. Stat. ch. 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 Minn. Stat. § 10A.01 (1982) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

December 20, 1983

Sandra Gardebring

SANDRA S. GARDEBRING
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

ORDER FOR HEARING

IT IS ORDERED this 20th day of December, 1983, that a public hearing on the proposed rules captioned above be held in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113, on Monday, February 6, 1984, commencing at 10:00 a.m. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard. An evening session will be held on Wednesday, February 8, 1984, commencing at 7:00 p.m. at the same location.

IT IS FURTHER ORDERED, that notice of said hearing 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.

Sandra Gardebring

SANDRA S. GARDEBRING
Executive Director
Minnesota Pollution Control Agency

PCA-84-002-AK

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001-4.9005 and 4.9008-4.9010 to be Renumbered as 6 MCAR §§ 4.9100-4.9560).

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Allan W. Klein on February 6, 1984, at the Minnesota Pollution Control Agency's offices in Roseville. An evening session was held on February 8 at the same location.

This report is part of a controversial rule hearing proceeding held pursuant to Minn. Stat. §§ 14.13 through 14.20 to determine whether the agency has fulfilled all relevant substantive and procedural requirements, whether the proposed rules are needed and reasonable, and whether or not the rules, as modified, are substantially different from those originally proposed.

Members of the agency panel appearing at the hearing included: Steve Reed, Karen Ryss, Carol Rogers, Larry Christensen, and Bruce Nelson. Special Assistant Attorney General Barbara Lindsay Sims appeared on behalf of the agency.

The Agency 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.

Pursuant to the provisions of Minn. Stat. § 14.15, subd. 3 (1982), as amended by Minn. Laws 1983, Ch. 210, § 6, 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 Agency of actions which will correct the defects and the Agency may not adopt the rule until the Chief Hearing Examiner determines that the defects have been corrected. However, in those instances where the Chief Hearing Examiner identifies defects which relate to the issues of need or reasonableness, the Agency may either adopt the Hearing Examiner's recommendations to cure the defects or, in the alternative, if the Agency does not elect to adopt the recommendations, it 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. Stat. § 14.15, subd. 4 (1982), as amended by Minn. Laws 1983, Ch. 210, § 7.

If the Agency 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 Agency shall submit the rule to the Attorney General for review of form and legality. If the it makes changes in the rule other than those recommended by the Hearing Examiner, then it 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. Stat. § 14.16 (1982).

When the Agency submits the rule to the Attorney General, it 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 upon all the testimony, exhibits and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On December 12, 1983, the Pollution Control Agency filed the following documents with the Chief Hearing Examiner:

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

2. On January 2, 1984, a Notice of Hearing and a copy of the proposed rules were published at 8 State Register 1576.

3. On December 30, 1983, the MPCA mailed the Notice of Hearing to all persons and associations who had registered their names with the MPCA for the purpose of receiving such notice. On the same date, the agency also mailed the Notice to three other groups of persons known by the agency to be interested in these proposed rules. These groups included persons who had commented on earlier drafts of the rules and persons who had requested copies of earlier drafts.

4. On January 12, 1984, the MPCA filed the following documents with the Hearing Examiner:

(a) The Notice of Hearing as mailed.
(b) The Agency's certification that its mailing list was accurate and complete.
(c) The Affidavit of Mailing the Notice to all persons on the Agency's list.
(d) The Statement of Need and Reasonableness and the Agency's Exhibits.

(e) The names of MPCA personnel who will represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.
(f) A copy of the State Register containing the proposed rules.
(g) An Affidavit of Additional Notice.
(h) All materials received following a series of Notices of Intent to Solicit Outside Opinion. These included Notices published on March 30, 1981 (5 State Register 1560), June 15, 1981 (5 State Register 2014), December 20, 1982 (7 State Register 964) and various errata publications in the State Register. In addition, on October 24, 1983, the agency published a Notice of Intent to Adopt Rules Without a Public Hearing at 8 State Register 732. In response to that Notice, the agency received not only a number of petitions requesting a rule hearing, but also a number of comments and suggestions regarding the proposed rules, all of which were filed with the Hearing Examiner. The Agency did make a number of changes to the rules as a result of these comments, and published notice of the changes in its Notice of Hearing.

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

5. The record remained open through February 28, 1984 for the receipt of written comments and statements, the period having been extended by order of the Hearing Examiner to 20 calendar days following the hearing.

6. On March 28, 1984, the Hearing Examiner requested an extension of time to complete this report. Pursuant to Minn. Stat. § 14.15, subd. 2 (1982), an extension was granted to April 6, 1984.

7. Pursuant to Minn. Laws 1983, Ch. 210, § 5, the agency had until 4:30 p.m. on March 2, 1984, to submit a statement of agreement with amendments proposed by the public. The agency did file a statement on February 28, 1984, and the record closed on that date.

Nature of Proposed Rules

8. This proceeding involves amendments and additions to a number of sections of the agency's rules on hazardous wastes. The agency's initial rules governing hazardous wastes finally became effective in July, 1979, following a lengthy rulemaking proceeding. A series of amendments became effective in April of 1981. However, the amendments proposed in this rulemaking proceeding are really the first substantial revision of the 1979 rules. Initially, the agency had separated the proposed amendments into two sets, one dealing with generators, identification, transportation, and mangement of waste, while the other dealt with treatment, storage and disposal facilities. Following the October 24, 1983 Notice of Intent to Amend Rules Without a Public Hearing, and the subsequent receipt of demands for a hearing, the agency combined the two into a single rulemaking proceeding.

Statutory Authority

9. The agency cites Minn. Stat. § 116.07, subds. 4 and 4b (1982) as amendmend by Minn. Laws 1983, Ch. 373, § 44, as authority for adoption of these rules. Minn. Stat. § 116.07, subd. 4 (as amended) authorizes the agency to adopt rules governing generators, management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous wastes, as well as the location of hazardous waste facilities. Minn. Stat. § 116.07, subd. 4b, directs the agency to promulgate rules for all hazardous waste facilities, and also sets forth certain matters relating to contigency plans, financial assurance mechanisms, and liabilty insurance which must be included in the rules. Although not specifically cited by the agency in its Notice of Hearing, the Statement of Need and Reasonableness also refers to Minn. Stat. § 116.07, subd. 2. A paragraph in that subdivision does direct the agency to adopt standards for the identification of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing and disposal of hazardous waste. In light of the broad scope of all three of these statutory grants, it is found that the agency has demonstrated its statutory authority to adopt the proposed rules.

Relationship Between Federal and State Hazardous Waste Programs

10. In 1974, the Legislature enacted the first Minnesota statutes relating directly to hazardous waste. Minn. Laws 1974, Ch. 346. In 1976, the Congress passed the Resource Conservation and Recovery Act of 1976 (hereinafter "RCRA"). 42 U.S.C. §§ 6901 et seq. Pursuant to that law, the Environmental Protection Agency promulgated basic regulations in 1980 which are now codified at 40 C.F.R. Parts 260-265. RCRA envisions the states as having primary control over hazardous wastes through EPA authorized state hazardous waste programs. But where states did not establish programs, or the programs did not meet federal standards, the EPA would continue regulatory control. Specifically, § 3006 of RCRA provides that states may receive either final or interim authorization to operate a hazardous waste management program. Authorized state programs qualify in lieu of the federal program. But because Minnesota has not received either interim or final authorization, both state and federal programs are operative in Minnesota, and both will continue to be operative until such time as Minnesota receives EPA authorization.

11. In 1980, the Legislative Commission to Review Administrative Rules (hereinafter LCRAR) conducted a review of the reasonableness of the 1979 agency rules. As one of the outcomes of that review, LCRAR recommended that the agency seek interim and final authorization from EPA to manage the hazardous waste program in Minnesota so as to reduce duplicative efforts.

12. In September, 1980, the agency submitted a draft application to the Region V office of EPA for interim authorizaton to run the hazardous waste program in Minnesota. EPA responded with a detailed reply noting numerous areas in which they felt the state program was not substantially equivalent to the federal program. The agency determined that interim authorization would not be forthcoming from EPA until major revisions were made to the existing

state rules. While the April, 1981, amendments corrected some minor deficiencies, they were insufficient for the state to receive interim authorization. The agency has stated that upon completion of the revisions contained in this rulemaking proceeding, the agency will apply for final authorizaton. Statement of Need and Reasonableness, p. 18.

Structure of Rules and This Report

13. The proposed rules are divided into nine chapters. This report will discuss each chapter in order. To assist readers in locating matters of interest, the following general description of each chapter is given.

Rules 9100-9104, Chapter 1, include definitions, procedural matters such as variances, and petitions to delist a waste or utilize an alternative testing method, and methods of obtaining materials referenced in the rules.

Rules 9128-9137, Chapter 2, establish the criteria for determining whether a waste is hazardous and identifies specific wastes and waste streams. It also provides special treatment for wastes that are beneficially used, reused, recycled, or reclaimed, as well as residues in empty containers and liners. It contains a series of tests for determing whether or not a waste is hazardous, as well as a procedure for exemption from listing. It contains specific identification numbers and lists of hazardous constiuents in mixtures.

Rules 9200-9222, Chapter 3, contain standards applicable to generators, including financial responsibility, requirements for on-site facilities, importers, farmers, evaluations by generators, special requirements for small quantity generators, manifest requirements, accumulations of wastes, and reporting requirements for generators.

Rules 9250-9259, Chapter 4, set forth the standards applicable to transporters of hazardous waste. It includes requirements for EPA identification numbers, transportation provisions, transporters requirements regarding manifests, record keeping, and spills.

Rules 9280-9316, Chapter 5, set forth permanent requirements relating to treatment, storage and disposal facilities. These requirements include such matters as location of facilities, emergency procedures, record keeping, ground water monitoring programs, closure, post-closure, and financial responsibility matters. It also sets forth operational and design requirements for various types of facilities.

Rules 9380-9422, Chapter 6, are interim standards for facilities pending final disposition of permanent permit applications. It covers the same general areas as noted in Chapter 5 above.

Rules 9480 and 9481, making up Chapter 7, provide operational standards for elementary neutralization units, pretreatment units, wastewater treatment units and combustion waste facilities.

Finally, rules 9559-9560, Chapter 8, relate to county regulation of hazardous waste management, and agency overview of county programs.

14. The subsequent findings discuss only those proposed amendments which were the subject of material comment in this rulemaking proceeding. Except as hereinafter specifically noted, the proposed rules and amendments have been shown to be needed and reasonable and in compliance with substantive law. A number of the comments are not discussed individually, because they were either questions (as opposed to comments) or were not material. Commentators should know that the Examiner has read and considered each and every comment.

CHAPTER 1

Rule 9100: Definitions

15. Rule 9100 P., the definition of "Director" drew criticism because it includes the phrase "or his designee". The concern is that delegation of decision-making authority to lower level staff may result in inconsistent decisions from different staff persons, and bias on the part of individual staff. Tr. 1-38-42.

The existing rule, 6 MCAR § 4.9001 B. 7., does not contain an reference to delegation.

16. In its post-hearing comments, the staff noted that Minn. Stat. § 116.03, subd. 2 (1982) authorizes the Director to delegate any powers or duties to employees. That statute does permit the Director to "delegate...any of his powers, duties, and responsibilities, subject to his control and under such conditions as he may prescribe." The statute goes on to provide overall approval of personnel by the Board, and requires specific written orders to be filed with the Secretary of State relating to the exercise of delegated powers. Clearly, the Director is authorized to delegate any powers to employees. Moreover, by statute, such delegation is subject to the ultimate control of the Director and the Board. The problems noted at the hearing, inconsistency and bias, may be dealt with on a case-by-case basis if and when they arise. Common sense teaches that in an agency with such broad powers as this one, delegation is a necessary fact of life in order for all of the work to be accomplished. Adding the words "or his designee" to the proposed rule only recognizes this fact. The proposed rule is found to be both needed and reasonable.

17. Rule 9100 F. defines "hazardous waste". Both at the hearing and in written comments, commentators noted that this definition is not identical to the definition contained in the federal rules. Tr. 1-20 and Rexnord letter dated 2/20/84. The agency responded that the difference between the federal definition and the proposed state rule definition was the result of a major structural difference in the two programs. Post-hearing comments, p. 3. In addition, the Minnesota statutory definition had been changed, necessitating a change in the rule. Id.

18. The federal regulatory scheme deals with hazardous waste as a subset of solid waste. See 42 U.S.C. § 6903 (5) and (27). However, in Minnesota, solid wastes and hazardous wastes are treated differently. Compare Minn. Stat. § 116.06, subd. 10 and subd. 13 (1982) as amended. The actual statutory standards in both the federal and state statutory definitions of "hazardous

wastes" are very similar, as the result of a 1983 amendment (Minn. Laws 1983, Ch. 373, § 43) which brought the Minnesota definition far closer to the federal definition by adding the standards contained in the federal definition.

There is no substantial difference between the existing rule (6 MCAR § 4.9001 B. 17.) and the proposed rule. Both merely direct the reader to the Minnesota statutory definition by an incorporation by reference.

19. The Minnesota Legislature has chosen to treat hazardous waste regulation in a different format than has the Congress. The proposed rule incorporates the definition chosen by the Legislature. It would be anomalous for the statute authorizing these rules to contain one definition while the rules contain a different one. The confusion that the commentators fear might flow from the difference between the Minnesota and federal definitions would be nothing compared to the confusion that would flow from different definitions between the Minnesota statute and the Minnesota rule. If anything, the commentators' complaints are more properly directed to the Legislature than to this rule. It is found to be both needed and reasonable without change.

20. Rule 9100 H. defines "hazardous waste incinerators". Again, the complaint is that it does not track the federal rule verbatim. While the source of the proposed rule is 40 C.F.R. § 260.10 (a), there is an important difference. The federal definition is limited to devices ". . . the primary purpose of which is to thermally break down hazardous wastes". The state definition is the same except that it relates to devices ". . . a purpose of which is to termally break down hazardous wastes". In other words, the word "primary" has been deleted from the Minnesota definition. The commentator who raised this point asked whether the substantive requirements expressed in the operative rules could reasonably apply to the much broader definition in the state-proposed rule. The agency responded, in its post-hearing comments, by pointing out that the subsequent operative rules (contained in Chapter 5) were intentionally written to cover all thermal treatment units that treat hazardous waste, not just incinerators. Post-hearing comments, pp. 9-10. It is crucial to consider the operative rules when considering the reasonableness of a definition. Under the circumstances set forth in the agency's comment, the proposed definition is found to be reasonable. And, as noted in the post-hearing comments, it avoids any question of whether the "primary purpose" of a facility is, in fact, to break down hazardous waste.

21. Rule 9100 P. defines the term "individual generation site". A different proposed rule, rule 9100 GGG. defines the term "on site". A commentator noted that the first definition contains a requirement that an individual generation site must be based on contiguous parcels of land, but that the rule did not define the term "contiguous". The commentator went on to note that the second definition ("on site") did contain a definition of "contiguous", and that to avoid confusion, that definition of "contiguous" should be inserted into the earlier rule. See Hennepin County comments, 2/28/84, at p. 2.

22. The agency staff disagrees that any confusion will result from the two different definitions because the two terms are used, in the operative rules, for different purposes. One is used for establishing generator

identification numbers, while the second is used to determine when a manifest is necessary for waste transport. Also, the staff points out that both definitions are identical to the corresponding federal definitions. Literal and verbatim duplication of federal rules is a goal sought by a number of commentators, particularly industry representatives. See, for example, Tr. 1-6 and 1-44.

23. The Examiner agrees with the Hennepin County comment that large manufacturing complexes need to know whether their generation points are contiguous, and thus constitute an "individual generation site". However, he finds that it is exactly these large manufacturing complexes whose representatives are most vocal in asking that there not be differences between the federal and state rules. In light of the way in which these definitions impact the operative rules, the Examiner finds that the agency's proposed definitions are reasonable. In this particular case, more confusion would result from a variance from the federal rules than results from following them. The County raises a valid point of criticism of both the federal and state rules. But unless and until the the federal rules are changed to meet this criticism, the agency has demonstrated the reasonableness of its decision to follow the federal rules.

24. Rule 9100 AAA. defines "manifest document number" to be a "serially increasing number" assigned to a manifest by a generator. A commentator suggested that the definition ought to be charged to require the document number to be a "unique number" assigned to manifest by a generator. Hennepin County, 2/28/84, p. 2; Tr. 1-61-62. The County pointed out that there is no indication as to how many digits the number must have, and so a generator could call his first shipment 100 and his second shipment 100000. This would cause problems for computer data entry. A second problem raised by the County was the possibility that generators will use manifests from other states which are prenumbered and there is no way for the generators to be sure that those numbers are serially increasing.

25. The agency, in its Statement of Need and Reasonableness, points out that the "serially increasing" language is taken from 40 C.F.R. § 260.10 (a) verbatim. They believe that the advantages of being consistent with the federal regulations outweight any concern raised by the County.

26. The Examiner finds that the agency has justified the reasonableness of its rule. It seems incongruous that a generator would use the numbering system suggested by the County's comments, and in fact if it did do so, it would likely raise suspicions. If, in fact, a generator does use manifests from other states with prestamped numbers on them, it would be easy for the generator to assure that the numbers are, in fact, serially increasing. And since this is the federal standard, it is very likely that the manifest numbers would be serially increasing. Again, federal conformity is reasonable, as is the agency's definition.

27. Rule 9100 GGG. was discussed in connection with 9100 PP. The agency's proposed definition of "on site" is identical to the federal definition. Hennepin County believes that the two definitions will create confusion. Tr. 1-33. For the reasons set forth earlier, the Examiner finds the agency's proposal to be reasonable without change.

28. Rule 9100 JJJ. defines the term "other waste material". This term appears in the state statute defining "hazardous waste", and is taken verbatim from federal regulations. Minn. Stat. § 116.06, subd. 13 (1983 Supp.). The term "other waste material" is not defined in Minnesota Statutes.

29. Hennepin County, Washington County, and the Seven-County Hazardous Waste Task Force raised concerns. Hennepin County, 2/28/84, p. 1; Task Force, Tr. 1-31; Washington County, undated, p. 1. The concerns arise over the contents of the definition. The definition reads:

> "'Other waste material' means any solid, liquid, semi-solid, or gaseous material resulting from industrial, commercial, mining, or agricultural operations, or from community activities, and which:
>
> 1. Is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded; or
>
> 2. Has served its original intended use and sometimes is discarded; or
>
> 3. Is a manufacturing or mining by-product and sometimes is discarded."

30. All three commentators noted that the 1983 amendment to the statutory definition of "hazardous waste" deleted the word "discarded". The reason for that deletion, they stated, was to close a loophole which some had taken advantage of in the old definition. The problem occurred in connection with recycled materials, where certain industries claimed that since recycled materials were not discarded, they were not hazardous wastes because a part of that definition included the standard "discarded". The legislative change deleted the term "discarded" but substituted the new term "other waste material". The counties object to reintroducing the concept of "discarded" in the definition of "other waste material" because it just reintroduces in the new definition the same loophole that was sought to be closed in the statutory change. Both counties urge that the concept of "discarded" should be deleted from the definition or, in the alternative, as one of them argues, the words "by the industry" could be added after "discarded" in paragraphs two and three of the proposed rule.

31. The agency points out that the precise repetition of the federal rule has benefits, and making the changes recommended could result in a federal finding that the definition is less stringent than the federal definition. The agency explained that many wastes can be reused without treatment but may need treatment to insure a high degree of usefulness. The example used was solvents, contaminated with oils from prior use. At some point, the user will treat the solvent to remove the contaminants because the solvent's efficiency has decreased. It is the intent of the agency, and all three commentators, that the solvent be treated as a "hazardous waste" for purposes of disclosure, manifesting, and other rules, regardless of whether it is recycled or discarded.

32. Although the Examiner agrees with the commentators that the rule would be better if the language were changed to avoid the loophole, he also finds that the agency's proposal has been justified as reasonable. Without substantially greater elaboration, it appeares that many of the proposals suggested would have the potential for abuse if a person looked hard enough for a loophole. There is benefit to adopting the federal language. While the agency may consider clearer language, it need not do so.

33. Rule 9100 IIII. defines "surface impoundment" so as to explicitly exclude from the definition a "seepage facility".

34. MACI pointed out that the term "or seepage facility" did not appear in the federal rule and there was no explanation in the Statement of Need and Reasonableness or in other agency filings (including Exhibit 101, a summary of major departures from the federal rules) to explain or justify the insertion. Tr. 1-21.

35. In its post-hearing comments, the agency agreed with the MACI comment, and urged that the term be deleted from the rules. The agency believed that deletion would avoid any confusion resulting from the lack of a definition of the term, and would achieve consistency with the federal definition. Post-hearing comments, p. 13.

36. The Examiner finds the agency's proposed deletion will not result in a substantially changed rule, and that the rule, as amended, is reasonable.

37. Rule 9100 WWW. defines "waste" to include any discarded material in whatever form. Again, comments were received from Hennepin County and Washington County.

The proposed definition is substantively the same as the existing rule, 6 MCAR § 4.9001 B. 42. Washington County urged that the entire section be deleted since it is unnecessary and confusing because it does not specifically include the phrase "other waste materials". This omission raises the question of whether reused, reclaimed or recycled materials are a waste.

38. In post-hearing comments, the agency believes that any confusion could be cured by changing the proposed definition of "waste" from its present form to the form used in Minnesota Statutes. Along with the other statutory definitions noted above, Minn. Stat. § 116.06, subd. 9a (1982), defines "waste" by referring to Minn. Stat. § 115A.03. That statute, in subdivision 34 (1982) defines "waste" to mean "solid waste, sewage sludge, and hazardous waste".

39. For reasons already stated, it is desirable to maintain consistency between the statute and the rules. While the original proposed rule is very broad, it is limited to "discarded material". The statutory definition proposed to remedy the Washington County objection is broader, but it also includes "other discarded waste materials . . . resulting from industrial, commercial, mining and agricultural operations, and from community activities . . . ."

The agency had earlier argued that it was desirable to maintain consistency between Minnesota statutory definitions and the definitions contained in these rules whenever possible. The Examiner agrees with that reasoning. Therefore, he finds that the agency's proposed change is reasonable. Because of the way that the definitions of "sewage sludge" and "hazardous waste" are encompassed within the statutory definition of "waste", the change does not create a substantial change from the scope of the rule originally proposed.

40. Rule 9100 BBBBB., which defines "well" is the last definition to draw comment. The definition proposed by the agency is:

> Any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

41. The Seven-County Hazardous Waste Task Force recommended that the definition be eliminated because the term is adequately defined in Minn. Stat. § 156.02, subd. 1, and no apparent purpose is served by using a different definition for the purposes of these rules. Tr. 1-32-33.

42. The definition proposed by the agency is taken from federal rules, and is identical to the federal definition.

The definition referred to by the task force is a much more precise definition used in connection with the Minnesota Department of Health's regulation of water wells and exploratory drilling wells. It includes any excavation when the intended use is for the location, diversion, or acquisition of ground water. However, it excludes and excavation made for the purpose of obtaining or prospecting for mining or quarrying products, as well as excluding certain other matters.

There is no substantial difference in the definitions at the present time as they would relate to the kind of wells referred to in these rules. However, it is unlikely that any user of these rules would look to the Department of Health's statute unless they were specifically directed to do so. And, it is unlikely that any legislative body or person proposing an amendment to the Department of Health's statute would consider the impact of the amendment on these rules. In fact, it is likely that persons interested in the operation of these rules would not even be aware of any changes in the Health definition.

43. The Examiner believes that it is important to have some definition of the term in these rules. The Examiner further believes that the most appropriate definition to have is one which is specifically related to either the agency or hazardous waste management generally. Since the language proposed by the agency is the federal language, and since it is appropriate to have some definition in these rules, it is found that the agency's original proposal is needed and reasonable without change.

44. At the hearing, the agency made available copies of proposed changes to the rules to correct erroneous addresses for obtaining certain documents

and erroneous references to other documents (including statute numbers) which have been updated during the pendency of these rules. It is found to be both needed and reasonable, and not a substantial change, for the agency to update the erronious rules. See, MPCA Ex. 102.

Chapter Two

45. Rule 9128 B. deals with mixtures of hazardous and non-hazardous waste in a variety of circumstances.

Rule 9128 B. 3. provides that a mixture is deemed to be a hazardous waste if it is a non-sewered mixture of non-hazardous waste and any waste listed in Rule 9134 (with certain exceptions) or any waste which is hazardous because it exhibits EP toxicity as identified in Rule 9132 unless the resulting mixture has been excluded from regulation pursuant to Rule 9104 B.

46. NSP stated that this rule could have a substantial impact upon its program of burning refuse derived fuel (RDF). RDF is municipal solid waste that has been processed for burning in an incinerator or utility boiler to produce steam. RDF has been declared to be an exempt waste by the EPA. RDF is specifically covered in Rule 9100 Q. 2. which defines "discarded" to mean abandoned by burning or incineration, except where the material is being burned as a fuel for the purpose of recovering usable energy.

When RDF is burned to recover fuel, the non-combustible portion of the RDF leaves the incinerator as either bottom ash or as fly ash. NSP is concerned that the proposed rules could result in classifying the fly ash as a hazardous waste. The net result of this would be a significant additional expense in using municipal waste for fuel.

Industry practice is to mix fly ash with bottom ash prior to disposal. This mixture does not contain any toxic contaminants in concentrations which would render the mixture to be hazardous. However, proposed Rule 9128 B. 3. would classify the mixture as hazardous because the fly ash component does contain lead and cadmium in concentrations exceeding the limits specified in Rule 9132 G. 3.-1. prior to mixing.

Under the federal scheme, a mixture of the non-hazardous waste (the bottom ash) and a Rule 9132 EP toxic waste is not considered a hazardous waste unless the resultant mixture exhibits any characteristics of hazardous waste. Under the state scheme, however, the mixed ash would be a non-sewered mixture of non-hazardous waste (the bottom ash) and a waste which is hazardous because it exhibits characteristics of EP toxicity as defined in Rule 9132.

NSP proposes to make two changes to the rules which would have the effect of treating such a mixture as a hazardous waste unless the mixture no longer exhibits any characteristics of a hazardous waste. NSP argues that there are significant policy reasons for making the changes, including the following:

1. The suggested amendment would allow state rules to be equivalent to federal rules, but would in fact be more stringent in some cases.

2. At least the same amount of lead and cadmium, if not more, would be disposed of in a solid waste landfill if the RDF were not burned.

3. Ecologically, incineration is preferable to landfilling of garbage, and requiring that RDF ash be treated as a hazardous waste will operate as a disincentive to development of incineration projects.

47. The Agency, in its Statement of Need, argued against the federal standard because it would allow any hazardous waste to be diluted to a point where the mixture no longer exhibited characteristics of hazardous waste, and the mere fact of dilution does not in any way remove hazardous constituents from the environment. The agency fears that certain hazardous materials may be reconcentrated by bioaccumulation and, if placed in an ordinary sanitary landfill, may be leached and thus cause ground water contamination.

48. No person argued that landfilling of solid municipal waste was preferable to using it as RDF. The Examiner agrees with NSP that, from a broad ecological standpoint, incinteration is preferable to landfilling. However, the Examiner also agrees with the agency that to allow dilution to remove a substance from the hazardous category would result in abuses. NSP's comment raises these broad policy considerations, which were not given that much attention at the hearing or in the record. They deserve greater attention.

The situation posed by the NSP comment is a limited one. But, NSP's solution is far broader. The Examiner believes the agency's position is reasonable in light of the numerous mixtures which are generated in the state. However, policy reasons may dictate special treatment for RDF ash, depending upon additional facts which are not in this record. Therefore, the Examiner finds that the agency's original proposal is reasonable, but he would urge NSP to pursue this matter in greater depth through either a variance proceeding, a noncontroversial amendment to the rules (such as adding this mixture to the list contained in Rule 9104 B.), or otherwise so that the specific problem of RDF can be remedied without creating an overly-broad loophole.

49. Rule 9128 B. 4. deals with essentially the same problem of a non-hazardous and hazardous mixture, but in the case of paragraph B. 4., if the mixture is sewered, it is treated differently. The rule provides that the mixture shall be deemed a hazardous waste unless, prior to entering the sewer, the resulting mixture no longer exhibits hazardous characteristics and the sewering of the mixture has been approved by the agency pursuant to Rule 9211. A mixture defined as non-hazardous under paragraph B. 6. is not affected by rule B. 4. The approval mechanism specified in Rule 9211 (which will be discussed in greater length below) is essentially a disclosure procedure, which, in the case of mixtures such as those covered by this paragraph, is aimed at identifying the treatment plant to which the mixture would flow, whether or not it has an NPDES permit, and other information which would allow "tracking" should a problem occur.

50. The Sierra Club pointed out that this provision assumed that the Clean Water Act was being enforced, that sewered wastes were being adequately

treated at the wastewater facility, and were not bioaccumulating. The Club asked whether there was any certainty for these assumptions.

51. Existing agency rules and the permitting and repermitting processes of the agency in connection with wastewater treatment facilities both do deal with permissible concentrations of toxics. For example, 6 MCAR § 4.8014 and 8015 both contain various limitations with regard to known toxics. The Examiner takes notice of the fact that at least some toxic removal capabilities are a matter of debate during the permitting process for individual treatment plants (the Metro Plant of the MWCC, for example; see Hearing Examiner's Report, PCA-82-015-AK). The Examiner believes that a presumption of regularity must be relied upon in the absence of contrary evidence, and therefore finds that the agency's proposal for paragraph B. 4. is reasonable.

52. Rule 9128 B. 6. c. also deals with sewered mixtures of non-hazardous and hazardous wastes. It provides that heat exchanger bundle cleaning sludge from the petroleum refining industry is not a hazardous waste if the generator can demonstrate that the mixture consists of wastewater which is subject to regulation under the federal Water Pollution Control Act Amendments of 1972, as amended, and that the mixture is not a hazardous waste as defined in paragraphs B. 1., B. 2., or B. 4.

Washington County, however, questioned this exemption, asking why sewering renders the waste non-hazardous, or sufficiently non-hazardous to exempt it from regulation.

53. The Agency has adopted this exemption verbatim from the federal rule, 40 C.F.R. § 261.3 (a)(2)(iv)(C), and is relying on the justification for that rule set forth at pages 56585 and 56586 of the Federal Register for November 17, 1981 (MPCA Ex. 30). An examination of the explanation for the federal rule indicates that the concentration of hazardous substances resulting from the sludge are so minute as to not require regulation. Tests were done of the wastewater streams at seven different refineries, and they detected the hazardous components in only minute quantities.

54. The Examiner finds that the Agency has justified the need for and reasonableness of the proposed rule.

55. Rule 9128 B., generally, drew criticisms from Hennepin County based upon difficulties in attempting to explain the operation of the rule to industry. The County has prepared two handouts (Appendices C and D to its submission) to describe the present rules to industry. I has used these handouts to identify approximately 1200 waste streams. Essentially, the comment goes to the layout and format of this paragraph B. As it regards this paragraph, the comment would not result in any substantive changes, but would rather just reorder items within the paragraph for better understanding. The Examiner directs the agency's attention to the proposals for improved format, but does not believe that the suggestions go to either need or reasonableness. The agency may consider whether a different format would result in a clearer rule.

56. Rule 9128 C. 2. is a broader exemption for sewered wastes. It provides an exemption from a number of chapters of the rules for sewage, and

any mixture of untreated sanitary sewage and other wastes formed by the combination of untreated sewage and one or more other wastes if they are discharged through a sewage system to a publicly owned treatment works (POTW) for treatment, so long as none of the individual wastes are hazardous.

The predecessor to this rule is existing rule 6 MCAR § 4.9002 C. 7., which provides an exemption for:

> Any composite wastewater that is formed in a sewer system by the combination of two or more individual wastes that have been discharged into the sewer system. This exemption does not include any of the individual wastes which form the composite waste water.

57. H. B. Fuller Company, in a series of letters going back to 1981, pointed out that publicly owned treatment works (POTWs) having approved pretreatment programs are already enforcing standards as strict, if not stricter, than the agency seeks to impose. As an example, Fuller stated that a entity with a simple Ph neutralization pretreatment system will have to approach three different agencies (the MPCA, the county, and the MWCC) within the metro area to obtain an approval for disposal into the metropolitan disposal system (MPCA Ex. 97-P). While the thrust of Fuller's comments go to proposed Rule 9481 G., which specifically deals with pretreatment units, Fuller also specifically referred to paragraph C. 2. Hennepin County also referred to the same combination of rules, indicating that it felt that the rules took the County beyond reviewing waste management and into the area of regulating water quality. This bothered the County because they did not feel they had the equipment or staff necessary to insure compliance, and that the MWCC did have adequate staff and equipment for such a program. The County felt it was unreasonable to duplicate the effort.

58. The agency, in its Statement of Need and Reasonableness (SONAR) stated:

> The indirect discharges of pretreatment facilities are not directly regulated by the agency through the pretreatment program. Rather, the receiving POTW regulates the dischargers through a program which is subject to agency review. Currently the pretreatment program is not well established and is not adequate to address the potential environmental problems that may be raised by the discharging of hazardous waste. Therefore, the agency believes that it is appropriate to regulate such indirect discharges under the hazardous waste program. Since generators who discharge to a POTW without pretreating the waste are required to evaluate their wastes, file a disclosure and have their management plan approved, it is reasonable to subject generators who do pretreat their wastes to the same requirements. (SONAR, p. 291)

59. There are a variety of POTWs in the state with a variety of capabilities for dealing with the monitoring and detection of hazardous waste. If the Metro Plant of the MWCC were the only POTW affected, the Examiner might agree with Fuller's and Hennepin County's comments. However, these rules are applicable on a statewide basis. While the Examiner believes it would be desirable to fashion an exemption for POTWs with a demonstrated ability to deal with pretreatment facilities through their own pretreatment programs, it is found that on a statewide basis, the agency's rule has been shown to be both needed and reasonable. However, it would make sense for the agency to attempt to avoid the duplication complained of in those situations where there has been a demonstration of a POTW's capabilities. Fuller, in its 1981 letter, makes some cogent arguments in favor of relying upon POTW pretreatment programs.

60. Rule 9128 C. 10. provides an exemption from some chapters of these rules for wastes resulting from spills if the waste is ultimately taken to a hazardous waste facility. The predecessor to this rule is found at 6 MCAR § 4.9002 C. 12., but with different language. The new language clarifies that the exemption applies only as an immediate response to an emergency, and that the waste must ultimately be sent to a permitted facility.

