

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1069

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-11-84
DATE FOR REVIEW 9-22-84
DATE DUE 10-01-84

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

Approved October 1, 1984 (LCS) Disapproved Returned to Agency

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 10-2-84 Revisor approved 9/17/84 disapproved

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✓ Rule as Adopted

✓ Rule as Proposed See SR

✓ Order Adopting 8.28.84 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 10.24.83 + comments

✓ Order for rulemaking
4.23.84 et seq. date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
3.20 + 3.21.84 At least 30 days prior to hearing/~~adoption~~
Also complied with MS 115.44 subd. 7 - see HE 3

✓ Mailing list Certificate

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

✓ Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
7.12.84 Approving H.E.'s Report
9.7.84 Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

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

Box of materials to be returned to Agency when our Review is complete

To: Larry
Date: 9/24/84
Re: PCA — Protection of the Quality & Purity of the Waters of the State.

Rules as Adopted

p. 4, line 27 . 0180 subp. 4,
p. 5, line 3 . 0180 subp 5
p. 5, line 24 . 0180 subp. 6
p 9, line 24 . 0210 subp. 4

All of the listed sections contain the phrase "including but not limited to" without criteria. However, the sections could be read as merely guidelines as to the type of waters listed by DNR for certain purposes — the discretion appears to lie with DNR rather than with PCA which is promulgating this Rule

-Ok. — reasonable discretion in that 1) Agency has no control over DNR designations and 2) not delegation of rulemaking since it has no control over that area, and 3) rulemaking scrutiny will bridle DNR designation when they go to rulemaking. — CDS

Pollution Control Agency
Water Quality Division

Adopted Rules Governing Standards for the Protection of the Quality and Purity of the Waters of the State; and Adopted Rules Governing Classification of Waters of the State

Rules as Adopted

7050.0400 PURPOSE.

Parts 7050.0400 to 7050.0480 classify all surface waters within or bordering the state of Minnesota and thereby designate appropriate beneficial uses for these waters. The use classifications are defined in part 7050.0200.

7050.0410 LISTED WATERS.

Those waters of the state that are specifically listed in part 7050.0470 are, in addition to any classifications listed in part 7050.0470, also classified as 3C, 4A, 4B, 5, and 6 class waters.

7050.0420 TROUT WATERS.

Trout streams and trout lakes described in Department of Natural Resources Commissioner's orders 2089 (dated June 26, 1981) and 2086 (dated March 7, 1981) respectively are hereby classified as trout waters. Other lakes that are classified as trout waters are listed in part 7050.0470. All trout waters are classified 1B, 2A, 3B, 3C, 4A, 4B, 5, and 6.

7050.0430 UNLISTED WATERS.

All waters of the state that are not listed in part 7050.0470 are hereby classified as 2B, 3B, 4A, 4B, 5, and 6 class waters.

7050.0440 OTHER CLASSIFICATIONS SUPERSEDED.

Parts 7050.0400 to 7050.0480 supersede any other previous classifications and any classifications in other rules including parts 7056.0010 to 7056.0040 (formerly WPC 1).

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:
MWH

7050.0450 MULTI-CLASSIFICATIONS.

If a water of the state is classified in more than one class, all the water quality standards for each of the classes apply. If the water quality standards for particular parameters for the various classes are different, the more restrictive of the standards apply.

7050.0460 WATERS SPECIFICALLY CLASSIFIED.

The waters of the state listed in part 7050.0470 are hereby classified as specified. The specific stretch of watercourse or the location of lakes is described by township, range, and section, abbreviated as T., R., S., respectively. Any community listed in part 7050.0470 is the community nearest the water classified, and is included solely to assist in identifying the water. An asterisk (*) indicates the water is designated as an outstanding resource value water.

7050.0470 CLASSIFICATIONS FOR WATERS IN MAJOR SURFACE WATER DRAINAGE BASINS.

Subpart 1. **Lake Superior Basin.**

Streams

Amenda Creek	(T.59, R.5W)	2C
Barber Creek (East Swan River) (Chisholm Creek) Chisholm	(T.58, R.20, S.21, 22, 26, 27, 34, 35)	7
Boulder Creek	(T.53, 54, R.14)	2C
Brule River (excluding trout waters)	(T.62, 63, 64, R.1W, 1E, 2E, 3E)	1B, 2B, 3B
Buhl Creek Buhl	(T.58, R.19, S.20, 29)	7
Cranberry Creek	(T.58, R.13)	2C
Elbow Creek Eveleth	(T.57, R.17, S.6; T.57, R.18, S.1)	7
Horn Creek	(T.62, R.4W)	1B, 2B, 3B
Manganika Creek Virginia	(T.58, R.17, S.19; T.58, R.18, S.24)	7
Pigeon River	(South of Fowl Lake to Pigeon Bay of Lake Superior)	1B, 2B, 3A
Swan River, West	(T.55, R.20, 21)	2C
Temperance River (excluding trout waters)	(T.59, 60, 61, 62, R.4W)	1B, 2B, 3B
Trappers Creek	(T.56, R.11)	2C
Unnamed Creek Meadowlands	(T.53, R.19, S.22, 23)	7
Unnamed Ditch Eveleth	(T.57, R.17, S.6)	7
Unnamed Ditch Gilbert	(T.58, R.17, S.23, 24, 25, 36)	7
*All other streams in the Boundary		1B, 2B, 3B

Waters Canoe Area Wilderness

Lakes

*Alder Lake	(T.64, R.1E)	1B, 2A, 3B
*Alton Lake	(T.62, 63, R.4, 5)	1B, 2A, 3B
Bearskin Lake, East	(T.64, R.1E, 1W)	1B, 2A, 3B
Bearskin Lake, West	(T.64, 65, R.1)	1B, 2A, 3B
Birch Lake	(T.65, R.1, 2)	1B, 2A, 3B
Black Lake	(T.45, R.15)	1B, 2B, 3B
*Brule Lake	(T.63, R.2, 3)	1B, 2A, 3B
Chester Lake	(T.64, R.3E)	1B, 2A, 3B
*Clearwater Lake (Emby Lake)	(T.65, R.1E)	1B, 2A, 3B
Colby Lake	(T.58, R.14)	1B, 2B, 3B
*Cone Lake, North	(T.63, 64, R.3)	1B, 2A, 3B
*Crystal Lake	(T.64, R.1E, 2E)	1B, 2A, 3B
*Daniels Lake	(T.65, R.1E, 1W)	1B, 2A, 3B
*Davis Lake	(T.64, R.3)	1B, 2A, 3B
Devilfish Lake	(T.64, R.3E)	1B, 2A, 3B
*Duncan Lake	(T.65, R.1)	1B, 2A, 3B
*Dunn Lake	(T.65, R.1, 2)	1B, 2A, 3B
Echo Lake	(T.59, R.6)	1B, 2A, 3B
Esther Lake	(T.63, 64, R.3E)	1B, 2A, 3B
*Fan Lake	(T.65, R.2E)	1B, 2B, 3A
Flour Lake	(T.64, R.1E, 1W)	1B, 2A, 3B
Fowl Lake, North	(T.64, 65, R.3E)	1B, 2B, 3A
Fowl Lake, South	(T.64, 65, R.3E)	1B, 2B, 3A
*Gaskin Lake	(T.64, R.2)	1B, 2A, 3B
Greenwood Lake	(T.64, R.2E)	1B, 2A, 3B
Hungry Jack Lake	(T.64, 65, R.1)	1B, 2A, 3B
Jap Lake (Jerry Lake)	(T.64, R.1E)	1B, 2A, 3B
Kemo Lake	(T.63, R.1)	1B, 2A, 3B
*Lily Lakes	(T.65, R.2E)	1B, 2B, 3A
McFarland Lake	(T.64, R.3E)	1B, 2A, 3B
*Misquah Lake	(T.64, R.1)	1B, 2A, 3B
*Moose Lake	(T.65, R.2E, 3E)	1B, 2A, 3A
*Morgan Lake	(T.64, R.1)	1B, 2A, 3B
Moss Lake	(T.65, R.1)	1B, 2A, 3B
*Mountain Lake	(T.65, R.1E, 2E)	1B, 2A, 3B
Musquash Lake	(T.63, R.1E)	1B, 2A, 3B
*Onega Lake (Omega Lake)	(T.64, R.2, 3)	1B, 2A, 3B
*Otto Lake, Lower	(T.64, R.2)	1B, 2A, 3B
*Partridge Lake	(T.65, R.1)	1B, 2A, 3B
*Pike Lake, West	(T.65, R.2E)	1B, 2A, 3B
*Pine Lake	(T.64, 65, R.1E, 2E, 3E)	1B, 2A, 3B
*Ram Lake	(T.63, R.1)	1B, 2A, 3B
*Rose Lake	(T.65, R.1)	1B, 2A, 3B
St. Mary's Lake	(T.57, R.17, S.9, 16, 17)	1C, 2B, 3B
*Sawbill Lake	(T.62, 63, R.4)	1B, 2B, 3B
Seven Beaver Lake	(T.58, R.11, 12)	2B, 3A
*South Lake	(T.65, R.1, 2)	1B, 2A, 3B
*State Lake	(T.63, 64, R.2)	1B, 2A, 3B
*Superior, Lake	(T.49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, R.14W-7E)	1B, 2A, 3A
*Swan Lake	(T.63, R.2)	1B, 2A, 3B
Trout Lake	(T.62, R.2E)	1B, 2A, 3B
*Trout Lake, Little	(T.63, R.1)	1B, 2A, 3B
Twin Lake, Upper (Bear Lake)	(T.56, R.8)	1B, 2A, 3B
*Vista Lake	(T.64, R.1)	1B, 2A, 3B
*Wanihigan Lake (Trap Lake)	(T.63, 64, R.2, 3)	1B, 2A, 3B
*Winchell Lake	(T.64, R.2, 3)	1B, 2A, 3B
*All other lakes in the Boundary		1B, 2B, 3B

APPROVED BY THE REVISOR OF STATUTES

Waters Canoe Area Wilderness

Subp. 2. Lake of the Woods Basin.