61. Hennepin County urged that the rule provide a time period by which the waste must be taken to a facility in order to make the rule enforceable. However, no specific time period was recommended.

62. While a more complete rule would include a time period, it would have to be based upon a concept of "reasonable time period", in order to accommodate the variety of spills which can occur. A spill from a 55-gallon drum onto a relatively impermeable surface is one thing, but a spill from a large tanker onto permeable soil is another. It would be difficult to fashion a rule which could set a fixed time limit for both. Most complete would be a rule which listed various quantities and types of spills, and set different time limits for each. The fashioning of such a rule is well beyond the ability of the Examiner, or anyone else based upon what is presently in the record. The Examiner finds that the agency's proposal has been demonstrated to be reasonable without any fixed time limit.

63. Rule 9128 C. 13. exempts from certain chapters of the rules "petroleum-derived waste oils which do not contain waste listed in [Rule 9134] and are to be beneficially used, reused, recycled, or reclaimed." The cited rule, Rule 9134, provides a list of hazardous wastes, but excludes wastes which have been the subject of a successful petition. Therefore, waste oils that are not reused or recycled and waste oils that have been mixed with a listed hazardous waste are subject to the chapters at issue.

64. Hennepin County argued that the practical impact of this rule will be to force any company generating waste oil to test their oils for listed hazardous components. It stated that most of the waste oils themselves are hazardous based on lead content alone. "Waste oil from a car using unleaded gas has a lead content above 70 ppm and oil from trucks had a lead concentration exceeding 1000 ppm. Both of these oils should be hazardous according to the EP toxicity test . . . waste oils are hazardous and should be regulated." Washington County also voiced a similar concern. Both counties

favored the existing system contained in 6 MCAR § 4.9002 B. 3. g. and h., which list all used crankcase oil and petroleum wastes as hazardous, but uses other rules to provide special treatment for used crankcase oil in connection with other substantive requirements such as transport and shipping papers. Hennepin County described the current program as follows:

> Presently, waste oils have to be disclosed as a hazardous waste. In order for the generators to prove their wastes are recycled, we ask them also to indicate who transports their oil and who disposes/recycles it. Shipment of the oils does not require shipping papers; only that the transporter keep a log of his shipment.
>
> * * *
>
> A better alternative would be to require that the waste oils continue to be a hazardous waste and disclosed as such. The generator would have to indicate the transporter and disposers and so we could assure adequate waste management. We do not charge generator fees for waste oil and there are no manifests required for shipment. A disclosure is a bare minimum in terms of regulatory requirements.

65. The agency, in its Statement of Need and Reasonableness, argued that the old system generated numerous comments, ranging from a proposal to make all waste oil hazardous to a proposal that no waste oil should be regulated as hazardous. The agency is currently participating in a national waste oil study being conducted by EPA, which includes sampling and analyses of waste oil generated in Minnesota. The agency desires to wait until the results of that study are available to better evaluate what level of regulation is appropriate for waste oil. It argues that to regulate all waste oil as hazardous waste at this time would place a substantial burden upon the thousands of service stations (and small businesses which handle crankcase oil and cutting oils) out of proportion with the extent of the known hazard. The agency believes that its proposal, to regulate waste oil which does contain listed hazardous substances, is a more reasonable approach. (SONAR pp. 37-38) In its post-hearing comments, the agency responded to both counties by pointing out that its proposed rule would serve to encourage generators to reuse or recycle their waste oils, and to not mix listed hazardous wastes with it. The proposed rule would better satisfy these goals.

66. In comments on earlier versions of the rule, the Northwest Petroleum Association (MPCA Ex. 97-Q) and the Minnesota Service Station Association (MPCA Ex. 97-R) both urged that there be a distinction between recycled waste oil and non-recycled waste oil, with the burdens on the former being as reasonable as possible to encourage recycling. The latter association pointed out that the value of used oil had risen from three cents per gallon in 1976 to twenty cents per gallon in 1981. The record does not reflect its current value.

67. The Examiner finds that in light of the stated goals of the agency to favor recycling and to discourage mixing, its proposed treatment of waste oils is reasonable. The Hennepin County comments regarding the lead percentages in used crankcase oils do cause concern, but the Examiner would require a stronger showing of the frequency of occurrence of those levels before declaring the rule to be unreasonable.

68. Rule 2128 C. 14. provides an exemption from certain chapters for samples collected for the sole purpose of testing under certain specified circumstances.

69. Economics Laboratory (MPCA Ex. 104, dated September 23, 1983) urged that conditions (a.)-(f.) be deleted because they are unnecessary. H. B. Fuller described the conditions set forth in the last paragraph as redundant, repetetive and unnecessary because the sample collector or shipper would follow them anyway. (MPCA Ex. 99-X).

70. The Agency, in the SONAR, pointed out that this rule is identical to the federal rule, and argued that it must include this provision in its rules in order to achieve equivalency with the EPA regulations.

71. The Examiner is unaware of any facts peculiar to Minnesota which would justify a deviation from the federal rules regarding testing samples. Economics Laboratory attempted to convince the EPA to delete these provisions from its proposed interim final rule, but was unsuccessful. The rule is now a part of the federal rules. This is perhaps one of the clearer situations where there has been no justification for deviating downward from the federal rule. The Agency offered none, and neither did the commentators. Under the circumstances of the state's relationship with the federal agency and the virtually unanimous desire for the MPCA to obtain EPA authorization, the agency's rule should be allowed to stand as is. The justifications given by the EPA, and relied upon by the state, are adequate to find this rule to be needed and reasonable without change.

72. Rule 9129 deals with use, reuse, recycling and reclamation generally, by providing that a hazardous waste that is to be beneficially used or legitimately recycled or reclaimed is exempt from Chapters Three through Eight unless it meets one of five exceptions, in which case it is subject to certain of the rules, but not others, depending upon its nature. Although the rule is based upon the federal rule, it does deviate from it in requiring "stricter" regulation for certain of the wastes. The basic rationale behind this deviation is set forth in the agency's SONAR. The agency states that recycling markets fluctuate widely in demand, and a waste may fall in and out of the regulatory system based upon price. A waste originally intended for reuse may ultimately be disposed of instead of recycled due to unforeseen market factors. The agency is presently dealing with several situations where waste which was originally intended for recycling has been stored in an uncontrolled manner for extended periods of time, causing soil and ground water contamination. In one situation, this storage has been ongoing for over ten years, and has resulted in soil contamination, improper discharges to city sewers, and violations of air quality standards.

73. Otter Tail Power, in a letter dated February 24, raised a question with regard to the scope of the requirements imposed upon a waste described in paragraph B. 3. of the rule. Specifically, Otter Tail was concerned as to whether the rules which would have to be met included not only transportation and storage requirements, but also the recycling activity, so that the facility standards of Chapter Five would apply as well. Otter Tail does not believe that these facility standards ought to apply because they are not treatment, storage or disposal activities, but rather they are recycling activities. It proposed a change to clarify that only transportation and storage requirements would apply. The Examiner reads the rule so as to answer Otter Tails' inquiry in the affirmative. By its clear language, subparagraph B. 3. a. does impose all of Chapter Five's requirements to the waste of concern to Otter Tail. This would not be the case if the waste were of the type specified in paragraph B. 1. or B. 2., but for all the wastes specified in paragraphs B. 3. the facilities standards of Chapter Five do apply. For example, EP toxic wastes are included within the paragraph B. 3. of interest to Otter Tail. The agency's SONAR cites a situation where the uncontrolled outdoor storage of EP toxic wastes has resulted in a pH of 1.0 in soils as deep as 17 feet under the waste pile, soils contaminated with lead and arsenic, and the discharge of acid runoff into storm and sanitary sewers causing damage. The outdoor storage provisions of Rule 9318 are specifically included as one of the rules which must be complied with by a paragraph B. 3. waste. As noted earlier, what begins as recycling may end up as storage, absent some time limitation or other provision to require that once a waste is accepted for recycling, it must be recycled regardless of market conditions that might render such recycling uneconomical.

74. This positon of the agency was supported by Hennepin County, at least with regard to permitting requirements.

75. The Examiner finds the agency's proposal to have been justified. While the Otter Tail concern could be dealt with by a wholly new rule, there is no such rule proposed and it could not be fashioned at this time.

76. Rule 9129 B. 1. was the subject of a question from Washington County. There are certain pre-transport requirements in proposed Rule 9214 which Washington County believed were required by the Department of Transportation for all generators including those planning to recycle. According to the agency's proposed rules, the requirements of Rule 9214 would be imposed upon B. 3. wastes, B. 4. wastes, and B. 5. wastes, but would not be imposed upon wastes covered by either paragraphs B. 1. (except as provided for in j.) or B. 2.

77. The Minnesota Department of Transportation, in connection with a separate rule (9210) recommended that the rule be amended to add language to remind persons subject to it that they must comply with the requirements of the Department of Transportation as there are no exemption available from those requirements. (MPCA Ex. 99-M) Those are the same requirements which are at issue here. It would seem that the same solution (which was accepted by the agency in that case) ought to apply here if the Washington County comment is correct. While Rule 9129, as proposed by the agency, is not erroneous without the addition, it would be certainly helpful for persons subject to the rule to be aware of the Department of Transportation

requirements. Essentially, the agency would be doing them a favor and a courtesy. While they will be subject to those requirements regardless of whether the agency lists them in this rule, it would be desirable to do so to avoid the questions raised by Washington County's comment.

78. Rule 9132 B. and C. both contain provisions allocating the hazardous waste number "D 001" to difference substances. 9132 B.2. allocates that number to certain waste characterized by ignitability, while 9132 C.2. assigns the same number to certain oxidzers.

79. H.B. Fuller Company noted that using the same number for such different wastes did not serve the purpose of differentiating wastes, particularily in an emergency situation. MPCA Ex. 99-X.

80. The Agency responded, in its post-hearing comments, that under the Federal rules oxidizing wastes are treated as a subset of ignitable wastes, and that in order to have numbers which are consistent with EPA's numbers (so that interstate shipment of hazardous waste is not affected), the Agency feels constrained to assign the same numbers as EPA.

81. The Examiner finds that the Agency has justified its proposal. While Fuller may have pointed up a problem with the different structure of the state and EPA rules, clearly the numbering system ought to be consistent between the State and Federal rules, and, therefore, he finds the Agency has justified the need for and reasonableness of these two rules.

82. Rule 9132 F. contains the toxicity test for determining toxicity other than EP toxicity. It sets forth a procedure for administering various doses of the test waste to rats or rabbits. The rule is taken from existing rules 6 MCAR §§ 4.9001 B.24. and 25., and 4.9002 E.5. However, toxicity is not treated as a hazardous characteristic in the federal regulations.

83. At the hearing, Land O'Lakes objected to the inclusion of paragraph F. It was pointed out that Rule 9132 G., which deals with EP toxicity, contains a table which lists 14 different substances with associated concentrations. If a waste contains the given substance in a concentration greater than that set forth in table, it is a hazardous waste. Land O'Lakes alleges that testing for these listed substances was relatively inexpensive and straight forward. But testing for other possible toxic substances which might be considered hazardous by virtue of paragraph F. would require the generator to use a laboratory. The spokesman stated that he had been able to find only one private sector laboratory with the capacity to do the test, and its cost was $900 per sample. TR 1-87-90.

84. In its SONAR, the Agency states that it has retained most of its existing rules on toxicity because many wastes are hazardous only because of toxicity, and unless these wastes are already included in the listed hazardous wastes, they will not be controlled under other rules. The Agency argues that paragraph F. is especially needed to cover new and currently unlisted wastes which are toxic. SONAR, p. 60. In its post-hearing comments, the Agency responded to Land O'Lake's input by stating that experience with the existing rules demonstrated that the toxicity requirements have not been overly burdensome to generators because generally there is sufficient "soft data" to

allow a generator to determine whether a waste would be toxic based upon the tests set forth in the rules. Therefore, the Agency argues, in most cases, actual lab testing (animal tests) will not be necessary. While it is not clear, it appears the Agency is relying on the procedures set forth in Rule 9133 to allow the use of the "soft data".

The method for using this "soft data" is set forth in paragraph F.2., which permits the generator to rely on "available information and knowledge". If available information and knowledge are insufficient to reasonably determine toxicity, the generator must notify the director, who may order additional evaluation by a number of methods, including an animal test.

85. Another factor to be taken into account in weighing the reasonableness of the paragraph F. method for including toxics as a hazardous waste is the exemption procedure set forth in Rule 9133. This Rule allows a generator to demonstrate that the waste is not capable of posing a present or potential hazard to human health and the environment under routine waste management waste methods. It requires a showing from the demonstrator of a large number of factors.

86. Paragraph F. clearly puts a burden on industry. Unlike the EP test and its table of compounds and concentrations, industry will have no easy way of knowing whether or not a waste might be toxic using the test under paragraph F., other than relying on "soft data" or the exemption procedure. However, this method has been in existence for some time, and the Agency claims that generators have been able to live with it. It was the subject of a number of comments made early on in the rule making process. (See, generally, MPCA Ex. 97 and 98). However, with the exception Land O'Lakes, the individuals and groups supplying those comments did not raise them at the hearing. The only persons who commented in response to the Notice of Intent to Adopt Rules Without a Public Hearing published in the October 24, 1983, State Register who mentioned this Rule were 3M (MPCA Ex. 99-S) and Land O'Lakes (MPCA Ex. 99-J).

Certainly new compounds are manufactured which are toxic. In addition, new information is learned about older compounds which was not known previously. It is necessary, and reasonable, for there to be a procedure similar to that specified in paragrph F. to determine whether or not these compounds are toxic. Therefore, the Rule is found to be both needed and reasonable.

87. In comparing the new Rule 9132 F. with the old Rules from which it is taken, the Examiner notes that the concept of an LD 50 has been deleted, but there is no replacement concept for determining how many animals must die in order for the substance to be determined to be toxic. This concept may be included within the word "lethal" contained in paragraph F., but the Examiner is unclear. The Agency should check this Rule to be sure that there has not been an inadvertent omission of some material. If the material is located somewhere else in the Rules, a cross-reference would be helpful.

88. Rule 9134 contains a number of lists of hazardous waste. In addition, paragraph E. deals with PCB wastes. The lists and PCB's will be dealt with separately.

Rule 9134 B.1, C.2. and D.5. all contain lists which are identical to lists in the Federal Rules at 40 C.F.R. §§ 261.31, .32 and .33. Washington County pointed out that all three lists are extremely specific, but that specificity may allow certain hazardous wastes to escape regulation. Examples for all three were set forth by Washington County. The examples deal with problems of mixing and definition.

89. In its post-hearing comments, the Agency disagreed with the County's characterization of "loopholes". The Agency pointed out that even if a certain chemical is not contained in the list, it may still be deemed to be hazardous by virtue of its characteristics which would fit within one of the categories set forth in Rule 9132 (such as toxicity in Rule 9132 F. discussed at length above). In each of the examples cited by the County, the Agency has responded with a rational explanation of how they would be dealt with under the Rules as a whole. The Agency goes on to state that it would impossible to list each and every variant of each and every chemical. That is why Rule 9132 exists in addition to the lists of this Rule 9134.

90. The Examiner agrees with the Agency that the method chosen by EPA, when supplemented with the other "characteristics" standards, does provide a mechanism for identifying all hazardous wastes.

91. Rule 9134 E., dealing with PCBs, generated controversy. PCBs are listed as hazardous wastes (if their concentration exceeds 500 ppm) in existing Rule 6 MCAR § 4.9002 B.1. and leachate is deemed to be hazardous if its PCB concentration exceeds 0.01 ppm pursuant to paragraph B.2. of that Rule.

92. Under the federal system, however, PCBs are not treated as a hazardous waste, but rather are regulated under the Toxic Substances Control Act (TSCA). Minnesota has no counterpart to TSCA.

93. As well as treating PCBs as a hazardous waste under the existing rules, there is a special state statute and rule governing PCBs. The statute, Minn. Stat. § 116.37, subd. 1, provides that no person shall "use, possess, sell, purchase or manufacture PCB or any product containing PCB" without an exemption from the Agency. In addition to the procedure for obtaining an exemption, the statute requires labeling of products prior to their manufacture or sale, and provides rulemaking authority for the agency.

The existing special Rule, 6 MCAR § 4.8038, defines "product containing PCB" to be an item containing 500 milligrams per kilogram of PCB or more. The Rule specifies a detailed procedure for applying for a Certificate of Exemption and guidance to the Agency regarding the issuance of certificates. It also deals with exemptions for small capacitors and transformers, as well as certain materials puchased for the manufacture of recycled paper products.

94. The Agency's SONAR points out that there is a different thrust between the special rule and the treatment of a waste under the hazardous waste rules. The special rule is aimed at the use, reuse and storage of PCBs and PCB products. The hazardous waste rules are aimed at PCB waste. In other words, if a manufacturing company produced a product that contained PCB in a concentration of at least 500 milligrams per kilogram, the production and sale of that product would be governed by the statute and the special rule.

However, the disposal of that product would be governed by the hazardous waste rules. This is made clear by Rule 9134 E.2., which provides that:

> "PCB materials or items are hazardous waste if and when they are discarded or stored prior to being discarded . . .".

95. Chemical Consultant Formulators is strongly opposed to the Agency's implementation and enforcement of the existing special rule. It is also opposed to the inclusion of PCBs in the hazardous waste rules. It favors the adoption of the Federal TSCA System in Minnesota. TR. 1-42-44 and letter dated January 27, 1984, Pub. Ex. 1).

Land O'Lakes expressed concern about the different "thresholds" of concentration between the existing special rule and the proposed hazardous waste rules. The existing special rule covers PCB products with a concentration of 500 milligrams per kilogram or more. The proposed hazardous waste rule, however, would cover wastes containing 50 parts per million (50 milligrams per kilogram). Land O'Lakes believed that readers could be confused and use the greater concentration without being aware of the lesser one. Finally, Land O'Lakes believed that the existing special rule was adequate and that the proposed rule was unnecessary.

96. The Agency responded to CCF's and Land O'Lakes's comments by pointing out that the proposed rule was designed to cover PCB wastes only when the waste is to be managed for disposal, and that it does not address the same issues as the existing special rule, which relates to the manufacture, sale and use of products containing PCBs. The Agency argued that the two were mutually exclusive, and both were necessary. Unless the Agency were to adopt a program similar to TSCA, there would be a regulatory gap unless the hazardous waste rules included PCBs.

97. The Examiner finds that the Agency has justified both the need for and reasonableness of including PCBs as hazardous wastes in the proposed rules. There were some more specific comments raised regarding PCBs which will be discussed separately.

98. Rule 9134 E.4. provides that PCB wastes may be transported without a manifest if transportation is via the owner's own vehicle and if that transportation is between the owner's facilities or premises. Such transportation would still be subject to the applicable U.S. Department of Transportation Regulations, which includes a bill-of-lading requirement.

99. Hennepin County suggested that, for monitoring purposes, it ought to be supplied with a copy of the bill-of-lading for "major shipments" transported pursuant to this exemption. TR. 1-63. In a later written submission, the County pointed out that having these bills-of-lading copied and sent in would be a minimal requirement, and would allow monitoring of major transfer/consolidation facilities on a materials-in versus materials-out basis. Hennepin County Comments, p. 10. NSP opposed that proposal. Tr. 2-18. It stated that in developing the rules, MPCA Staff had reviewed existing federal and state recordkeeping requirements and concluded that an

additional manifest for transfer of PCB's between a generator's own facilities would be unnecessary. NSP favors adopting the Federal Hazardous Waste Rules (which do not deal with PCBs at all), but through negotiations with the Agency staff, it had arrived at reasonable requirements concerning PCBs. It thought that this additional submission of a bill-of-lading went beyond reasonableness.

100. In its post-hearing submission, the Agency pointed out that the exemption would allow generators to transport PCB items from service areas, such as utility poles, to accumulation areas without having to prepare and distribute a manifest. The Agency stated that it was not practical to consider service areas as points of generation, since generally they do not have an address or any means of specifying their location. The shipments are very small, and do not pose a substantial risk to human health or the environment. It is important, the Agency believes, to have a manifest when PCB wastes are shipped to a facility for storage, treatment or disposal. This requirement will be met. But the Agency sees no need for one when the generators are shipping PCB items in their own vehicles between their own locations.

101. The Examiner finds that the Agency has justified this exemption, both as to need and reasonableness. Under the circumstances, it does not appear necessary to impose an additional paperwork requirement.

Chapter Three

102. Rule 9206 relates to the timing of waste evaluation. It deals with questions of when to measure mixed wastes, when to reevaluate waste, and when the evaluation of one waste may be substituted for that of another waste.

103. Hennepin County urged that the Rule be modified to include a requirement that the waste be measured at a time when the properties being measured posed the greatest hazard. This requirement existed in the Agency's prior rules at 6 MCAR § 4.9002 E.7. and the County believed it ought not to be repealed. Tr. 1-62. The County pointed out that measurements can vary depending upon when a sample is taken.

104. The Agency pointed out that the federal rules have no comparable requirement and the proposed rules had been rewritten to follow the federal rules when there is no concern that hazardous wastes will escape regulation. The staff does not believe that any waste will escape regulation because of the elimination of this provision.

105. The Examiner finds that the Agency's proposal to eliminate this requirement is needed and reasonable. The staff has had adequate experience to determine whether or not it is necessary, and in matters such as sampling protocols, consistency with federal rules is desirable.

106. Hennepin County also commented about another requirement, regarding when it is necessary to measure individual components of a mixture prior to mixing. The Agency's post-hearing comments contain a valid justification for the Agency's position on this. The Agency's proposal is reasonable.

107. Rule 9210 provides special requirements for small quantity generators. It defines the quantities which a generator must restrict itself to in order to take advantage of the rule, and it also provides exemptions and reduced requirements for generators who comply with the rule.

In the SONAR, the Agency notes that the existing rules do not have any exemption for small quantity generators of hazardous wastes. Based on experience gained under those rules, the Agency believes that small generators do present significant risk and their wastes must be managed in an acceptable manner. Therefore, rather than adopt the federal approach of exempting small quantity generators from nearly all regulation, and allow their hazardous wastes to be disposed of in sanitary landfills, the Agency has adopted a stricter approach that will protect the environment from these wastes, but reduce many of the burdens of full regulation. SONAR, pp. 74-80. The North Star Chapter of the Sierra Club and the Carver County Local Project Review Committee both had positive statements about this rule.

108. Manifesting of shipments from small generators did draw adverse comments. As originally proposed in October, the rules would have exempted small generators from the manifest requirements, but substituted a requirement that the generator maintain a written log containing specified information about each shipment. The Agency received comments critical of that provision from various Metro area counties. The comments indicated the substantial portion of the waste in the Metro area is generated by small quantity generators, and that manifesting was vital to maintain a tracking and auditing system. See, MPCA Ex. 99-LL, MM, NN, Q and T, as well as Appendix E to the Hennepin County submission. Ramsey County's letter pointed out that small quantity generators would be subject to the DOT requirements, one of which is a bill-of-lading. It anticipated that most transporters would continue to utilize the combined form of manifest and bill-of-lading already developed. The Agency's proposed rule would have the practical effect of only saving the generator or transporter an evelope and a stamp, but would deprive the counties of a valuable enforcement tool in assuring that waste were being properly disposed of.

In response to these comments, the Agency changed it position. It retained the existing requirement that small quantity generators use a manifest. It gave essentially the same reasons as did Ramsey County for its change.

109. Safety-Kleen, an Illinois-based recycler of dry cleaning wastes, opposes the Agency's new position. It proposes that its drivers be allowed to keep a log which lists a number of pick-ups from various points on one sheet. It urged that this log be allowed in lieu of individual manifests. Attached to the comment letter was a sample form proposed to be used by Safety-Kleen. An examination of the form indicates that it does not provide all of the information required by the manifest Rule, 9212. In addition, there is no indication that a copy is available for the generator to maintain or submit pursuant to that rule. While it should be possible to devise a form and a system of usage which would accomplish the same result as that required by the Agency's proposal, the present Safety-KLeen proposal would not do so. It is, however, quite close to compliance, and if an industry desires to use this method, it should be possible to accomplish that goal within the requirements

of the Rules as proposed. The Agency has justified both the need for and reasonableness of its proposals for small generator manifests, and thus, if the industry desires to use the method proposed by Safety-Kleen, there will have to be changes made by the industry to accommodate its practices and forms the rules.

110. Small generators are exempted from the pre-transport requirements of Rule 9214. The Seven-County Hazardous Waste Task Force believes that applying the pre-transport requirements to small quantity generators would make them more aware of the seriousness of hazardous waste. Tr. 1-33. However, the Agency replied that the pre-transport requirements of § 9214 do already apply to small quantity generators because they refer to U.S. Department of Transportation regulations which do apply to hazardous waste transport regardless of the generator's size. This is the purpose of including paragraph E.8. in the Rule, which specifically directs the attention of small generators to the DOT requirements. An examination of the rule reveals that there is only one pre-transport requirement which is not covered by the DOT requirements. That is paragraph C.3., which requires certain warning notices on storage tanks and outlet valves. Therefore, as a practical matter, that is the only section which would be made applicable as a result of the proposed change. The Agency has demonstrated the need for and reasonableness of its exclusion, particularly in light of the addition of paragraph E.8.

111. Hennepin County objected to one of the provisions of paragraph C. of the proposed rule. That paragraph describes the status of a generator whose output exceeds the quantities listed for a small generator status. Paragraph C. provides that if the quantity generated in a calendar month exceeds the quantities listed in paragraph A., the small quantity generator becomes a generator and thereafter is subject to the requirements of Chapters 1 through 8 of the proposed rules. Hennepin County felt that to require a company to maintain full generator status, in perpetuity, was unreasonable. The County argued that it may be necessary to consider them a fully regulated generator while they have the waste at their site, but once the material is removed, they should be able to revert to the status of a small generator.

112. In post-hearing comments, the Agency responded that, as a practical matter, the differences between a fully regulated generator and a small quantity generator were not really so onerous, and that having a generator which fluctuates between being a full generator and a small generator was less desireable than requiring a small quantity generator to comply with the full quantity generator requirements if they went over the limit.

113. The Examiner agrees with the Agency that fluctuating status would be very difficult to enforce. Without substantial additional work on the Rule, however, it is difficult to see how the Hennepin County comment could be effectuated. If the Rule were merely modified the way Hennepin County suggests (treating a small generator as a full generator until they have removed the excess generation at their site) would have the practical effect of having their status fluctuate. The Agency may wish to consider some alternative to remove the perpetual full generator status that could result from a single month's excess, but the Examiner believes that the Rule is reasonable as proposed.

114. Rule 9211 deals with disclosures required by the Agency. Hennepin County submitted a number of comments and questions regarding this Rule. These are dealt with in the Agency's post-hearing response, and will not be discussed in detail here, with two exceptions.

115. Paragraph D. of the Rule requires that a person who produces a waste from a laboratory or pilot plant that "is a mixture of small amounts of unrelated . . . chemicals" may declare the waste a hazardous waste and need not test the mixture. Hennepin County asks what is meant by "small amounts". The County stated that their should either be some clarification of value adjectives such as this, or the words should be eliminated. They pointed out that there is presently a generator in the state which generates in excess of 500,000 gallons of laboratory chemicals.

116. This Rule is taken from existing Rule 6 MCAR § 4.9003 D.2., but has been modified. The existing rule is not limited to laboratory or pilot plant wastes, as is the proposed rule. The existing rule does, however, speak to wastes that are comprised of "small amounts" of chemicals. Therefore, with regard to this issue, the objectionable language remains the same, but the provision has been further limited to laboratory or pilot plant wastes.

In a situation where an Agency has not modified a rule, but is just readopting an existing rule, it has been held that the new rule is not "fair game" for review. In this case, the change involved is a limitation on the sources of the wastes, which now must be either laboratory waste or pilot plant waste. The issue raised by Hennepin County regarding "small amount" is not being changed. The objectionable language was there before, and it is merely being readopted now. Since there is no link between the actual amendment and the objectional language such that one could say that the objectionable language was also being amended, it is found that the language is not "fair game" for review. Nonetheless, the Examiner believes that such language may frustrate the goals which the Agency seeks, and would suggest the Agency that it consider further definition of this phrase either in this proceeding or in a subsequent one.

117. An existing Rule, 6 MCAR § 4.9003 E.3. requires that any active generator annually resubmit its disclosure documents, indicating any changes. These annual resubmissions were staggered throughout the year on an alphabetical basis. The Agency has proposed to delete the requirement for an annual resubmission in favor of an annual report required by the Federal Rules. Much of the information is the same, and the Agency felt that maintaining the annual disclosure and adding the annual report would only result in duplicative paperwork. Hennepin County's problem arises because of the timing of the new annual report submissions. They are to be submitted on a calendar year basis, not later than March 1 of the next year. Hennepin County complains that having all the reports submitted at the same time will create an unbearable burden. Hennpin County does not mind adopting the annual report format as opposed to the disclosure format, but it does object to the change in timing. Hennepin County points out that it has 4200 reports to review, and any meaningful review must allow for staggered filings.

118. In its post-hearing comments, the Agency disagreed with the County over whether or not the simultaneous submissions would be unmanageable. The

Agency pointed out that review of the reports need not be immediately performed, because information necessary to track wastes will be available from manifests and other reports. Therefore, the annual reports could be reviewed as time permits as a cross-check for the manifest and disclosure documents.

119. Another fact which enters into this matter is that while the annual resubmission of disclosures is being deleted in favor of the annual report, that does not mean that the County will only get necessary data once each year. Rule 9211 G.1. provides that whenever a generator first produces a hazardous waste, it must submit a disclosure within 75 days. For those generators who change their processees or introduce new products which generate new wastes, they must submit a disclosure document without waiting until March 1. This will offer some relief to the County.

120. The Examiner finds that the Agency's proposal is both needed and reasonable. The Agency believes that a calendar year is easier for generators to deal with than a 12-month period based upon where they fall in the alphabet. There is no question but that this will present some problems for Hennepin County, but the Agency does have a reasonable basis for its rule.

121. Rule 9212 relates to manifests. Paragraph G.2. requires the name and identification number of each transporter, but it does not require the address and telephone number of each transporter. These "omissions" raised objections from counties.

122. There are good and valid reasons for having this information. See, Hennepin County, p. 19, Tr. 1-35 and T. 1-66. However, in the area of manifests, national uniformity is important. As the Agency pointed out in the SONAR, shipments of hazardous waste frequently travel across state borders, and if each state had unique manifest requirements, multiple versions of the shipping papers would be required. "Now that EPA has established a national manifest system, it is reasonable to have a nationally acceptable and uniform manifest system. Therefore, it is reasonable to adopt the EPA regulations." SONAR, pp. 85-86.

123. Appended to Hennepin County's comments was a typical "generic" manifest. It does require the information sought by Hennepin County. But, the Examiner does agree with the Agency that national uniformity in shipping papers is an important goal. The Agency rule, without change, is found to be needed and reasonable.

124. Rule 9214 deals with pre-transport requirements, such as packaging, labeling, marking, placarding, and loading. This is the rule noted earlier which incorporates numerous U.S. Department of Transportation Rules.

125. The Seven County Hazardous Waste Task Force, Washington County, and Hennepin County all urge that paragraphs B. and C. of the rule be changed so that containers would be labeled and marked when wastes are first placed in them, rather than "before transportation".

126. The Agency, in its SONAR and post-hearing comments, points out that these rules are transportation rules, not on-site storage rules. There are

factors, such as consolidation into different containers prior to shipment, which would cause problems for generators in complying with the federal DOT rules (and this Rule 9214) if the operative language of the rule were not keyed to transportation. The Examiner finds that the Agency has justified the need for and reasonableness of its rule without the change recommended by the counties. That change might be appropriate in a rule dealing with on-site storage, but not for a rule dealing with transportation.

127. Rule 9214 B. specifies the form of a label which must be attached to each container. This is the same label at issue in the preceding discussion. A prior agency rule, 6 MCAR § 4.9003 H.1.a., required that the label include the generator's name and address, the manifest document number, the EPA identification number and the accumulation start date. Paragraph H.2. of that rule also required that the container be labeled and marked "in a manner that is suitable for interstate commerce."

128. The proposed amendments to this rule would require that the label contain only the generator's name and address and the manifest document number. The rule would no longer require the EPA identification number or the accumulation start date. The reason for this change is to correspond to the federal language. Because hazardous wastes move in interstate commerce, it is reasonable to have uniform national requirements for labeling. These proposed labeling requirements are the U.S. DOT requirements. SONAR, p. 88. Additional Minnesota requirements would be difficult to enforce for interstate transportation, and the Agency states that it is preferable to provide nationally consistent transportation requirements. Post-hearing comments, p. 31.

129. The seven County Hazardous Waste Task Force, Hennepin County and Washington County all urge that the deleted information be required.

130. For the reasons given by the Agency regarding national uniformity, the Examiner finds that the Agency's proposed rule has been shown to be both needed and reasonable without additions.

131. Rule 9217 deals with record retention. The existing rule, 6 MCAR § 4.9008 E.4. requires that a generator maintain copies of shipping papers (now known as manifests) for a period of five years after they have been returned. The proposed rule changes that five year retention period to three years, but extends the three year period during the course of any unresolved enforcement action.

132. Both the Seven County Hazardous Waste Task Force and Hennepin County suggested that the five year period be retained. Hennepin County noted that they have encountered all sorts of problems trying to track down Superfund sites, inspecting generators, finding out what waste they have, and whether wastes have been disposed of properly. The protection for the generator in such cases is the signed manifest. Hennepin County urges its generators to keep their manifests indefinitely, for their own protection. They would lke to have the five year manditory retention period reinstated. Both commentators stated that very little space is required to do this, as all of Hennepin County's manifests for three years can fit into a three-drawer file cabinet. Tr. 1-36, 1-68 and Hennepin County, p. 24.

133. In the SONAR, the Agency stated that it had received comments that the five year existing period was unique, and that the federal government and other agencies only required retention for three years. This difference had created records management problems for conscientious generators. The Agency feels that the EPA three year period, plus the additional time during any enforcement action, is sufficient. In its post-hearing comments, the Agency added that consistency with federal regulations is desireable to avoid conflicts for out-of-state generators, transporters and facilities (all of whom are also subject to three year time-keeping for other records).

134. The Examiner agrees with Hennepin County that longer retention is in the generator's best interest. However, it should be noted that pursuant to Rule 9213 B.2., a copy of a generator's manifest must be sent to the Agency. If the Agency chooses to keep these manifests for longer than three years, they may certainly do so. Under these circumstances, the Examiner believes the Agency has justified its proposal to change the retention period from five years to three years.

Chapter Four

135. Rule 9253 provides that a transporter who stores manifested shipments of hazardous waste in proper containers at a transfer facility for a period of 10 days or less is not subject to the provisions of Chapters 5 and 6 relating to facility requirements, nor must they have a facility permit for such storage.

136. Hennepin County thought this exemption was too broad because it was based on a time element (10 days), rather than a volume element. The County recognized that it may not be reasonable that all of the facility requirements should be applied, but stated that it would want to have the authority in its ordinance to apply some of them.

137. The exemption contained in the rule is identical to the federal exemption. SONAR, p. 96. In post-hearing comments, the Agency stated that this exemption allows transporters to consolidate shipments and to inter-line shipments without being considered and regulated as a storage facility. The Agency believes that the limitations contained in the Rule (proper containers and 10 days maximum) were adequate. They pointed out that regulation of transfer facilities as storage facilities would greatly discourage transporters from hauling hazardous waste shipments, particularly smaller shipments, which would put generators in the situation of having to store the waste on-site for longer periods of time then otherwise allowed.

138. Without additional information on the number, type, and particularly, the maximum volumes in storage, the Examiner cannot intelligently deal with this matter other than to say that there is some logic behind both positions. While national data is available, it would be important to have local data to justify a deviation from the federal rule. However, it is important not to place road blocks in the way of encouraging small generators to comply with these rules. One of the requirements for small generators is transportation in accordance with the federal transportation rules, which include using only authorized transporters.

Depending upon which portions of the facility standards were imposed, the number of authorized transporters could be severely restricted. Small shipments via these transporters would likely be very costly, encouraging generators with small shipments to ignore the rules. Considering the information that is presently in the record, the Examiner finds that the Agency's proposal is needed and reasonable without further additions.

139. Rule 9259 sets forth the duties of transporters in the event of a spill or other discharge.

Paragraph C.3. requires the transporter to immediately notify the generator of any spill or leak during transit. The seven County Hazardous Waste Task Force and Hennepin County both raised questions about the clarity of the rule, suggesting that the intent was that the transporter must notify the generator of the waste, but that it could be misconstrued since a transporter who spills hazardous waste is also considered a generator. The Agency staff felt it was unlikely that this would be misunderstood. The Examiner agrees. An appendix to Hennepin County's comments is a manifest which is alleged to be typical. An examination of the manifest indicates that there are at least two places on it where the generator must be identified with, among other items, a telephone number. A truck driver who was aware of the basis for Hennepin County's concern would be rare indeed, and common sense indicates that another transporter is not likely to be identified, in an emergency, as a generator. The Agency's rule is adequate as is.

140. As a general comment to Chapter Four in its entirety, the Carver County Local Project Review Committee pointed out that the proposed rules do not adequately address qualifications, training, inspection or enforcement of transporters. They believe that transporters should be required to meet minimum standards for equipment and training before any identification number or license is issued to them. Periodic and frequent inspection of transporters should then take place to ensure that equipment is maintained and used properly, and that personnel are adequately trained to handle problems. The Committee also urged that one lead agency, with funding and manpower to do the job, should be designated to avoid conflicts between PCA and MN/DOT.

141. In its Statement of Need and Reasonableness, the Agency pointed out that in 1983, the Legislature adopted by reference the U.S. DOT regulations on the transportation of hazardous materials. Laws 1983, C. 371, § 22, to be codified as Minn. Stat. § 221.033. That incorporation includes not only portions of the U.S. Code, but also portions of the Code of Federal Regulations.

142. The Examiner believes that entering an entirely new area, such as training standards for personnel, requires coordination with MN/DOT, TRB and U.S. DOT, as well as others. For example, 49 U.S.C. 1805 authorizes the federal Secretary of Transportation to adopt criteria covering most of the areas noted by the Carver County Committee. However, 49 U.S.C. 1811 preempts any state or local requirement which is inconsistent with Federal law or rule, unless the Secretary makes certain findings. Therefore, caution and cooperation are called for in drafting rules to cover these areas. The Agency should consider the need for such matters in the future, but at this time,

they cannot be incorporated into these rules. They are more appropriately the subject of another proceeding.

Chapter Five

143. Rule 9285 deals with location standards for all treatment, storage, and disposal facilities. It combines provisions from the Federal Rule, 40 C.F.R. § 264.18, with the existing state Rule 6 MCAR § 4.9004.

144. At the hearing, the Carver County Local Project Review Committee stated that no large scale hazardous waste landfills should be considered over a major aquifer, regardless of the liner system or other protections provided.

145. The proposed rule prohibits, in paragraph B., the establishment or construction of any type of facility where the geology, hydrology, or soil is unsuitable for the protection of groundwater and surface water. Factors to be used in determining unsuitability include the presence of natural aquicludes to protect groundwater, and groundwater flow patterns, particularly if the site is located in a zone of recharge to aquifers usable as sources of drinking water.

In addition, Rule 9320 deals specifically with landfills, and prohibits the location of a landfill in an area with karst features. It also requires that a hydrogeologic report be submitted at the time of permit application, and that the report must include geologic, hydrologic, and groundwater information.

146. The Agency responded to the Committee's comments by noting that the outright prohibition of locating a hazardous waste facility over a major aquifer would be too restrictive, as it would essentially prohibit facility location anywhere in the state (depending upon the definition of "major"). The staff believed that the combination of the proposed rules, the Waste Management Board's facility siting criteria, and the MPCA's permitting procedures would provide a careful review of any proposed facility's effects on groundwater.

147. The Scott County Hazardous Waste Local Project Review Committe urged that the standards in this rule be made more specific. They stated that leaving language vague, and allowing decisions to be made at the time of the permitting process, does not allow for proper selection of locations for hazardous waste facilities. It also leaves open the possibility of inconsistent decisions on individual permits. They urged that specific locational standards be developed for each different type of facility anticipated. Recognizing that this would take a considerable amount of time, the Committee suggested that the Agency's proposed rules be used an interim standards, so long as all permit applications for facilities would be subject to a public hearing process.

148. The Agency responded to this comment by pointing out that the rules do provide specific location standards for different kinds of facilities, but that most locational information must be evaluated on a case-by-case basis,

because of the substantial variation which can occur in substances stored and methods of storage. The Agency pointed out that all permit applications are open to public comments, and that in the case of hazardous waste permit applications, the staff felt certain that these applications would receive public attention.

149. Hennepin County also noted a lack of specificity in the rule, and urged that if the rule were more specific, it would be easier to determine whether or not a facility should be permitted.

150. The Examiner finds that the siting of hazardous waste facilities is a complex matter, and requirements for siting ought to take into account the type of facility being proposed. Different types of facilities offer different degrees of threat, and blanket rules covering all facilities may be either too strict or too lenient. Moreover, it has been the Examiner's experience with the Waste Management Board's selection process (and the Agency's permitting process which is a part of it) that the best kind of information is the in-depth, very specific information which is developed for a given site once that site has been proposed. For these reasons, the Examiner finds that the Agency's proposal has been justified as needed and reasonable.

151. Rule 9286 deals with preparedness and prevention, including such matters as an alarm system or internal communications to alert facility personnel in emergencies, means of summoning emergency assistance from local response teams, and various other matters.

152. The Carver County Emergency Services Director had a number of specific comments on this rule.

C.2. allows either a telephone or a hand-held two-way radio to satisfy the requirement that a communications device be available for summoning emergency assistance. The Carver County comment was to the effect that there should not be an option: the rule should require that both be available because of inherent problems with telephones in severe weather or fire situations.

153. The comment also recommended that paragraph C.3., which requires fire extinguishers, spill control equipment, decontamination equipment, and fire control equipment, should be made more specific, by requiring specific numbers and types of protective devices. The comment also pointed out that paragraph C.4. required water "at adequate volume and pressure" to supply various firefighting devices. The comment noted that City water may not be available for a given facility, and, therefore, the rule should be more specific with regard to volumes and pressures.

154. The comment also urged additions to the rules to provide for an alarm system to notify nearby residents (such as sirens or home tone alert radios) similar to those used at nuclear power plants. Secondly, there should be a requirement for a standby generator to supply power during electrical interruptions. Finally, there should be a requirement that a state agency, such as the Fire Marshal's Office should be required to certify that adequate fire protection has been accomplished at the proposed site.

155. The Agency, in its post-hearing comments, agreed that some or all of these requirements may be necessary and reasonable for certain types of high-risk hazardous waste facilities, but noted that this rule applies to all facilities regardless of the degree of risk. As an example, the Agency agreed that an alarm system to notify nearby residents and a specific volume and pressure water facility may be reasonable for a large, commercial solvent recovery plant, but is not needed for a facility consisting of a waste pile of lead scraps or a storage facility containing solutions of heavy metals. Again, as earlier, the staff urged that these suggestions be addressed at the time that a permit is sought for a specific facility.

156. The Examiner finds that while many of the Carver County Emergency Services suggestions are appropriate for certain kinds of facilities, they are not appropriate for others. As with the case of specific locational requirements, such matters are much better considered at the time that a specific type of facility at a specific location is proposed. At that time, both the Agency and the local officials will have a better idea of what is proposed, and what is needed. Also at that time, the best method for verification can be determined: the State Fire Marshal might not be the appropriate person to verify equipment for the waste pile of lead scraps.

157. Rule 9287 requires that an owner or operator of any kind of a facility make arrangements with local authorities for handling emergency situations. This includes arrangements to familiarize emergency personnel with the layout of the facilities and the types of wastes handled, as well as arrangements with local hospitals regarding the types of injuries or illnesses which could result from emergencies at the facility. In paragraph B. of the rule, an owner or operator must document the refusal of any agency noted in the rules to enter into arrangements required by the rule.

158. Paragrpah B. drew comments from both Hennepin County and the Scott County Hazardous Waste Local Project Review Committe. They asked: If emergency response alternatives could not be provided, would the facility either be denied a permit or required to provide its own services?

159. The staff responded that if a local community could not provide services, the facility would have to provide them itself. The purpose of the rule at question was to be sure that the facility attempted to make the necessary arrangements with local authorities. The staff pointed out that the preparedness provisions would be included in any permit that is issued. Post-hearing comments, pp. 37-38.

160. The Examiner was unable to locate any rule which explicitly required that if a locality refused (or was simply unable) to provide the services, that the facility must provide them. However, he finds the proposed rule to be reasonable because the permit process is the appropriate point to spell out, in detail, what services must be available. Again, they will vary from facility to facility.

161. Rule 9288 deals with contigency plans. It requires a description of arrangements agreed to by local emergency response units, a list of emergency equipment at the facility, an evacuation plan where there is a possibility of evacuation, and other matters. The Carver County Committee asked who would

approve the plan, and again urged that the State Fire Marshal's office should be the designated person. They made the same comment with regard to Rule 9289, which sets forth emergency procedures.

162. The Examiner finds, for the reasons already stated earlier, that the Agency's proposal is appropriate as an over-all requirement, but that such matters as the appropriate authority should be left until it is known what kind of facility is being proposed and at what location.

163. Rule 9297 specifically addresses groundwater protection for facilities that use surface impoundments, waste piles, land treatment units, or landfills to treat, store or dispose of hazardous waste, with certain exemptions. Some of the provisions of the rule may also be imposed upon persons who store or treat waste in tanks or containers. A number of sections of this lengthy rule were commented upon during the process.

164. Paragraph E. of the proposed rule was the first to draw comments. An earlier paragraph, paragraph D., requires the Agency to specify in each facility permit which hazardous constituents will be covered by the groundwater protection standard. These are to either be constituents identified in Rule 9137, or constituents in wastes that meet the criteria established in Rule 9132 F. for toxicity, and which may be reasonably expected to contribute to the toxicity.

Paragraph E. requires the Agency to exclude, in the permit, a hazardous constituent if it finds that the constituent is not capable of posing a substantial hazard. The rule goes on to specify a lengthy list of factors to be considered when deciding to exclude a constituent from the permit.

165. The Carver County Committee urged that a public hearing be required before the Agency allows any such exemption.

166. The Agency in the SONAR, stated that this paragraph is based on a federal rule, and is designed to allow the permitting process to determine which constituents do pose a substantial threat, and which do not. The Examiner believes that if paragraph E. is to be used at all, it will be part of the facility permit. A facility permit will be the subject of a public notice provision whereby members of the public will have an opportunity to comment upon provisions of the permit, and request a public hearing. While the Examiner cannot guarantee that the Agency Board will grant a public hearing on every permit, as that is a decision which is left to the Board, it seems quite likely that in the case of a permit for a major hazardous waste facility (such as a landfill described by Carver County at T. 1-91) that the Board would grant requests for a public hearing. Again, there can be no guarantee of this, but if past experience is any indication of public interest in such a landfill, it is likely that there will be numerous requests for a hearing on the details of the permit. As with other rules discussed above, Rule 9297 E. is a general rule governing a variety of different kinds of facilities. To require a public hearing in each and every case of an exemption under this paragraph is not reasonable. The Examiner finds that the paragraph, as written, has been demonstrated to be both needed and reasonable without change.

167. Paragraph F. of the rule also deals with permitting, and provides a procedure for setting concentration limits in the groundwater for hazardous constituents. The rule provides a table of 14 specific items, such as arsenic, cadmium, lead and mercury, and maximum concentrations for each in milligrams per liter. The structure of the rule is such that the concentration of any hazardous constituent must not exceed the background level of that constituent already in the groundwater at the time that the permit is finalized, but for any any of the 14 constituents listed in the table, if the background level of the constituent is below the value given in the table, then the concentration must not exceed the value in the table. Finally, there is a provision for alternate limits in another paragaph, paragraph G. of the same rule. Because some of the comments dealt with the relationship between paragraph F. and paragraph G., the two will be dealt with together here as well.

168. Paragraph G. provides a mechanism for the Agency to establish, in the individual permit for a facility, an alternate concentration limit if the Agency finds that the constituent at issue will not pose a substantial risk at the alternate limit level. The rule then contains a long list of factors to be considered in establishing an alternate limit.

169. The Carver County Committee is opposed to the use of the table contained in paragraph F. and the alternate limit mechanism contained in paragraph G. It believes that no pollution or concentration of constituents above background levels should be allowed under any circumstances.

The Scott County Committee arrived at the same conclusion, that there should be no degradation of groundwater limit above background limits, but believed that both paragraph F. and G. contain unacceptably large amounts of discretion for the Agency at the time of permit approval to both identify what parameters should be monitored for, and what limits of contamination are acceptable.

The Washington County Community Health Services Department pointed out that the table in paragraph F. dealt with only heavy metals and certain pesticides. The County comment may have misunderstood the use of the table, because its comment implies that those 14 constituents are the only constituents that will be considered. Clearly, that is not the case. However, Washington County went on to state that it was concerned that an individual permit writer would be allowed to permit the degradation of ground water quality below background levels. It urged that the agency not allow any degradation of groundwater above background levels.

In a somewhat similar vein, Hennepin County read the rule to imply that concentration limits would be allowed up to background concentrations, which is in violation of the drinking water standards regulations. The background concentration exists before the facility goes into operation, and so it is difficult to understand how these rules could allow any degradation to background concentrations.

170. Taking all these comments together, the agency responded that the whole thrust of these two rules is to establish, in the facility permit, which constituents must be monitored for and what limits must be maintained. They

pointed out that there is no way to establish in the rules which parameters will be relevant, because they will vary from site to site. The Agency argues that the rules cannot specify a list of monitoring parameters that may not even be components of the waste in certain facilities. By establishing factors to be considered during the permitting process, and then identifying constituents (and limits) during that process, the rules provide for a more accurate monitoring of groundwater in light of the specific facility and the specific waste to be placed in it.

The Agency's post-hearing comments also stated that except for the 14 constituents listed in the table, the rule provides that no constituent in the permit shall exceed background levels, unless an alternate limit is established under paragraph G.

With regard to paragraph G., the Agency pointed out that there may possibly be some cases where a concentration above background levels can be shown to not present a hazard, and that the Agency's existing variance procedures could be used to set an alternate limit. The purpose of paragraph G. is to specify, for hazardous waste facilities covered by this rule, what factors the agency shall consider in granting a variance through this alternate concentration limit procedure.

171. The Examiner finds that the procedure in paragraph F. for determining which constituents are relevant and what levels of those constituents are acceptable (the background levels, except for the 14) is entirely appropriate, needed and reasonable. Furthermore, the Examiner finds that the use of the concentration levels set forth in the table of 14 constituents (Ex. 6 MCAR § 4.9297 F.2.-1) has been justified by the agency. Those concentrations are the EPA's national interim primary drinking water standards. The Examiner recognizes that in the case of those 14, it is possible that the operation of this rule will result in increases from background levels. However, so long as the concentrations set forth in the table are not exceeded, the Examiner does not believe that the increase from background levels to those concentrations in the table would constitute "pollution, impairment or destruction of the environment" as that term is used in Minn. Stat. § 116B.02, subd. 5 (1982). Finally, the Examiner finds that the alternate concentration limit procedure set forth in the paragraph G. of the proposed rule is needed and reasonable as a procedure. Whether or not a specific applicant proposing a specific limit for a specific chemical will be successful in using that procedure depends upon the facts to be developed at the time of the permitting process. The Examiner believes that both these paragraphs contain sufficient standards to guide the agency's decisions such that they do not grant excessive discretion to the agency.

172. Paragraph J. sets forth groundwater monitoring requirements. The Carver County Committee suggested that the rule be changed so that a competent governmental agency or private firm be responsible for conducting the actual sampling/monitoring program, rather than allowing the facility owner/operator to do it.

173. The agency pointed out that it currently does have the authority to be present at sampling times if there should be doubt regarding the monitoring results. The agency argues that it is not necessary to require all facility

owners or operators to use third parties to perform or observe all sampling. They pointed out that such a provision may be part of the permit, or part of a local requirement, but there is no reason to require it in the rules.

174. The Examiner finds that the Agency's proposal to allow owners or operators to perform the monitoring/sampling has been shown to be reasonable.

175. Paragraph K.4. sets forth the frequency of monitoring.

The Carver County Committee recommended that monitoring should be done at least monthly at major facilities, not semi-annually as this paragraph would permit. It stated that monthly monitoring would give quicker warning and a more consistent and usable data base, since many water quality parameters fluctuate due to time of year, weather conditions, etc.

176. In post-hearing comments, the staff agreed that more intensive monitoring may be necessary in certain circumstances, but that these should addressed on a case-by-case basis through the permitting procedures. The staff pointed out the proposed rules are already considerably more stringent than the federal regulations, and that uniform imposition of additional requirements on a small, relatively low-risk facility, as well as on a large high-risk facility, should only be mandated when needed.

177. Again, the Examiner finds that the agency's proposal has been justified as reasonable. The monitoring at issue is detection monitoring; it is the monitoring that must go on at all times. If a problem becomes evident, then more frequent monitoring may be called for.

178. Paragraph L.9., as printed in the State Register at p. 833, proposed the deletion of the word "other" in the second line of the first paragraph. That deletion causes the sentence to not make sense. Hennepin County, p. 36. This problem was noted by the agency after the publication, and corrected in the January 27 Revisor's Edition of the Rule. The Agency is cautioned to be sure that that correction is continued into the final version of the rules.

179. Rule 9301 is a rule dealing with post-closure care and post-closure use of the property.

180. The Carver County Committee recommended that post-closure care for some types of facilities, such as landfills, needs to last forever, not the 30 years specified in the rule.

The Scott County Committee commented that the rules should require facility plans to include waste removal and clean-up plans and costs, as well as a perpetual post-closure management and monitoring program. The comment stated that it was unacceptable to "forget about" a site after 30 years.

The Aitkin County Project Review Committee stated that the post-closure monitoring period for disposal facilities should continue for as long as any wastes are present at the facility. They felt that 30 years was insufficient time based upon recent occurrances of groundwater contamination resulting from chemicals buried 50 or more years. Tr. 2-21.

181. In the SONAR, the Agency points out that this rule is taken from 40 C.F.R. § 264.117, and is needed to avoid any question about how long the post-closure practices must continue. The Agency notes that the post-closure use limitations do limit uses to those which will not disturb any waste remaining on the site after closure.

The EPA's justification for 30 years was relied upon by the agency. In May of 1980, the EPA first put forward the 30 year figure. Earlier, they had proposed 20 years, but comments received caused them to extend the post-closure up period from 20 to 30 years, allowing the regional administrator (for EPA administered facilities) to extend some or all of the post-closure requirements for cause. The history and rationale behind the change from 20 to 30 years is set forth at pp. 33196 and 33197 of the Federal Register for May 19, 1980. MPCA Ex. 3.

In July of 1982, EPA reaffirmed its selection of 30 years, based upon comments which had been received since the May, 1980, promulgation. A discussion of that reaffirmance is set forth at pages 32284 through 32288 of the Federal Register for July 26, 1982. MPCA Ex. 93. Briefly, EPA acknowledges that there are some organic wastes and heavy metals which decompose either very slowly or do not decompose at all. This would support the argument for perpetual monitoring. However, the EPA also found that it would be nearly impossible for small single facilities to finance such activities in perpetuity, after revenues cease coming in . In addition, they also found that there were numerous wastes which do not remain hazardous for more than a few years, and that to require monitoring beyond those few years would be unnecessary and wasteful. The 30 year period represents what EPA thinks is a reasonable burden to place upon the owner or operator to maintain a presence at the facility. They stress that this peruid may be modified, either upwards or downwards, upon a showing that there is either no need for a further presence, or, that 30 years is too short given the specific wastes involved.

182. The Examiner finds that the EPA selection of 30 years, which has been adopted by the agency, has been justified as reasonable. Unquestionably, the same arguments could be used to support a slightly different number. EPA readily admits that there is much that has to be learned about the survival of various wastes, and it has commissioned further studies along those lines. As new information is gathered, the Agencvy may elect to extend or reduce the 30 year period. Based on what is currently known, however, there is at least a rational basis for having selected 30 years, with the ability to modify that number in specific cases.

183. Rules 9306, 9308 and 9310 all deal with financial assurance that certain actions will be taken. The first deals with financial assurance for facility closure, the second with post-closure care, and the third for corrective action.

The rationale for all three funds is relatively simple: (1) to assure that the funds will be available for proper closure, post-closure care, and corrective action if needed. Because the economic value of the facility is either at a minimum, or even non-existent, when closure and post-closure care are expected to commence, or once corrective action becomes necessary, it is

important to establish sufficient funds early in the facility's life, when the profit motive to gain the permit and operate the facility is still present.

The mechanisms for all three types of financial assurances are the same: trust funds, surety bonds, letters of credit, insurance, a financial test, or a corporate guarantee. The rules permit more than one mechanism to be used, so long as the total required is met.

Although both the state and federal governments have adopted "Superfund" legislation, that is designed to clean-up past problems for which no other source of clean-up funds is available, the intent of both the federal and the state programs at issue in this proceeding is to regulate new and existing facilities so that they do not become problem sites for which no clean-up funds (other than "Superfund funds") are available.

184. Two comments were received in connection with these three types of financial assurance. First of all, the Carver County Committee raised doubts about some of the options, suggesting that insurance, surety bonds, and a corporate guarantee would result in lengthy court battles that would delay solving problems because the funds were not made available promptly. The Committee favored a cash fund based on taxes collected on disposed hazardous waste as the most secure and accessible form. They pointed out that until such a fund reached an adequate amount, insurance or some other option may be required in addition to the tax fund.

If the Examiner understands the Carver County Committee's suggestion correctly, it is a different type of assurance than any proposed by the agency. It would be a fund in the state treasury, earmarked for these purposes. While resolution of the complexities that have been developed to safeguard the state (and injured parties) in connection with the other methods proposed in the rules have not been set forth in the County's comment, conceptually, there does not appear to be reason why County's the proposal would not work. Disposal of hazardous waste is going to be expensive everywhere, and depending on the various options available to a business, it will choose the cheapest facility available. While the Committee's proposal may make a Minnesota disposal facility less cost competitive than, say, one in another state that did not impose the tax proposed by the Committee, so long as an adequate amount of waste were deposited at the facility to build up a reasonably sized fund, there is no reason why this option could not be added to the others. Details would have to be worked out, and it is likely that it could not be done in this rulemaking proceeding. But if the details could be worked out, there is nothing to prevent the agency from adding it at a future date.

185. However, merely adding the tax fund concept to the list of other options proposed by the Agency is not what the Carver County Committee was suggesting. Rather, it appears that they were suggesting that the other methods were unreasonable because they could result in "lengthy court battles that would delay solving problems". The Examiner cannot find that the other methods are unreasonable. It is clear from the wording of the rule, and the detail required in the various documents mandated for use with the various options, that the EPA has gone to some lengths to attempt to assure that the money will be available when needed. It is impossible to prevent a person,

whether it be an insurance company or an owner/operator, from filing a lawsuit and delaying payments. However, a great deal of thought and effort has gone into attempting to minimize the problems suggested by the Committee. The Examiner finds that the options suggested by the Agency have been shown to be needed and reasonable.

186. The Aitkin County Committee questioned the wisdom of the trust fund for corrective action which is authorized by Rule 9310 A. The Committee pointed out that payments into the trust fund must be made annually over the first 10 years of facility operation pursuant to a formula set forth in the rule which essentially mandates a 10 percent-per-year contribution (assuming that the corrective action cost estimate does not change). The Committee pointed out that in the early years of operation, there would be insufficient funds to cover a corrective action's cost.

187. The Agency responded to the Aitkin County Committee's concern by pointing out that generally, the cost of corrective action will be less in the early years of operation and the time needed to clean up ground water should be relatively short. The Agency also pointed out that the probability that corrective action will be needed during the facility's early years is low, but increases with time due to such factors as liner aging and wearing. Finally, the Agency stated that the owner's or operator's liability for providing corrective action is not limited by either the value of the trust fund or the corrective action cost estimate. The Committee, however, feared that an owner or operator would consider bankruptcy if the fund were insufficient. Tr. 2-22.

188. The Examiner finds that the Agency's proposal for a corrective action trust fund as one of the options for assuring adequate financing for corrective action has been justified as one mechanism which can be used. He reaches this conclusion (in the face of the Aitkin County Committee's concern) on the basis that the likelihood of correction action being required early in the life of a facility is small, and if it does occur, the cost should be relatively limited. While the scenario set forth by the Committee could occur, the Examiner does not believe that the likelihood is so great that the rule should be declared unreasonable.

189. Rule 9310 E. allows an insurance policy to be used as one of the mechanisms to fund corrective action. The American Insurance Association recommended that this mechanism be deleted as an option for corrective action. Tr. 2-8 to 2.18.

The Association stated that at the present time, corrective action insurance is not available, and it is very unlikely that it will be available in the future. The Association believed that to permit the inclusion of paragraph E. into the Rule would create a false and misleading impression regarding the availability of this insurance, either now or in the future.

190. A review of the documentation in the record regarding this subject indicates that the Association's comments are correct. In November of 1982, the Environmental Defense Fund and the Crum & Forster Insurance Companies presented a joint statement to the EPA. MPCA Ex. 79. This submission dealt with the general topic of financial assurance requirements for corrective

action, and discussed the pros and cons of each type of mechanism under the overall concern that corrective action was desirable and that financial assurance requirements would advance the likelihood of corrective action. In discussing the advantages of corrective action insurance, the Joint Statement pointed out that an insurer's self-interested in loss prevention could serve as a supplement to EPA's on-going regulation of landfill and surface impoundments (the joint statement was limited to these types of facilities). In other words, an insurance company would take action to attempt to limit its loss by periodic audits of the insured facility, and risk assessments prior to underwriting. Since the facility would have an interest in keeping its premiums as low as possible, and the insurance company would have an interest in keeping its risk as low as possible, the two could work together for a common goal. However, the disadvantages listed in the Joint Statement were substantial, particularly the fact that no insurer presently provides coverage for the kind of insurance contemplated, and there are formidable barriers to the creation of a market for a such coverage in the future, for a number of stated reasons (which were repeated in the Association's written and oral submissions in this proceeding). After reviewing all of the options, the Joint Statement concluded that a combination of private, financial assurance mechanisms was a feasible option for the EPA to consider, and was preferable to a tax fund system. One option suggested by the Joint Statement was a regulatory program which required levels of financial responsibility which will not cover all corrective action costs, but which would serve to encourage sound waste disposal practices without imposing extreme financial burdens upon owners or operators.

In the Association's oral presentation, its representative indicated that in the past, a small number of companies had been interested in investigating whether corrective action insurance could be made available, but that the one such company which "went public and prepared a letter . . . that was submitted to the PCA, has reconsidered and now . . . is not going to approach the problem of creating a policy . . . ". Tr. 2-15. Whether this reference is to Crum & Forester or not, is unknown.

MPCA Ex. 99-K is a letter from Atwater McMillian Inc.. It found the closure and post-closure rules acceptable as written, but felt that the corrective action rules would make it difficult, if not impossible, to secure a financial responsibility mechanism.

A letter from the Association's Minnesota legislative counsel (MPCA Ex. 99-QQ) written in November of 1983 stated, essentially, the Association's ongoing position that the whole concept of corrective action insurance is objedctionable and unrealistic. The letter points out that the Agency's rules are substantially similar to rules proposed earlier by the EPA, that the industry advised EPA that it was opposed to those rules because its members were unlikely to ever offer such coverage, and that EPA appears to have dropped the issue with regard to the federal rules.

191. At the hearing, there was a dialogue between the Association's counsel and a Special Assistant Attorney General. In that discussion, it became apparent that one of the major concerns of the association was what they perceived to be an "open-ended" liability: That there was no limit on their liability, and that they could be forced to pay whatever was necessary

to clean up a problem. The two agreed that if there were a fixed and known limit which set a maximum value which an insurance company would have to pay, then the risk would be more predictable, and insurance companies would reconsideer their position. However, there was no certainty that this reconsideration would result in insurance becoming available.

192. In the Agency's post-hearing comments, the Staff reiterated the position taken in the Statement of Need and Reasonableness: that it is reasonal be to include insurance as an option since, at some point in the future, insurance may become available, even though it is not presently available. The post-hearing comments pointed out that the proposed rule does establish a limit of liability, which is the face amount of the policy. They characterize the rule as creating insurer liability for the cost of corrective action only up to the face amount of the policy. The Agency also pointed some differences between the federal rules and state rules regarding such matters of leachate detection and collection systems, which would reduce the probability of a Minnesota-permitted facility having to perform corrective action. Finally, the staff stated that the proposed rule only estabishes options, rather than mandating that any one of them selected, and that an owner or operator would look into several options to determine the most cost-effective one

It is found that the rule, in paragraph E.3., does provide that a corrective action insurance policy must be issued for a face amount at least equal to the current corrective action cost estimate, except where the policy is supplemented by one of the other financial mechanisms provided for by the rules. The paragraph goes on to state: "the term 'face amount' means the total amount the insurer is obligated to pay under the policy."

193. The Examiner finds that the Agency's proposed rule has been justified as being both needed and reasonable. While the insurance is not available at the present time, it may become available in the future, and the advantages of professional risk assessment and on-going audits by an insurance company could be a great assistance to the Agency, the owner or operator, and the public interest. All of the options that look to some third party, whether it be a bank, surety company or other third-party guarantor, face the same difficulties in risk assessment and temporal uncertainties that are presently causing insurance companies not to offer this coverage. So long as insurance remains an option only, and not a requirement, it cannot be said that the proposed rule is unreasonable for including it.

194. Rule 9312 deals with a different kind of liability provision: liability for bodily injury or property damage to third parties caused by either sudden accidental occurrances or nonsudden accidental occurrances.

195. A number of persons suggested that the liability requirements were too low. The rule provides for $1,000,000 per occurrance and $2,000,000 annual aggregate for sudden occurrances, and $3,000,000 per occurrance and $6,000,000 annual aggregate for nonsudden occurances. These coverage limits are taken from the federal rule, 40 C.F.R. § 264.147, which is explained in detail in MPCA Ex. 91, the Federal Register for April 16, 1982. Both the federal and state rules provide that the liability limits for either sudden or nonsudden accidents can be varied, either upwards or downwards, as part of the

permitting procedure. Specifically, paragraph C. sets forth a procedure for a downward adjustment as part of the permit application, and paragraph D. sets forth the procedure for an upward adjustment.

The North Star Chapter of the Sierra Club felt that even with the adjustment clauses, the coverage limits set forth in the rule were too low. They felt that both the owner or operator, as well as the public, would be better protected by carrying much higher coverage, and charging facility users to defray the cost. The Scott County Committee commented that the limits seem too small for many types of facilities, and urged that the limits should be developed on a case-by-case basis to reflect the risk associated with the size, type and location of an individual facility. The Washington County Community Health Services Department commented that the liability requirements were totally inadequate in light of experience showing that both types of occurrances can be extremely costly to remedy.

196. The Agency responded to these comments by stating that it did not support adopting, as a general requirement, liability coverage limits that are greater than those adopted by EPA, but in specific instances, larger coverage could well be warranted. They stated that the limits ought be dependent upon facility-specific factors, as suggested by Scott County.

197. The Examiner finds that the Scott County recommendation represents the best way to handle these matters. An example cited by the Agency in connection with an earlier rule, which compared a waste pile of lead scraps with a large commercial solvent recovery plant (post-hearing Comments, pp. 36-37) in terms of emergency preparedness equipment, is equally applicable in terms of liability limits. Factors, such as nearby population density and various locational matters, come to mind as being logical to include in the balance when determining what liability limits ought to apply. But regardless of what rule may be the "best" rule, the question to be answered is whether the Agency has justified its proposal, which can be rebutted during the permitting processes on a case-by-case basis . Using this view, the Examiner finds that the agency has justified (by using the EPA documents) the reasonableness of its proposed figures.

198. Rule 9320 deals with landfills, and covers topics such as special locational requirements, design and operation requirements, leak detection procedures, monitoring and inspection requirements, surveying and record keeping items, and closure and post-closure care. It also contains special requirements for ignitable or reactive wastes, for incompatible wastes, for liquid wastes and container requirements.