Streams

Beaver Creek	(T.62, 63, R.20)	2C
Gardner Brook	(T.63, 64, R.23)	2C
Indian Sioux River, Little	(T.64, 65, R.15)	1B, 2B, 3B
Island River	(T.61, R.7, 8)	1B, 2B, 3B
Kawishiwi River	(Source to Fall Lake)	1B, 2B, 3B
Lone Creek	(T.66, R.5)	1B, 2C
Moose River	(T.68, R.18, 19)	1B, 2B, 3B
Moose River	(T.64, 65, 66, R.14)	1B, 2B, 3B
Portage Creek	(T.65, R.21)	2C
Portage River	(T.65, 66, R.14)	1B, 2B, 3B
Rainy River	(Outlet of Rainy Lake to Dam in International Falls)	1B, 2B, 3A
Rainy River	(Dam in International Falls to Railroad Bridge in Baudette)	1C, 2B, 3A
Rainy River	(Railroad Bridge in Baudette to Lake of the Woods)	2B, 3A
Snake River	(T.61, R.9)	1B, 2B, 3B
Stuart River	(T.65, 66, R.13)	1B, 2C
Zippel Creek, West Branch	(T.162, R.33, 34)	2C
*All other streams in the Boundary Waters Canoe Area Wilderness		1B, 2B, 3B
*Purvis Lake-Ober	(Waters within the Purvis Lake-Ober Foundation Scientific and Natural Area, St. Louis County, T.61, R.13)	2B, 3B
*All other streams in the Voyageurs National Park		2B, 3B

Lakes

*Adams Lake	(T.64, R.6)	1B, 2A, 3B
*Agamok Lake	(T.65, R.5, 6)	1B, 2A, 3B
*Ahmakose Lake	(T.64, R.7)	1B, 2A, 3B
*Alpine Lake	(T.65, R.5)	1B, 2A, 3B
*Amoeber Lake	(T.65, R.6, 7)	1B, 2A, 3B
*Arkose Lake	(T.64, 65, R.7)	1B, 2A, 3B
*Ashdick Lake (Caribou Lake)	(T.66, R.6)	1B, 2A, 3B
*Basswood Lake	(T.64, 65, R.9, 10)	1B, 2A, 3B
*Bat Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Beartrack Lake	(T.67, R.15)	1B, 2A, 3B
*Beaver Lake (Elbow Lake)	(T.63, 64, R.6, 7)	1B, 2A, 3B
*Bingshick Lake	(T.65, R.4, 5)	1B, 2A, 3B
Brant Lake (Everett Lake)	(T.65, R.4)	1B, 2A, 3B
Burntside Lake	(T.63, R.12, 13)	1B, 2A, 3B
*Camp Lake	(T.64, R.11)	1B, 2B, 3B
Caribou Lake	(T.60, R.22)	1B, 2A, 3B
*Cash Lake	(T.64, R.3)	1B, 2A, 3B
*Cherokee Lake	(T.63, 64, R.4)	1B, 2A, 3B
*Cherry Lake	(T.65, R.6)	1B, 2A, 3B
*Crab Lake	(T.63, R.13, 14)	1B, 2A, 3B
Crab Lake	(T.65, R.2, 3)	1B, 2A, 3B
Crane Lake	(T.67, 68, R.16, 17)	1B, 2A, 3A
*Crooked Lake	(T.64, R.5)	1B, 2A, 3B
*Crooked Lake	(T.66, R.11, 12)	1B, 2A, 3B
*Cruiser Lake (Trout Lake)	(T.69, 70, R.19)	1B, 2A, 3B

*Eddy Lake	(T.65, R.6)	1B, 2A, 3B
*Ester Lake (Gnig Lake)	(T.65, 66, R.6)	1B, 2A, 3B
*Eugene Lake	(T.67, R.15)	1B, 2A, 3B
*Explorer Lake (South Three Lake)	(T.64, R.7, 8)	1B, 2A, 3B
Fall Lake	(T.63, 64, R.11, 12)	1B, 2B, 3B
*Fat Lake	(T.67, R.15)	1B, 2A, 3B
*Fay Lake	(T.65, R.5)	1B, 2A, 3B
*Fern Lake	(T.64, R.5)	1B, 2A, 3B
*Fern Lake, West	(T.64, R.5)	1B, 2A, 3B
*Finger Lake	(T.67, R.14)	1B, 2A, 3B
*Fishdance Lake	(T.63, R.7)	1B, 2A, 3B
*Fraser Lake	(T.64, R.7)	1B, 2A, 3B
*French Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Frost Lake	(T.64, R.4)	1B, 2A, 3B
*Gabimichigami Lake	(T.64, 65, R.5, 6)	1B, 2A, 3B
*Ge-Be-On-Equat Lake	(T.67, R.14)	1B, 2A, 3B
*Gijikiki Lake (Cedar Lake)	(T.65, 66, R.6)	1B, 2A, 3B
*Gillis Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Gordon Lake	(T.64, R.4)	1B, 2A, 3B
*Gun Lake	(T.67, 68, R.15)	1B, 2A, 3B
Gunflint Lake	(T.65, R.2, 3, 4)	1B, 2A, 3B
Gunflint Lake, Little	(T.65, R.2)	1B, 2B, 3B
*Hanson Lake	(T.65, 66, R.6)	1B, 2A, 3B
*Holt Lake	(T.65, R.6)	1B, 2A, 3B
*Howard Lake	(T.65, R.5)	1B, 2A, 3B
*Hustler Lake	(T.66, 67, R.14)	1B, 2A, 3B
*Ima Lake (Slate Lake)	(T.64, R.7, 8)	1B, 2A, 3B
*Jasper Lake	(T.65, R.5)	1B, 2A, 3B
Johnson Lake	(T.67, 68, R.17, 18)	1B, 2A, 3B
*Kabetogama Lake	(T.69, 70, R.20, 21, 22)	1B, 2B, 3A
*Karl Lake	(T.64, R.3, 4)	1B, 2A, 3B
*Kek Lake, Little	(T.65, R.6, 7)	1B, 2A, 3B
*Kekekabic Lake	(T.64, 65, R.6, 7)	1B, 2A, 3B
*Knife Lake	(T.65, R.7, 8)	1B, 2A, 3B
*Lake of the Clouds Lake (Dutton Lake)	(T.65, R.6)	1B, 2A, 3B
Larson Lake	(T.61, R.24)	1B, 2A, 3B
*Long Island Lake	(T.64, R.3, 4)	1B, 2A, 3B
Loon Lake	(T.65, R.3)	1B, 2A, 3B
*Loon Lake	(T.66, 67, R.15)	1B, 2A, 3B
*Lunar Lake (Moon Lake)	(T.65, R.6)	1B, 2A, 3B
*Lynx Lake	(T.66, R.14, 15)	1B, 2A, 3B
Magnetic Lake	(T.65, R.3, 4)	1B, 2A, 3B
Makwa Lake (Bear Lake)	(T.64, R.6)	1B, 2A, 3B
*Marble Lake	(T.64, R.6)	1B, 2A, 3B
Mayhew Lake	(T.65, R.2)	1B, 2A, 3B
*Mesaba Lake	(T.63, R.5)	1B, 2A, 3B
*Missionary Lake (East Three Lake)	(T.64, R.7, 8)	1B, 2A, 3B
*Moose Lake	(T.64, R.9, 10)	1B, 2B, 3B
*Mora Lake	(T.64, R.5)	1B, 2A, 3B
*Mukooda Lake	(T.68, R.17)	1B, 2A, 3B
*Namakan Lake	(T.69, R.17, 18, 19)	1B, 2B, 3A
North Lake	(T.65, R.2)	1B, 2A, 3B
North Lake, Little	(T.65, R.2)	1B, 2B, 3B
*Ogishkemuncie Lake	(T.65, R.6)	1B, 2A, 3B
Ojibway Lake (Upper Twin)	(T.63, R.9, 10)	1B, 2A, 3B
*Owl Lake	(T.64, R.5)	1B, 2A, 3B
*Oyster Lake	(T.66, R.14)	1B, 2A, 3B
*Peter Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Portage Lake	(T.65, R.8)	1B, 2A, 3B
*Powell Lake	(T.64, 65, R.5)	1B, 2A, 3B

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

*Rabbit Lake	(T.66, R.6)	1B, 2A, 3B
*Rainy Lake	(T.70, 71, R.18, 19, 20, 21, 22, 23)	1B, 2B, 3A
*Raven Lake (Lynx Lake)	(T.64, R.6)	1B, 2A, 3B
*Red Rock Lake	(T.65, 66, R.5)	1B, 2A, 3B
*Ruby Lake, Big	(T.66, R.14)	1B, 2A, 3B
*Saganaga Lake	(T.66, 67, R.4, 5)	1B, 2A, 3B
*Saganaga Lake, Little	(T.64, R.5, 6)	1B, 2A, 3B
*Sand Point Lake	(T.68, 69, R.16, 17)	1B, 2A, 3A
*Sea Gull Lake	(T.65, 66, R.4, 5)	1B, 2A, 3B
*Sema Lake (Coon Lake)	(T.65, R.7)	1B, 2A, 3B
*Snowbank Lake	(T.63, 64, R.8, 9)	1B, 2A, 3B
*Spoon Lake (Fames Lake)	(T.65, R.7)	1B, 2A, 3B
Spring Lake	(T.68, R.18)	1B, 2A, 3B
*Strup Lake	(T.64, R.7)	1B, 2A, 3B
*Sumpet Lake	(T.61, R.7)	1B, 2B, 3B
*Takucmich Lake	(T.67, 68, R.14)	1B, 2A, 3B
*Tarry Lake	(T.64, R.5)	1B, 2A, 3B
*Thomas Lake	(T.63, 64, R.7)	1B, 2A, 3B
*Thumb Lake	(T.67, R.14)	1B, 2A, 3B
*Topaz Lake (Star Lake)	(T.65, R.6)	1B, 2A, 3B
*Town Lake	(T.63, 64, R.3, 4)	1B, 2A, 3B
*Trout Lake, Big	(T.63, 64, R.15, 16)	1B, 2A, 3B
*Trout Lake, Little (Pocket Lake)	(T.68, R.17)	1B, 2A, 3B
*Tucker Lake	(T.64, R.3)	1B, 2B, 3B
*Tuscarora Lake	(T.64, R.4, 5)	1B, 2A, 3B
*Vera Lake	(T.64, R.8)	1B, 2A, 3B
*Virgin Lake	(T.64, R.5)	1B, 2A, 3B
*Wine Lake	(T.63, R.5)	1B, 2A, 3B
*Wisini Lake	(T.64, R.7)	1B, 2A, 3B
Lake of the Woods	(T.161, 162, 163, 164, 165, 166, 167, 168, R.30, 31, 32, 33, 34, 35)	1B, 2B, 3A
Unnamed Swamp Winton	(T.63, R.11, S.19; T.63, R.12, S.24)	7
*All other lakes in the Boundary Waters Canoe Area Wilderness		1B, 2B, 3B
*All other lakes in the Voyageurs National Park		2B, 3B

Subp. 3. **Red River of the North Basin.**

Streams

Badger Creek	(T.149, 150, 151, R.42, 43, 44)	2C
Barnums Creek (Burnham Creek)	(T.148, 149, 150, R.44, 45, 46, 47, 48)	2C
Bois de Sioux River	(Mud Lake outlet to Breckenridge)	2C
County Ditch No. 6A-2 Rothsay	(T.135, R.45, S.21, 28, 33)	7
County Ditch No. 32 Sabin	(T.138, R.48, S.13, 14, 15, 16, 17, 18)	7
County Ditch No. 65 New York Mills	(T.135, R.37, S.18; T.135, R.38, S.13)	7
Deerhorn Creek	(T.136, R.44, 45, 46)	2C
Doran Slough	(T.131, 132, R.46, 47)	2C
Eighteen Mile Creek	(T.127, R.46, 47)	2C
Five Mile Creek	(T.127, 128, R.45)	2C
Gentilly River	(T.149, 150, R.45)	2C
Hay Creek	(T.137, 138, R.44, 45, 46)	2C

Hay Creek	(T.161, 162, 163, R.37, 38, 39)	2C
Hill River	(T.148, 149, 150, R.39, 40, 41, 42)	2C
Hoover Creek (excluding trout waters)	(T.152, 153, 154, R.29, 30)	2C
Joe River	(T.162, 163, 164, R.49, 50)	2C
Joe River, Little	(T.163, R.47, 48)	2C
Judicial Ditch No. 13 Goodridge	(T.154, R.40, S.16, 17, 18)	7
Judicial Ditch No. 18 Goodridge	(T.154, R.40, S.18, 19, 27, 28, 29, 30; T.154, R.41, S.13, 14, 15, 16, 17, 18; T.154, R.42, S.7, 8, 13, 14, 15, 16; T.154, R.43, S.9, 10, 11, 12, 16)	7
Maple Creek	(T.147, 148, R.44, 45, 46)	2C
Marsh Creek	(T.144, 145, 146, R.41, 42, 43)	2C
Mustinka River	(T.127, 128, R.45, 46, 47)	2C
Mustinka River, West Branch	(T.125, 126, 127, 128, R.45, 46, 47)	2C
Otter Tail River	(Height of Land Lake to mouth)	1C, 2B, 3B
Rabbit River	(T.130, 131, R.45, 46, 47)	2C
Rabbit River, South Fork	(T.130, R.45, 46)	2C
Red Lake River	(Outlet of Lower Red Lake to mouth)	1C, 2B, 3B
Red River of the North	(Breckenridge to Canadian border)	1C, 2B, 3B
Roy Creek (Roy Lake Creek)	(T.144, 145, R.39)	2C
Spring Creek	(T.145, 146, R.45, 46, 47)	2C
Spring Creek	(T.142, R.41, 42)	2C
Stony Creek	(T.137, R.45, 46)	2C
Sucker Creek	(T.160, 161, R.39)	2C
Tamarack River (Source to Stephen)	(T.157, 158, R.45, 46, 47, 48)	1C, 2B, 3B
Twelve Mile Creek (excluding Class 7 segment)	(T.126, 127, R.45)	2C
Twelve Mile Creek (County Ditch No. 1) Donnelly	(T.126, R.43, S.16, 17, 18, 19, 21, 22, 25, 26, 27; T.126, R.44, S.23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33; T.126, R.45, S.25, 26, 27, 28, 36)	7
Twelve Mile Creek, East Fork	(T.125, 126, R.44, 45)	2C
Twelve Mile Creek, West Fork	(T.125, 126, R.44, 45)	2C
Twin Lake Creek	(T.144, 145, R.40)	2C
Two Rivers, Middle Branch	(Source to Hallock)	1C, 2B, 3B
Two Rivers, South Branch	(T.161, R.41-49)	1C, 2B, 3B
Unnamed Creek Rothsay	(T.135, R.45, S.21, 22, 23, 25, 26)	7
Unnamed Creek Shevlin	(T.147, R.36, S.17, 18; T.147, R.37, S.11, 12, 13, 14)	7
Unnamed Ditch Audubon	(T.139, R.42, S.4, 9)	7
Unnamed Ditch Lake Park	(T.139, R.43, S.4; T.140, R.43, S.33)	7
Unnamed Ditch Glyndon	(T.139, R.47, S.1, 2, 12; T.140, R.47, S.35)	7
Unnamed Ditch Callaway	(T.140, R.41, S.6; T.140, R.42, S.1, 2, 10, 11)	7
Unnamed Ditch	(T.145, R.44, S.22, 27, 34)	7

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Gary		
Unnamed Ditch	(T.149, R.42, S.34, 35)	7
Erskine		
Unnamed Ditch	(T.154, R.43, S.31, 32, 33)	7
Thief River Falls		
Unnamed Ditch	(T.163, R.37, S.19, 20, 21,	7
Warroad	22, 23; T.163, R.38, S.19, 20, 21, 22, 23, 24, 30; T.163, R.39, S.25, 31, 32, 33, 34, 35, 36)	
Whiskey Creek	(T.137, R.44, 45, 46)	2C
Whiskey Creek	(T.133, 134, R.47, 48)	2C
White Earth River	(T.143, 144, R.40, 41, 42)	2C
Willow Creek	(T.135, R.38, S.13, 14, 15,	7
New York Mills	16, 17, 18)	
Wolverton Creek	(T.135, 136, 137, R.48)	2C
Lakes		
Lake Bronson	(T.160, 161, R.46)	1C, 2B, 3B
Twin Lake, East	(T.138, R.41)	1B, 2A, 3B
Unnamed Slough	(T.137, R.40, S.18;	7
Vergas	T.137, R.41, S.13, 24)	
*Green Water Lake	(Waters within the Green Water Lake Scientific and Natural Area, Becker County, T.141, R.38, S.28, 33, 34)	2B, 3B

Subp. 4. **Upper Mississippi River Basin.**

Streams		
Alcohol Creek	(T.143, 144, R.34)	2C
Arramba Creek	(T.40, R.30)	2C
Basswood Creek	(T.141, 142, R.36)	2C
Battle Brook	(T.35, R.26, 27)	2C
Battle Creek	(T.120, R.30, 31)	2C
Bear Brook	(T.144, R.27)	2C
Bear Creek	(T.145, R.36)	2C
Beautiful Creek	(T.127, R.31)	2C
Beaver Creek	(T.136, 137, R.32, 33)	2C
Belle Creek	(T.117, 118, R.32)	2C
Birch Brook	(T.141, R.25)	2C
Black Brook	(T.41, 42, R.26)	2C
Black Brook	(T.42, 43, R.30)	2C
Blackwater Creek	(T.55, R.26)	2C
Blueberry River	(T.138, 139, R.35, 36)	2C
Bluff Creek	(T.135, 136, R.36, 37)	2C
Bogus Brook	(T.37, 38, R.26)	2C
Buckman Creek	(T.39, 40, R.30, 31)	2C
(excluding Class 7 segment)		
Buckman Creek	(T.39, R.30, S.4, 5, 6, 9;	7
Buckman	T.39, R.31, S.1, 2, 10,	
Buckman Coop Cry.	11; T.40, R.30, S.31; T.40, R.31, S.36)	
Bunker Hill Creek	(T.39, R.30, S.31, 32, 33)	7
Little Rock		
Little Rock Coop Cry.		
Cat River (excluding trout waters)	(T.136, 137, R.33, 34, 35)	2C
Chase Brook	(T.38, 39, R.27)	2C
Clearwater Creek	(T.56, 57, R.24, 25)	2C
Coon Creek	(T.43, R.29, 30)	2C
County Ditch No. 15	(T.132, R.35, S.2; T.133,	7
(Bear Creek)	R.34, S.7; T.133, R.35,	
Bertha	S.12, 13, 24, 25, 26, 35)	
County Ditch No. 23	(T.129, R.38, S.26, 27)	7
Garfield		
County Ditch No. 23A	(T.119, R.34, S.29, 30; T.119, R.35, S.23, 25, 26)	7