199. The rule drew extensive comments from counties.

Paragraph B., the location requirements, drew comments from the Scott County Committee and the Carver County Committee. Essentially, the Scott County Commitee concluded that landfills should not be located in areas where groundwater resources could possibly be contaminated should a leak occur. They stated that they were unaware of any liners or any feasible technology to contain wastes indefinitely, and, therefore, until such technology exists, landfills should be prohibited over susceptible aquifers. They felt that use of liners is not an acceptable alternative in these susceptible areas.

The Carver County Committee also stated that no landfills should be located above a major aquifer.

200. Essentially, these comments were dealt with in connection with Rule 9285, and will not be repeated here.

201. Paragraph C. of the rules deals with design and operation requirements, including liners, leachate collection systems, run-on control systems, run-off management systems, wind protection and cell size. It requires landfills to have a double liner system, with a leak detection, collection, and removal system between the liners. It also requires a leachate collection and removal system immediately above each liner. This is a departure from the federal rules, which permit the use of a single liner for landfills.

202. The Scott County Committee questioned language in paragraph C.1. That rule requires a double liner system. It provides that at least one of the liners must be constructed of materials that prevent waste from passing into the liner, but allows one of the liners to be constructed of materials that may allow waste to migrate into the liner, but not into adjacent soil or water. The Scott County Committee questioned why there should be any allowance for a permeable" liner. A close reading of the rule, however, does not indicate that it allows a "permeable" liner. The liner in question "may be constructed of materials that may allow waste to migrate into the liner, but not into the adjacent subsurface soil, drainage layer, or groundwater or surface water . . . ". The Agency, in its post-hearing comments, indicated that this was intended to allow (though not require) the use of a clay liner. Even though some waste may seep into the clay, that is acceptable if it can be shown that the clay liner will prevent further migration into adjacent soils or water.

The Scott County Committee also raised a question about the length of time that the liners must function. They urge that liners should not be considered until they can be proven to last indefinitely, or unless the facility plan calls for complete waste removal and relocation or replacement of the liners. The Agency responded that the rules require that the liners and leachate collection system function through the post-closure period, but that after closure, the liner system is not as important as the impermeable cap in preventing leachate formation and migration. The cap is more readily monitored, and repaired, than are the liners, and the agency views the cap as the primary mechanism to ensure that the landfill is secure. The agency believes that the cap will protect the landfill beyond the liners' life. Nonetheless, the staff agrees that there may still be risks associated with a facility after the post-closure care period expires, and points out that this period may be extended if necessary pursuant to Rule 9301 A.3. However, the staff does not believe that it is reasonable to require liner and leachate collection system operation for an indefinite period of time, but rather only the best available technology can be reasonably expected to be used.

203. This view is supported by the EPA, which candidly states that "no liner . . . can keep all liquids out of the ground for all time. Eventually, liners will either degrade, tear, or crack and will allow liquids to migrate out of the unit." EPA does not believe that liners can function as a

perpetual seal against any migration from a unit. They have concluded that "any liner will begin to leak eventually". Therefore, they view liners as a barrier technology to facilitate the removal of liquids from a unit during its active life (and closure period), but beyond that, EPA believes that the protective cap becomes the prime element for preventing leachate generation over long periods of time. See, pp. 32284 and 32285, Federal Register of July 26, 1982.

204. Given an understanding of the liner's function versus the cap's function, the Examiner finds that the Agency's proposed requirement for a double liner system has been justified as reasonable.

205. Carver County recommended that the run-on and run-off control systems should be capable of handling 500-year storms, rather than the 100-year storm standard set forth in paragraphs C.3. and 4. They stated that 100-year storms seemed to be occurring with too great a frequency recently.

206. In its Statement of Need and Reasonableness, the agency noted that the 100-year storm standard is a departure from federal rules, which require design for only a 25-year storm. The Agency's rationale for the departure is EPA's admission that in some situations, designing for a 25-year storm is inadequate. The agency points out that for a waste which has a 20-year active life, there is a greater than 50 percent chance that a 25-year storm will occur during the active life. However, there is less than a 20 percent chance that a 100-year storm will occur during the active life of that waste. But since one of the basic concepts operating here is to prevent storm water run-on from generating leachate, the Agency believes that the increase design is necessary if that concept is to protect ground and surface water.

207. The Examiner finds that the use of the 100-year standard has been justified by the Agency.

208. Paragraph D., dealing with leak detection, received comments from the counties. Scott County (which favored omitting liners and leak detection systems completely as options for management) objected to subparagraph 1, which specifies that after a leak detection system has detected a leak, the owner or operator must remove accumulated liquids, repair or replace any liner which is leaking so as to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his or her knowledge and opinion, the leak has been stopped. The County felt that this section failed to answer the question of whether or not all of the leaks were known and fixed. The County also questionned the reliability of an engineer's verification.

209. The Agency's post-hearing comments stated that there must be some provision for addressing leaks, because they may develop. Deletion of the provisions entirely is less desirable than requiring a certification that the leak has been stopped. The Agency pointed out that if all leaks are not known and repaired, or if the engineer is incompetent, then the liner will continue to leak. The leak detection system will continue to indicate that a leak exists. The owner or operator will be forced to repair again until all leaks have been stopped. The Agency believes that the rules provide an economic incentive to conduct effective repairs the first time.

210. Carver County pointed out that the alternative procedure in paragraph D.2. would allow even a detected leak to continue until pollution shows up in a monitoring well. They thought that if a leak is detected, it should be investigated and fixed as soon as possible, rather than first allowing it to pollute groundwater. They recommended that the word "or" at the end of paragraph D.1. should be replaced with the word "and" so as to require both fixing the leak and increasing ground water monitoring.

211. The paragraph at issue provides that if a leak is detected, the facility must begin to comply with the monitoring requirements of Rule 9297 K.5. Reference to that rule indicates that, in the case of landfills where liquids have been detected in the leak detection system, groundwater quality must be determined at least quarterly through the post-closure period, and be analyzed for hazardous constituents that are reasonably expected to be in, or derived from, the waste in the unit. Therefore, if the owner or operator elected to use the procedure of paragraph D.2., he would not have to fix the leak, but rather would operate the landfill as a single-lined unit with the leak detection system serving as the leachate collection system.

212. The Agency did not address this comment in its post-hearing comments.

213. In the agency's Statement of Need, there is an implication that the repair of a leaking liner must be the alternative selected, if possible: "if it is not possible or feasible to repair the liner, the rule provides a second option." SONAR, p. 34. However, the Examiner is unable to locate any such preference within the wording of the rule. Rather, the rule gives the owner/operator the free choice of whether to comply with paragraph D.1. or paragraph D.2. While the Examiner can foresee situations where the repair alternative is virtually impossible or not feasible, and thus there is a need for a provision such as paragraph D.2., he does not believe that it is reasonable to allow the owner or operator to freely choose between the two alternatives absent a showning that alternative D.1. cannot be complied with. The arguments for rejecting the EPA's single liner approach in favor of the Agency's double liner approach, set forth at SONAR, pp. 190-194, are persuasive. To allow the owner or operator to abandon that concept in favor of more frequent monitoring, without making a showing that it is impossible or not feasible to repair the leaking liner, is illogical.

214. It is found that allowing the use of the alternative contained in paragraph D.2., without first requiring a showing that the procedure in paragraph D.1. is impossible or not feasible, is unreasonable.

In order to cure this defect, the Agency must wrute into the wording of the rule the concept set forth at p. 234 of the SONAR: that the alternative of paragraph D.2. shall be available only upon a showing that it is not possible or feasible to comply with paragraph D.1. This would not be a substantial change.

215. The final comment on this rule came in connection with paragraph E., which deals with monitoring and inspection requirements. Carver County commented that paragraph E.1. construction inspections should be carried out by a qualified person, such as a state agency staff person, rather than a facility developer. For reasons given earlier in connection with allowing

monitoring to be done by the owner or operator, the Examiner finds that the agency's proposal has been justified as needed and reasonable.

Paragraph E.2. requires that while a landfill is in operation, it must be inspected weekly, and after storms, to detect evidence of various conditions, including the presence of the liquids in the leak detection system and the presence of leachate (as well as proper functioning of the leachate collection systems). Carver County urged that daily inspections should be done to prevent small problems from becoming large ones, or prevent problems going unnoticed for six days.

216. The Examiner believes that the provision which requires such inspections not only weekly, but also after storms, is adequate to achieve the goals of the rule. Therefore, he finds the agency's rule to have been justified without change.

217. Without referencing any specific rule, the Aitkin County Committee urged that these rules ought to contain explicit standards and rules governing long-term above-ground storage facilities, especially regarding monitoring drum and tank inspections and problems relating to unstablized liquid waste stored in above-ground tanks. They urged the inclusion of rules governing liquids or sludges subject to freezing, and wind and tornado protection provisions. They stated that one of the sites selected for above-ground storage in Aitkin County was within a half a mile of the path of a tornado last summer.

218. The Agency, in its post-hearing comments, stated that although there are no specific standards for such facilities, there are specific standards for containers and tanks in Rules 9315 and 9316. The staff felt that based upon these standards, and the general facility standards of Rules 9280-9314, an above-ground facility could be adequately regulated. Actual design specifications would have to be developed during the permitting process to deal with a specific problem of freezing and winds.

219. The Examiner believes that it would be desirable to have specific provisions for above-ground storage in these rules, if for no other reason than to indicate to potential facility owners that above-ground storage is a permissible form of storage in Minnesota. While some of the EPA documents referenced in the SONAR regarding tanks do deal with tanks which are either completely above ground or partially above ground, it is unlikely that a developer would consider those documents as an indication that the agency would consider permitting above-ground storage. While an examination of the rules regarding containers and tanks do not specifically prohibit above-ground storage, the absence of any reference to above-ground storage that would place it on a par with landfills, service impoundments, and other more traditional forms of storage could well give the impression (although unjustified) that above-ground storage is not an authorized form of long-term storage. Therefore, the Examiner suggests that suitable language be included in the rules to explicitly indicate that rules 9315 and 9316 do cover this option.

220. The Examiner finds that the agency's proposed rules are not unreasonable without some reference to above-ground storage, but urges the agency to correct any misimpressions.

221. On page 82 of the Revisor's January 27 version of Chapter Five, there is a reference at line 33 to Rule 9410 A. Examiner believes that this is a typographical error, and that the proper reference is Rule 9310 A.

Chapter Seven

222. In connection with Rules 9480 and 9481, Washington County Community Health Services Department raised a question about the point at which a sewered waste, or a mixture of sewered wastes, should be sampled to determine if they are hazardous. In response, the agency pointed out that Rule 9206 A. requires that a waste be evaluated prior to mingling or combining with other waste, whether sewered or not. Typically, the point of evaluation is the point at which a waste is first generated and therefore first subject to regulation, such as where a waste leaves the process that generated it. Rule 9128 C.12. also renders a waste subject to regulation, typically when it leaves the unit in which it was generated. Finally, the agency noted that hazardous wastes which are mixed with other wastes are required under Rule 9206 A. to be re-evaluated after mixing. The Examiner believes this adequately answers the County's questions, but the agency may wish to include a cross-reference in Chapter Seven to these requirements to avoid questions. The Examiner finds that the rules, as proposed, are reasonable, but that a cross-reference would be of help to users of these rules.

223. H.B. Fuller Company raised concerns about Rule 9481 G. These were discussed earlier in connection with the mixtures rules, at Rule 9128 C.2.. That discussion will not be repeated here, as it covers the same area.

Chapter Eight

224. Rule 9560 sets forth requirements for the agency's overview of County hazardous waste programs. Minn. Stat. § 400.161 (1982), provides that a county may, by ordinance, establish rules and standards dealing with hazardous waste, so long as the ordinances "embody and are consistent with" agency hazardous waste rules. Minn. Stat. § 473.811, subd. 5(b)(1982), directs each Metropolitan county to establish an ordinance relating to hazardous waste, with the same proviso that it shall "embody and be consistent with" agency hazardous waste rules. Rule 9560 relates to the agency's overview of these County programs.

225. Paragraph B.2. of the rule provides that the director may suspend a previously approved county ordinance, or relevant portion thereof, if it has been modified and has been determined by the director to be inconsistent with the state rules. Upon suspension by the director, the matter must be placed on the agenda of the next month's regularly scheduled agency Board meeting, and the Agency must notify the county of its decision to approve, suspend, modify or deny the ordinance.

226. Washington County requested that the agency's notification to the County of suspension of a County ordinance be in writing.

227. An existing rule provides that the agency must advise the county in writing whether the ordinance is approved, and, in the case of a metropolitan county, any action by the agency for review of the ordinance was not to be deemed to the agency approval unless such approval is explicit and is in writing. These would apply to a modification of an existing, already approved ordinance. The Agency gave no explanation for the deletion of the requirements relating to written responses. While the matter appears trivial, the Examiner finds that the agency has failed to justify the need for or reasonableness of its deletion that responses to county's ordinance submissions (when modifying an existing ordinance) be in writing. In order to cure the defect, the Agency must include in paragraph B.2. a provision requiring that the response be in writing. This could be accomplished by merely adding the words "in writing" at the end of paragraph B.2.

228. Paragraph C.2. contains a provision requiring "all persons" to comply with the agency's permitting procedures. At the hearing, the Anoka County Health Department stated that the phrase "the agency's permitting procedures" should be deleted from this paragraph as it had been from other paragraphs. In its post-hearing comments, the agency stated that it is appropriate to retain the phrase in the rule so that persons are aware that they must comply with the agency's permitting procedures, if applicable.

229. The Examiner finds that it is appropriate to retain the language in the rule to avoid any confusion on the part of persons who might think that the existence of a county ordinance voided or superceeded the agency's permitting procedures.

230. More substantive comments with regard to the relationship between the counties and the agency came in connection with the proposed deletion of what had been labeled Rule 9560 C.2. Under the existing rule, if a county has adopted an ordinance which has been approved by the agency, then each generator must submit the required copies of the hazardous waste shipping papers to the county as required by the county ordinance for each shipment of hazardous waste that is transported. The agency proposes to have all manifests (the new name for "shipping papers") be sent to the agency, regardless of whether there is an effective county ordinance or not. This is contained in Rules 9213, 9292, B.4, and 93.92 B.4.

231. Hennepin County and Carver County both objected to this change. Hennepin County, p. 29, Carver County, Tr. p. 1-68-69.

232. In the agency's post-hearing comments, the agency stated that EPA is funding the development of a state computer system that will be used for manifest tracking and has recommended that manifests be submitted directly to the MPCA instead of each county. The agency further pointed out that federal regulations require manifest discrepancy reports and exception reports to be filed with the state agency, and that to insure comprehensive tracking, manifests should be part of the data base used by the agency.

233. The counties have agreed that if they are allowed to get the originals, they will promptly send copies to the agency. The agency has agreed that if it is allowed to get the originals, it will promptly provide copies to the counties.

234. It is found that the agency's proposed change has been demonstrated to be both needed and reasonable. Ultimately, the statute gives the agency the right to modify county ordinances. The statute implies a supremecy of the agency over the counties. In matters such as this, the agency prevails.

235. Paragraph D.4. requires a county with an approved ordinance to submit to the agency a yearly summary of hazardous waste management in the county. The summary must contain the names and identification numbers assigned by the county to each generator in the county, the total number of hazardous waste shipments, the total quantity shipped for each type of hazardous waste, and various other information.

236. Hennepin County stated that this reporting requirement was redundant. It alleged that most of the information required in the yearly summary will be in the Management Information System data bank, and can be easily reported. This rule is taken from existing Rule 6 MCAR § 4.9009, with no substantive changes that affect the concept. Therefore, the concept is not "fair game" for the repeal that the county suggests. However, the Agency might want to consider the availability of the information in a computer data base and determine whether it really needs a separate report.

Other Matters

237. There are a number of the proposed rules which give the Director discretion. In some cases, the discretion is adequately limited so that there is no opportunity for abuse. However, in other cases, there is no limitation upon the Director, and the potential for abuse can be seen from the rule. For example, Rule 9131 A.3.k. is part of a rule setting forth when the Agency should list a waste as hazardous. It provides that the Agency shall list a waste as hazardous if the waste contains any of the toxic constituents listed in Rule 9137, unless the Agency concludes that the waste is not capable of posing a substantial present or potential hazard to human health or the environment under certain circumstances. The rule then goes on to list the factors to be used in determining whether or not the waste may pose a hazard. There is a list of 10 matters to be considered, which is followed by: "Other factors as may be appropriate." In another case, in Rule 9133 B.7., a generator may have a waste exempted from regulation if the generator can demonstrate that the waste is not capable of posing a present or potential hazard to human health under certain circumstances. Again, the rule sets forth a list of factors for the Agency to consider in determining whether or not to grant the exemption. The last of those factors is: "Other factors required by the Agency."

The following rules have been found to contain similar discretionary grants:

9131 A.3.k.

9133 B.7.

9220

9258 E.

9295 B.

9297 A.3.

9560 D.4.g.

238. In each of these cases, it is found that the rules do not adequately limit the Agency's discretion. In each case, however, it should be possible for the Agency to either delete the the objectionable portion of the proposed rule or, if it believes the rule is necessary, add language to the rule which limits the scope of the Agency's discretion. Either action will cure the defect.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the MPCA gave proper notice of the hearing in this matter.

2. That the MPCA has fulfilled the procedural requirements of Minn. Stat. § 14.14, subds. 1, 1a and 2 (1982), as amended by Minn. Laws 1983 Ch. 210, § 4 and Ch. 301, § 64, and all other procedural requirements of law or rule.

3. That the MPCA has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3, as amended by Minn. Laws 1983, Ch. 210, § 6, and 14.50 (i) and (ii) (1982), except as noted in Finding 237, above.

4. That the MPCA has documented the need for and reasonableness of its proposed rules with an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2 and 14.50 (iii) (1982), except as noted in connection with Rule 9320 D.2. and Rule 9560 B.2. at Findings 214 and 227, respectively.

5. That the amendments and additions to the proposed rules which were suggested by the MPCA after publication of the proposed rules in the State Register do not result in rules which are substantially different from the proposed rules as published in the State Register within the meaning of Minn. Stat. § 14.15, subd. 3 (1982), as amended by Minn. Laws 1983, Ch. 210, § 6, and 9 MCAR §§ 2.110 A. and 2.111 (1980 Ed.).

6. That the Hearing Examiner has suggested action to correct the defects noted in Conclusions 3 and 4.

7. That due to Conclusions 3 and 4, this Report has been submitted to the Chief Hearing Examiner for his approval pursuant to Minn. Stat. § 14.15, subd. 3 (1982), as amended by Minn. Laws 1983, Ch. 210, § 6.

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

9. That a finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the MPCA from further modification of the proposed rules based upon an examination of the public comments, provided that no substantial change is made from the proposed rules as originally published, and provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted except where specifically otherwise noted above.

Dated this 9th day of April, 1984.

Allan W. Klein

ALLAN W. KLEIN
Hearing Examiner

PCA-84-001-AK

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001-4.9005 and 4.9008-4.9010 to be Renumbered as 6 MCAR §§ 4.9100-4.9560).

REPORT OF THE
CHIEF HEARING EXAMINER

The above-entitled matter came on for review by the Chief Hearing Examiner pursuant to the provisions of Minn. Stat. § 14.15, subds. 3 and 4 (1982), as amended by Minn. Laws 1983, Ch. 210, §§ 6 and 7, which provide:

> Subd. 3. Finding of substantial change. If the [hearing examiner's] report contains a finding that a rule has been modified in a way which makes it substantially different from that which was originally proposed, or that the agency has not met the requirements of sections 14.13 to 14.18 it shall be submitted to the chief hearing examiner for approval. If the chief hearing examiner approves the finding of the hearing examiner, the chief hearing examiner shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief hearing examiner determines that the defects have been corrected.
>
> Subd. 4. Need or reasonableness not established. If the chief hearing examiner determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief 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 adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to delay adoption longer than 30 days after the commission's receipt of the agency's submission. Advice of the commission shall not be binding on the agency.

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.

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 Examiner 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 defects have been corrected and whether the modifications in the rules are substantial changes.

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: April 10, 1984.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

PCA-84-002-AK

RECEIVED
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ADMINISTRATIVE HEARINGS

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001-4.9005 and 4.9008-4 to be Renumbered as 6 MCAR §§ 4.9100-4.9560).

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, hearings were held in the above-entitled matter on February 6 and 8, 1984, following which, on April 9, 1984, the Hearing Examiner issued a report in which he found that the Pollution Control Agency had not fullfilled all substantive requirements of law or rule and that the Pollution Control Agency had not documented the need for and reasonableness of certain of its rules; and

WHEREAS, on April 10, 1984, the Chief Hearing Examiner issued his Order approving the Hearing Examiner's Report and informing the Pollution Control Agency of actions which would correct the defects in the rules; and

WHEREAS, the Pollution Control Agency has now determined to adopt the rules and has submitted the rules to the Chief Hearing Examiner for review pursuant to the provisions of Minn. Stat. (1983 Supp.) §§ 14.15, 14.16, 14.51 and Rule 1400.1200; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Pollution Control Agency has cured the defects in the rules except as follows:

In rules 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B. and 4.9395 B., all relating to the period for retention of records, the rules allow the director to unilaterally extend the retention period "for good cause". The phrase "good cause" is nowhere defined; there is no limitation on the length of time the rentention period can be expanded; there is no requirement that the extension request be in writing; and there is no limitation prohibiting the director from issuing a "blanket" order covering all regulated entities rather than on an individual or case-by-case basis. These problems create unfettered discretion in the director and thus, the Pollution Control Agency has failed to cure the defect in these rules. The defects can be corrected in one of two ways. First, the words "or as requested by the director for good cause" can be deleted. The alternative is to provide language to (1) limit the action to an individual or case-by-case basis; (2) provide a reasonable time limit, such as one year,

for any extension; (3) require that the request be in written form, preferably by an order; and (4) specifically enumerate the circumstances, standards or criteria under which the extension request would be made.

NOW, THEREFORE, upon receipt of the Order, the Pollution Control Agency shall either withdraw the rules or correct the defects as enumerated herein and shall not adopt the rules until the Chief Hearing Examiner determines that the defects have been corrected.

Dated: April 30, 1984.

DUANE R. HARVES
Chief Hearing Examiner

PCA-84-002-AK

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001-4.9005 and 4.9008-4 to be Renumbered as 6 MCAR §§ 4.9100-4.9560).

ORDER OF THE CHIEF ADMINISTRATIVE LAW JUDGE

WHEREAS, a hearing was held on February 6 and 8, 1984 before Allan W. Klein, an Administrative Law Judge of the State Office of Administrative Hearings, on the above-entitled matter in compliance with the rule-making provisions of Minn. Stat. Ch. 14 (1982 and 1983 Supp.); and

WHEREAS, the Report of Administrative Law Judge made pursuant to Minn. Stat. § 14.50, was issued to the Pollution Control Agency and;

WHEREAS, the Pollution Control Agency has now determined to adopt rules; and

WHEREAS, the Pollution Control Agency has submitted said rules to the Chief Administrative Law Judge for review pursuant to Minn. Stat. §§ 14.16, 14.51, and 9 MCAR § 2.111; and

WHEREAS, the Chief Administrative Law Judge finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Pollution Control Agency has cured the defects in the rule as required.

NOW, THEREFORE, upon receipt of this Order, the Pollution Control Agency has the responsibility of submitting the complete hearing record and the rules as adopted to the Revisor of Statutes and the Attorney General and to publish in the State Register if approved by the Attorney General.

Dated: May 24, 1984.

Duane R. Harves

DUANE R. HARVES
Chief Administrative Law Judge

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF SERVICE BY U.S. MAIL

Donna L. Day, being first duly sworn, hereby deposes and says that on the 24th day of May, 1984, at the City of Minneapolis, county and state aforementioned, she served the attached Order of the Chief Administrative Law Judge by depositing in the United States mail at said City of Minneapolis, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to:

Thomas Kalitowski
Executive Director
Minnesota Pollution Control Agency
1935 West Co. Rd B-2
Roseville, Minn. 55113

Donna L. Day
(Signature)

Subscribed and sworn to before me
this 24th day of May, 1984.

Joan H. Bailey
(Notary)

Joan H. Bailey
NOTARY PUBLIC – MINNESOTA
HENNEPIN COUNTY
My commission expires Jan. 19, 1989

HG-00059-35

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for hearing before Hearing Examiner Allan W. Klein on the 6th day of February, 1984, at 10:00 A.M. in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota after proper notice as required by Minn. Stat. § 14.14 was served upon all persons, associations, and other interested groups registered with the Minnesota Pollution Control Agency (Agency) for that purpose. After affording all interested persons an opportunity to present written and oral data, statements and arguments, after considering the Statement of Need and Reasonableness, the Report of the Hearing Examiner, and all the evidence adduced, and upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby adopts the following Findings of Fact and Conclusions.

Findings of Fact

The Agency adopts the Findings of Fact of the Hearing Examiner, as contained in his Report attached hereto, and incorporates them herein by reference, with the following amendments.

1. Finding No. 23 at page 8 of the Hearing Examiner's Report is amended to reead as follows:

23. In this particular case, more confusion would result from a variance from the federal rules than results from following the state rules. The agency's proposed definitions are reasonable.

2. Finding No. 32 at page 10 on the Hearing Examiner's Report is amended to read as follows:

32. There is benefit to adopting the federal language. The Agency's proposal has been justified as reasonable.

3. The citation to 6 MCAR § 4.9100 WWW. in Finding No. 37 at page 10 of the Hearing Examiner's Report is corrected to read 6 MCAR § 4.9100 WWWW.

4. Finding No. 44 at pages 11-12 of the Hearing Examiner's Report is amended to read as follows:

44. At the hearing, the agency made available copies of proposed changes to 6 MCAR §§ 4.9102 G. and 4.9132 D.1. which correct the title of a document and the address for obtaining the document. The agency also made available copies of proposed changes to 6 MCAR §§ 4.9210 E.8. and 4.9254 which correct erroneous statutory references. It is found to be both needed and reasonable, and not a substantial change, for the agency to correct these erroneous rules. See, MPCA Ex. 102.

5. Finding No. 48 at page 13 of the Hearing Examiner's Report is amended to read as follows:

48. The situation posed by the NSP comment is a limited one. But, NSP's solutions is far broader. The agency's

position is reasonable in light of the numerous mixtures which are generated in the state. The rule is reasonable as proposed.

6. Finding No. 55 at page 14 of the Hearing Examiner's Report is deleted in its entirety.

7. Finding No. 59 at page 16 of the Hearing Examiner's Report is amended to read as follows:

59. There are a variety of POTWs in the state with a variety of capabilities for dealing with the monitoring and detection of hazardous waste. These rules are applicable on a state-wide basis. The agency's rule as propsed is both needed and reasonableness.

8. Finding No. 62 at page 16 of the Hearing Examiner's Report is amended to read as follows:

62. Any time period specified in the rule would have to be based on the concept of a "reasonable time period" in order to accomodate the variety of spills which can occur. A spill from a 55-gallon drum onto a relatively impermeable surface is one thing, but a spill from a large tanker onto permeable soil is another. The time required to clean up each type of spill and take the waste to the appropriate facility can vary considerably. It would be difficult to fashion a rule which could set a fixed time limit for both. The agency's proposal is reasonable without any fixed time limit.

9. Finding No. 67 at page 18 of the Hearing Examiner's Report is amended to read:

67. In light of the stated goals of the agency to favor

recycling and to discourage mixing, the proposed treatment of wastes oils is reasonable.

10. Finding No. 73 at page 19 of the Hearing Examiner's Report is amended by deleting the sentence which reads "The Examiner reads the rule so as to answer Otter Tails' inquiry in the affirmative."

11. Finding No. 75 at page 19 of the Hearing Examiner's Report is amended by deleting the last sentence.

12. Finding No. 77 at pages 19-20 of the Hearing Examiner's Report is amended to read:

77. The Minnesota Department of Transportation, in connention with a separate rule, 6 MCAR § 4.9210, recommended that the rule be amended to add language to remind persons subject to it that they must comply with the requirements of the Department of Transportation as there are no exemptions available from those requirements. (MPCA Ex. 99-M) The addition of the same language to this rule would address the concern raised by Washington County. 6 MCAR § 4.9129 B. as amended below is needed and reasonable.

> B. Requirements. A hazardous waste that is to be beneficially used, reused, or legitimately recycled or reclaimed is exempt from 6 MCAR §§ 4.9200-4.9560, and the agency's permitting requirements, except as specified in 1.-5. <u>Hazardous waste shall be transported in accordance with all applicable requirements of Minnesota Statutes, section 221.033 and Code of Federal Regulations, title 49, parts 171 through 179 (1983).</u>

13. Finding No. 87 at page 21 of the Hearing Examiner's Report is deleted in its entirety.

14. Finding No. 113 at page 26 of the Hearing Examiner's Report is amended by deleting the last sentence and inserting a new last sentence to read:

The rule is reasonable as proposed.

15. The second paragraph of Finding No. 116 at page 27 of the Hearing Examiner's Report is amended by deleting the last sentence.

16. Finding No. 120 at page 28 of the Hearing Examiner's Report is amended by deleting the last sentence.

17. Finding No. 138 at pages 30-31 of the Hearing Examiner's Report is amended by deleting the first sentence.

18. Finding No. 178 at page 38 of the Hearing Examiner's Report is deleted in its entirety.

19. Finding No. 184 at page 40 of the Hearing Examiner's Report is amended by deleting the second paragraph.

20. Finding No. 214 at page 47 of the Hearing Examiner's Report is amended to read as follows:

214. Amending 6 MCAR § 4.9320 D. to provide that accelerated monitoring can only be used if it is not possible to repair the liner will solve the problem noted by Carver County while providing for those situations where repair of the liner is impossible or not feasible. 6 MCAR § 4.9320 D. as amended below is needed and reasonable.

> D. Leak detection. If liquids are detected in the leak detection, collection, and removal system, the owner or operator shall notify the director of that fact in writing within seven days after detecting the liquids, and:
>
> 1. within a period of time specified in the permit, remove accumulated liquids, repair or replace any liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his or her knowledge and opinion, the leak has been stopped; or

2. if the owner or operator can demonstrate to the director that the repair of the liner is not possible or feasible, he or she must begin to comply with the monitoring requirements of 6 MCAR § 4.9297 K.5. within a period of time specified in the permit.

The agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of 1. or 2. are satisfied.

21. Finding No. 219 at page 48 of the Hearing Examiner's Report is deleted in its entirety.

22. Finding No. 220 at page 48 of the Hearing Examiner's Report is amended to read as follows:

220. The agency's proposed rules are reasonable without any reference to long-term above-ground storage facilities.

23. Finding No. 221 at page 49 of the Hearing Examiner's Report is amended to read:

221. 6 MCAR § 4.9308 A.3.b. contains two cross-references to 6 MCAR § 4.9409 A. These references are a typographical error. The correct cross-reference is 6 MCAR § 4.9409 A. The rule is reasonable as amended to correct the erroneous cross-references.

24. Finding No. 222 at page 49 of the Hearing Examiner's Report is amended by deleting the last two sentences and inserting a new sentence to read:

The rules as proposed are reasonable.

25. Finding No. 227 at page 50 of the Hearing Examiner's Report is amended as follows:

227. An existing rule provides that the agency must advise the county in writing whether the ordinance is approved, and, in the case of a metropolitan county, any action by the agency for review of the ordinance was not to be deemed agency approval unless such approval is explicit and is in writing. These would apply to a modification of an existing, already approved ordinance. Amending 6 MCAR § 4.9560 B.2. to retain the requirement that notification must be in writing would solve the problem raised by Washington County. 6 MCAR § 4.9560 B.2. as amended below is needed and reasonable.

> 2. The director may suspend a previously approved county ordinance or relevant portion thereof if that ordinance has been modified and is determined by the director to be inconsistent with the state hazardous waste rules. Upon suspension by the director, the matter must be placed on the agenda of the next month's regularly scheduled meeting of the agency board. The agency shall notify the county in writing of its decision to approve, suspend, modify, or deny the ordinance.

26. Finding No. 236 at page 51 of the Hearing Examiner's Report is amended by deleting the last sentence.

27. Finding No. 237 at pages 51-52 of the Hearing Examiner's Report is amended by adding the following two rules to the list of rules found to have similar discretionary grants:

4.9217 D.

4.9395 B.

28. Finding No. 238 at page 52 of the Hearing Examiner's Report is amended as follows:

238. In each of these cases, the problem can be cured by adding language to the rule which limits the scope of the agency's discretion. 6 MCAR §§ 4.9131 A.3.k., 4.9133 B.7., 4.9217 D., 4.9220, 4.9258 E., 4.9295 B., 4.9297 A.3., 4.9395 B., and 4.9560 D.4.g. as amended below are needed and reasonable.

Amend subparagraph k. of paragraph 3. of 6 MCAR § 4.9131 A. to read as follows:

> k. other factors ~~as may be appropriate~~ that are relevant to the agency's determination of whether the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed, or otherwise managed.

Amend paragraph 7. of 6 MCAR § 4.9133 B. to read as follows:

> 7. other factors ~~required by~~ that are relevant to the agency's determination of whether the waste is capable of posing a present or potential hazard to human health and the environment if the waste were to be improperly treated, transported, stored, disposed, or managed under routine waste management methods.

Amend 6 MCAR § 4.9217 D. to read as follows:

> D. Extension of retention period. The periods of retention referred to in A.-C. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the director for good cause.

Amend 6 MCAR § 4.9220 to read as follows:

> The director ~~as he deems~~ when necessary to determine compliance with the requirements of 6 MCAR §§ 4.9100-4.9560, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 6 MCAR §§ 4.9128-4.9137.

Amend 6 MCAR § 4.9258 E. to read as follows:

E. Extension of retention period. The periods of retention referred to in A.-D. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the director for good cause.

Amend 6 MCAR § 4.9295 B. to read as follows:

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9280-4.9322 is three years and is extended automatically during the course of an unresolved enforcement action regarding the facility or as requested by the agency for good cause.

Amend paragraph 3. of 6 MCAR § 4.9297 A. to read as follows:

3. The agency may impose any or all of the requirements of B.-M. on the owner or operator of a facility that treats or stores hazardous waste in tanks or containers if it determines that the facility has the potential to adversely impact ground water quality. The agency shall specify in the facility permit which requirements of B.-M. shall apply.