Willmar		
County Ditch No. 42	(T.48, R.23, S.29, 32)	7
McGregor		
County Ditch No. 63	(T.116, R.30, S.19, 20,	7
Near Hutchinson	21, 28, 33)	
West Lynn Coop		
Cry.		
County Ditch No.	(T.116, R.31, S.16, 21)	7
132		
Lakeside		
Lakeside Coop		
Cry.		
Crane Creek	(T.116, 117, R.26, 27)	2C
(excluding Class 7		
segment)		
Crane Creek	(T.117, R.27, S.14, 20,	7
Winsted	21, 22, 23, 24, 25)	
*Crow River,	(From the Lake Koronis	2B, 3B
North Fork	outlet to the Meeker-	
	Wright County line)	
Dagget Brook	(T.43, R.29, 30)	2C
Eagle Creek	(T.120, R.29)	2C
Elk River, Little	(T.130, 131, R.30, 31)	2C
Elk River, So.	(T.130, R.30, 31, 32)	2C
Branch Little		
Estes Brook	(T.36, 37, 38, R.27, 28)	2C
Everton Creek	(T.149, R.30)	2C
Farley Creek	(T.147, R.28)	2C
Fish Creek	(T.28, R.22)	2C
Fletcher Creek	(T.42, R.31)	2C
Foley Brook	(T.141, R.25)	2C
Frederick Creek	(T.119, R.25)	2C
Frontenac Creek	(T.145, R.34)	2C
Hanson Brook	(T.40, R.27)	2C
Hay Creek	(T.43, 44, R.30, 31)	2C
Hazel Creek	(T.127, R.29, 30)	2C
Hennepin Creek (ex-	(T.144, 145, 146, R.34, 35)	2C
cluding trout waters)		
Indian Creek	(T.141, 142, R.36, 37)	2C
Irish Creek	(T.129, R.31)	2C
Iron Creek	(T.135, R.32)	2C
Jewett Creek	(T.119, 120, R.30, 31)	2C
Johnson Creek	(T.137, R.28)	2C
Judicial Ditch No.	(T.116, R.31, S.28, 33)	7
1		
Lakeside		
Lakeside Coop		
Cry.		
Judicial Ditch No.	(T.115, R.31, S.15, 16, 20,	7
15	21, 29, 30; T.115, R.32,	
Buffalo Lake	S.22, 25, 26, 27, 28,	
Iowa Pork Indus-	32, 33)	
tries Hector		
Kettle Creek	(T.138, R.35, 36, 37)	2C
Kitchi Creek	(T.146, 147, R.29, 30)	2C
Kitten Creek	(T.137, R.34, 35)	2C
LaSalle Creek (ex-	(T.143, 144, R.35)	2C
cluding trout waters)		
LaSalle River	(T.144, 145, R.35)	2C
Laura Brook	(T.141, R.26)	2C
Meadow Creek	(T.128, R.30)	2C
Mike Drew Brook	(T.38, 39, R.26, 27)	2C
Mink Creek, Big	(T.41, 42, R.30, 31)	2C
Mink Creek, Little	(T.41, 42, R.29, 30, 31)	2C
*Mississippi River	(From Lake Itasca to	2B, 3B
	Fort Ripley)	
*Mississippi River	(From Fort Ripley to the	1C, 2B, 3B
	southerly boundary of	
	Morrison County)	
Mississippi River	(From the southerly boundary	1C, 2B, 3B
	of Morrison County to County	
	State Aid Highway 7 bridge	

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	in St. Cloud)	
*Mississippi River	(County State Aid Highway 7 bridge in St. Cloud to the northwestern city limits of Anoka)	1C, 2B, 3B
Mississippi River	(From the northwestern city limits of Anoka to the Upper Lock and Dam at St. Anthony Falls in Minneapolis)	1C, 2B, 3B
Mississippi River	(Outlet of Metro Wastewater Treatment Works in St. Paul to river mile 830, Rock Island RR Bridge)	2C, 3B
Northby Creek	(T.140, R.27)	2C
Norway Brook	(T.139, R.30)	2C
O'Brien Creek	(T.56, 57, R.22)	2C
O'Neill Brook	(T.38, R.26)	2C
Oak Ridge Creek (Oak Creek)	(T.133, 134, R.36)	2C
Pigeon River	(T.147, R.27)	2C
Pike Creek (except Class 7 segment)	(T.129, R.30)	2C
Pike Creek Flensburg	(T.129, R.30, S.17, 18, 19, 20)	7
Pillager Creek	(T.133, R.30)	2C
Pioneer Creek	(T.118, R.24)	2C
Prairie Brook	(T.36, R.27)	2C
Rat Creek	(T.144, 145, R.34)	2C
Rice Creek	(T.30, 31, 32, R.22, 23, 24)	1C, 2B, 3B
Rice Creek	(T.35, R.29)	2C
*Rum River	(From the Ogechie Lake spillway to the northernmost confluence with Lake Onamia)	2B, 3B
*Rum River	(From the State Highway 27 bridge in Onamia to Madison and Rice Streets in Anoka)	2B, 3B
Sandy River McGregor	(T.48, R.23, S.19, 29, 30; T.48, R.24, S.13, 24)	7
Seven Mile Creek	(T.133, 134, R.30, 31)	2C
Six Mile Brook	(T.143, 144, R.26, 27)	2C
Skimmerhorn Creek	(T.149, R.30)	2C
Skunk Creek	(T.144, R.34)	2C
Skunk River (Co. Dt. No. 37) (Co. Dt. No. 29) Brooten	(T.123, R.35, S.4, 5, 9; T.123, R.35, S.9, 10, 11, 12; T.123, R.34, S.3, 4, 5, 6, 7, 8)	7
Snowball Creek	(T.56, R.23)	2C
Split Hand Creek	(T.53, R.24)	2C
Stag Brook	(T.121, 122, R.30, 31)	2C
Stanchfield Brook, Lower Braham	(T.37, R.23, S.3, 10, 15, 22)	7
Stocking Creek	(T.138, R.35)	2C
Stony Brook (Stoney Brook) Foley	(T.36, R.29, S.2, 9, 10, 11, 16; T.37, R.29, S.35, 36)	7
Stony Creek	(T.140, R.28)	2C
Stony Point Brook	(T.147, R.28)	2C
Sucker Creek (Gould Creek) (excluding trout waters)	(T.143, 144, R.36)	2C
Swamp Creek, Big	(T.137, 138, 139, R.32, 33)	2C
Swamp Creek, Little	(T.136, 137, R.33)	2C
Swan Creek	(T.134, 135, R.32)	2C
Swan Creek, Little	(T.135, R.32)	2C
Swift River	(T.142, R.27)	2C
Taylor Creek	(T.128, R.31)	2C
Ted Brook Creek	(T.130, R.31)	2C
Tibbits Brook	(T.33, 34, R.26, 27)	2C
Tibbetts Creek (Tibbetts Brook)	(T.39, 40, R.27, 28)	2C

Tower Creek	(T.135, R.32, 33)	2C
Two Rivers, South Branch Albany	(T.125, R.31, S.21, 22, 23)	7
Unnamed Creek Calumet	(T.56, R.23, S.21)	7
Unnamed Creek Hiller Mobile Home Court	(T.119, R.26, S.22, 26, 27, 35)	7
Unnamed Creek Grove City	(T.120, R.32, S.34, 35, 36)	7
Unnamed Creek Albertville	(T.121, R.23, S.30; T.121, R.24, S.25, 36)	7
Unnamed Creek Eden Valley Ruhland Feeds	(T.121, R.31, S.2; T.122, R.31, S.35)	7
Unnamed Creek Lake Henry	(T.123, R.33, S.11, 14)	7
Unnamed Creek Miltona	(T.129, R.36, S.6; T.130, R.36, S.30, 31)	7
Unnamed Ditch Braham	(T.37, R.23, S.2, 3)	7
Unnamed Ditch Ramey Ramey Farmers Coop Cry.	(T.38, R.28, S.4, 5; T.39, R.28, S.29, 30, 32; T.39, R.29, S.25, 26, 27, 28)	7
Unnamed Ditch McGregor	(T.48, R.23, S.31, 32)	7
Unnamed Ditch Nashwauk	(T.56, R.22, S.4, 5; T.57, R.22, S.32)	7
Unnamed Ditch Taconite	(T.56, R.24, S.22)	7
Unnamed Ditch Glencoe Green Giant	(T.115, R.28, S.21, 22, 27, 28)	7
Unnamed Ditch Glencoe Green Giant	(T.115, R.28, S.14, 23)	7
Unnamed Ditch Winsted Green Giant	(T.117, R.27, S.10, 11)	7
Unnamed Ditch Hiller Mobile Home Court	(T.119, R.26, S.34, 35)	7
Unnamed Ditch Kandiyohi	(T.119, R.34, S.10, 15, 21, 22, 28, 29, 32)	7
Unnamed Ditch Belgrade	(T.123, R.34, S.19, 30)	7
Unnamed Ditch Flensburg	(T.129, R.30, S.30; T.129, R.31, S.25)	7
Unnamed Ditch Miltona	(T.130, R.36, S.30; T.130, R.37, S.25, 36)	7
Unnamed Stream Winsted	(T.117, R.27, S.11, 12)	7
Unnamed Stream Flensburg	(T.129, R.30, S.19, 30)	7
Vandell Brook	(T.37, 38, R.26)	2C
Welcome Creek	(T.56, 57, R.22)	2C
Whitney Brook	(T.39, R.26, 27)	2C
Willow River, North Fork	(T.142, R.25)	2C
Willow River, South Fork	(T.142, R.25)	2C
Wilson Creek	(T.137, R.30)	2C
Wolf Creek	(T.42, R.30)	2C
*Itasca Wilderness Sanctuary	(Waters within the Itasca Wilderness Sanctuary, Clearwater County, T.143, R.36)	2B, 3B
*Iron Springs Bog	(Waters within the Iron Springs Bog Scientific and Natural Area, Clearwater	2B, 3B

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	County, T.144, R.36)	
*Pennington Bog	(Waters within the Pennington Bog Scientific and Natural Area, Beltrami County, T.146, R.30)	2B, 3B
*Wolsfeld Woods	(Waters within the Wolsfeld Woods Scientific and Natural Area, Hennepin County, T.118, R.23)	2B, 3B