Amend 6 MCAR § 4.9395 B. to read as follows:

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9380-4.9422 is three years and is extended automatically during the course of any unresolved enforcement action regarding the facility or as required by the director for good cause.

Amend subparagraph g. of paragraph 4. of 6 MCAR § 4.9560 D. to read as follows:

g. Any other information requested by the director that pertains to the county's hazardous waste program which was approved by the agency.

Based upon the foregoing Findings of Fact, the Agency hereby makes the following:

CONCLUSIONS

1. That the MPCA gave proper notice of the hearing in this matter.

2. That the MPCA has fulfilled the procedural requirements of Minn. Stat. § 14.14, subds. 1, 1a and 2 (Supp. 1983) and all other procedural requirements of law or rule.

3. That the MPCA has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3, and 14.50 (i) and (ii) (Supp. 1983).

4. That the MPCA has documented the need for and reasonableness of its proposed rules with an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2 and 14.50 (iii) (Supp. 1983).

5. That the amendments and additions to the proposed rules which were suggested by the MPCA after publication of the proposed rules in the State Register do not result in rules which are substantially different from the proposed rules as published in the State Register within the meaning of Minn. Stat. § 14.15, subd. 3 (Supp. 1983), and 9 MCAR §§ 2.110 A. and 2.111 (1980 Ed.).

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

MINNESOTA POLLUTION CONTROL AGENCY

Dated this 25th day of
April, 1984

Cynthia C Jepsen
CYNTHIA JEPSEN
Chairwoman

Sandra Gardebring
Sandra S. Gardebring
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

AMENDED
FINDINGS OF FACT
AND CONCLUSIONS

On April 25, 1984, the Minnesota Pollution Control Agency (Agency) adopted amendments to its rules governing the management of hazardous waste, 6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010, recodified as 6 MCAR §§ 4.9100 -4.9560, adopted Findings of Fact and Conclusions and executed its Order Adopting, Amending and Repealing Rules. On April 30, 1984, the Chief Hearing Examiner found that the amendments to 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B. and 4.9395 B. did not cure the defects in those provisions noted by the Hearing Examiner and disapproved those four provisions of the rules.

After affording all interested persons an opportunity to present written and oral comments to the Agency, after considering the Order of the Chief Hearing Examiner, after considering all the evidence in the record, the Agency, being fully advised in the premises, amends the Findings of Fact and Conclusions dated April 25, 1984, as follows:

1. Finding No. 238 at pages 7 and 8 of the Findings of Fact and Conclusions is deleted and the following finding is substituted:

238. In each of these cases, the problem can be cured by either adding language to the rule which limits the scope of the agency's discretion or by deleting the words "or as requested by the director [agency]". 6 MCAR §§ 4.9131 A.3.k., 4.9133 B.7., 4.9217 D., 4.9220, 4.9258 E., 4.9295 B., 4.9297 A.3., 4.9395 B., and 4.9560 D.4.g. as amended below are needed and reasonable.

Amend subparagraph k. of paragraph 3. of 6 MCAR § 4.9131 A. to read as follows:

> k. other factors ~~as may be appropriate~~ that are relevant to the agency's determination of whether the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed, or otherwise managed.

Amend paragraph 7. of 6 MCAR § 4.9133 B. to read as follows:

> 7. other factors ~~required by~~ that are relevant to the agency's determination of whether the waste is capable of posing a present or potential hazard to human health and the environment if the waste were to be improperly treated, transported, stored, disposed, or managed under routine waste management methods.

Amend 6 MCAR § 4.9217 D. to read as follows:

> D. Extension of retention period. The periods of retention referred to in A.-C. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity ~~or as requested by the director~~.

$.20

Amend 6 MCAR § 4.9220 to read as follows:

The director ~~as he deems~~ when necessary to determine compliance with the requirements of 6 MCAR §§ 4.9100-4.9560, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 6 MCAR §§ 4.9128-4.9137.

Amend 6 MCAR § 4.9258 E. to read as follows:

E. Extension of retention period. The periods of retention referred to in A.-D. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity ~~or as requested by the director~~.

Amend 6 MCAR § 4.9295 B. to read as follows:

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9280-4.9322 is three years and is extended automatically during the course of an unresolved enforcement action regarding the facility ~~or as requested by the agency~~.

Amend paragraph 3. of 6 MCAR § 4.9297 A. to read as follows:

3. The agency may impose any or all of the requirements of B.-M. on the owner or operator of a facility that treats or stores hazardous waste in tanks or containers if it determines that the facility has the potential to adversely impact ground water quality. The agency shall specify in the facility permit which requirements of B.-M. shall apply.

Amend 6 MCAR § 4.9395 B. to read as follows:

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9380-4.9422 is three years and is extended automatically during the course of any unresolved enforcement action regarding the facility ~~or as required by the director~~.

Amend subparagraph g. of paragraph 4. of 6 MCAR § 4.9560 D. to read as follows:

g. Any other information requested by the director that pertains to the county's hazardous waste program which was approved by the agency.

MINNESOTA POLLUTION CONTROL AGENCY

Dated this 22nd day of May, 1984

DUANE A. DAHLBERG
Vice-Chairman

Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Duane A. Dahlberg, do hereby certify that I am a member and the Vice-Chairman of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency, duly and properly called and held on the 22nd day of May, 1984, that a quorum was present at said meeting, that a majority of those present 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 (Agency) hereby withdraws 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B. and 4.9395 B. which it adopted on April 25, 1984.

BE IT FURTHER RESOLVED, that the Agency adopts 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B. and 4.9395 B. as published at 8 State Register 734-811 and 813-958 with the changes specified in the attached Supplemental Order Adopting, Amending and Repealing Rules.

BE IT FURTHER RESOLVED, that the Agency adopts the attached Amended Findings of Fact and Conclusions and the attached Supplemental Order Adopting, Amending and Repealing Rules and that the Chairperson and Executive Director are hereby authorized to execute the above-named documents on behalf of the Agency.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of May, 1984.

VICE-CHAIRPERSON

Attest by one other Agency member

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Cynthia Jepsen, do hereby certify that I am a member and chairperson of the Minnesota Pollution Control Agency, an Agency duly authorized under the laws of the State of Minnesota and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 20th day of December, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

WHEREAS, on September 27, 1983, the Minnesota Pollution Control Agency (Agency) authorized the initiation of noncontroversial rulemaking procedures with respect to proposed amendments to the rules governing Generators of, and the Identification, Transportation and Management of Hazardous Waste and County Hazardous Waste Programs, 6 MCAR §§ 4.9001 - 4.9003, 4.9005 and 4.9008 - 4.9010 to be renumbered as 6 MCAR §§ 4.9100 - 4.9259 and 4.9559 - 4.9560; and

WHEREAS, on September 27, 1983, the Agency also authorized the initiation of noncontroversial rulemaking procedures with respect

to proposed amendments to the rules governing Hazardous Waste Treatment, Storage and Disposal Facilities, 6 MCAR §§ 4.9004 to be renumbered as 6 MCAR §§ 4.9280 - 4.9481; and

WHEREAS, in response to the Notice of Intent to Adopt Rules Without a Public Hearing the Agency received numerous comments and more than seven requests for a hearing with respect to each set of rules; and

WHEREAS, the Agency wishes to incorporate certain amendments suggested by the comments and to correct grammatical, spelling and other errors in the rules as proposed prior to the hearing on the proposed rules,

THEREFORE BE IT RESOLVED that the Minnesota Pollution Control Agency hereby reauthorizes the initiation of rulemaking proceedings on the proposed amendments to the hazardous waste rules governing generators of, and the identification, transportation and management of hazardous waste and county hazardous waste programs and on the proposed amendments to the hazardous waste rules governing treatment, storage and disposal facilities, which amendments were approved by the Agency on September 27, 1983, with the attached amendments.

BE IT FURTHER RESOLVED that the Agency consolidates for the purposes of hearing the proposed amendments to the rules governing generators of, and the identification, transportation and management of hazardous waste and county hazardous waste programs with the proposed amendments to the rules governing hazardous waste treatment, storage and disposal facilities.

BE IT FURTHER RESOLVED that the Agency authorizes and directs the Director to call a hearing for the purpose of promulgating rules of the Agency governing generators of, and the identification, transportation and management of hazardous waste, hazardous waste treatment, storage and disposal facilities and county hazardous waste programs, and to 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 FURTHER RESOLVED that the Director is authorized to make any changes in the proposed rules that the Revisor of statutes requires the Agency to make in order to obtain the Revisor's certification as required by Minn. Stat. Chapter 14 and to make any corrections in the rules with respect to cross-referencing of other rules.

IN WITNESS WHEREOF I have hereunto subscribed my name this 24th day of January, 1984.

Cynthia C Jepsen

CYNTHIA JEPSEN
Chairperson

Sandra S. Gardebring

Attest

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Duane A. Dahlberg, do hereby certify that I am a member and the Vice-Chairman of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency, duly and properly called and held on the 22nd day of May, 1984, that a quorum was present at said meeting, that a majority of those present 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 (Agency) hereby withdraws 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B. and 4.9395 B. which it adopted on April 25, 1984.

BE IT FURTHER RESOLVED, that the Agency adopts 6 MCAR §§ 4.9217 D., 4.9258 E., 4.9295 B. and 4.9395 B. as published at 8 State Register 734-811 and 813-958 with the changes specified in the attached Supplemental Order Adopting, Amending and Repealing Rules.

BE IT FURTHER RESOLVED, that the Agency adopts the attached Amended Findings of Fact and Conclusions and the attached Supplemental Order Adopting, Amending and Repealing Rules and that the Chairperson and Executive Director are hereby authorized to execute the above-named documents on behalf of the Agency.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of May, 1984.

VICE-CHAIRPERSON

Attest by one other Agency member

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Cynthia Jepsen, do hereby certify that I am a member and the Chairperson of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency, duly and properly called and held on the 25th day of April, 1984, that a quorum was present at said meeting, that a majority of those present 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 (Agency) hereby approves and adopts the amendments to 6 MCAR §§ 4.9001-4.9003, 4.9005, and 4.9009, recodified as 6 MCAR §§ 4.9100-4.9560, published at 8 State Register 734-811 and 813-958 as corrected in the errata published at 8 State Register 1084-1086 and 1238 and as amended at 8 State Register 1578-1589 with the changes specified in the attached Order Adopting, Amending and Repealing Rules.

BE IT FURTHER RESOLVED, that the Agency hereby repeals 6 MCAR §§ 4.9004, 4.9008, and 4.9010 and Appendices A, B, C, D, E, F, G, H, I, and J.

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Executive Director is authorized to make any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's Certificate as required in Minn. Stat. §14.08 (Supp. 1983).

BE IT FURTHER RESOLVED, that the Agency adopts the attached Findings of Fact and Conclusions and the attached Order Adopting, Amending, and Repealing Rules and that the Chairperson and Executive Director are hereby authorized to execute the above-named documents on behalf of the Agency.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of April, 1984.

Cynthia C Jepsen
CHAIRPERSON

Janet C. Green.
Attest by one other Agency member

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Penny Nickles being first duly sworn, deposes and says:

That on the 30 day of December, 1983, at the City of Roseville, County of Ramsey, State of Minnesota, She served the attached Notice of Hearing by depositing in the United States Postal Service for first class mailing a copy thereof, properly enveloped, with postage prepaid, on all those persons and associations who have requested that their names be placed on file with the Minnesota Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by this Agency and on all other persons and associations listed in the attached mailing list.

Penny Nickles

Subscribed and sworn to before me this 30th day of December, 1983.

Margaret Frank
Notary Public

MARGARET FRANK
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Sept 26, 1985

HAZARDOUS WASTE RULES MAILING LIST
JANUARY 1984

A & L Coating Spec. Corp.
2978 North Cleveland
Roseville, MN 55113
Attn: William D. Armstrong

A.D.C. Products
922 North Swift
St. Peter, MN 56082
Attn: Roger Wade, Sup.

A.P.I., Inc.
2366 Rose Place
St. Paul, MN 55113
Attn: Terry W. Wold

A.W. Research Labs
711 Laurel St.
Brainerd, MN 56401
Attn: Alan Cibuzar

Aacron Inc.
2705 Cheshire Lane
Mpls., MN 55441
Attn: Albert A. Bonacci

Abbott Northwest Hospital Corp.
2727 Chicago Ave. S.
Mpls., MN 55407
Attn: Ed Anderson

K.W. Abrams Metals
2500 Elm Street Southeast
Minneapolis, MN 55414
Attn: Mike Abrams

Abrasion Dynamics, Inc.
2402 Commonwealth Ave.
Duluth, MN 55808
Attn: Gordon Simonson

Accraply Inc.
15119 Minnetonka Ind. Rd
Minnetonka, MN 55343
Attn: Kenny Good

Lund American Inc.
Box 248
New York Mills, MN 56567
Attn: Glenn Munsch

Lyon's Sanitary Landfill
Box 36
Marshall, MN 56258
Attn: Elaine Ritter

M & D Metal Finishing Inc.
42 SE 1st Steet
New Brighton, MN 55113
Attn: Lawrence M. Clark

M & M Protection Consultants
Senior Safety Specialist
1500 Northstar Center
Mpls., MN 55402
Mr. Bill Hoyt

M.C.F.
3289 Caneen Trail E.
Inver Grove Hts., MN 55075
Attn: Duane Lund

M.W. Ettinger, Inc.
2711 N. Fairview Ave.
St. Paul, MN 55113
Attn: Meyer Bolnick

M&M Truck Rentals Div.
809 Jackson Ave.
Elk River, MN 55330
Attn: Larry V. Morrell

Macalester College
1600 Grand Ave.
St. Paul, MN 55105
Attn: Simon V. Asuncion

Macalester College
Chemistry Department
St. Paul, MN 55105
Attn: Wayne Wolseg

Ace Solid Waste Management
3118 NW 162 Lane
Anoka, MN 55303
Attn: Dean O. Warden

Action Disposal System
4300 E. 65th St.
Inver Grove Hts, MN 55075
Attn: Duane Soutor

ADM. Milling Co. Nokomis
3501 S. Hiawatha Ave.
Mpls. MN 55406
Attn: Robert K. Miley

Admiral-Merchants Motor
215 S. 11th Street
Mpls., MN 55403
Attn: Glenn E. Brett

Advance Circuits
15102 Minnetonka Ind.Rd.
Minnetonka, MN 55343
Attn: Stephen E. Morris

Advance United Expressways
2601 Broadway Road NE
Mpls., MN 55413
Attn: Leonard Gunn, Mgr of Main

Advance Machine Company
4080 Sunset Drive
Spring Park, MN 55384

Advanced Flex, Inc.
15115 Minnetonka Ind. Rd
Minnetonka, MN 55343
Attn: Ken R. Conner

Aero Systems Eng. Inc.
358 E. Fillmore Ave.
St. Paul, MN 55107
Attn: Joseph M. Zell

Ag-Chem Equipment Co.
4900 Viking Drive
Mpls., MN 55435
Attn: Bonnie Cameron

MacDermid Inc.
50 Brookside Road
Waterbury, CT 06720
Attn: William Toller

MacGillis & Gibbs Co.
440 Fifth Ave.
New Brighton, MN 55112
Attn: Robert E. Norgard

MACI
200 Hanover Bldg
480 Cedar Street
St. Paul, MN 55101

Mack Trucks Inc.
2195 W. Co.Rd. C2, Box 43579
St. Paul, MN 55116
Attn: James F. Seykora

Mada Services
277 University Ave.
St.Paul, MN 55103
Attn: James Schutjer

Magnetic Peripherals, Inc.
4050 Norris Court NW
Bemidji, MN 56601
Attn: W.B. Van Vranken

Mahnomen County
Mahnomen, MN 56557
Attn: Mark Diekman

Mando Photo Co.
1790 W. Larpenteur Ave.
St. Paul, MN 55113
Attn: Kenneth A. Waxler

Manitoba Env. Mgmt.
Bx 7, Bldg 2, 139 Tuxeto Ave
Winnipeg, CANADA R3N OH6
Attn: Mr. D Thompson

Mankato AVTI
1920 Lee Blvd.
North Mankato, MN 56001
Attn: Bill Warmack

Albert Lea Electroplating
808 12th St. - P.O. B[redacted]107
Albert Lea, MN 56007
Attn: Jon T. Hibbard

Alexandria Lake Sanitary District
Route 7, Box 466
Alexandria, MN 56308
Attn: Bruce A. Nelson

Alexandria Rubbish Service
P.O. Box 746
Alexandria, MN 56308
Attn: Jerome Kluver

Alliance of American Insurers
20 North Wacker Drive
Chicago, Illinois 60606
Attn: Bradley Kading

Allstate Automotive
3008 Pillsbury Ave. S.
Mpls., MN 55408
Attn: James W. Hay

Almco Division-K.S.T.
505 Front Street
Albert Lea, MN 56007
Attn: Terry S. Pederson

Alumacraft Boat Co.
315 W. St. Peter St.
St. Peter, MN 56082
Attn: Mike Miner

American Can Co.
12130 Lynn Ave.
Savage,MN 55378
Attn: R.A. Peterson

American Chemical Service
P.O. Box 190
Griffith, IN 46319
Attn: W.S. Wagoner, Jr.

American Crystal Sugar Co.
101 North Third St.
Moorhead, MN 56560
Attn: W. W. Barr

Mankato State University
Mankato, MN 5600[redacted]
Attn: Dr. C.E. Faust

Marsh and McLennan
1500 Northstar Center
Mpls., MN 55402
David E. Marquette

Martinez Mapping & Energy
240 East Fillmore St.
St. Paul, MN 55107
Attn: William R. Block

Mason Metals Co.
P.O. Box 38
Schererville. IN 46375
Attn: Von E. Mason

Master Inc.
287 E. 6th Street
St. Paul, MN 55101
Attn: Michael Laub

Matlock, Inc.
10 West Baltimore Avenue
Lansdowne, PA 19050
Attn: Mr. Mike Pacawa

Matthew Livingood
4100 Bank of Oklahoma Tower
Tulsa, Oklahoma 74172
Attn: Hall, Estill

Matthew's Consulting and Construction
Post Office Box 845
Silver Spring, Maryland 20901
Attn: Rosalie T. Matthews

Mayo Clinic
310 Hilton Bldg.
Rochester, MN 55901
Attn: Janet Agrell

Mayo Foundation
200 1st Street SW
Rochester, MN 55905
Attn: David M. Senjem

American Hoist
63 S. Robert Street
St. Paul, MN 55107
Attn: Gary King/Kurt Williamson

American Lung Association
1829 Portland Ave. S.
Mpls., MN 55404

American Scientific Products
13505 Ind. Pk Blvd.Box 41515
Mpls., MN 55441
Attn: Carol S. Smith

Amhoist
63 S. Robert Street
St. Paul, MN 55107
Attn: Richard R. Johnson

Amoco Oil Company
P.O. Box 18008
Mpls., MN 55418
Attn: R.C. Olson

Anchor Block Co.
P.O. Box 43360
St Paul, MN 55164
Attn: Richard C. Schumacher

Joyce Anderson
Route 1, Box 162B
Milaca, MN 56353

Anoka County Health Department
Courthouse-4th floor
Anoka, MN 55303
Attn: Robert M. Hutchison

Aqua-Tech Inc.
140 S. Park St.
Port Washington, WI 53074
Attn: E. John Geittmann

Archer Danels Midland Co
3rd & Harper
Mankato, MN 56001
Attn: A. Leigh Paulsen

McCombs Knutson Assoc.
12800 Industrial Blvd
Plymouth, MN 55441
Attn: Robert Peplin P.E.

McCourtney Plastics, Inc.
7309 W. 27th St.
St. Louis Pk., MN 55426
Attn: Wolfgang Griesser

McGhie and Betts, Inc.
1648-3rd Ave. SE
Rochester, MN 55901
Attn: Douglas N. Betts

Michael McGowan
1001 Black Dog Road
Burnsville, MN 55337

McKesson Chemical Co.
600 Hunter Dr. Suite 300
Oakbrook, IL 60521
Attn: Thomas Nisler

McKesson Chemical Co.
111-22nd Ave. N.E.
Minneapolis, MN 55418
Attn: Gil Rein

McLeod County
Courthouse
Glencoe, MN 55336
Attn: Edwin E. Homan

McQuay Perfex Inc.
300 24th St. NW
Faribault, MN 55021
Attn: James F. Douda

MDI Inc.
6202 Concord Blvd. E.
Inver Grv Hts, MN 55075
Attn: Merlin Clausen

Medallion Kitchens
302 East Washington
Fergus Falls, MN 56537
Attn: Dorvin Emery

Arctic Enterprises
Box 635
Thief Riv Falls, MN 56701
Attn: Dick Olson

Arctic Marine Prod. Inc.
702 West River Rd.
Little Falls, MN 56345
Attn: Allen Kuibelbech

Aroplax Corp.
2318 Chestnut Ave. N.
Mpls., MN 55405
Attn: Don Schoen

Arrowhead Econ. Oppor. Agency
3rd Ave.- 6th St.S.
Virginia, MN 55792
Attn: Karen M. Skorich

Ashbach Construction Co.
431 E. Kellogg Blvd., Box 3738
St. Paul, MN 55165
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Ashland Petroleum Co.
100 W. 3rd St.
St. Paul, MN 55071
Attn: James D. Scalcucci

Associate Bioscience of Minnesota
1552 E. Lake Street
Mpls., MN 55407
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Associate Engineers of Mankato
P.O. Box 1298
Mankato, MN 56001
Attn: William C. Klammer, Jr.

Associated Lithographers
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Attn: Warren C. Wolfe

Association-Minnesota Counties
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Minneapolis, MN 55432
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Medtronic Inc., Neuro Div.
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Medtronic, Inc.
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Minneapolis, MN 55432
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Melrose Waste Water Plant
116 N. 8th Ave. East
Melrose, MN 56352
Attn: Don E. Salzmann, W.W. Supt.

Mercy Medical Center
4050 Coon Rapids Blvd.
Coon Rapids, MN 55433
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Merit Enterprises
P.O. Box 238
Isle, MN 56342
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Metal-Matic Inc.
629 2nd St. SE
Mpls., MN 55414
Attn: A.C. Mommsen

Metallurgical Inc.
900 E. Hennepin Ave.
Mpls., MN 55414
Attn: John A. Wiehgosz

Metcalf and Eddy
1011 East Touhy Avenue
Des Plains, Illinois 60018
Attn: Mike Harvey

Metropolitan Council
300 Metro Square Bldg.
St. Paul, MN 55101
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Astrocom Corp.
15012 Minnetonka Ind. R
Minnetonka, MN 55343
Attn: Donald L. Hetzler

Ault Inc.
1600 H Freeway Blvd.
Minneapolis, MN 55430
Attn: Bob Burks

Aurelius Manufacturing Company
220 SW 8th Street
Braham, MN 55006
Attn: Wendell L. Nelson

Autobody Supply Inc.
2845 Anthony Lane S.
Mpls., MN 55418
Attn: Tom Hitchcock

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995 University Ave.
St. Paul, MN 55104
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Automated Medical Systems
543 Sexton Bldg. 529 S. 7th
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Attn: E.W. Lanpher

Badger Foundry Co.
1058 E. Mark St.
Winona, MN 55987
Attn: Barry J. Owen

Barr Engineering Co.
6800 France Ave. S.
Mpls., MN 55435
Attn: Allan Gebhard

Basic Industries
1275 Hwy. Old 8
New Brighton, MN 55112
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1051 Pierce Butler Rte
St Paul, MN 55104
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Micron Molding, Inc.
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Mpls., MN 55420
Attn: Todd K. Johnson

Mid Continent Eng.
1615 West River Road
Mpls., MN 55411
Attn: Don Lee

Mid-American Lines, Inc.
5500 W. 47th St.
Chicago, IL 60638
Attn: Herbert Morgan

Midland Ross Midter Div.
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N. Mankato, MN 56001
Attn: Lee C. Ulland

Midwest Electric
P.O. Box 910
Mankato, MN 56001
Attn: Peter Skadahl

Midwest Erectors, Inc.
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St. Paul, MN 55117
Attn: Edward McCarty,OSHA Officer

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Duluth, MN 55807
Attn: Rondi Erickson

Bayliner Marine Corp.
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Seattle, Washington 98124
Attn: Bob Teague

Bell Pole Co.
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Bellaire Sanitation
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Berg-Torseth, Inc.
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Rm.B-252 Martin Tower
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Box 626, 1016 11th Ave. S.
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Midwestern Gas T[illegible]s. Co.
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Midwestern Gas Transmission
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Miller Scrap Iron& Metal
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Attn: Peter Harris, Manager

Blandin Wood Products Co
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St. Paul, MN 55101
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St. Paul, MN 55101
Attn: Lowell E. Torseth

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Attn: Bruce Barker

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Attn: Robert Buckler

Minnesota Government Report
B-12,State Capitol Press Rm
St. Paul, MN 55155
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St. Paul, MN 55113
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Minnesota Tractor Co.
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Bloomington, MN 55431
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Minnesota Valley Testing Lab.
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New Ulm, MN 56073
Attn: John Gray

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Minnetonka Inc.
Jonathan Ind. Center
Chaska, MN 55318
Attn: Larry Lundmark

Missouri Neb. Express Inc.
P.O. Box 939
St. Joseph, MO 64502
Attn: Bill Lutes

'Buckbee-Mears Co.
245 E. 6th St.
St. Paul, MN 55101
Attn: Steve Meyers

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2285 Daniels Street
Long Lake, MN 55356
Attn: Bradley M. Veden

Bureau of Engraving Inc.
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Minneapolis, MN 55413
Attn: Mark Gibbs

Bureau of Engraving
3311 Broadway Northeast
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Bureau of Mines Research Center
5629 Minnehaha Avenue South
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Bureau of National Affairs
1231-25th St. NW, Room 425
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176 E. 5th Street
St. Paul, MN 55101
Attn: J.D. Giallombardo

Burlington Northern Railroad
330 2nd Ave. So.
Minneapolis, MN 55401
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Burlington Northern
176 East 5th Street
St. Paul, MN 55101
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Bury & Carlson, Inc.
6008 Wayzata Blvd.
Mpls., MN 55416
Attn: Norman C. Bury

Mobil Oil Corp.
P.O. Box 66568
A.M.F. O'Hare, IL 60666
Attn: M.C. Holland Environmental

Monarch Ind. Inc.
1900 E. 1st Ave.
Mt. Lake, MN 56159
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Montevideo Tech. Inc.
RR 1, Box 16A
Montevideo, MN 56265
Attn: Gerry G. Olson

Montgomery & Associates
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Attn: Dale Montgomery, P.E.

Moorhead,Wastewater Div.
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Moorhead, MN 56560
Attn: Frank Peloubet,WWS Supt.

Morris Red-Weeder
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Old Courthouse Bldg.
Little Falls, MN 56345
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Mount Sinai Hospital
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Mower County
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Austin, MN 55912
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Mr. Frank Inc.
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Butler Taconite
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C.W. Olson Inc.
1300 Quincy St, Box 231
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Capsule Laboratories
840 Sibley Memorial Hwy
St. Paul, MN 55118
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Cardiac Pacemakers, Inc.
4100 N. Hamline Ave.
St. Paul, MN 55112
Attn: Eugene R. Seczko

Cargill Inc.
804 12th Street
Albert Lea, MN 56007
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Courthouse
Carlton, MN 55718
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Muckle Mfg.
P.O. Box 247
Owatonna, MN 55060
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1710 Douglas Drive
Golden Valley, MN 55422
Attn: William O'Connor

Padeo Inc.
2220 Elm St. Southeast
Minneapolis, MN 55414
Attn: John A. Cornell

City of Norwood
P.O. Box 156
Norwood, MN 55368
Attn: Brant Ball, Administrator

City of Red Wing-Public Ser
229 N. Tyler Rd.
Red Wing, MN 55066
Attn: Jerome Peterson

City of Two Harbors
610 2nd Ave.
Two Harbors, MN 55616
Attn: Ron Bigelow

City of Wadena
P.O. Box 30
Wadena, MN 56482
Attn: Ronald Bucholz

City of Waseca
508 S. State St.
Waseca, MN 56093
Attn: Bruce A. Carlson

City of Windom
Box 38
Windom, MN 56101
Attn: Ronald Tibodeau

City of Worthington
906 Turner St.
Worthington, MN 56187
Attn: Daryl Lambert

Clay County SLF.
1300 15th Ave. N.
Moorhead, MN 56560
Attn: John A. Cousins

Clearr Corp.
150 W. 60 St.
Mpls., MN 55419
Attn: Joseph Manges Jr.

Coact
211½ Minnesota
Bemidji, MN 56601
Attn: Ann Mongoven

Page and Hill Forest Products
Big Falls
Minnesota 56627

Palm Industries, Inc.
P.O. Box 562
Litchfield, MN 55355
Attn: E.L. Lyons, General Mgr.

Bruce Palm
Rt. 2, Box 192
Grove City, MN 56243

Paper, Calmenson & Co.
P.O. Box 43432
St. Paul, MN 55164
Attn: W.G. Brown

Par Aide Products Co.
296 N. Pascal Street
St. Paul, MN 55104
Attn: Robert F. Gerding

Paul's Sanitary Service
3204 Miller Trunk Rd.
Duluth, MN 55811
Attn: Paul N. Johnson

Post Office Box 2578
Loop Station
Minneapolis, MN 55402
Attn: Ron Eccles

PCS of Minnesota
6280 Industrial Dr.
Eden Prairie, MN 55344
Attn: Jack Tonn

Peavey Co.
730 Second Ave. S.
Mpls., MN 55402
Attn: Jack Strohm

Peerless Chain Co.
1416 E. Sanborn
Winona, MN 55987
Attn: Orville Broch

Jim Coleman
5305 Penn Ave S.
Minneapolis, MN 55419

Color Ad Packaging
3600 Alabama Ave.
Minneapolis, MN 55416
Attn: Lawrence E. Kallin

Com-Or Inc. Westville Oil
Post Office Box 587
Westville, IN 46391
Attn: David S. Ahlberg

Comm. Pump. & Incin. of IL
9948 Express Dr. Box1798
Highland, ID 46 22
Attn: Linda A. Brown

Conklin Co.
Valley Park Dr.
Shakopee, MN 55379
Attn: Al Schafer

Conoco Inc.
Box 1267
Ponca City, OK 74603
Attn: Michael L. Alden, TSL

Consolidated Container
735 N. 3rd St.
Mpls., MN 55401
Attn: Jonathan Stein

Consulting Engineers Diversified
P.O. Box J
Osseo, MN 55369
Attn: Michael A. Schoenecker

Container Service
95 Ivy Avenue West
St. Paul, MN 55117
Attn: Alan Holm

Contamination Control Corp
P.O. Box 177
Maple Plain, MN 55359
Attn: Steve Allyn

Gerald A. Peterson
Chisago County
Center City, MN 012

Bob Pfefferle
221 Janalyn
Golden Valley, MN 55416

Philadelphia Naval Base
Northern Division
Bldg. 77-L, Code 114
Philadelphia, PA 19112

Phoenix Inc.
2495 East 117th Street
Inver Grove Heights, MN 55075

PHSK and D
4344 IDS Center
Minneapolis, MN 55402
Attn: G. Robert Johnson

Pickands Mather & Co.
811 First Fdrl Savings Blg.
Duluth, MN 55802
Attn: Charles B. Hoffman

Pickands Mather & Company
1100 Superior Ave.
Cleveland, OH 4414
Attn: Philip D. Brick

Pierce Oil Co. Inc.
Box 273
Eagle Lake, MN 56024
Attn: Delbert G. Pierce

Pillsbury Co.
608 2nd Ave. S.
Mpls., MN 55402
Attn: Carl A. Smith Jr. M-330

Pillsbury Company
1100 N. 4th Street
LeSueur, MN 56058
Attn: Willard Brosz

Contech Inc.
7711 Computer Ave.
Mpls., MN 55435
Attn: John A. Regan

Continental Machines Inc.
5505 W. 123 St.
Savage, MN 55378
Attn: Joel Hosford

Control Data Corp.
3965 Meadowbrook Road
St. Louis Park, MN 55417
Attn: Michael Freda

Control Data Corp. HQW 09A
8100 34th Ave. S., Box O
Mpls., MN 55440
Attn: Robert Kaiser

Conwed Corp.
444 Cedar St., Box 43237
St. Paul, MN 55164
Attn: Mr. Kenneth J. Powell

Conwed Corp.
2200 Highcrest Rd.
St. Paul, MN 55113
Attn: James E. Tancig

Cook County Solid Waste Officer
Courthouse
Grand Marais, MN 55604
Attn: Timothy Kennedy

Cook Paint & Varnish Co.
4800 Lilac Dr. N.
Mpls., MN 55429
Attn: Roger Lodien

Cooperative Power Assn.
14615 Lone Oak Road
Eden Prairie, MN 55344
Attn: Scott Schuler

Cornelius Cannon
324 W. Washington
Cannon Falls, MN 55009
Attn: Larry Runge

Pine Lane Landfill
Chisago City, MN 55013
Attn: Cameron Strand

Pine Plating Co.
67 5th St. NE
Pine Island, MN 55963
Attn: Cliff Edstrom

Pioneer Metal Finishing
1717 W.River Rd. N
Mpls., MN 55411
Attn: Herb Murphy

Pipestone County
Pipestone Co. Courthouse
Pipestone, MN 56164
Attn: Wayne W. Lange

Plastech Research Inc.
1710 Gervais Ave.
St. Paul, MN 55109
Attn: Steve Kalvestran

Plews Div, Parker-Hannifi
Bush Blvd.
Granite Falls, MN 56241
Attn: Robin W. Spaude

William P. Poblete P.E.
1611 Cascade St.NW
Rochester, MN 55901

Polaris Industries
Highway 89 South
Roseau, MN 56751
Attn: Janet Fossum

Ponderosa
Box 3202
Mankato, MN 56001
Attn: Gerald J. Weimert

Poor Richard's Inc.
400 Whitall St.
St. Paul, MN 55101
Attn: Richard A. Wybierala

Councilman-City of Hoyt Lks
212 Arlington Road
Hoyt Lakes, MN 55750
Attn: Gerald F. O'Donnell

Crenlo, Division of G.F.
1600 4th Ave. NW
Rochester, MN 55901
Attn: Gerald P. McGill,Fac.Eng.

Crepeau Co.
287 E. 6th St.
St. Paul, MN 55101
Attn: James Pirkl

Crosby Manufacturing
Box 247
Crosby, MN 56441
Attn: J.E. Mahoney

Crow River Industries
1415 E. Wayzata Blvd.
Wayzata, MN 55391
Attn: Marvin Pearson

Crow Wing County
Planning & Zoning, Courthouse
Brainerd, MN 56401
Attn: Bruce L. Jones

Custom Display Inc.
413 Wacouta St.
St. Paul, MN 55101
Attn: Don L. Miller

C3 International
3423 NE Maplewood Dr.
Mpls., MN 55418
Attn: P.S. Cartwright

D & R Enterprises Inc.
8900 Penn Ave. S, S 107
Mpls., MN 55431
Attn: Darrel W. Smith, Sr.

D. M. & I. R. Ry. Co.
210 Missabe Bldg.
Duluth, MN 55802
Attn: Paul D. Gableman

Pope County Planning & Zoning
Glenwood, MN 56334
Attn: Michael D. [redacted]owe, Admin.

Pope-Reid Assoc. Inc.
245 E. 6th St., Suite 813
St. Paul, MN 55101
Attn: Robert J. Reid, P.E., Pres.

Popham, Haik, Schnobrich,
4344 IDS Center
Mpls., MN 55402
Attn: Robert S. Burk

Porta Dock Inc.
Highway 15 So.
Dassel, MN 55325
Attn: Robert Gillman

Portable Elevator Co.
Box 128
Glencoe, MN 55336
Attn: Dale R. Johnson

Portage SLF Authority
23E
Crane Lake, MN 55725
Attn: Dorothy Mohr, Secretary

Post-Bulletin
18 1st Ave. SE
Rochester, MN 55901
Attn: Ted Perry

Potlatch Corp.
Ave. C & Arch Street
Cloquet, MN 55720
Attn: Archie D. Chelseth

Power Testing Inc.
1964 Kauffman Ave.
Fairborn, OH 45324
Attn: Robert E. Mentzer

PPG Industries, Inc.
1604 N. Superior Rd.
Marshall, MN 56258
Attn: Al Saltee

Dahlen Transport Inc.
1680-4th Ave.
Newport, MN 55055
Attn: R.W. Swanson

Dairyland Electric Coop.
2810 Elida Drive
Grand Rapids, MN 55744
Attn: Gerald F. Seeling

Dairyland Power Coop.
2615 East Ave. S.
Lacrosse, WI 54601
Attn: Thomas A. Steele

Dakota Co. Government Center
1560 Hwy. 55
Hastings, MN 55033
Attn: Donna M. Anderson

Dakota County
1560 Hwy. 55
Hastings, MN 55033
Attn: Ron Spong

Dakota County Attorney's Office
1560 Highway 55
Hastings, MN 55033
Attn: Robert F. Carolan

Dames and Moore
1550 N.W. Highway
Park Ridge, Illinois 66068

Data Card Corp.
11111 Bren Rd. W.
Minnetonka, MN 55343
Attn: D.W. Blumenstein

Davy Engineering Co.
115 S. 6th St, Box 2076
Lacrosse, WI 54601
Attn: Michael F. Davy

Dayton Herman Graham & Gett
10 S. 5th St., Suite 930
Mpls., MN 55401
Attn: James A. Payne

PPG Industries, Inc.
10800 S. 13th Str[illegible]
Oak Creek, WI 5315[illegible]
Attn: Martin H. Scheerbaum, P.E.

Precise Products Corp.
7217 W. 27th Street
Mpls., MN 55426
Attn: Robert E. Hacker

Printing Arts Inc.
3810 W. Broadway
Robbinsdale, MN 55422
Attn: Thomas Lundberg

Proform, Inc.
7901 Xerxes Ave. S.
Mpls., MN 55431
Attn: Linda Hines

Progressing Tool & Mfg.
780 N. Main St.
Pine Island, MN 55913
Attn: Wendell Zwart

Public Utility Comm.
P.O. Box 122
Grand Marais, MN 55604
Attn: George Dockan

Purex Corporation
24600 S. Main Street
Carson, CA 90749
Attn: Jerry Skelley

Quality Waste Control Inc
12585 Rhode Island Ave.
Savage, MN 55378
Attn: John Trulson

Queen Products
505 Front St.
Albert Lea, MN 56007
Attn: Glen Jensen

Quickie Transport Co.
1700 New Brighton Blvd., NE
Mpls., MN 55413
Attn: Robert Ball

DCI, Inc.
219 W. Main St.
Fairmont, MN 56031
Attn: Al Chamberlain

Dealers Mfg. Co.
5130 Main St. NE
Mpls., MN 55421
Attn: Doug Anderson

Delkor Industries
2920 Talmage SE
Mpls., MN 55414
Attn: D.J. Lasecke

Leslie Desnick
7200 York Ave. S.
Mpls., MN 55435

Despatch Ind. Inc.
P.O. Box 340
Lakeville, MN 55044
Attn: Charles Duthler

Detector Electronics Corp
6901 West 110th St.
Bloomington, MN 55438
Attn: Robert Melander

Detroit Lakes Wastewater Treatment
P.O. Box 647
Detroit Lakes, MN 56501
Attn: Albert E. Jahnke

DeZurik
250 Riverside Ave.
Sartell, MN 56377
Attn: Lee Walz

Di-Acro/Houdaille Ind.
800 Jefferson St.
Lake City, MN 55041
Attn: James A. Wehrs

Diamond Tool & Horseshoe
4702 Grand Ave.
Duluth, MN 55807
Attn: James Larson

R.B. Painting & Metal Finishing
1920 Oakcrest Ave. Suite 8
Roseville, MN 55113
Attn: Roger W. Boie

Rainbow Signs, Inc.
810 First Street S.
Hopkins, MN 55343
Attn: M.E. Holmberg

Raltech Scientific Services
3301 Kinsman Blvd.
Madison, WI 53704
Attn: Jim Scheidler

Ramsey County Environ. Health
1910 Co. Rd. B Suite 209
St. Paul, MN 55113
Attn: Colleen M. Halpine

Ramsey County Public Health
1910 W. Co. Rd. B Suite 209
Roseville, MN 55101
Attn: Douglas G. Wood

Rank Scherr-Tumico
301 Armstrong Blvd.N.
St. James, MN 56081
Attn: Homer L. Young

Rapid Oil Change
8148 Pillsbury S.
Bloomington, MN 55420
Attn: Ed Flaherty

Ray's Truckline Service
4413 Crawford Road
Hopkins, MN 55343

Rayette Div-Faberge Inc
185 Lafond Ave.
St. Paul, MN 55103
Attn: Lowell Larson

Rayven Inc.
431 North Griggs Street
St. Paul, MN 55104
Attn: Getty Ingalls

Dick Co.
201 E. 78th Street
Bloomington, MN 55420
Attn: Kenneth M. Schumacher

Dimensional Displays & Designs
1222 University Ave.
St. Paul, MN 55104
Attn: James D. Bucher

District 11 Council
787 N. Fairview
St. Paul, MN 55184
Attn: Merrill Robinson

Dodge County
Courthouse
Mantorville, MN 55955
Attn: Cecil Samuelson

Gary Dodge
3512 Edmund Blvd.
Mpls., MN 55406

Doherty, Rumble & Butler
E-1500 First National Bank Bldg.
St. Paul, MN 55101
Attn: Page Mattison

Dolid Tek Co.
Post Office Box 888
5371 Cook Road
Attn: R. Donald Dorminey
Morrow, Georgia 30260

Butch Donat
Viking Coca-Cola Bo.Co.
Box 806
St. Cloud, MN 56301

Dorsey and Whitney
2200 First Bank Place E.
Mpls., MN 55402
Attn: Philip M. Chen

Douglas County Zoning Office
Courthouse
Alexandria, MN 56308
Attn: Dennis P. Nagle

Re-Trac Manufacturing
2300 E. 26th Street
Mpls., MN 55406
Attn: C.O. Pitkanen

Reach-All Manufacturing & Eng.
436 Calvary Road
Duluth, MN 55803
Attn: John M. Eagleton

Recovery Systems Co. Inc
15 Tenth Ave. S.
Hopkins, MN 55343
Attn: Justin C. Webster

Regal Electric Inc.
4972 N. County Rd. 18
New Hope, MN 55428
Attn: Steve Carrol

Renstrom Dental Studio
1895 N. Rice St.
St. Paul, MN 55113
Attn: Mary J. Perkins

Renville Co. Bldg. Official
Courthouse
Olivia, MN 56277
Attn: Clifford Thoreson, Admin.

Resco
1315 15th Ave. So.
Moorhead, MN 56560
Attn: R.E. Rayment

Residuals Management Technology
1406 E. Washington Ave.
Madison, WI 53703
Attn: David Nagle

Resource Management and Assoc.
Suite 111, 333 Sibley St.
St Paul, MN 55101
Attn: Richard Pecar

Rice County Solid Waste Officer
RR 1 Box 68A
Dundas, MN 55019
Attn: Martin VanEsch

Dover-Eyota-St. Charles SSD
Box 96 Richland Ave. N.
St. Charles, MN 55972
Attn: Robert Wiskow

Dowell Division of Dow Chemcial
Post Office Box 21
Tulsa, OK 74102
Attn: N.F. Carpenter

Drac Special Ties
5401 Smetana Dr.
Minnetonka, MN 55343
Attn: Kevin Lehan

Drymer Ind.
Geneva Rd.
Alexandria, MN 56308
Attn: Christy Everett

Dunwoody Institute
818 Wayzata Blvd.
Mpls., MN 55403
Attn: John C. Hansen

DuPont
P.O. Box 68
Seneca, Illinois 61360
Attn: Environmental Coordinator

Dynamic Ind. Inc.
Box 466, 201 W. Main
Barnesville, MN 56514
Attn: Gary W. Lee

E. A. Hickok & Assoc.
545 Indian Mound
Wayzata, MN 55391
Attn: Norman Wenck

E. A. Hickok & Assoc.
545 Indian Mound
Wayzata, MN 55391
Attn: John Lichter

Rice County Environmental Health
Rice County Highway Building Box 40
Faribault, MN 55021

Richard Manufacturing. Co.
2515 24th Ave. S.
Mpls., MN 55406
Attn: Mathew Broms

Richards Asphalt & Refin.
Port Richards
Savage, MN 55378
Attn: Byron Richards

Rieke Carrol Muller Assoc.
1011 1st St. S.
Hopkins, MN 55343
Attn: Sharon Bailey

Riteway Precision Machine
2607 NE 6th Street
Mpls., MN 55418
Attn: John C. Busch

Riverside Litho Corp.
2537 25th Ave S.
Mpls., MN 55406
Attn: Stan R. Hildestad

Riviera Kitchens, Evans
P.O. Box 238
Red Wing, MN 55066
Attn: Paul Thompson

Roberts Co.
9687 East River Road
Mpls., MN 55433
Attn: Michael V. Thews

Robert J. Pugleasa Co.
61 Bedford St. SE
Mpls., MN 55414
Attn: Robert Engelking

Roberts Automatic Prod.
4451 West 76th Street
Mpls., MN 55435
Attn: Ronald E. Olberg

E and M Industries
1313 Fifth St. S.
Hopkins, MN 55343
Attn: Thomas Haley

E. Hoiby Body Co.
2010 Washington Ave. N.
Mpls., MN 55411
Attn: Ray Crawford

Eagle Engineering
P.O. Box 295
Welcome, MN 56181
Attn: David L. Cole

East Bethel Landfill
Cedar, MN 55011
Attn: Vernon Sylvester

East Central Regional Dev.
119 So. Lake Street
Mora, MN 55051
Attn: Gordon Heitke

East Mesabi Landfill Authority
City Hall
Virginia, MN 55792
Attn: Orris O. Pfutzenreuter

Eaton Corp.
15151 Hwy #5
Eden Prairie, MN 55344
Attn: Marvin K. Miller

Ecolotech Inc.
769 Front Avenue
St. Paul, MN 55103

Econo-therm Energy Sys.
11535 K-Tel Drive
Minnetonka, MN 55343
Attn: Robert D. Smith

Economics Lab. Inc.
Osborn Bldg.
St. Paul, MN 55102
Attn: Charles R. McDuff

Robida Biomedical Service
2810 57th Ave. N.
601 Brookdale T[illegible]rs
Mpls., MN 55430
Attn: Donald Robida

Rochester Public Utilities
P.O. Box 6057
Rochester, MN 55903
Attn: Joseph S. Hensel

Rockwell International
2421 W. Hillcrest Dr.
Newbury Park, CA 91320
Attn: Pat Scofield

Rodeberg Assoc.
103 Canton Ave.
Montevideo, MN 56265
Attn: Thomas N. Rodeberg

Rollins Environmental Services
P.O. Box 609
Deer Park, Texas 77536
Attn: Mr. Charles Rogers

Roseau County Highway Dept.
Route C
Roseau, MN 56751
Attn: Orris Rasmussen

Rosemount Inc.
12001 W. 78th Street
Eden Prairie, MN 55344
Attn: Lee Carlson

Rowell Laboratories, Inc.
210 Main St. West
Baudette, MN 56623
Attn: George S. Chereros

RPC, Inc.
1705 Guadalupe
Austin, TX 78701
Attn: Ronald Luke

Rubber Ind. Inc.
200 Cavanaugh Dr.
Shakopee, MN 55379
Attn: Donald P. Wagner

Economics Laboratory
940 Lone Oak Rd.
Eagan, MN 55121
Attn: Donald H. Sinner

Economics Laboratory Inc.
370 Wabasha
St. Paul, MN 55102
Attn: Robert J. Tentyck

Edco Products, Inc.
825 Excelsior Ave. E.
Hopkins, MN 55343
Attn: Scott F. Gilmer

Edeskuty and Associates
730 Second Ave. So.
Minneapolis, MN 55402
Attn: Joseph Edeskuty

Edwards Co.
4929 Boone Ave. N.
Mpls., MN 55428
Attn: Howard Katz

Eitel Hospital
1375 Willow St.
Mpls., MN 55403
Attn: Maynard Johnson

Ekre Trucking
Shevlin, MN 56676
Attn: Theodore Ekre

Elector Mold Corp.
616 Industrial Blvd.
Mpls., MN 55413
Attn: Jan Jansen

Electric Equipment Service
9675 Lawndale Lane North
Maple Grove, MN 55369
Attn: Mr. Gene Phillip

Electric Machinery, McGraw
800 Central Ave.
Mpls., MN 55413
Attn: Thomas R. Meszaros

Rubber Research
824 9th Ave. SE
Mpls., MN 55414
Attn: John Stark

Rubber Specialties Inc.
8117 Pleasant Ave. S.
Bloomington, MN 55420
Attn: Edward Jos Sifferle

S. B. Foot Company
Bench Street
Red Wing, MN 55066
Attn: Dave Guthe

S-K Products
3520 Xenwood Ave. S.
St. Louis Park, MN 55416
Attn: Mr. John Fudala

Safety-Kleen Corp.
655 Big Timer Road
Elgin, Illinois 60120
Attn: Kevin Hersey

Saint Mary's Hospital
1216-2nd Street SW
Rochester, MN 55901
Attn: Wayne A. Spary

Samaritan Hospital
1515 Charles Ave.
St. Paul, MN 55104
Attn: Owen Rasmussen

Satellite Industries Inc.
2530 Xenium Lane
Minneapolis, MN 55441
Attn: Phil Juaire

Sawhill Tubular Div.
2648 34th Ave. S.
Mpls., MN 55406
Attn: Barbara Danielski

Schaper Manufacturing
9909 South Shore Drive
Mpls., MN 55440
Attn: Bill Toms

Electro-Fab Inc.
700 Spiral Blvd.
Hastings, MN 55033
Attn: Steve Tonozzi

Electro-Plating Engineering
45 W. Ivy Ave.
St. Paul, MN 55117
Attn: Roger H. Anderson

Ellerbe
One Appletree Square
Bloomington, MN 55420
Attn: Robert F. Hoffman

EMT
1935 West County Road B-2
Roseville, MN 55113
Attn: Steven R. Loucks

Energy and Environmental Eng.
13310 Industrial Park Blvd.
Mpls., MN 55441
Attn: Peter R. Bartling, President

Ensco
P.O. Box 1975
El Dorado, AK 71730
Attn: C.L. Robertson

Envirite
16435 S. Central Ave.
Harvey, Illinois 60426
Attn: Todd Dykton

Environmental Conservation Lib.
300 Nicollet Mall
Mpls., MN 55401
Attn: Julia W. Copeland

Environmental Emergency Serv.
P.O. Box 3320
Portland, OR 97208
Attn: Keith Roberts, President

Environmental Management Corp.
4211 Seneca Street
West Seneca, NY 14224
Attn: Philip E. Badome

Schoell & Madson, Inc.
50 Ninth Ave. S.
Hopkins, MN 55343
Attn: Jack T. Vosler

Schott Corp.
218 N. Jefferson St.
Minneota, MN 56264
Attn: Walt Bulander

SCM Corp.-Glidden Division
900 Union Commerce Bldg.
Cleveland, OH 44115
Attn: Robert H. Suzuki

Scott County Environmental Health
County Courthouse
Shakopee, MN 55379
Attn: Allen J. Frechette

SED Inc.
2323 K. Bluemound Rd.
Waukesha, WI 53186
Attn: Jacquie MacDonald

Senate Counsel
Room 480, State Office Building
St. Paul, MN 55155
Attn: Alan C. Williams

Sentinel Chemical Company
2816 Dupont Ave. S.
Mpls., MN 55408
Attn: James R. Gilbertson

Serco
1931 W. County Rd. C-2
Roseville, MN 55113
Attn: Lawrence H. Breimhurst

Servtron Co. Inc.
4663 North Chatsworth
Shoreview, MN 55112
Attn: Q.H. Stout

Sheldahl, Inc.
N. Highway 3
Northfield, MN 55057
Attn: David Miller

Environmental Process
1220 Glenwood Ave.
Mpls., MN 55405
Attn: Emerson Mistelske

Environmental Research Group
135 State
St. Paul, MN 55107
Attn: Leslie Goldsmith

Environmental Waste Service
Box 113
Winter, Wisconsin 54896
Attn: Leo G. Kelly

Environscience Inc.
2021 E. Hennepin
Mpls., MN 55431
Attn: Richard Anthony

EOS Corporation/Design Two
684 Excelsior
Excelsior, MN 55331

ERA Laboratories, Inc.
920 E. 1st Street
Duluth, MN 55805
Attn: Robert D. Magnuson

ERC/Lancy
525 W. New Castle St.
Zelienople, PA 16063
Attn: W. Fred Stevens

Erie Mining Co.
P.O. Box 847
Hoyt Lakes, MN 55750
Attn: J.B. Bowen

Etchit Inc.
643 13th Ave. S.
Hopkins, MN 55343
Attn: R.H. Dunn

Ex-Cello Corporation
P.O. Box 6549
St. Paul, MN 55106
Attn: Arnie Eliason

Shell Oil Co.
1415 W. 22nd St.
Oakbrook, IL 60521
Attn: Robert W. Bell

James T. Shields
Capitol Plaza Building
485 Rice Street
St. Paul, MN 55103

Short Elliott Hendrickson
222 E. Little Canada Rd.
St. Paul, MN 55117
Attn: Donald E. Lund

Sibley County
Box 82
Gaylord, MN 55334
Attn: Larry Gasow

Sierra Club
2929-4th Avenue South, Suite N
Minneapolis, MN 55408
Attn: Kristine Sigford

Silent Knight Inc.
1700 Freeway Blvd. N.
Mpls., MN 55430
Attn: Dick Stahl

Sinclair & Valentine
245 E. Marie Ave.
W. St. Paul, MN 55118
Attn: Alan Kalisch

Sinclair and Valentine
201 E. 16th Avenue
North Kansas City, Missouri 64116
Attn: Mr. Marvin Page

Smith System Manufacturing
1100 S. 10th Street
Princeton, MN 55371
Attn: Jesse Jett

Soil Conservation Service
209 W. Mulberry St.
St. Peter, MN 56082
Attn: Ronad G. Hardesty

Fabcon Inc.
6111 W. Hwy 13
Savage, MN 55378
Attn: David Hanson

Fabri-Tek Connector Div.
9210 Science Center Dr.
New Hope, MN 55428
Attn: Russell K. Johnson

Fabri-Tek Inc.
6900 Shady Oak Road
Eden Prairie, MN 55344
Attn: George Deering

Fairmont Railway Motors
415 N. Main St.
Fairmont, MN 56031
Attn: Robert A. Moore

Faribault County
P.O. Box 333
Blue Earth, MN 56013
Attn: Hershel L. Koenig, P.E.

Faribault County Landfill
Box 566
Frost, MN 56033
Attn: Melvin Bromeland

Federal Bentonite
1002 Greenfield Rd.
Montgomery, IL 60538
Attn: A.K. Hermis

Federal Cartridge Corp.
9th & Tyler
Anoka, MN 55303
Attn: L.J. Davich

Federal Cartridge Corp.
9th and Tyler
Anoka, MN 55303
Attn: A.G. Drury

Federal Stampings Inc.
2000 W. 94th
Bloomington, MN 55431
Attn: Robert A. Reed

Soil Conservation Service
1027 7th St. NW Suite 12
Rochester, MN 55901
Attn: Ken Kaul

Solv-Oil Serv & Supply Co
6401 Ind. Dr, Box 338
Eden Prairie, MN 55343
Attn: David L. Tollefson

Sorptive Minerals Institute
605 14th Street Northwest
Washington, D.C. 20005
Attn: Steven B. Hellem, Executive Director

Southern Minnesota Beet Sugar
P.O. Box 500
Renville, MN 56284
Attn: William. D. DeBelly

Space Carriers, Inc.
1145 Homer Street
St. Paul, MN 55116
Attn: Steven L. Graves

Space Center Inc.
444 Lafayette Road
St. Paul, MN 55101

Spancrete Midwest Co.
Box AA
Osseo, MN 55369
Attn: Rick A. Schaefer

Spaulding Engineering Co.
1821 University Ave.
St. Paul, MN 55104
Attn: Roy L. Spaulding

Special Parts, Inc.
2800 Anthony Lane N.E.
Minneapolis, MN 55418
Attn: Don Fulcher

Spectrum, Inc.
2921 N. 2nd Street
Mpls., MN 55411
Attn: O.W. Miller

Federal-State Reports Inc.
5203 Leesburgh Pk.Suite
Falls Church, VA 22041
Attn: State Regulatory Dept.

Fey Ind. Inc.
200 4th Ave. NW
Edgerton, MN 56128
Attn: Les Purdue

Fiberite Corp.
501 West 3rd Street
Winona, MN 55987
Attn: Warren Barth

Flame Industries
7317 W. Lake St.
St. Louis Park, MN 55426
Attn: Jim Lehan

Flour City Brush Co.
918 N. 3rd Street
Mpls., MN 55401
Attn: Donald Bune

Fluidyne Eng. Corp.
5900 Olson Memorial Hwy.
Mpls., MN 55422
Attn: Lloyd R. White

Fluoroware Inc.
Jonathon Industrial Center
Chaska, MN 55318
Attn: Guy Milliren

FMC/NOD
4800 E. River Rd.
Mpls., MN 55421
Attn: Douglas L. Hildre

Forester Boats, Inc.
Box 158
Wyoming, MN 55092
Attn: Michael A. Morrison

Forman Ford Paint Inc.
1200 Mendelssohn Ave. N.
Golden Valley, MN 55427
Attn: Joseph F. Anfang

Pat Spencer
Environment Reporter
1231 25th St. N.W., Room 470
Washington, D.C. 20037

Spencer Kellogg Textron
525 25th Ave. SE
Minneapolis, MN 55414
Attn: Gary Severson

Sperry Univac
Box 3525 M.S. UIN 14
St. Paul, MN 55165
Attn: Roger J. Martin

St. Ansgar Hospital
715 N. 11th Street
Moorhead, MN 56560
Attn: Dennis J. Doran

St. Cloud State University
Biology Dept.
St. Cloud, MN 56301
Attn: John C. Cronn

St. Cloud Water Utility
City Hall
St. Cloud, MN 56301
Attn: Ken Robinson

St. John's Hospital
403 Maria Ave.
St. Paul, MN 55106
Attn: John Pelant, Area Mgr.

St. Joseph's Hospital
69 W. Exchange St.
St. Paul, MN 55102
Attn: C. L. Berneking, Asst. Adm.

St. Jude Medical Inc.
1120 Red Fox Road
St. Paul, MN 55112
Attn: Mark Stevens, Dir. of Fac.

St. Louis County Health Dept.
504 East 2nd Street
Duluth, MN 55805
Attn: Mr. Jim Kurtz

Fort McCoy Commander Headquarters
Sparta, WI 54656
Attn: AFZR-FEE Scott Stover

Foto Mark Inc.
12150 West 78th Street
Eden Prairie, MN 55344
Attn: James P. VanWinkle

Fountain Ind. Inc.
922 14th Street
Albert Lea, MN 56007
Attn: Russ Tordoff

Rick Frank
Houston County Courthouse
Caledonia, MN 55921

Franklin Mfg. Co.
701 33rd Ave. No.
St. Cloud, MN 56301
Attn: Richard Clute

Fraser Steel Co.
7204 Winnetka Ave. N.
Mpls., MN 55428
Attn: Richard Palmgren

Fremont Ind. Inc.
Valley Ind. Park
Shakopee, MN 55379
Attn: D.J. Yeavello

Frost Paint & Oil Corp.
1209 NE Tyler Street
Mpls., MN 55413
Attn: Lowell F. Wood, V.P.

Fruen Fertilizer Co.
Box 246
Hatfield, MN 56135
Attn: Dean Volberding

G & T Trucking Co.
Co. Rd. 2 and I-35
Elko, MN 55020
Attn: Thomas Zwiers

St. Luke's Hospital
915 East First St.
Duluth, MN 55805
Attn: W.J. LaFrance, Asst.Admin

St. Mary's Hospital
2414 South 7th St.
Mpls., MN 55454
Attn: Marlyn K. Ervasti

St. Paul Electroplating Co.
1048 Aurora Ave.
St. Paul, MN 55104
Attn: James M. Murphy

St. Paul Water Utility
4th Fl.-City Hall Annex
St. Paul, MN 55102
Attn: Elmer A. Huset, Gen. Mangr.

St. Regis Paper Co.
Sartell, MN 56377
Attn: Terry L. Serie

St. Regis Paper Co.
100 East Sartell St.
Sartell, MN 56377
Attn: John J. Turner

St. Regis Paper Co. Wheeler
Box 578
Cass Lake, MN 56633
Attn: Martin A. Coyer

Standard Machine Co.
7036 Kellogg Ave.
Mpls., MN 55408
Attn: Donald Dosen

Standard Solvents Co.
4906 No. France
Minneapolis, MN 55429
Attn: David Heegaard

State OED,690 Am Ctr Bldg
150 E. Kellogg Blvd.
St. Paul, MN 55101
Attn: F. James Rybak, Ph.D.

Gail Wilson Mfg. Co.
Hwy 75 N.
Pipestone, MN 56164
Attn: Howard E. Douty

GarWood Twin Cities Truck
2301 University Ave. SE
Minneapolis, MN 55414
Attn: William Dietz

GAS Dynamics Corp.
2161 University Ave.
St. Paul, MN 55114
Attn: Robert E. Engberg, P.E.

General Electric Co.
Box 595, Hwy 169 & Co.102
Mountain Iron, MN 55768
Attn: Alton Evans

General Fabrication Corp.
Industrial Park
Pine City, MN 55063
Attn: Richard Reed

General Metalware Co.
1401 Central Ave. NE
Mpls. MN 55413
Attn: Orlin L. Braun

General Mills Inc.
9000 Plymouth Ave. N.
Minneapolis, MN 55427
Attn: William R. Langsdorf

General Mills Inc.
P.O. Box 1113
Mpls., MN 55440
Attn: Donald J. Thimsen

General Motors
7600 Metro Blvd.
Edina, MN 55440
Attn: Mr. M. Carter

Geotechnical Eng. Corp.
1925 Oakcrest Ave.
St. Paul, MN 55113
Attn: Lawrence F. Feldsien

States Electric Mf
650 Ottawa Ave. N.
Mpls., MN 55422
Attn: Allen Shallbetter

Sterling Enterprises
3920-39th Ave. S.
Mpls., MN 55406
Attn: Edwin Sterling

Stewart Paint Mfg.Co.
1729 N.2nd Street
Mpls., MN 55411
Attn: J. Michael Carlson

Stone Container Corp.
50 E. 6th St.
Franklin, Ohio 45005
Attn: Curtis Barton

Conrad P. Straub, Ph.D.
2330 Chalet Drive
Columbia Heights, MN 55421

Streater
411 S. 1st Ave.
Albert Lea, MN 56007
Attn: Milo Lien

Sunde Land Surveying, Inc
9001 E. Bloomington Fwy
Bloomington, MN 55420
Attn: Edward H. Sunde, R.L.S.

Superior Machinery Co.
Hwy 28 East
Morris, MN 56267
Attn: Frank Nikolas

Superior Plating Inc.
315 First Ave. NE
Mpls., MN 55413
Attn: Michael P. McMonagle

Superwood Corp.
Box 6267
Duluth, MN 55806
Attn: Wayne D. Johnson

Getchell Steel Treating
1900 W. 98th Street
Mpls., MN 55431
Attn: Buster Tarver

Getty Refining and Marketing
Post Office Box 1650
Tulsa, Oklahoma 74102
Attn: Mark Kerrigan

Getty Refining/Marketing Co.
P.O. Box 1650
Tulsa, OK 74102
Attn: A.R. Chandlee

Chris Gilchrist
P.O. Box 37
Olivia, MN 56277

Gillette Co.
5th at Broadway
St. Paul, MN 55101
Attn: Charles R. Jacoby

Glacial Ridge Hospital
10 4th Ave. SE
Glenwood, MN 56334
Attn: Glen Wilson

Glasstite Inc.
Hwy 4 North
Dunnell, MN 56127
Attn: Kathy Stade

Glidden, Division of SCM
1901 E. Hennepin Ave.
Mpls., MN 55413
Attn: Donald Foster

Goebel Fixture Co.
528 Dale St.
Hutchinson, MN 55350
Attn: Dick Goebel

Goodhue Co. Courthouse
Red Wing, MN 55066
Attn: Charles R. Dornack

Sweet Oil Co. Inc.
507 Sherman
N. Mankato, MN 56001
Attn: Dale Sweet

Taber Bushnell Inc.
7709 Winpark Drive
Mpls., MN 55427
Attn: Edward Budzyko

Tachtronic Instruments
1500 N. Front Street
New Ulm, MN 56073
Attn: David A. Franke

Tape Mark Company
223 E. Marie Ave.
W. St. Paul, MN 55118
Attn: Louis A. Schuweiler

TDC, Inc.
6150 Wayzata Blvd.
Minneapolis, MN 55416
Attn: John Wittibilager

Technical Ordnance Inc.
P.O. Box 248
St. Bonifacius, MN 55375
Attn: Norman H. Hoffman

Technical Sales Co.
311 West 44th St.
Mpls., MN 55409
Attn: Don Reger

Technical Tooling Inc.
4022 Washington Ave. N.
Minneapolis, MN 55412
Attn: Bill Parker

Telex Comm. Inc.
501 1st Ave. NW
Rochester, MN 55901
Attn: Charles A. Roeder

Telex Communications
9600 Aldrich Ave. S.
Mpls., MN 55420
Attn: Gayle E. Hamel

Gopher Smelting & Ref.
3385 Hwy 149 S.
Eagan, MN 55121
Attn: John Tapper Jr.

Jerald J. Gorder
P.O. Box 1461
Mpls., MN 55420

Gordons Transports
2975 Partridge Road
St. Paul, MN 55113
Attn: Walter Lietr

Gould Inc. Portable Bat.
931 N. Vandalia
St. Paul, MN 55114
Attn: Douglas J. Robohm

Graco Inc.
P.O. Box 1441
Mpls., MN 55440
Attn: Bob O'Brien

Greeley and Hansen
222 S. Riverside Plaza
Chicago, IL 60606
Attn: Jack W. Cormack

Norm Gregornik
7230 Logan Ave. N.
Brookly Cnt., MN 55430

Gresen Manufacturing
600 Hoover St.
Mpls., MN 55413
Attn: Dale C. Halverson

F.B. Gruss
6300 Smithtown Rd.
Excelsior, MN 55331

GTE
300 Unicorn Park Dr.
Woburn, MA 01801
Attn: Rollo Tucker

Telex Communications Inc.
1720 E. 14th Str[illegible]
Glencoe, MN 55336
Attn: James C. Laxen

Telex Communications Inc.
RR 1, Box 245D
LeSueur, MN 56058
Attn: Greg Walburn

Tellijohn LF Services Inc.
122 N. 5th Street
LeSueur, MN 56058
Attn: Tom Tellijohn, Pres.

Tennant Co.
701 N. Lilac Drive
Mpls., MN 55440
Attn: Scott Hanson

Tenneco Inc.
P.O. Box 2511
Houston, TX 77001
Attn: B.J. Whitley

Tension Envelope Corp.
129 N. Second St.
Mpls., MN 55401
Attn: Thomas W. Jacobsen

Tescom Corp.
2600 Niagra Lane
Plymouth, MN 55441
Attn: Phillip Pederson

Thermo King Corp.
314 West 90th Street
Mpls., MN 55420
Attn: Lloyd E. West

Stuart C. Thompson
1382 Niagra Street
Buffalo, NY 14213
Attn: Chemical Sales Corp.