Lakes

Bald Eagle Lake	(T.30, 31, R.21, 22)	1C, 2B, 3B
Benedict Lake	(T.142, R.32)	1B, 2A, 3B
Blue Lake	(T.46, 47, R.27)	1B, 2A, 3B
Blue Lake	(T.141, R.34)	1B, 2A, 3B
Bluewater Lake	(T.57, R.25)	1B, 2A, 3B
Centerville Lake	(T.31, R.22)	1C, 2B, 3B
Charley Lake	(T.30, R.23)	1C, 2B, 3B
Deep Lake	(T.30, R.22)	1C, 2B, 3B
Hay Lake, Lower	(T.137, R.28, 29)	1B, 2A, 3B
Kabekona Lake	(T.142, 143, R.32, 33)	1B, 2A, 3B
Kennedy Lake	(T.58, R.23)	1B, 2A, 3B
LaSalle Lake, Lower	(T.145, R.35)	1B, 2A, 3B
Otter Lake	(T.30, 31, R.22)	1C, 2B, 3B
Pleasant Lake	(T.30, R.22, 23)	1C, 2B, 3B
Pokegama Lake	(T.54, 55, R.25, 26)	1B, 2A, 3B
Roosevelt Lake	(T.138, 139, R.26)	1B, 2A, 3B
Sucker Lake	(T.30, R.22)	1C, 2B, 3B
Trout Lake	(T.55, 56, R.24)	1B, 2A, 3B
Trout Lake, Big	(T.57, 58, R.25)	1B, 2A, 3B
Trout Lake, Big	(T.137, 138, R.27, 28)	1B, 2A, 3B
Trout Lake, Little	(T.57, R.25)	1B, 2A, 3B
Unnamed Swamp Flensburg	(T.129, R.31, S.25)	7
Unnamed Slough Miltona	(T.130, R.37, S.26, 35, 36)	7
Unnamed Swamp Staples	(T.133, R.33, S.1)	7
Unnamed Swamp Taconite	(T.56, R.24, S.22)	7
Vadnais Lake	(T.30, R.22)	1C, 2B, 3B
Wabana Lake	(T.57, R.25)	1B, 2A, 3B
Watab Lake, Big	(T.124, R.30)	1B, 2A, 3B
Wilkinson Lake	(T.30, R.22)	1C, 2B, 3B

Subp. 5. **Minnesota River Basin.**

Streams

Altermatts Creek (County Ditch No. 39) Comfrey	(T.108, R.33, S.17, 19, 20, 30; T.108, R.34, S.24, 25, 35, 36)	7
Badger Creek	(T.101, 102, R.28)	2C
Beaver Creek, East Fork (County Ditch No. 63) Olivia Olivia Canning Co.	(T.115, R.34, S.1, 2, 3, 4, 5, 6; T.115, R.35, S.1, 12, 13, 14, 23, 24, 25, 26; T.116, R.34, S.16, 20, 21, 28, 29, 30, 32, 33, 34, 35)	7
Blue Earth River, East Fork	(Brush Creek to mouth)	2C, 3B
Blue Earth River, West Fork	(Iowa border to mouth)	2C, 3B
Boiling Spring Creek (excluding Class 7 segment)	(T.113, 114, R.37, 38)	2C
Boiling Springs Creek (County Ditch No. 1B) Echo	(T.113, R.38, S.5, 8; T.114, R.37, S.19, 30; T.114, R.38, S.25, 26, 27, 32, 33, 34)	7

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Boot Creek (excluding Class 7 segment)	(T.105, 106, R.22, 23)	2C
Boot Creek New Richland	(T.105, R.22, S.6, 7; T.105, R.23, S.12, 13, 24)	7
Brafees Creek	(T.116, 117, R.40)	2C
Brush Creek	(Iowa border to mouth)	2C, 3B
Bull Run Creek, Little	(T.106, R.24, 25)	2C
Butterfield Creek	(T.106, 107, R.31, 32, 33)	2C
Canby Creek (excluding trout waters)	(South Dakota border to mouth)	2C, 3B
Cedar Run Creek	(T.103, 104, R.32, 33)	2C
Cherry Creek Cleveland	(T.110, R.25, S.7, 8, 16, 17; T.110, R.26, S.12)	7
Chetomba Creek	(T.116, 117, R.36, 37, 38)	2C
Cobb Creek Freeborn	(T.104, R.23, S.7, 8, 17; T.104, R.24, S.11, 12)	7
Cobb Creek Ditch Freeborn	(T.103, R.23, S.2; T.104, R.23, S.14, 15, 16, 23, 26, 35)	7
Cobb River, Big	(T.104, 105, 106, 107, R.23, 24, 25, 26)	2C
Cobb River, Little	(T.105, 106, R.23, 24, 25, 26)	2C
Cottonwood Creek	(T.119, 120, 121, R.41, 42)	2C
County Ditch No. 1 Echo	(T.113, R.38, S.8, 9)	7
County Ditch No. 4 Arco	(T.110, R.44, S.5; T.111, R.44, S.32, 33)	7
County Ditch No. 4 Norwood	(T.115, R.25, S.30; T.115, R.26, S.13, 14, 24, 25)	7
County Ditch No. 5 Marietta	(T.117, R.45, S.6, 7, 18; T.117, R.46, S.1; T.118, R.46, S.23, 25, 26, 36)	7
County Ditch No. 6 Janesville	(T.107, R.24, S.4, 8, 9, 17, 18; T.107, R.25, S.13)	7
County Ditch No. 7 Lowry	(T.126, R.39, S.25, 26)	7
County Ditch No. 12 Waseca	(T.107, R.23, S.22, 23)	7
County Ditch No. 12 (Rice Creek) Belview	(T.113, R.36, S.7, 8, 18, 19; T.113, R.37, S.15, 21, 22, 23, 24)	7
County Ditch No. 14 Tyler	(T.109, R.43, S.18; T.109, R.44, S.2, 3, 11, 13, 14; T.110, R.44, S.33, 34)	7
County Ditch No. 22 Montgomery Green Giant Co.	(T.111, R.23, S.4, 9, 10; T.112, R.23, S.33)	7
County Ditch No. 27 Madison	(T.117, R.43, S.3, 4, 5, 6; T.117, R.44, S.1; T.118, R.43, S.34; T.118, R.44, S.35, 36)	7
County Ditch No. 28 Marietta	(T.118, R.46, S.22, 23, 26)	7
County Ditch No. 38 Storden	(T.107, R.37, S.28, 29)	7
County Ditch No. 40A Lafayette	(T.111, R.29, S.8, 14, 15, 16, 17, 23, 24)	7
County Ditch No. 42 Winthrop	(T.112, R.29, S.6, 7)	7
County Ditch No. 44 Bricelyn Owatonna Canning Co.	(T.101, R.25, S.7, 8, 16, 17; T.101, R.26, S.1, 12; T.102, R.26, S.36)	7
County Ditch No. 45 Renville	(T.114, R.36, S.5, 6, 7, 18; T.114, R.37, S.13; T.115, R.36, S.7, 18, 19, 29, 30, 32)	7
County Ditch No. 46 Willmar	(T.119, R.35, S.19, 20, 29)	7

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County Ditch No. 51 Le Center	(T.110, R.24, S.5, 6; T.111, R.24, S.31, 32; T.111, R.25, S.26, 35, 36)	7
County Ditch No. 54 Montgomery	(T.112, R.23, S.26, 33, 34, 35)	7
County Ditch No. 60 (Chippewa River) Millerville Millerville Coop Cry.	(T.130, R.39, S.14, 22, 23, 27, 28, 32, 33)	7
County Ditch No. 61 Kerkhoven	(T.120, R.37, S.21, 22)	7
County Ditch No. 63 Hanska	(T.108, R.30, S.11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 27, 28)	7
County Ditch No. 66 Bird Island	(T.115, R.34, S.15, 16, 17, 18, 22, 23)	7
County Ditch No. 87 Wells	(T.103, R.24, S.6; T.104, R.24, S.31; T.104, R.25, S.36)	7
County Ditch No. 104 Sacred Heart	(T.114, R.38, S.1, 2; T.115, R.37, S.7, 18; T.115, R.38, S.13, 24, 25, 35, 36)	7
County Ditch No. 109 Morgan	(T.111, R.34, S.4, 5, 8, 17; T.112, R.34, S.22, 23, 27, 28, 33)	7
Crow Creek	(T.112, R.35)	2C
Dry Creek	(T.108, 109, R.36)	2C
Dry Weather Creek	(T.117, 118, R.39, 40, 41)	2C
Dry Wood Creek	(T.122, R.42, 43)	2C
Echo Creek	(T.114, R.37)	2C
Eight Mile Creek	(T.111, 112, 113, R.31)	2C
Elm Creek, North Fork	(T.104, R.34)	2C
Elm Creek, South Fork	(T.103, R.34)	2C
Emily Creek	(T.118, 119, R.43)	2C
Fish Creek	(T.123, 124, R.47, 48)	2C
Five Mile Creek	(T.120, R.44)	2C
Florida Creek	(South Dakota border to mouth)	2C, 3B
Foster Creek (excluding Class 7 segment)	(T.102, 103, R.24)	2C
Foster Creek Alden	(T.103, R.23, S.31; T.103, R.24, S.25, 36)	7
Hassel Creek	(T.122, 123, R.38, 39)	2C
Hawk Creek (County Ditch No. 10) Willmar/Pennock	(T.118, R.36, S.2, 3, 8, 10, 15, 16, 17, 18, 19; T.118, R.37, S.5, 6, 7, 8, 9, 14, 15, 16, 18, 19, 23, 24, 30, 31; T.119, R.35, S.19; T.119, R.36, S.24, 25, 26, 35)	7
Hazel Run	(T.115, R.39, 40, 41, 42)	2C
Iosco Creek	(T.108, R.23)	2C
Judicial Ditch No. 1 Delavan	(T.104, R.27, S.23, 25, 26, 36)	7
Judicial Ditch No. 1A Lafayette	(T.111, R.27, S.5, 6, 7; T.111, R.28, S.10, 11, 12, 15, 16, 17, 18, 19; T.111, R.29, S.24)	7
Judicial Ditch No. 5 Murdock	(T.120, R.38, S.4, 5, 6, 9, 10, 11; T.120, R.39, S.1, 4, 9, 10, 11, 12)	7
Judicial Ditch No. 6 Hanska	(T.107, R.30, S.4; T.108, R.30, S.28, 33)	7
Judicial Ditch No. 10 Hanska	(T.108, R.30, S.1; T.109, R.30, S.35, 36)	7
Judicial Ditch No. 12 Tyler	(T.109, R.43, S.9, 15, 16, 17, 18)	
Judicial Ditch No. 29	(T.111, R.44, S.21, 28, 33)	7