3M Company Bldg. 21-2W-05
P.O. Box 33331
St. Paul, MN 55133
Attn: Ken Grant

Gulf Oil Chem. Co.
P.O. Box 189
Biwabik, MN 55708
Attn: Curt Martenson

H.B. Fuller Co.
2400 Kasota Ave.
St. Paul, MN 55108
Attn: Brian C. Lim

H.B. Fuller Company, Multi-Clean
2277 Ford Pkway
St. Paul, MN 55116
Attn: Stephen A. Hanson

H.M. Smyth Co.
1085 Snelling Ave, Box 43669
St. Paul, MN 55108
Attn: Rune Hedeskog

Hanna Mining Co.
P.O. Box 67
Nashwauk, MN 55769
Attn: Renee Stone/D.D. Chilton

Harmon Engineering and Tests
Auburn Ind. Park
Auburn, Alabama 36830
Attn: Alan Petersen

G.W. Harries
1200 Alworth Bldg.
Duluth, MN 55802

Hartrun Corp.
125 Columbia Ct.
Chaska, MN 55318
Attn: H.R. Hartmann

Havenstein & Burmeister
2629 30th Ave. South
Mpls., MN 55406
Attn: David Hammer

Hazardous Waste Report
1600 Research Boulevard
Rockville, MD 20850
Attn: Judi Kane

3M
3M Center, 225-15
St. Paul, MN 5[redacted]4
Attn: Darryl C. Huggett

Ti-Kromatic Paints Inc.
2492 Doswell Ave.
St. Paul, MN 55108
Attn: Phil Strom

Toll Company
1809 Hennepin Ave. East
Minneapolis, MN 55413
Attn: Lee Benson

Toltz, King, Duvall, Anderson
2500 American National Bank Bldg.
St. Paul, MN 55101
Attn: T.E. Huntrods

Ton Circuits Inc.
5101 Valley Ind. Blvd. S.
Shakopee, MN 55379
Attn: Gordon B. Gauss

Tonawanda Tank
1140 Military Rd.
Buffalo, NY 14217
Attn: Leonard J. Lorber

Torit Div., Donaldson Ind.
1133 Rankin Street
St. Paul, MN 55116
Attn: Larry Poppenhagen

Toro Co.
600 Valley Ind. Blvd. S.
Shakopee, MN 55379
Attn: Henry Bakemeyer

Toro Co.
174 16th St.
Windom, MN 56101
Attn: Lew Ratajczak

Transformer Service Inc.
P.O. Box 2144
Akron, OH 44309
Attn: Dale E. Kortze, Jr.

Health Laboratories
135 State Street
St. Paul, MN 55107
Attn: Bob Radeke

Henkel Corp.
2010 East Hennepin Ave.
Minneapolis, MN 55413
Eric P. Radke

Henkel Corp.
2010 East Hennepin Ave.
Minneapolis, MN 55413
Attn: Dennis J. Vaughn

Hennepin Co.
320 Washington Ave. S.
Hopkins, MN 55343
Attn: Edward Monteleone

Hennepin Co. Dept. of Env. Energy
320 Washington Ave. S.
Hopkins, MN 55343
Attn: Luther Nelson

Hennepin Paper Co.
Little Falls, MN 56345
Attn: LeRoy C. Dybing

Henningson Durham Richardson
8404 Indian Hills Dr.
Omaha, NE 68114
Attn: Paul R. Ombruni

Henningson, Durham, and Rich
5401 Gamble Dr-300 Pkdale
Mpls., MN 55416
Attn: Floyd J. Forsberg, P.E.

Janet P. Henry
11012 Clare Street
Whittier, California 90601

Herbst & Sons Construction
2299 Co. Rd. H
New Brighton, MN 55112
Attn: Charles Herbst

Travenol Laboratories, Inc.
6031 Lincoln Ave.
Morton Grove, Illinois 60053
Attn: Dale J. Schaul

Tri-State Motor Transit Co
P.O. Box 113
Joplin, MO 64802
Attn: Eugene Whitaker

Triangle Resource Ind.
P.O. Gox 599
Laurel, MD 20707
Attn: James V. Noles

Trinity Ind. Inc.
P.O. Box 10578
Dallas, TX 75207
Attn: Jerry Riddles

Trussbilt
2575 Como Ave.
St. Paul, MN 55108
Attn: J.O. Higgins

Truth Inc.
700 West Bridge
Owatonna, MN 55060
Attn: Donald C. Radtke

TRW Cylinder Connectors
8821 Science Center Drive
Minneapolis, MN 55428
Attn: Richard E. Green

TSI Inc.
500 Cardigan Road
St. Paul, MN 55112
Attn: Bob Lawrence

Twin City Engraving Co.
128 E. 10th Street
St. Paul, MN 55101
Attn: Terance McMahon

Twin City Testing & Eng.
662 Cromwell Ave.
St. Paul, MN 55114
Attn: William Welbes

Hessian, McKasy & Soderberg
1500 Midwest Plaza
Mpls., MN 55402
Attn: John Knapp

Hiawatha Panel
3105 E. 26th St.
Mpls., MN 55406
Attn: Janet R. Anderson

Hibbing Electronics Corp.
P.O. Box 424 Indus. Pk.
Hibbing, MN 55746
Attn: Gary Brooks

Hibbing Taconite Co.
P.O. Box 589
Hibbing, MN 55746
Attn: B.W. Stunkard

High Voltage Maintenance
2165 S.107th Street
New Berlin, WI 53151
Attn: Mike Velvikis

Hilger Transfer, Inc.
8550 Zachary Lane
Maple Grove, MN 55369
Attn: David Klatke

Hobart Corp.
3232 E. 40th Street
Mpls., MN 55406
Attn: Robert J. Chryst

Holmes & Graven
470 Pillsbury Center
Minneapolis, MN 55402
Attn: Larry M. Wertheim

Homecrest Industries Inc.
P.O. Box 350
Wadena, MN 56482
Attn: Lowell R. Burnham

Honeymead Foods Co.
720 Minneopa Rd.
Mankato, MN 56001
Attn: James Amlie

Ty's Metal Finishing
3rd Ave. NW
Hutchinson, MN 55350
Attn: Richard Desens

Union Carbide Corp.
120 South Riverside Plaza
Chicago, Illinois 60606
Attn: Mr. M.A. Mikovich

Union Carbide Corp. Linde Div.
P.O. Box 6014
Duluth, MN 55806
Attn: LeRoy G. Witt, Mgr.

Union Scrap Iron & Metal
210 15th Ave. N.
Mpls., MN 55411
Attn: Rick Rosen

United Power Assoc.
Hwy. 10
Elk River, MN 55330
Attn: James Eggen

United Power Assoc.
Hwy. 10
Elk River, MN 55330
Attn: Michael V. O'Brien

USDA, Soil Conservation Service
113 Federal Bldg, 515 1st Street
Duluth, MN 55802
Attn: Wayne S. Oak

United States Ecology, Inc.
9200 Shelbyville Rd,Ste 526
Louisville, KY 40222
Attn: Joseph French

United States Salt-Johnson
P.O. Box 659
Hopkins, MN 55343
Attn: Thomas R. Johnson

United States Steel
Coleraine, MN 55722
Attn: R.P. Learmont

Honeywell
2600 Ridgway Pkwy, Box [redacted]12
Mpls., MN 55440
Attn: Jon David Pakarinen

Honeywell Inc.
Honeywell Plaza
Mpls., MN 55408
Attn: William F. Cashin

Honeywell Inc., Defense Systems, Div.
600 Second St. N.
Hopkins, MN 55343
Attn: James J. Jaska MN 11-1734

Honeywell, Inc.
Honeywell Plaza MN12-5215
Mpls., MN 55416
Attn: W.C. Viitala, Dir Pub Aff

Hormel Co.
1912 2nd Ave. S.W.
Austin, MN 55912
Attn: Frank M. Brown

Hornert Shifrin, Inc.
5200 Oakland Ave.
St. Louis, MO 63110
Attn: F.E. Wisely

House of Kolor Inc.
2521 27th Ave. So.
Minneapolis, MN 55406
Attn: Jon Kosmoski

Howard Needles Tammen
6700 France Ave.S,Ste 344
Edina, MN 55435
Attn: James O. Murphy

Howe Inc.
4821 Xerxes Ave. N.
Minneapolis, MN 55430
Attn: Tom Howe

Hubbard County Zoning Office
Hubbard Co. Courthouse
Park Rapids, MN 56470
Attn: Vern Massie

U.S. Steel Corp.
P.O. Box 417
Mt. Iron, MN 557[redacted]
Attn: Jon L. Christofferson

United West End-COACT
2904 W. 3rd St.
Duluth, MN 55806
Attn: Eric Fure

Unity Medical Center
550 Osborne Road
Fridley, MN 55432
Attn: Max C. Ashmore

University of Minnesota
Soil Science Dept.
St. Paul, MN 55108
Attn: Russell Adams, Jr.

University of Minnesota
W-140 Boynton Health Service
410 Church St. SE
Mpls, MN 55455
Attn: Craig S. Moody

University of Minnesota
Cedar Cr. National Historic Area
2660 Fawn Lake Dr. N.E.
Bethel, MN 55005
Attn: Alvar Peterson

University of Minnesota
319-15th Ave. SE,200 Shops
Mpls., MN 55455
Attn: Robert A. Silvagni

University of Minnesota
Dept. of Chem. Eng.
Mpls., MN 55455
Attn: H.M. Tsuchiya

University of Minnesota-Duluth
College Ave, Chemical Building
Duluth, MN 55812
Attn: Bill Maupins

David W. Valentine
7305 Monte Vista Ave.
La Jolla, CA 92037

Hullsiek-Malzahn and Associates
815 Tower Drive
Medina, Minnesota
Attn: Robert E. Hullsiek

Glen Hultgren
301 Plymouth Rd. S
Minnetonka, MN 55343

Hunt Chemical Corp.
Roosevelt Place
Palisades Park, N.J. 07650
Attn: James Crifasi

Huot Manufacturing
550 N. Wheeler Ave.
St. Paul, MN 55104
Attn: Paul Huot

Hutchinson Industrial Corp.
40 West Highland Park
Hutchinson, MN 55350
Attn: Ms. Jerilyn K. Popp

Hutchinson Technology Inc.
40 West Highland Park
Hutchinson, MN 55350
Attn: Barbara Ringstrom

Hutchinson Utilities Com.
225 Michigan St.
Hutchinson, MN 55350
Attn: Bill O. Marquardt

Hydra-Mac Inc.
Box N
Thief River Falls, MN 56701
Attn: J. Counter

Hydrite Chemical
P.O. Box 158
Cottage Grove, MN 53527
Attn: Michael Seeliger

Hydro Engineering Inc.
Box 98
Young America, MN 55397
Attn: Tom Huffman

Vermilion Dam LF Assoc.
P.O. Box 136
Cook, MN 55723
Attn: R. P. Ranta

Vermilion Landfill Authority
Box 449
Tower, MN 55790
Attn: Gloris V. Brekke

Verns Body Shop
Rt. #1 Box 223
Waconia, MN 55387
Attn: Vernon Shouz

Veterans Administration, Medical
54th St. & 48th Ave. S.
Mpls., MN 55407
Attn: David Minnie, Engin. Service

Viking Chemical Co.
838 Baker Bldg.
Mpls., MN 55402
Attn: David L. Cole

Villaume Industries Inc.
2926 Lone Oak Circle
St. Paul, MN 55121
Attn: R.M. Linsmayer

Vision Ease Corporation
700 54th Av. N Box 968
St. Cloud, MN 56301
Attn: Marvin Horne

Volkmuth Printers
East Hwy 23, Box 1007
St. Cloud, MN 56302
Attn: Gary W. Pestello

W & G Rehbein Bros. Inc.
6805 20th Ave. S.
Hugo, MN 55038
Attn: Michael E. Granger

W-W Rebuilders
3829 Jefferson St. NE
Mpls., MN 55421
Attn: T.O. Miller

I.E. Associates, Inc.
3702 E. Lake St.
Mpls., MN 55406
Dr. Tom P. Albeles

IBM Corp. Dept 713
Hwy 52 & NW 37th Street
Rochester, MN 55901
Attn: Louis W. Zitnay

Imperial Inc.
P.O. Box 423
Shenandoah, IA 51601
Attn: Gene R. Currie

Impressions, Inc.
2908 Anthony Lane NE
Mpls., MN 55418
Attn: T.L. Skare

Indianhead Truck Line Inc
P.O. Box 43355
St. Paul, MN 55164
Attn: L.A. Wilsey

Industrial Health Engineering
P.O. Box 9342
Mpls., MN 55440
Attn: Jay E. Johnson, P.E., C.I.H.

Ingman Labs., Inc.
324 4th Ave. S.
Mpls., MN 55415
Attn: Glenn H. Kyle

Inland Steel Mining Co.
Box 1001, 1701 N 9th Ave
Virginia, MN 55792
Attn: Michael Ricciardi

Inland Waters Poll. Control
4544 Webstyer
Ecorse, MI 48229
Attn: Jennifer Baker

Inmont Corp.
1301 Bryant Ave. N.
Mpls., MN 55411
Attn: J.P. Kennedy

WA Scientific Industries
W. Hwy. 12
Long Lake, MN 55356
Attn: W.A. Schuette

Craig Waldron
Region Nine
P.O. Box 3367
Mankato, MN 56001

Warden Oil Co., Inc.
187 Humboldt Ave. N.
Mpls., MN 55405
Attn: Earl E. Jackelen

Warner Mfg. Co.
13435 Industrial Pk Blvd
Plymouth, MN 55441
Attn: Gerald P. Ranallo

Warners Industrial Supplies
2211 E. Hennepin Ave.
Mpls., MN 55413
Attn: Al Kainz

Warzyn Engineering Inc.
1409 Emil Street
Post Office Box 9538
Madison, WI 53715
Attn: Bruce A. Weber

Waseca County Landfill
Box 487
Waseca, MN 56093
Attn: Bob McPartlin

Wastewater Treatment Plant
1205 S. Main
Austin, MN 55912
Attn: Leon Johnson

Washington County Community Health
2000 Industrial Blvd.
Stillwater, MN 55082
Attn: Tom Dellenbach

Waste Control
95 West Ivy
St. Paul, MN 55117
Attn: Ronald Roth

Institute-Environmental Research
5441 Yonge St. Suite 201
Toronto, CANADA M2N 5S1
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Interdesign Inc.
1409 Willow St.
Mpls., MN 55403
Attn: Roger Martin

International Metal Recy. Corp.
P.O. Box 573
Casa Grande, AZ 85222
Attn: Edwin E. Thompson

International Paper Co.
6100 Olson Hwy
Mpls., MN 55422
Attn: Tom Guntzel

International Research & Eval.
21098 IRE Control Center
Eagan, MN 55121
Attn: Dr. R. Danford-WM/RR-ID

Interplastic Corp.
2015 Broadway NE
Mpls., MN 55413
Attn: Roman Kramer

Interpoll Inc.
4500 Ball Road Northeast
Blaine, MN 55014
Attn: Dr. Daryle A. Thingvold

Interstate Power Co.
1000 Main St.
Dubuque, IA 52001
Attn: M.R. Chase

Interstate Power Co.
129 N. St. Paul Ave.
Fulda, MN 56131
Attn: A.W. Koopman

Iratbane Systems Inc.
Industrial Park
Hibbing, MN 55746
Attn: Laurie Potter

Waste Management Board
7323 58th Ave.N.
Crystal, MN 55428
Attn: Patrick Hirigoyen

Waste Management Branch
810 Blanshard Street
Victoria, British Columbia
V8V1X5

Waste Management of WS
W124 N9451 Boundary Road
Menomonee Falls, WS 53076
Attn: Robert Klimoski

Waste Mgmt. of WS
3333 N. Mayfair Rd.
Milwaukee, WI 53222
Attn: Donald L. Otter

Waste Research
Route 7
Eau Claire, WI 54701
Attn: Lon A. Couillard

Water Reclamation Plant
3900-3 Ave. NW
Rochester, MN 55901
Attn: Marvin T. Skodje

Waterons Co.
300 John E. Carroll Ave.
S. St. Paul, MN 55075
Attn: Lawrence Schroepfer

Watkins Inc.
150 Liberty St.
Winona, MN 55987
Attn: R.B. Goss

Watonwan County
P.O. Box 467
St. James, MN 56081
Attn: G.A. Engstrom

Watt/Peterson, Inc.
15020 27th Ave. N.
Mpls., MN 55441
Attn: Jerry Kotsmith

Irathane Systems, Inc.
Industrial Park
Hibbing, MN 55746
Attn: Donald M. Moore

Iron Range Township
Route 2 Box 75
Bovey, MN 55709
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Isanti-Mille Lacs
635 Second St. SE
Milaca, MN 56353
Attn: Thomas Quick

Izaak Walton League
4370 Wooddale
St. Louis Pk., MN 55424
Attn: Mattie Peterson

Izaak Walton League of Am.
3920 Vincent Ave. So.
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J.L. Industries
4450 Rauenhorst Circle
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J.T. Baker Chemical Company
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Jacks Waste Oil Service
RR 4, Box 150
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Attn: Isaiah Jack Hendrick

Jackson County Sanitarian
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Maple Grove, MN 55369

Weigh-tronic
1000 Armstrong Dr.
Fairmont, MN 56031
Attn: James Zahke

Wendt Labs
Belle Plaine, MN 56011
Attn: Dr. C.M. Stowe

Wenger Corp.
555 Park Dr, Box 448
Owatonna, MN 55060
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Western OB/GYN
200 State Hwy 5
Waconia, MN 55387
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Westin, Inc.
501 S. 15th St.
St. James, MN 56081
Attn: Grant M. Lillevold

Weston Engraving Inc.
415 South 4th Street
Mpls., MN 55374
Attn: Gregory Paul Burns

Weston Oil Company
521 Linda Drive
Eagle Lake, MN 56024
Attn: Philip Weston

Weyerhaeuser Company
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Attn: Richard Kelley

Whirlpool Corp.
P.O. Box 43380
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30 N. 31st Ave.
Mpls., MN 55411
Attn: Robert E. Murphy

Jim's Water Service Inc.
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Gillette, WY 82716
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Jones Chemicals, Inc.
600 Bethel Avenue
Beech Grove, IN 46107
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Jones Metal Products
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Mankato, MN 56001
Attn: Dave Trask

Jones, Haugh & Smith Inc.
515 So. Washington
Albert Lea, MN 56007
Attn: Harold M. Haugh

Jostens
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Jostens Inc.
148 E. Broadway
Owatonna, MN 55060
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Joyner Silver & Electric
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Kallestad Labs, Inc.
1000 Lake Hazeltine Dr.
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KBM, Inc.
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White Lift Trucks
130 9th Ave. S.
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Winona County Sanitarian
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Winona Daily News
601 Franklin St.
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Winona Tool Manufacturing
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Winona Van Norman Machine Co.
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League of Women Voters of MN
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Attn: Barbara Battiste Kelley

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Attn: Allan Frechette, Chairman

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Attn: Dave Feinwachs, Vice President

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Attn: Richard Braun, Commissioner

Department of Transportation
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GENERAL MILLS INC
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MPLS MN 55440 1

HESSIAN MCKASY & SODERBERG
ATTN MR JOHN A KNAPP
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1000 Main Street
Dubuque, IA 52001
Attn: H. H. Faherty

Izaak Walton League
3255 Hennepin Avenue South, #109
Minneapolis, MN 55408
Attn: Erika Sitz

Jessee Jett
Smith System Mftg. Co.
1100 South 10th Street
Princeton, MN 55371

Bob Johnson
IDS Center
4344 IDS Center
Mpls., MN 55402

Bob Johnson
420 St. Louis River Road
Proctor, MN 55810

Kathy Keefe
2000 First Bank Place West
Minneapolis, MN 55402

Koch Refining Company
Post Office Box 43596
St. Paul, MN 55164
Attn: Thomas W. Segar

Mr. Tim Kuntz
City of Inver Grove Heights Attorney
402 Drovers Bank Building
P.O. Box 298
South St. Paul, MN 55075

MacDermid, Inc.
1390 Kingsland Avenue
St. Louis, MO 53133
Attn: Norman Volle

Mike McAllister
City of Hugo
5524 Upper 146th Street
Hugo, MN 55038

MGK
8810 10th Avenue North
Minneapolis, MN 55427
Attn: Dave Carlson

Midland Glass Company, Inc.
Co. Rd. 83 and Hwy. 13
P.O. Box 69
Shakopee, MN 55379
Attn: D.F. Hennen

Milsolv Cos.
Post Office Box 444
Butler, WI 53007
Attn: Bud. Donthitt

Minnegasco
6161 Golden Valley Road
Minneapolis, MN 55422
Attn: Paul Deneka

Minnesota Association of
Commerce and Industry
Hanover Building, 480 Cedar Stree
St. Paul, MN 55101
Attn: Jim Coleman

Minnesota Health Department
Environmental Health Division
717 Delaware Street Southeast
Minneapolis, MN 55440
Attn: David Giese, Ph.D.

Minnesota Power
30 West Superior
Duluth, MN 55802
Attn: Tony Pekovitch

Minnesota Power
30 West Superior
Duluth, MN 55801
Attn: Len Hansmeyer

Minnesota Solvents and
Chemicals Corporation
2340 Rose Place
Roseville, MN 55113
Attn: Al Hale

MWCC
350 Metro Square Building
St. Paul, MN 55101
Attn: Bob Polta
INTEROFFICE

NA Water Office
1519 A East Franklin
Minneapolis, MN 55404
Attn: Lea Fousche

NARI
330 Madison Avenue
New York, NY 10017
Attn: Paul Parker

National Association of
Recycling Industries
2500 Elm Street
Minneapolis, MN 55414
Attn: Mike Abrams

National Solid Waste Management Assoc.
1120 Connecticut
Washington, D.C. 20036
Attn: Bruce Strugatch

Northern States Power
Environmental and Regional Activities
414 Nicollet Mall
Minneapolis, MN 55401
Attn: Robert Clough

Otter Tail Power Company
215 South Cascade
Fergus Falls, Mn 56537
Attn: Terry Graumann

Parker Hannifin Corp.
Plews Division
Bush Blvd.
Granite Falls, MN 56241
Attn: Robin Spaude

Peerless Chain
1416 East Sanborn
Winona, MN 55987
Attn: Orville Broch

Peerless Chain Co.
1416 East Sanborn
Winona, MN 55987

John Phelps
Ford Motor Company
628 West Parklane Towers
Dearborn, Michigan 48126

Pillsbury Co.
Pillsbury Center
Mpls., MN 55402
Attn: Carl Smith - 3750

Doris Polson
150 East Marie
West St. Paul, MN 55118

Popham, Haik, Schobrich,
Kaufman and Doty, Ltd.
4344 IDS Center
Minneapolis, MN 55402

Portable Elevator Company
Post Office Box 128
Glencoe, MN 55336
Attn: Dale Johnson

Precious Metal Platers
149 Jackson Avenue North
Hopkins, MN 55343
Attn: Cort Platt

Ramsey County Community Health Se
Division of Environmental Health
1910 West County Road B
Roseville, MN 55113
Attn: Lee Holden

Rexnord Chemical Products
7711 Computer Avenue
Mpls., MN 55435
Attn: Larry Benjamin

RMI, Inc.
1406 East Washington Ave., #124
Madison, WI 53703
Attn: Mizhelle Jacques

Rick Rosen
210 15th Avenue North
Minneapolis, MN 55411

S. B. Foot Tanning Co.
Schroeter Industrial Park
Cactus, Texas 79013
Attn: David Guthe
(Shipping address)

S. B. Foot Tanning Co.
P.O. Box 845
Dumas, Texas 79029
Attn: David Guthe
(Mailing address)

St. Mary's Hospital
1216 2nd Street Southwest
Rochester, MN 55902
Attn: Clyde Douglas

St. Paul Surplus Line
445 Minnesota Street, Suite 900
St. Paul, MN 55101
Attn: Diane Coderre

Sheldahl, Inc.
North Highway 3
P.O. Box 170
Northfield, MN 55057
Attn: David Miller

James T. Shields
Box 88
Longville, MN 56655

Alan Shilepsky
Box 2507
19 South First Street
Mpls., MN 55401

Sierra Club
2929-4th Avenue South, Suite N
Mpls., MN 55408
Attn: Kristen Sigford

Soil Exploration Company
662 Cromwell
St. Paul, MN 55114
Attn: Ron Shaffer

Solv-Oil Service and Supply
6401 Industrial Blvd.
Box 338
Eden Prairie, MN 55343
Attn: David L. Tollefson

Soo Line Railroad
105 South 5th Street
P.O. Box 530
Minneapolis, MN 55402
Attn: Michael Mullins

Sperry Corp.
Semi-Conductor Operations
1500 Power View Road
Eagan, MN 55121

State Industries
St. James, MN 56081
Attn: Grant Lillevold

Stolpestad, Brown and Smith
2000 North Central Tower
445 Minnesota Street
St. Paul, Mn 55101
Attn: Michael McKim

Stone Container Corp.
P.O. Box 427
50 East 6th Street
Franklin, Ohio 45005
Attn: Curtis A. Barton

3M
Post Office Box 33331
St. Paul, MN 55133
Attn: Gene Johnson

Twin Cities Research Center
Bureau Of Mines
5629 Minnehaha Avenue South
Minneapolis, MN 55417
Attn: Pat Leonard-Mayer

Twin City Testing
662 Cromwell Avenue
St. Paul, MN 55114
Attn: Rick Hlavka

U of M, Research Analytical Lab
135 Crop Research Bldg.
1903 Hendon Avenue
St. Paul, MN 55108
Attn: Professor Robert Munter

Union Carbide Corporation
Linde Division
120 South Riverside Plaza, 11th floor
Chicago, IL 60606
Attn: Mr. Mikovich

Burnell Vincent
W.H. 565
U.S. EPA
Washington, D.C. 20460

Waste Management Board
7323 58th Avenue North
Crystal, MN 55428
Attn: Jim Newland

Watkins, Inc.
150 Liberty Street
Winona, MN 55987
Attn: Lloyd Ferdinandesen

United Power Association
Elk River, MN 55330
Attn: James Eggen

University of Minnesota
319 15th Ave. S.E.
Minneapolis, MN 55455
Attn: James C. O'Gara

University of Minnesota
200 Shops Building
319 15th Ave. S.E.
Mpls., MN 55455

Weyerhaeuser Company
200 Grand Avenue
Rothschild, WI 54474
Attn: William Hall

Winco Division of Dyna Technology
225 South Cordova
LeCenter, MN 56057
Attn: Evan Dobberfuhl

Worum Chemical Co.
2130 Kasota Ave.
St. Paul, MN 55108
Attn: John Pallansch

Zenk Engineering
Post Office Box 689
Albert Lea, MN 56007
Attn: Bill Trygstad

RECEIVED
MAY 23 1983
ADMINISTRATIVE HEARINGS

Minnesota Pollution Control Agency
Solid and Hazardous Waste Division

Adopted Rules Governing the Management of Hazardous Waste, 6 MCAR §§ 4.9100 - 4.9560

The rules proposed and published at State Register, Volume 8, Number 17, pages 734 - 958 (8 S.R. 734) as amended at State Register, Volume 8, Number 27, pages 1576 - 1589 (8 S.R. 1576) are adopted with the following modifications:

Rules as Adopted

6 MCAR § 4.9100 Definitions.

IIII. Surface impoundment or impoundment. "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well ~~or seepage facility~~. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons. Impoundments may be lined with man-made materials.

WWWW. Waste. "Waste" ~~means any discarded material including, but not limited to, solids, semisolids, sludges, liquids, gases, and their vapors, mists, or dusts~~ has the meaning given in Minnesota Statutes, section 116.06, subdivision 9a.

6 MCAR § 4.9102 Availability of References.

G. Test Methods for ~~the Evaluation of~~ Evaluating Solid Waste, Physical/Chemical Methods, publication number SW 846, ~~1980~~ First Edition, 1980 as updated by Revisions A (August 1980), B (July 1981) and C (February 1982) or Second Edition, 1982, of

the Office of Solid Waste, United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, available at the state of Minnesota Law Library and by subscription from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202/783-3238; and

6 MCAR § 4.9129 Management of waste by use, reuse, recycling, and reclamation.

B. Requirements. A hazardous waste that is to be beneficially used, reused, or legitimately recycled or reclaimed is exempt from 6 MCAR §§ 4.9200-4.9560, and the agency's permitting requirements, except as specified in 1.-5. Hazardous waste shall be transported in accordance with all applicable requirements of Minnesota Statutes, section 221.033 and Code of Federal Regulations, title 49, parts 171 through 179 (1983).

6 MCAR § 4.9131 Criteria for listing hazardous waste.

A. Criteria used by the agency for listing hazardous waste. The agency shall list a waste as hazardous if:

3. the waste contains any of the toxic constituents listed in 6 MCAR § 4.9137 unless the agency concludes that the waste is not capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed, or otherwise managed. The agency shall consider the following factors when it makes this decision:

k. other factors ~~as may be appropriate~~ that are rele-

vant to the agency's determination of whether the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

6 MCAR § 4.9132 Characteristics of hazardous waste.

D. Corrosivity.

1. A waste exhibits the characteristic of corrosivity if a representative sample of the waste has any of the following properties:

a. It is aqueous and has a pH less than or equal to 2.0 or greater than or equal to 12.5, as determined by a pH meter using either the test method in the Test Methods for ~~the Evaluation of~~ Evaluating Solid Waste, Physical/Chemical Methods issued by the United States Environmental Protection Agency, publication number SW 846 (~~1980~~ First Edition, 1980 as updated by Revisions A (August 1980), B (July 1981) and C (February 1982) or Second Edition, 1982) also described in Methods for Chemical Analysis of Water and Waste issued by the Environmental Monitoring and Support Laboratory, publication number 600/7-79-020 (March 1979), or an equivalent test method approved by the director under the procedures set forth in 6 MCAR § 4.9104 A.; or

b. It is liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55 degrees Celsius (130 degrees Fahrenheit) as deter-

mined by the test method specified in National Association of Corrosion Engineers Standard TM-01-69 as standardized in Test Methods for ~~the Evaluation of~~ Evaluating Solid Waste, Physical/Chemical Methods, issued by the United States Environmental Protection Agency, publication number SW 846 (~~1980~~ First Edition 1980 as updated by Revisions A (August 1980), B (July 1981) and C (February 1982) or Second Edition, 1982) or an equivalent test method approved by the director under the procedures set forth in 6 MCAR § 4.9104 A.

6 MCAR § 4.9133 Exemption from listing due to toxicity.

B. Factors to be considered. In demonstrating that a waste should be exempt from regulation under 6 MCAR §§ 4.9128-4.9560, the generator must present information related to the following factors:

7. other factors ~~required by~~ that are relevant to the agency's determination of whether the waste is capable of posing a present or potential hazard to human health and the environment if the waste were to be improperly treated, transported, stored, disposed, or managed under routine waste management methods.

6 MCAR § 4.9210 Special requirements for small quantity generators of hazardous waste.

E. Management requirements. A small quantity generator shall comply with the following requirements:

8. Transport hazardous waste in accordance with all applicable requirements of Minnesota Statutes, section ~~221.203~~ 221.033

and Code of Federal Regulations, title 49, parts 171 through 179 (1983).

6 MCAR § 4.9217 Record keeping.

D. Extension of retention period. The periods of retention referred to in A.-C. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity ~~or as requested by the director~~.

6 MCAR § 4.9220 Additional reporting.

The director ~~as he deems~~ when necessary to determine compliance with the requirements of 6 MCAR §§ 4.9100-4.9560, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 6 MCAR §§ 4.9128-4.9137.

6 MCAR § 4.9254 Transportation of hazardous waste.

Hazardous waste shall be transported in accordance with all applicable requirements of Minnesota Statutes, section ~~221.203~~ 221.033 and Code of Federal Regulations, title 49, parts 171 through 179 (1983).

6 MCAR § 4.9258 Record keeping.

E. Extension of retention period. The periods of retention referred to in A.-D. are extended automatically during the course of any unresolved enforcement action regarding the regulated activity ~~or as requested by the director~~.

6 MCAR § 4.9295 Retention and disposition of records.

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9280-4.9322 is three years and is

extended automatically during the course of an unresolved enforcement action regarding the facility ~~or as requested by the agency~~.

6 MCAR § 4.9297 Ground water protection.

A. Scope. This rule applies as follows:

3. The agency may impose any or all of the requirements of B.-M. on the owner or operator of a facility that treats or stores hazardous waste in tanks or containers <u>if it determines that the facility has the potential to adversely impact ground water quality. The agency shall specify in the facility permit which requirements of B.-M. shall apply</u>.

6 MCAR § 4.9308 Financial assurance for post-closure care.

A. Post-closure trust fund. The following apply to post-closure trust funds:

3. Payments into the trust fund must be made annually by the owner or operator over the term of the initial permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in-period." The payments into the post-closure trust fund must be as described in a. and b.:

b. If an owner or operator establishes a trust fund as specified in 6 MCAR § ~~4.9410~~ <u>4.9409</u> A., and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the fund

must be paid in over the pay-in period as defined in 3. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 6 MCAR § ~~4.9410~~ 4.9409 A. The amount of each payment must be determined by this formula:

$$\text{next payment} = \frac{CE-CV}{Y}$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

6 MCAR § 4.9320 Landfills.

D. Leak detection. If liquids are detected in the leak detection, collection, and removal system, the owner or operator shall notify the director of that fact in writing within seven days after detecting the liquids, and:

1. within a period of time specified in the permit, remove accumulated liquids, repair or replace any liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his or her knowledge and opinion, the leak has been stopped; or

2. if the owner or operator can demonstrate to the director that the repair of the liner is not possible or feasible, he or she must begin to comply with the monitoring requirements of 6 MCAR § 4.9297 K.5. within a period of time specified in the permit.

The agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of 1. or 2. are satisfied.

6 MCAR § 4.9395 Retention and disposition of records.

B. Retention of records. The retention period for all records required under 6 MCAR §§ 4.9380-4.9422 is three years and is extended automatically during the course of any unresolved enforcement action regarding the facility ~~or as required by the director~~.

6 MCAR § 4.9560 Agency overviews of county hazardous waste programs.

B. County ordinances.

2. The director may suspend a previously approved county ordinance or relevant portion thereof if that ordinance has been modified and is determined by the director to be inconsistent with the state hazardous waste rules. Upon suspension by the director, the matter must be placed on the agenda of the next month's regularly scheduled meeting of the agency board. The agency shall notify the county <u>in writing</u> of its decision to approve, suspend, modify, or deny the ordinance.

D. County actions.

4. A county with a hazardous waste ordinance approved by the agency shall submit to the agency a yearly summary of hazardous waste management in the county. The yearly summary shall be submitted by March 1 for the year that ended the previous December 31. The summary shall contain:

g. Any other information requested by the director that pertains to the county's hazardous waste program which

The proposed study will, using full scale crash tests, evaluate the crashworthiness of the four (4) inch steel guard posts (Mn/DOT Standard Plate 8116C) to:

1. verify the standard design eliminating the need for changes to present installations, or
2. provide a practical and economical design modification that will meet the required safety criteria for new installations, and
3. provide a practical and economical retro-fit design for inplace installations.