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Arco			
Judicial Ditch No. 30	(T.109, R.32, S.4, 5, 6;	7	
Sleepy Eye	T.110, R.32, S.31)		
Del Monte Corp.			
Judicial Ditch No. 49	(T.105, R.27, S.18, 19;	7	
(Providence Creek)	T.105, R.28, S.13)		
Amboy			
Lac qui Parle River	(Lake Hendricks outlet to	2C, 3B	
	Minnesota River)		
Lac qui Parle River,	(South Dakota border to	2C, 3B	
West Fork	mouth)		
Lazarus Creek	(South Dakota border to Canby	2C, 3B	
	Creek)		
Le Sueur River, Little	(T.106, R.22)	2C	
Lone Tree Creek	(T.109, R.39, S.2, 3,	7	
Tracy	4, 7, 8, 9; T.110,		
	R.38, S.19, 20, 30;		
	T.110, R.39, S.25,		
	34, 35, 36)		
Middle Creek	(T.113, 114, R.36)	2C	
Mink Creek	(T.104, R.30, 31)	2C	
Minneopa Creek	(T.108, R.28, S.26,	7	
Lake Crystal	27, 32, 33, 34)		
Minnesota River	(Big Stone Lake outlet to the	1C, 2B, 3B	
	Lac qui Parle dam)		
*Minnesota River	(Lac qui Parle dam	1C, 2B, 3B	
	to Granite Falls)		
*Minnesota River	(Granite Falls to Redwood	2B, 3B	
	County State Aid Highway		
	11 bridge)		
Minnesota River	(River Mile 22 to mouth)	2C, 3B	
Minnesota River,	(South Dakota border crossing	2C, 3B	
Little	to Big Stone Lake)		
Morgan Creek	(T.109, R.29, 30)	2C	
Mud Creek	(T.114, R.43, 44, 45)	2C	
Mud Creek	(T.121, R.37, S.31; T.121,	7	
DeGraff/Murdock	R.38, S.18, 19, 20, 28,		
	29, 33, 34, 35, 36;		
	T.121, R.39, S.11, 12, 13)		
Muddy Creek	(T.124, R.42, S.6,	7	
(Mud Creek)	7, 15, 16, 17, 18,		
(County Ditch	21, 22, 23; T.124, R.43,		
No. 2)	S.1, 4, 5, 6, 7, 8;		
(County Ditch	T.124, R.44, S.1, 2,		
No. 4)	3, 12; T.125, R.43,		
Chokio	S.34, 35, 36)		
Palmer Creek	(T.116, 117, 118, R.39)	2C	
Pelican Creek	(T.130, R.41, 42)	2C	
Pell Creek	(T.109, R.38, S.25,	7	
Walnut Grove	26, 27, 28)		
Perch Creek	(T.104, 105, 106, R.29, 30)	2C	
Rice Creek	See County Ditch No. 12		
Rush River, Middle	(T.112, R.27, S.16, 19, 20,	7	
Branch	21, 30; T.112, R.28, S.18,		
Winthrop	19, 20, 21, 22, 25, 26,		
	27; T.112, R.29, S.7, 8, 9,		
	13, 14, 15, 16, 17, 18)		
St. James Creek	(T.105, 106, R.31, 32, 33)	2C	
(excluding Class			
7 segment)			
St. James Creek	(T.106, R.31, S.5, 7,	7	
St. James	8, 18; T.107, R.31,		
	S.21, 22, 28, 32, 33)		
Shakopee Creek	(T.119, 120, R.36,	2C	
	37, 38, 39, 40)		
Silver Creek	(T.108, R.23, 24)	2C	
Smith Creek	(T.113, R.35, 36)	2C	
South Creek	(T.102, 103, R.28, 29, 30)	2C, 3B	
Spring Branch Creek	(T.106, R.29, 30)	2C	
Spring Creek	(T.110, 111, R.32, 33, 34)	2C	
Spring Creek	(T.117, R.40)	2C	
Stony Run	(T.121, 122, R.45, 46)	2C	

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

Stony Run Creek	(T.116, R.40)	2C
Three Mile Creek	(T.112, R.33)	2C
Timms Creek	(T.114, 115, R.36)	2C
Unnamed Creek Green Isle	(T.114, R.26, S.2, 3, 4, 8, 9, 17)	7
Unnamed Creek Pennock	(T.118, R.37, S.2, 3, 4, 5; T.119, R.36, S.4, 5, 6, 7, 18, 19; T.119, R.37, S.24, 25, 26, 35)	7
Unnamed Creek Murdock	(T.120, R.38, S.1, 2; T.121, R.38, S.35)	7
Unnamed Ditch Burnsville Freeway Sanitary Landfill	(T.27, R.24, S.28, 33)	7
Unnamed Ditch Bricelyn Owatonna Canning Co.	(T.101, R.25, S.10)	7
Unnamed Ditch Alden	(T.102, R.23, S.4, 5; T.103, R.23, S.31, 32)	7
Unnamed Ditch Truman	(T.104, R.30, S.2, 11; T.105, R.30, S.25, 26, 35)	7
Unnamed Ditch New Richland	(T.105, R.22, S.17, 18, 19; T.105, R.23, S.24)	7
Unnamed Ditch Lewisville	(T.105, R.30, S.3; T.106, R.30, S.14, 23, 26, 34, 35)	7
Unnamed Ditch Waldorf	(T.106, R.24, S.34)	7
Unnamed Ditch Waseca	(T.107, R.23, S.14, 23)	7
Unnamed Ditch Jeffers	(T.107, R.36, S.21)	7
Unnamed Ditch Storden	(T.107, R.37, S.19, 30)	7
Unnamed Ditch Eagle Lake	(T.108, R.25, S.18, 19; T.108, R.26, S.13)	7
Unnamed Ditch Walnut Grove	(T.109, R.38, S.28)	7
Unnamed Ditch Tracy	(T.109, R.39, S.18; T.109, R.40, S.13)	7
Unnamed Ditch Wabasso	(T.110, R.36, S.3; T.111, R.36, S.18, 19, 20, 28, 29, 33, 34; T.111, R.37, S.13)	7
Unnamed Ditch Lafayette	(T.111, R.29, S.6, 7, 8; T.111, R.30, S.12)	7
Unnamed Ditch Wabasso	(T.111, R.37, S.13, 24)	7
Unnamed Ditch Montgomery	(T.112, R.23, S.33)	7
Unnamed Ditch Near Fernando Round Grove Coop Cry.	(T.113, R.30, S.5; T.114, R.29, S.19, 20, 30; T.114, R.30, S.25, 26, 27, 28, 29, 32)	7
Unnamed Ditch Green Isle	(T.114, R.26, S.19; T.114, R.27, S.11, 12, 13, 14, 24)	7
Unnamed Ditch Porter	(T.114, R.44, S.21, 28)	7
Unnamed Ditch Bongards Bongards Creameries	(T.115, R.25, S.9, 16)	7
Unnamed Ditch Clarkfield	(T.115, R.41, S.16)	7
Unnamed Ditch	(T.115, R.41, S.16, 21)	7

CERTIFIED BY THE REVISOR OF STATUTES OFFICE BY:

Clarkfield		
Unnamed Ditch	(T.118, R.44, S.27, 28, 34, 35)	7
Madison		
Unnamed Ditch	(T.119, R.36, S.2, 3, 4, 9, 10)	7
Pennock		
Unnamed Ditch	(T.121, R.38, S.19, 29, 30)	7
DeGraff		
Unnamed Ditch	(T.122, R.40, S.6; T.122, R.41, S.1, 12; T.123, R.40, S.18, 19, 30, 31; T.123, R.41, S.11, 12)	7
Hancock		
Unnamed Ditch	(T.124, R.43, S.3, 4)	7
Alberta		
Unnamed Ditch	(T.126, R.39, S.6)	7
Farwell		
Farwell Coop Cry. Assn.		
Unnamed Ditch	(T.126, R.39, S.26, 35)	7
Lowry		
Unnamed Ditch	(T.129, R.39, S.21, 22)	7
Brandon		
Unnamed Ditch	(T.129, R.40, S.10, 11)	7
Evansville		
Unnamed Dry Run	(T.108, R.27, S.16)	7
Near Minneopa		
Blue Earth-Nicollet Elec.		
Unnamed Dry Run	(T.108, R.26, S.19, 30; T.108, R.27, S.24)	7
Mankato		
Southview Hts. Coop Assn.		
Unnamed Stream	(T.109, R.26, S.20, 21, 28)	7
Mankato		
Midwest Electric Products		
Unnamed Stream	(T.115, R.21, S.8, 9)	7
Savage		
Unnamed Stream	(T.117, R.43, S.22)	7
Dawson		
Dawson Mills Soy Isolate		
Wabasha Creek	(T.112, R.34)	2C
Whetstone River	(South Dakota border to mouth)	2C, 3B
Old Whetstone River	(T.121, R.46, S.16, 21)	7
Channel		
Ortonville		
Big Stone Canning Co.		
Willow Creek	(T.104, 105, R.31, 32)	2C
Wood Lake Creek	(T.113, 114, R.38, 39)	2C
Yellow Bank River, North Fork	(South Dakota border to mouth)	2C, 3B
Yellow Bank River, South Fork	(South Dakota border to mouth)	2C, 3B
Yellow Medicine River, North Fork	(South Dakota border to mouth)	2C, 3B
Lakes		
Amber Lake	(T.102, R.30)	1C, 2B, 3B
Bardwell Lake	(T.102, R.30)	1C, 2B, 3B
Budd Lake	(T.102, R.30)	1C, 2B, 3B
George Lake	(T.102, R.30)	1C, 2B, 3B
Hall Lake	(T.102, R.30)	1C, 2B, 3B
Mud Lake	(T.102, R.30)	1C, 2B, 3B
One Hundred Acre Slough St. James	(T.106, R.31, S.7)	7
Silver Lake, North	(T.101, R.30)	1C, 2B, 3B
Sisseton Lake	(T.102, R.30)	1C, 2B, 3B
Unnamed Marsh	(T.124, R.47, S.8)	7