The Department of Transportation has budgeted a maximum of forty thousand ($40,000) dollars for this work.

Those interested may obtain a request for proposal from:

Gabriel S. Bodoczy, P.E.
Research Services Engineer
Office of Research and Development
Minnesota Department of Transportation
Room B-9, Transportation Building
St. Paul, Minnesota 55155
Telephone: 612-296-4925

Request for proposals will be available through April 20, 1981. All proposals will be due no later than April 24, 1981.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce
Banking Division

Bulletin No. 2364: Maximum Lawful Rate of Interest for Mortgages and Contracts for Deed for the Month of April, 1981

Notice is hereby given that pursuant to § 47.20, subd. 4a, Minnesota Statutes, the maximum lawful rate of interest for conventional home mortgages for the month of April, 1981, is fifteen and one-quarter (15.25) percentage points.

Further, pursuant to Senate File No. 273, Chapter 373, 1980 Session Laws, as it amended § 47.20, Minnesota Statutes, the maximum lawful rate of interest for contracts for deed for the month of April, 1981, is fifteen and one-quarter (15.25) percentage points.

March 18, 1981

Michael J. Pint
Commissioner of Banks

Pollution Control Agency
Solid Waste Division

Notice of Intent to Solicit Outside Opinions and Information Concerning Revisions to the Minnesota Hazardous Waste Rules

Notice is hereby given that the Minnesota Pollution Control Agency (agency), is seeking opinions and information from sources outside the agency for the purpose of revising the state's hazardous waste rules in order to gain interim authorization and to lead towards final authorization from the United States Environmental Protection Agency (EPA), pursuant to 40 CFR, Part 123, of the federal hazardous waste program.

On June 18, 1979, the state's hazardous waste rules became effective which define hazardous waste and establishes requirements governing hazardous waste storage, transport, treatment and disposal. The EPA promulgated the federal hazardous waste regulations on May 19, 1980. In part, these regulations provide a method by which a state may obtain authorization from the EPA to operate its program in lieu of the federal program. In order for the state to obtain interim authorization, it must have a program "substantially equivalent" to the federal program. Therefore, rule revisions will be necessary to obtain this goal. These revisions would affect the general areas of hazardous waste identification, generator, transporter and facility standards.

All interested or affected persons or groups may submit information or comments on this subject of the proposed rule revisions either orally or in writing. All comments should be addressed to:

Minnesota Pollution Control Agency
Attention: Larry Christensen
1935 West County Road B-2
Roseville, Minnesota 55113
(612) 297-2718

All statements of information or comments must be received by April 30, 1981. Any written material received by this office will become part of the record of any rules hearing on this subject.

The proposed rule revisions will be written in at least three (3) segments; identification, generator and transporter standards, and facility standards. When a segment is completed, the Agency will publish a Notice stating that the completed portion is available for review and requesting public comment. All comments received will be considered for incorporation into the rules.

March 23, 1981

Louis J. Breimhurst
Executive Director

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-7876. Application deadline is April 21, 1981.

COMMUNITY SCHOOL ADVISORY COUNCIL has one vacancy open immediately for a public member. The council promotes the advancement of educational, recreational and social opportunity through maximum utilization of public school facilities; members are appointed by the Governor. Quarterly meetings; members receive $35 per diem. For specific information contact, Community School Advisory Council, 680 Capitol Square Bldg., St. Paul 55101; (612) 296-2587.

STATE ADVISORY TASK FORCE ON UNIFORM DATA STANDARDS FOR STUDENT REPORTING has one vacancy open immediately for a representative of the regional management information centers. The advisory task force makes recommendations to the legislature on policy standards for school district reporting of student data. Members are appointed by the Commissioner of Education, a representative appointed by the Minnesota Educational Computing Consortium, and a representative of the regional management information centers and three public school employees involved in student reporting in school districts of various sizes, appointed by the Board of Education. For specific information contact, State Advisory Task Force on Uniform Data Standards For Student Reporting, Capitol Square Bldg., 550 Cedar St., St. Paul 55101; (612) 296-8420.

ADVISORY TASK FORCE ON UNIFORM DATA STANDARDS FOR PERSONNEL/PAYROLL REPORTING has one vacancy open immediately for a member of a small school district. The advisory task force makes recommendations to the legislature on policy standards for school district reporting of personnel data. Members are appointed by the Commissioner of Education, a representative appointed by the Minnesota Educational Computing Consortium, and a representative of the ESV regional management information centers and three public school employees involved in personnel reporting in school districts of various sizes, appointed by the Board of Education. For specific information contact, Advisory Task Force on Uniform Data Standards for Personnel/Payroll Reporting, Capitol Square Bldg., 550 Cedar St., St. Paul 55101; (612) 296-8420.

BOARD OF BOXING has one vacancy open immediately for a professional member. The board licenses boxers, seconds, managers, franchise holders; makes rules governing sparring and boxing exhibitions; members are appointed by the Governor. Monthly meetings; usually at boxing matches. Members receive $35 per diem plus expenses. For specific information contact Board of Boxing, 5th Floor, Metro Square Bldg., St. Paul 55101; (612) 296-2501.

Mr. Ronald Sundberg
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone (612) 296-9096

All statements of information and comments on the subjects of the temporary rules must be received by June 29, 1981. Opinions and views on the other areas will be received until further notice. Any written material received by this date will become part of the record of any rules bearing on these subjects.

Minnesota State Agricultural Society Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will conduct a business meeting at 10 a.m. Friday, July 10, at the Administration Building on the fairgrounds, Falcon Heights. Preceding the general meeting will be a meeting of the board's space rental committee at 9 a.m.

Minnesota State Retirement System

Regular Meeting, Board of Directors

The regular bi-monthly meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, June 19, 1981, at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Pollution Control Agency

Application by the City of Worthington for a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit for its Wastewater Treatment Facility

Notice of Continuance of Hearing

Notice is hereby given that, pursuant to an order of the hearing examiner, the hearing in the above-entitled matter, originally scheduled to commence June 8, 1981, has been continued. The hearing will now be held on Monday, September 21, 1981, at the Farmers Room, Nobles County Courthouse, 315 Tenth Street, Worthington, Minnesota at 1:00 p.m.

It is anticipated that the hearing will be continued at 9:00 a.m. on Tuesday, September 22, 1981, at the same location and thereafter until adjournment. In addition, evening sessions will be held on both Tuesday, September 22, 1981, and Wednesday, September 23, 1981, commencing at 7:00 p.m. at the same location in order to provide an opportunity to participate to those who cannot attend the day session.

A second prehearing conference is scheduled for September 9, 1981, at 10:30 a.m., at the 4th Floor Conference Room, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113.

May 26, 1981

Louis J. Breimhurst
Executive Director

Pollution Control Agency Solid and Hazardous Waste Division

Notice of Intent to Solicit Outside Opinions and Information Concerning Revisions to the Minnesota Hazardous Waste Rules

Notice is hereby given that the Minnesota Pollution Control Agency (agency), is seeking opinions and information from

sources outside the agency for the purpose of revising the state's hazardous waste rules in order to gain interim authorization and to lead towards final authorization from the United States Environmental Protection Agency (EPA), pursuant to 40 CFR, Part 123, of the federal hazardous waste program.

On June 18, 1979, the state's hazardous waste rules became effective which define hazardous waste and establishes requirements governing hazardous waste storage, transport, treatment and disposal. The EPA promulgated the federal hazardous waste regulations on May 19, 1980. In part, these regulations provide a method by which a state may obtain authorization from the EPA to operate its program in lieu of the federal program. In order for the state to obtain interim authorization, it must have a program "substantially equivalent" to the federal program. Therefore, rule revisions will be necessary to obtain this goal. These revisions would affect the general areas of hazardous waste identification, generator, transporter and facility standards.

All interested or affected persons or groups may submit information or comments on this subject of the proposed rule revisions either orally or in writing. All comments should be addressed to:

Minnesota Pollution Control Agency
Attention: Larry Christensen
1935 West County Road B-2
Roseville, Minnesota 55113
(612) 297-2705

Any written material received by this office will become part of the record of any rules hearing on this subject.

The proposed rule revisions will be written in at least three (3) segments; identification, generator and transporter standards, and facility standards. When a segment is completed, the agency will publish a notice stating that the completed portion is available for review and requesting public comment. All comments received will be considered for incorporation into the rules.

June 3, 1981

Louis J. Breimhurst
Executive Director

Department of Labor and Industry
Labor Standards Division

Notice of Prevailing Wage Rates for Commercial Construction

On December 20, 1982, the commissioner certified prevailing wage rates for commercial construction for each of the 87 counties in Minnesota.

A copy of the determined wage rates for Minnesota Counties may be obtained by writing to the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are $.50 for the first county and $.30 for any subsequent copies of the same or other counties. For all 87 counties, the charge is $25.00. A $1.00 handling charge must be included for each order. As of January 1, 1983, Minnesota sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Russell B. Swanson, Commissioner
Department of Labor and Industry

Minnesota Pollution Control Agency
Solid and Hazardous Waste Division

Notice of Intent to Solicit Outside Opinions and Information Concerning Proposed Rules Regulating Disposal, Treatment, and Storage of Hazardous Wastes in Land Units in Minnesota

Notice is hereby given that the Minnesota Pollution Control Agency (agency) is seeking opinions and information from sources outside the agency for the purpose of developing rules regarding land disposal, treatment, and storage of hazardous wastes in land units in the State of Minnesota.

These rules will regulate disposal, treatment, and storage of hazardous wastes in land units. Sections of the rules will pertain to landfills, land treatment units, surface impoundments, and waste piles. A general section of the rules addressing ground water protection will apply to all these types of facilities. The rules may be patterned after the United States Environmental Protection Agency (EPA) hazardous waste land disposal rules contained in the July 26, 1982 *Federal Register* (Subparts F, K, L, M, and N of 40 CFR Part 264 of the federal hazardous waste rules).

The Agency invites all interested persons or groups to submit information or comments on these subjects to:

Mr. Steve Reed
Minnesota Pollution Control Agency
Division of Solid and Hazardous Waste
1935 West County Road B2
Roseville, Minnesota 55113

Oral statements will be accepted during regular business hours over the telephone at (612) 297-2729.

Any written or oral information and comments will be reviewed by agency staff and considered in development of these rules. Any written material received by the agency will become part of the record of any hearings held on these rules.

December 3, 1982

Louis J. Breimhurst
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

LIST OF EXHIBITS

MPCA EX. NO.	TITLE		
1	U.S.E.P.A. Background Document: Regulatory Analysis, April 30, 1980		
2	U.S.E.P.A. Background Document: Definitions and Provisions of Confidentiality (Part 260) April, 1980		
	Federal Register:		
3	45 F.R. 33066	May 19, 1980	40 C.F.R. §§ 260.1 - 260.22 Hazardous Waste Management System
4	45 F.R. 72024	October 30, 1980	40 C.F.R. § 260.10 Definitions: Generator and Transport Vehicle, Vessel
5	45 F.R. 76618	November 19, 1980	40 C.F.R. § 260.10 Definitions: Spills
6	46 F.R. 2344	January 9, 1981	40 C.F.R. § 260.10 Definitions: Existing Portion
7	47 F.R. 32289	July 26, 1982	40 C.F.R. § 260.10 Definitions: Certification, Existing Portion, Hazardous Waste Constituent, Treatment Zone, Uppermost Aquifer
8	U.S.E.P.A. Background Document: Criteria for Identifying Characteristics of Hazardous Waste (§ 261.10); Criteria for Listing Hazardous Waste (§ 261.11); Petitions to Amend Part 261 to Exclude a Waste Produced at a Particular Facility (§ 260.22) April 30, 1980		

9 U.S.E.P.A. Background Document: Characteristic of Corrosivity (Part 261.22) May 2, 1980

10 U.S.E.P.A. Background Document: Characteristic of Ignitability (Part 261.21) May 2, 1980

11 U.S.E.P.A. Background Document: Characteristic of Reactivity (Part 261.23) May 2, 1980

12 U.S.E.P.A. Background Document: EP Toxicity Characteristic (Part 261.24) May 2, 1980

13 U.S.E.P.A. Background Document: Listing of Hazardous Waste; Finalization of May 19, 1980 Hazardous Waste List (Parts 261.31 and 261.32), November 14, 1980

14 U.S.E.P.A. Background Document: Listing of Hazardous Waste: Finalization of July 16, 1980 Hazardous Waste List (Parts 261.31 and 261.32), January 12, 1981

15 Appendix A - Health and Environmental Profiles, October 30, 1980

16 Appendix B - Fate and Transport of Hazardous Constituents, May 2, 1980

17 U.S.E.P.A. Background Document: Hazardous Waste from Discarding of Commercial Chemical Products and the Containers and Spill Residues Thereof (Part 261.33) April 30, 1980

18 U.S.E.P.A. Background Document: Degree of Hazard, April, 1980

19 Letter from Economics Laboratory dated July 30, 1982 with attachment:
Ocular Irritancy Responses to Various pHs of Acids and Bases With and Without Irrigation, Toxicology 23(1982) pp. 281-291

20 Letter from Minnesota Association of Commerce and Industry dated December 31, 1982 with attachment:
- Ocular Irritancy Responses to Various pHs of Acids and Bases With and Without Irrigation; Toxicology 23(1982) pp. 281-291
- A Systematic Comparison of Chemically Induced Eye Injury in the Albino Rabbit and Rhesus Monkey; W.R. Green, et al.
- Evaluation of the Cutaneous-Irritation Potential of 56 Compounds, Fd.; Chem. Tox. Vol. 20 pp. 563-572, 1982

21	U.S.E.P.A. Report to Congress; Listing Waste Oil as a Hazardous Waste, Excerpt pages 1-3, 1981		
	Federal Register:		
22	45 F.R. 47832	July 16, 1980	40 C.F.R. §§ 261-31 - 261.32 Identification and Listing of Hazardous Waste: Specific and Nonspecific Sources
23	45 F.R. 72035	October 30, 1980	40 C.F.R. §§ 261.4 Exclusions; 40 C.F.R. § 261.32 Waste Streams
24	45 F.R. 74884	November 12, 1980	40 C.F.R. §§ 261.30 - 261.32 Identification and Listing of Hazardous Waste
25	45 F.R. 78524	November 25, 1980	40 C.F.R. §§ 261.7 Empty Containers, and 261.33 Container Residues
26	45 F.R. 80286	December 4, 1980	40 C.F.R. § 261.4 Exclusions: Wastes Generated in Storage Tanks, Transport Vehicle, Vessel or Manufacturing Unit
27	46 F.R. 4614	January 16, 1981	40 C.F.R. §§ 261.31 Identification and Listing of Hazardous Waste: Nonspecific Sources
28	46 F.R. 44969	September 8, 1981	40 C.F.R. § 261.6 Reuse, Recycle
29	46 F.R. 47426	September 25, 1981	40 C.F.R. § 261.4 Exclusions: Samples
30	46 F.R. 56582	November 17, 1981	40 C.F.R. § 261.3 Definitions Hazardous Waste
31	47 F.R. 36092	August 18, 1982	40 C.F.R. § 261.7 Empty Containers

32 U.S.E.P.A. Background Document: Special Requirements for Hazardous Waste Generated by Small Quantity Generators (Part 261.5) April 28, 1980

Federal Register:

33	43 F.R. 58971	December 18, 1978	40 C.F.R. Part 250, Subpart B. renumbered as 40 C.F.R. Part 262: Generator Standards
34	45 F.R. 12724	February 26, 1980	40 C.F.R. §§ 262.10 - 262.51 Generator Standards
35	47 F.R. 1248	January 11, 1982	40 C.F.R. § 262.34 Accumulation Time
36	45 F.R. 86966	December 31, 1980	40 C.F.R. § 263.12 Transfer Facility Requirements
37	45 F.R. 86970	December 31, 1980	40 C.F.R. §§ 263.20 & 263.2 Transportation Standards: Rail and Bulk Shipments

38 U.S.E.P.A. Background Document: General Facility Standards: General Waste Analysis and Interim Status Standards for General Waste Analysis (Parts 264.13 and 265.13) December 30, 1980

39 U.S.E.P.A. Background Document: General Facility Standards: Standards of Security (Part 264.14); Interim Status Standards for Security (Part 265.14) April 29, 1980

40 U.S.E.P.A. Background Document: General Facility Standards: Standards for Personnel Training (Part 264.16); Interim Status Standards for Personnel Training (Part 265.16) April 29, 1980

41 U.S.E.P.A. Background Document: General Facility Standards for Location of Facilities (Part 264.18) December 30, 1980

42 U.S.E.P.A. Background Document: General Facility Standards: Preparedness and Prevention; Contingency Plan Emergency Procedures, April, 1980

43 U.S.E.P.A. Background Document: General Facility Standards: Manifest System, Recordkeeping, and Reporting (Part 264 and Part 265) April, 1980

44 U.S.E.P.A. Background Document: Groundwater Monitoring (Part 265) May 2, 1980

45 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Ground Water Protection Standard (Part 264 Subpart F) July 31, 1981

46 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Ground Water and Air Emission Monitoring (Part 264 Subpart F) July 31, 1981

47 U.S.E.P.A. Background Document: Interim Status Standards and General Status Standards for Closure and Post-Closure Care (Parts 264 and 265 Subpart G) December 31, 1980

48 U.S.E.P.A. Background Document: Interim Status Financial Requirements (Part 265) April 25, 1980

49 U.S.E.P.A. Background Document: Parts 264 and 265, Subpart H. Financial Requirements, Final Regulations, December 31, 1980

50 U.S.E.P.A. Background Document: Interim Status Standards for the Use and Management of Containers (Part 265); Interim Status Standards for Waste Piles (Part 265) April, 1980

51 U.S.E.P.A. Background Document: Interim Status Standards for Tanks (Part 265); Interim Status Standards for Chemical, Physical and Biological Treatment (Part 265) April 29, 1980

52 U.S.E.P.A. Background Document: Interim Status Standards for Land Treatment Facilities (Part 265) April 30, 1980

53 U.S.E.P.A. Background Document: Interim Status Standards for Landfills (Part 265) May 2, 1980

54 U.S.E.P.A. Background Document: Interim Status Standards for Hazardous Waste Incineration (Part 265) April, 1980

55 U.S.E.P.A. Background Document: Interim Status Standards for Hazardous Waste Facilities for Thermal Treatment Processes Other than Incineration and Open Burning (Part 265) April, 1980

56 U.S.E.P.A. Background Document: Standards for Inspection (Part 264.15); Interim Status Standards for Inspection (Part 265.15) April, 1980

57 U.S.E.P.A. Background Document: Section 265.220 Final Interim Status Standards for Surface Impoundments, April 28, 1980

58 U.S.E.P.A. General Issues Concerning Interim Status Standards, April, 1980

59 U.S.E.P.A. Background Document: Incineration Standards (Parts 264 and 265) December, 1980

60 U.S.E.P.A. Background Document: Parts 264 and 265 Subpart H. Interim Final Regulations on Closure and Post-Closure Insurance November 2, 1981

61 U.S.E.P.A. Background Document: Parts 264 and 265 Subpart H. Financial Requirements, Financial Test and Municipal Revenue Test Financial Assurance for Closure and Post-Closure Care, including Appendices A and B, November 30, 1981

62 U.S.E.P.A. Background Document: Parts 264 and 265 Subpart H. Financial Requirements, Financial Test for Liability Coverage, including Appendix, April 9, 1982

63 U.S.E.P.A. Background Document: Incineration Standards: Parts 264 and 265, Subpart O, June 1982

64 U.S.E.P.A. Background Document: Preliminary Cost Analysis for Part 264 Interim Final Standards for Tanks (Subparts G, H, J) February 1981

65 U.S.E.P.A. Background Document: Preliminary Cost Analysis for Part 264 Interim Final Standards for Waste Piles (Subparts G, H, L) February 1981

66 U.S.E.P.A. Background Document: Interim Status and General Standards for Tanks: Interim Status Standards for Chemical, Physical, and Biological Treatment (Subparts J and December 30, 1980

67 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Overview July 31, 1981

68 U.S.E.P.A. Background Document: General Comments on Storage; Standards for the Use and Management of Containers; Standards for Waste Piles (Subparts I and L) December 30, 1980

69 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Waste Piles (Subpart L) July 31, 1981

70 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Surface Impoundments (Subpart K) July 31, 1981

71 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Land Treatment (Subpart M) July 31, 1981

72 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Performance Standards for Land Disposal Facilities (Subpart M and N) July 31, 1981

73 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Landfills (Subpart N) July 31, 1981

74 U.S.E.P.A. Background Document: Interim Status Standards for Landfills; Special Requirements for Ignitable or Reactive Wastes (Subpart N, Part 265.312) February 20, 1981

75 U.S.E.P.A. Background Document: Proposed Additions to Standards for Hazardous Waste Incineration (Part 264.34 Subpart O) January 1981

76 U.S.E.P.A. Background Document: Permitting of Land Disposal Facilities; Information Requirements for Permitting Discharges July 31, 1981

77 U.S.E.P.A. National interim primary drinking water regulations, Excerpt pages 51-64, 69-80, 103-119, 1976

78 Hydrology Guide for Minnesota - Getting the Most Out of Your Raindrop, U.S. Agriculture Department, Soil Conservation Services, St. Paul, MN

79 Comments of the Environmental Defense Fund and The Crum and Forster Insurance Companies on Financial Assurance Requirements for Corrective Action. November 22, 1982

Federal Register:

80	45 F.R. 66816	October 8, 1980	40 C.F.R. Part 264 Facility Standards: Ground Water Protection
81	45 F.R. 76630	November 19, 1980	Eligibility for Interim Status
82	45 F.R. 82964	December 17, 1980	40 C.F.R. Part 264 and 265 Availability of Information
83	46 F.R. 2802	January 12, 1981	40 C.F.R. Parts 264 and 265 Facility Standards: General
84	46 F.R. 7666	January 23, 1981	40 C.F.R. Parts 264 and 265 Facility Standards: Incinerators
85	46 F.R. 1126	February 5, 1981	40 C.F.R. Parts 264 and 265 Land Disposal Facilities
86	46 F.R. 38314	May 26, 1981	40 C.F.R. Parts 264 and 265 Land Disposal Facilities
87	46 F.R. 33502	June 29, 1981	40 C.F.R. Part 265 Interim Status Standards
88	46 F.R. 55110	November 6, 1981	40 C.F.R. Parts 264 and 265 Container and Waste Pile Standards
89	47 F.R. 8304	February 25, 1982	40 C.F.R. § 264.1 Exemption: Absorbents
90	47 F.R. 15032	April 7, 1982	40 C.F.R. Parts 264 and 265; Financial Assurance
91	47 F.R. 16544	April 16, 1982	40 C.F.R. Parts 264 and 265 Liability Requirements

92	47 F.R. 27520	June 24, 1982	40 C.F.R. Parts 264 and 265 Incinerator Standards
93	47 F.R. 32274	July 26, 1982	40 C.F.R. Parts 264 and 265 Facility Standards: Ground Water and Land Disposal Facilities
94	45 F.R. 76074	November 17, 1980	Elementary Neutralization Unit and Wastewater Treatment Units
95	45 F.R. 76076	November 17, 1980	Elementary Neutralization Unit and Wastewater Treatment Units

96 U.S.E.P.A. Memorandum on EPA Regulation of Utility Waste, February 8, 1981 with attached letter to Paul Emler Jr. from N. Dietrick dated January 13, 1981

97 Comments Received in Response to the March 30, 1981 and June 15, 1981 Notices of Intent to Solicit Outside Opinion

A. April 17, 1981 letter from Minnesota/Wisconsin Power Suppliers

B. April 17, 1981 letter from Otter Tail Power

C. April 29, 1981 letter from 3M

D. July 7, 1981 letter from G. Robert Johnson

E. September 8, 1981 letter from NSP

F. September 8, 1981 letter from Union Scrap & Metal Co.

G. September 9, 1981 letter from Otter Tail Power

H. September 15, 1981 letter from Fabri-Tek

MPCA
EX. NO. TITLE
(Exhibit 97 continued)

I. September 16, 1981 letter from Buckbee-Mears Co.

J. September 22, 1981 letter from Otter Tail Power

K. September 23, 1981 letter from United States Steel Corp.

L. September 23, 1981 letter from Sierra Club

M. September 24, 1981 letter from American Crystal Sugar Co.

N. September 25, 1981 letter from Minn. Automobile Dealers Assoc.

O. September 29, 1981 letter from University of Minnesota

P. September 28, 1981 letter from H. B. Fuller Co.

Q. September 30, 1981 letter from Northwest Petroleum Assoc.

R. September 30, 1981 letter from Minnesota Service Station Assoc.

S. October 6, 1981 letter from Burlington Northern

T. October 7, 1981 letter from Economics Laboratory

U. November 16, 1981 letter from Sierra Club

V. November 20, 1981 letter from University of Minnesota

W. December, 1981 letter from Buckbee-Mears Co.

X. December 29, 1981 letter from Popham, Haik, Schnobrich, Kaufman & Doty

Y. December 28, 1981 letter from Minnesota/Wisconsin Power Suppliers

Z. December 29, 1981 letter from Minnesota Railroads Assoc.

MPCA EX. NO.	TITLE
	AA. December 29, 1981 letter from MACI
	BB. January 11, 1982 letter from Anoka County
	CC. January 14, 1982 letter from Hennepin County
	DD. January 25, 1982 comments of Izaak Walton League
	EE. February 1, 1982 letter from Kleer-Flo Co.
	FF. February 18, 1982 letter from Popham, Haik, Schnobrich, Kaufman & Doty
98	Comments Received in Response to the Notice to Solicit Outside Opinion Published in the December 20, 1982 State Register:
	A. January 18, 1983 memorandum from Gary L. Englund, Dept. of Health
	B. January 24, 1983 memorandum from Gilbert Gabanski, Dept. of Natural Resources (DNR)
	C. February 14, 1983 memorandum from Tom Balcom, DNR
	D. March 22, 1983 letter from Nicollet County
	E. April 7, 1983 letter from Earl Gran
	F. April 8, 1983 letter from Robert Brewster
	G. April 22, 1983 memorandum from Tom Balcom, DNR
	H. April 28, 1983 memorandum from Michael Convery, Dept. of Health
	I. May 31, 1983 letter from McCombs-Knutson Associates, Inc.
99	Comments and Hearing Requests Received in Response to the Notice of Intent to Adopt Rules Without a Public Hearing Published in October 24, 1983 State Register
	A. October 31, 1983 letter from Terence H. Cooper

MPCA
EX. NO. TITLE

(Exhibit 99 continued)

B. November 2, 1983 letter from Thomas A. Fait

C. November 3, 1983 letter from Metropolitan Inter-County Association

D. November 8, 1983 letter from G. W. Harries

E. November 14, 1983 memorandum from Betsy Parker MN DOT

F. November 15, 1983 letter from Imperial, Inc.

G. November 15, 1983 letter from MACI

H. November 15, 1983 comments from the National Association of Recycling Industries, Inc.

I. November 18, 1983 letter from Robert S. Burk

J. November 22, 1983 letter from Land O'Lakes, Inc.

K. November 22, 1983 letter from Atwater McMillian, Inc.

L. November 22, 1983 letter from McLaughlin Gormley King Co.

M. November 23, 1983 letter from MN DOT

N. November 23, 1983 letter from Minnesota Petroleum Council

0. November 23, 1983 letter from NSP

P. November 23, 1983 letter from Minnesota Plant Food and Chemical Association

Q. November 23, 1983 letter from Ramsey County

R. November 25, 1983 letter from The Outdoors Committee

MPCA
EX. NO. TITLE

(Exhibit 99 continued)

S. November 9, 1983 letter from 3M

T. December 5, 1983 letter from Dakota County

U. December 6, 1983 letter from Burlington Northern

HEARING REQUESTS

V. Two Petitions for Hearing, each with 20 signatures

W. Two Petitions from Mel Davis dated November 10, 1983

X. November 14, 1983 letter from H. B. Fuller Company

Y. November 15, 1983 letter from the Carver County LPRC

Z. November 15, 1983 letter from the Marshall County LPRC

AA. November 17, 1983 letter from Richard J. Eischens

BB. November 17, 1983 letter from Anoka County

CC. November 21, 1983 letter from Scott County

DD. November 21, 1983 letter from David W. Hanson

EE. November 21, 1983 letter from Richard C. Nash

FF. November 21, 1983 letter from Richard R. Koehn

GG. November 21, 1983 letter from Carver County

HH. November 22, 1983 letter from H. B. Fuller Company

II. November 22, 1983 letter from William Masberg

JJ. November 22, 1983 letter from Minnesota Hospital Association

MPCA EX. NO.	TITLE
(Exhibit 99 continued)	
	KK. November 22, 1983 letter from Scott County
	LL. Seven letters dated November 22, 1983 from the Hennepin County Commissioners
	MM. Five letters dated November 22, 1983 from the Hennepin County Department of Environment and Energy
	NN. November 22, 1983 letter from the Hennepin County Bureau of Public Service
	OO. November 23, 1983 letter from Metalcasters of Minnesota
	PP. November 23, 1983 letter from MACI
	QQ. Three letters dated November 23, 1983 from Stolpestad, Brown and Smith
	RR. November 23, 1983 letter from Popham, Haik, Schnobrich, Kaufman & Doty, Ltd.
	SS. December 5, 1983 letter from the Private Property Rights Alliance
	TT. Undated letter from DeAnn Croatt
100	Economic Impact of the Proposed Amendments to the Hazardous Waste Rules
101	Substantive Differences Between Minnesota's Proposed Hazardous Waste Rule and U.S. Environmental Protection Agency's Hazardous Waste Regulations
102	Proposed Amendments to 6 MCAR §§ 4.9102 G., 4.9132 D.1., 4.9210 E.8. and 4.9254
103	Letter from G. Robert Johnson and Robert Burke dated February 2, 1984 withdrawing request for a hearing
104	Letter from Economics Laboratory, dated September 23, 1983

PUBLIC EXHIBITS

Exhibit	Title
1	Letter from Mel Davis, Chemical Consultant Formulators, Inc., to Sandra S. Gardebring, dated January 27, 1984
2	Letter from Frederick P. McGarvey, Midwest Regional Office, American Insurance Association, to Allan W. Klein, dated February 7, 1984
3	October 10, 1983 recommendations to the Waste Management Board of the Special Advisory Task Force
4	Letter from Gregg Davies, Carver County Emergency Services Director, to Allan W. Klein, dated February 6, 1984
5	Letter from Mark Johnson, Land O'Lakes, Inc., to Allan W. Klein, dated February 6, 1984
6	Comments of Washington County Community Health Services Department on the proposed Minnesota Pollution Control Agency Hazardous Waste Rules submitted by Thomas J. Dellenbach, Hazardous Waste Officer.
7	Letter from Scott Schuler, Chairman, Minnesota - Wisconsin Power Suppliers Hazardous Waste Task Force, to Allan W. Klein, dated February 27, 1984.
8	Letter from L. A. Schablin, President, Minnesota Fabricare Institute, to Minnesota Pollution Control Agency, dated February 15, 1984
9	Letter from Earl Gnan, Chairman, Carver County Local Project Review Committee to Allan Klein, dated February 19, 1984
10	Letter from the Scott County Hazardous Waste Local Project Review Committee, to Allan W. Klein, dated February 8, 1984
11	Hennepin County Comments on the Proposed Hazardous Waste Rule Amendments, dated February 28, 1984

PUBLIC EXHIBITS

Exhibit	Title
12	Letter from Michael T. McKim, Stolpestad, Brown and Smith, to Allan W. Klein, dated February 22, 1984
13	Letter from Jay D. Myster, Vice President, Otter Tail Power Company to Allan Klein, dated February 24, 1984
14	Letter from Cary L. Perket, Environmental Engineering and Management, Ltd., to Allan W. Klein, dated February 24, 1984, with attached comments to the United States Environmental Protection Agency on the testing procedure for EP Toxicity and the statistical methods for determining whether ground water at a facility is contaminated
15	Letter from R.E. Koski, Manager Engineering - Ore & Stone, United States Steel Corporation, to Allan W. Klein, dated February 27, 1984
16	Letter from the Carver County Board of Commissioners to Allan Klein, dated February 21, 1984
17	Letter from Albert C. Koett, Manager, Industrial Technical Services, Safety-Kleen, to Allan W. Klein, dated February 20, 1984
18	Letter from Larry Benjamin, Director of Operations, Rexnord Chemical Products, Inc., to Allan Klein, dated February 10, 1984
19	Comments of the Northstar Chapter of the Sierra Club, submitted by Kristen Sigford
20	Comments of Northern States Power Company, dated February 28, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1, 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 this Agency is accurate and complete as of 3:00 o'clock P.M. this 29th day of December, 1983.

Elaine A. Zoch

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

AFFIDAVIT REGARDING NOTIFICATION OF SUBMISSION TO ATTORNEY GENERAL

STATE OF MINNESOTA) ss.
)
COUNTY OF RAMSEY)

Penny Ticklen, being duly sworn on oath deposes and says:

That on the 30th day of May, 1984, in the City of Roseville, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the United States mail at said City of Roseville, 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.

Penny Ticklen

Subscribed and sworn to before me this 30th day of May, 1984.

Margaret Frank
Notary Public

MARGARET FRANK
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Sept 26, 1985

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.16, PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, May 30, 1984, for review as to form and legality. Pursuant to 1 MCAR § 1.206 C., 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, State Administration Building, 50 Sherburne Avenue, St. 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 were made in the proposed rules after the hearing and before submission to the Attorney General, you may contact Steve Reed, Division of Solid and Hazardous Waste, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113, telephone (612) 296-7786.

for Paul W. Hoffman

THOMAS J. KALITOWSKI
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing the Management of Hazardous Waste (6 MCAR §§ 4.9001 - 4.9005 and 4.9008 - 4.9010 to be Renumbered as 6 MCAR §§ 4.9100 - 4.9560)

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Barbara Lindsey Sims, 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 Administraive Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Barbara Lindsey Sims
Special Assistant Attorney General

Dated: May 29, 1984