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Barry		
Unnamed Slough	(T.127, R.40, S.34)	7
Kensington		
Unnamed Slough	(T.129, R.39, S.21, 22)	7
Brandon		
Unnamed Swamp	(T.104, R.25, S.3, 4)	7
Minnesota Lake		
Unnamed Swamp	(T.107, R.37, S.30)	7
Storden		
Unnamed Swamp	(T.122, R.36, S.30)	7
Sunburg		
Sunburg Coop Cry.		
Unnamed Swamp	(T.126, R.39, S.35, 36)	7
Lowry		
Wilmert Lake	(T.101, R.30)	1C, 2B, 3B

Subp. 6. **St. Croix River Basin.**

Streams

Bear Creek	(T.43, R.23, 24)	2C
Bergman Brook	(T.42, 43, R.23, 24)	2C
Groundhouse River, West Fork	(T.39, 40, R.26)	2C
Hay Creek	(T.42, 43, 44, R.15, 16)	1B, 2B, 3B
*Kettle River	(From the north Pine County line to the dam at Sandstone)	2B, 3B
*Kettle River	(From the dam at Sandstone to its confluence with the St. Croix River)	2B, 3B
King Creek	(T.47, R.19)	2C
Mission Creek (excluding trout waters)	(T.39, 40, 41, R.20, 21)	1B, 2B, 3B
Rock Creek	(T.37, 38, R.20, 21)	1B, 2B, 3B
Rush Creek	(T.37, R.20, 21)	1B, 2B, 3B
*St. Croix River	(Wisconsin border crossing to Taylors Falls)	1B, 2B, 3B
*St. Croix River	(Taylors Falls to mouth)	1C, 2B, 3B
Sunrise River, West Branch	(T.34, R.21, 22)	1B, 2B, 3B
Tamarack River, Lower	(Hay Creek to mouth)	1B, 2B, 3B
Tamarack River, Upper (Spruce River)	(T.42, R.15, 16)	1B, 2B, 3B
Unnamed Ditch	(T.34, R.20, S.19, 29, 30, 31, 32)	7
Chisago City		
Unnamed Ditch	(T.35, R.20, S.25)	7
Almelund		
Almelund Coop Cry.		
Unnamed Ditch	(T.46, R.19, S.30)	7
Moose Lake		
Unnamed Dry Run	(T.41, R.25, S.3; T.42, R.25, S.29, 32, 33, 34)	7
Wahkon		
Unnamed Stream	(T.34, R.19, S.32, 33, 34)	7
Shafer		
*Kettle River	(Waters within the Kettle River Scientific and Natural Area, Pine County, T.41, R.20)	2B, 3B

Lakes

Grindstone Lake	(T.42, R.21)	1B, 2A, 3B
Unnamed Swamp	(T.34, R.19, S.31, 32)	7
Shafer		
*Boot Lake	(Waters within the Boot Lake Scientific and Natural Area, Anoka County, T.33, R.22)	2B, 3B

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 7. Lower Mississippi River Basin.

Streams		
Albany Creek, West	(T.110, 111, R.12, 13)	2C
Bear Creek (excluding trout waters)	(T.107, R.9)	2C
Brush Valley Creek	(T.104, R.5)	2C
*Cannon River	(From the northern city limits of Faribault to its confluence with the Mississippi River)	2B, 3B
Carters Creek Wykoff	(T.103, R.12, S.4, 9, 15, 16, 22)	7
Chub Creek, North Branch	(T.112, 113, R.19)	2C
Cold Creek	(T.110, 111, R.14)	2C
County Ditch No. 15 Kilkenny	(T.110, R.23, S.22, 23)	7
Crane Creek	(T.107, 108, R.20, 21, 22)	2C
Dakota Creek	(T.105, R.5)	2C
Dry Creek	(T.108, R.12, 13)	2C
Dutch Creek	(T.112, R.20, 21)	2C
Gilmore Creek (excluding trout waters)	(T.107, R.7)	2C
Harkcom Creek	(T.108, R.16)	2C
Homer Creek	(T.106, R.6)	2C
Indian Spring Creek	(T.103, R.5)	2C
King Creek	(T.111, R.11, 12)	2C
Long Creek	(T.108, 109, R.12)	2C
MacKenzie Creek	(T.108, 109, R.21)	2C
Mahoney Creek	(T.103, R.10)	2C
Mound Prairie Creek	(T.104, R.5)	2C
Mud Creek	(T.108, 109, R.20, 21)	2C
Pine Creek	(T.112, 113, R.17, 18)	2C
Pleasant Valley Creek	(T.106, 107, R.6, 7)	2C
Plum Creek	(T.108, R.15)	2C
Prairie Creek	(T.110, 111, 112, R.18, 19, 20)	2C
Riceford Creek Mabel	(T.101, R.8, S.24, 25, 26)	7
Salem Creek	(T.106, R.15, 16)	2C
Shingle Creek	(T.109, 110, R.17)	2C
Silver Creek (excluding trout waters)	(T.104, 105, R.6)	2C
Silver Spring Creek	(T.108, 109, R.13)	2C
Snake Creek	(T.109, R.10)	2C
Sugar Creek (Sugarloaf Creek)	(T.111, 112, R.12, 13)	2C
Sullivan Creek	(T.103, R.5)	2C
Trout Brook (Mazeppa Creek) Goodhue	(T.110, R.15, S.3, 4; T.111, R.15, S.28, 33, 34)	7
Trout Creek, Little	(T.106, R.5, 6)	2C
Trout Run Creek (Trout Creek) (excluding trout waters)	(T.104, 105, R.10)	2C
Unnamed Creek Canton	(T.101, R.9, S.20)	7
Unnamed Creek Byron	(T.107, R.15, S.17, 20, 29)	7
Unnamed Creek Plainview	(T.108, R.11, S.16, 17, 20, 21, 22, 27, 34)	7
Unnamed Creek West Concord	(T.108, R.17, S.17, 20, 21)	7
Unnamed Ditch Claremont	(T.107, R.18, S.27, 34)	7
Unnamed Ditch Lonsdale	(T.112, R.22, S.25, 35, 36)	7

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Unnamed Ditch Hampton	(T.113, R.18, S.5, 6; T.114, R.18, S.31)	7
Unnamed Dry Run Altura	(T.107, R.9, S.7, 18)	7
Unnamed Dry Run Owatonna Owatonna Canning Co.	(T.107, R.20, S.6; T.107, R.21, S.1)	7
Unnamed Dry Run Owatonna Owatonna Canning Co.	(T.107, R.20, S.6; T.107, R.21, S.1)	7
Unnamed Stream Dodge Center Owatonna Canning Co.	(T.107, R.17, S.27, 34)	7
Whitewater River, North Fork Elgin	(T.108, R.12, S.25, 26, 27)	7

Lakes

Unnamed Marsh Kilkenny	(T.110, R.23, S.22, 23)	7
Unnamed Swamp Hampton	(T.113, R.18, S.8)	7

Subp. 8. **Cedar-Des Moines Rivers Basin.**

Streams

Bancroft Creek	(T.103, 104, R.21)	2C
Bear Creek (excluding Class 7 segment)	(Source to Iowa border)	2C, 3B
Bear Creek, North Spring Grove	(T.101, R.7, S.26, 27, 35)	7
Beaver Creek	(T.101, 102, R.13, 14)	2C, 3B
Cedar River, Little	(Source to Iowa border)	2C, 3B
Clear Creek	(T.102, R.4)	2C
County Ditch No. 11 Sherburn	(T.101, R.32, S.4, 9, 10; T.102, R.32, S.7, 8, 16, 17, 21, 27, 28, 33, 34)	7
County Ditch No. 48 Conger	(T.102, R.22, S.19, 20; T.102, R.23, S.24, 25, 26, 35)	7
Deer Creek	(T.101, R.19, 20)	2C, 3B
Dobbins Creek	(T.103, R.16, 17)	2C
Goose Creek Twin Lakes	(T.101, R.20, S.31; T.101, R.21, S.16, 17, 18, 21, 22, 26, 27, 35, 36; T.101, R.22, S.12, 13)	7
Heron Lake Outlet	(T.104, 105, R.37)	2C
Iowa River, Little	(T.101, 102, R.14)	2C
Jack Creek Wilmont	(T.104, R.41, S.25, 26, 30, 31, 32, 33, 34, 35, 36)	7
Lime Creek	(T.101, R.22, 23)	2C, 3B
Murphy Creek	(T.103, R.18)	2C
Okabena Creek (excluding Class 7 segment)	(T.102, 103, R.37, 38, 40)	2C
Okabena Creek Worthington Worthington Lagoons and Allied Mills	(T.102, R.38, S.6, 7; T.102, R.39, S.7, 8, 9, 10, 11, 12, 14, 15, 16, 18; T.102, R.40, S.13)	7
Orchard Creek	(T.102, R.18, 19)	2C
Pine Creek (excluding Class 7 segment)	(T.101, R.10)	2C, 3B
Pine Creek Harmony	(T.101, R.9, S.31; T.101, R.10, S.24, 25, 36)	7
Roberts Creek	(T.103, 104, R.16, 17, 18)	2C
Rose Creek	(T.102, 103, R.16, 17, 18)	2C
Soldier Creek	(T.101, R.32, 33)	2C, 3B
Turtle Creek	(T.103, R.18, 19, 20)	2C
Unnamed Creek Spring Grove	(T.101, R.7, S.14, 22, 23, 27)	7
Unnamed Creek	(T.101, R.22, S.31)	7

Emmons		
Unnamed Creek	(T.103, R.17, S.4, 9)	7
Brownsdale		
Unnamed Creek	(T.104, R.18, S.5, 8, 9,	7
Blooming Prairie	16; T.105, R.18, S.31)	
Unnamed Creek	(T.105, R.41, S.3, 4, 9;	7
Iona	T.106, R.40, S.19, 29, 30, 32; T.106, R.41, S.24, 25, 26, 34, 35)	
Wapsipinicon River	(T.101, R.15)	2C, 3B
Waterloo Creek	(T.101, R.6, 7)	1B, 2B, 3B
Wildcat Creek (excluding trout waters)	(T.103, R.4)	2C
Wolf Creek	(T.103, R.16, 17, 18)	2C
Woodbury Creek	(T.101, 102, R.18, 19)	2C

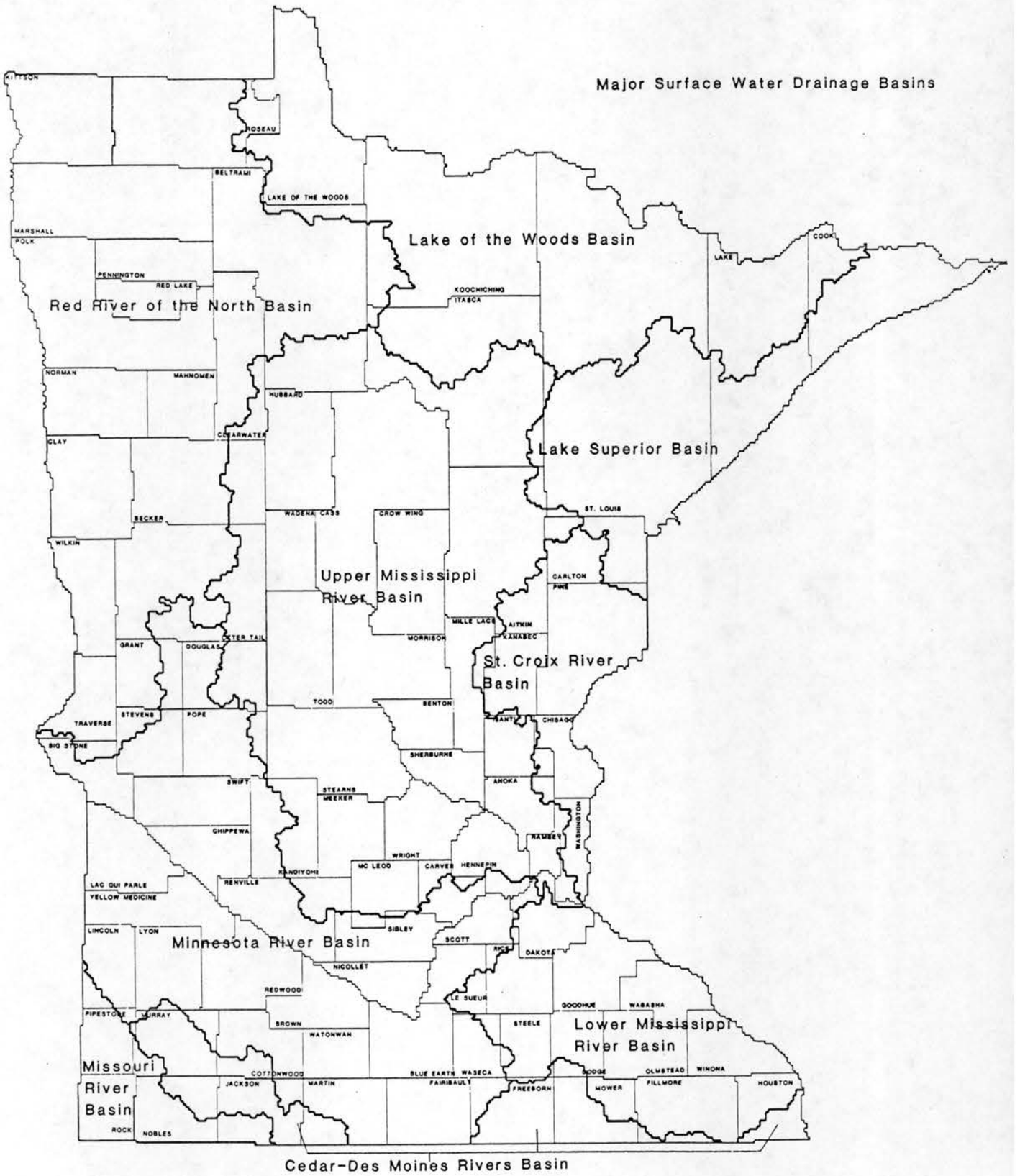
Subp. 9. **Missouri River Basin.**

Streams

Ash Creek	(T.101, R.45)	2C
Beaver Creek	(T.102, 103, 104, R.45, 46, 47)	2C, 3B
Flandreau Creek (excluding Class 7 segment)	(T.107, 108, R.46, 47)	2C, 3B
Flandreau Creek	(T.108, R.46, S.1, 2, 11;	7
Lake Benton	T.109, R.45, S.30, 31; T.109, R.46, S.36)	
Kanaranzi Creek	(Source to Iowa border)	2C, 3B
Medary Creek	(Source to South Dakota border)	2C, 3B
Mound Creek	(T.103, 104, R.45)	2C
Mud Creek	(T.101, 102, R.45, 46)	2C, 3B
Pipestone Creek	(Source to South Dakota border)	2C, 3B
Rock River (excluding Class 7 segment)	(Source to Iowa border)	2C, 3B
Rock River	(T.107, R.44, S.18, 19, 20,	7
Holland	29; T.107, R.45, S.12, 13)	
Rock River, Little	(Source to Iowa border)	2C, 3B
Sioux River, Little	(Source to Iowa border)	2C, 3B
Sioux River, West Fork Little	(Source to Iowa border)	2C, 3B
Skunk Creek	(T.101, 102, R.37, 38, 39)	2C
Split Rock Creek	(Split Rock Lake outlet to South Dakota border)	2C, 3B
Unnamed Creek	(T.104, R.46, S.6)	7
Jasper		
Unnamed Creek	(T.105, R.44, S.6, 7, 8;	7
Hatfield	T.105, R.45, S.1; T.106, R.45, S.36)	
Unnamed Creek	(T.106, R.45, S.34, 35, 36)	7
Hatfield		
Unnamed Ditch	(T.101, R.45, S.31, 32)	7
Steen		
Unnamed Ditch	(T.101, R.46, S.28, 33)	7
Hills		
Unnamed Ditch	(T.109, R.45, S.17, 19, 20)	7
Lake Benton		

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

1 7050.0480 MAP: MAJOR SURFACE WATER DRAINAGE BASINS.



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REPEALER. Minnesota Rules, parts 7055.0010, 7055.0020, 7055.0030, 7055.0040, 7055.0050, 7055.0060, 7055.0070, 7055.0080, 7055.0090, 7055.0100, 7055.0110, 7055.0120, 7055.0250, 7055.0260, 7055.0270, 7055.0280, 7055.0290, 7055.0300, and 7055.0310 are repealed.

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REVISOR OF STATUTES
OFFICE BY:

APPROVED AS TO LEGALITY

October 1, 19 84

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Jerry D. Jones
SPECIAL ASSISTANT ATTORNEY GENERAL

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

September 11, 1984

Judith Wehrwein
Attorney General's Office
Department of Administration
204 Administration Building
St. Paul, Minnesota 55155

Re: In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

Dear Ms. Wehrwein:

In accordance with Minn. Stat. § 14.16 (1982) and Minn. Rules Part 2000.0300 (1983), I am submitting the above-captioned rule amendments to you for review by the Attorney General's office. (This rulemaking proceeding began in early 1984 before amendment of the Administrative Procedure Act by Minn. Laws 1984, ch. 640, so the old statutory provisions apply.)

The following documents are enclosed:

1. Rule as Adopted. The changes the Agency made in the amendments from what was proposed in the State Register on March 19, 1984, are shown in the enclosed document called Order Adopting Rules. These changes have been submitted to Maryanne Hruby of the State Revisor's Office and she will provide a stripped copy of the rules for your review as soon as it is available.

2. Order Adopting Rules.

3. Certificate of Board's Resolution Adopting Rule Amendments and Repealing Rules.

4. Notice of Intent to Solicit Outside Opinion published in the October 24, 1983, State Register. This is Exhibit 9 in the hearing record. The written material received in response to this notice is in the record as Exhibits 10, 10A, and 11.

5. Order for Hearing. Exhibit 1.

6. Certificate of Board's Authorizing Resolution. Exhibit 2.

7. Notice of Hearing. Exhibit 3.

8. Mailing List Certificate. Exhibit 5.

9. Affidavit of Mailing. Exhibit 6.

10. Rules as Proposed. Exhibit 4.

11. Administrative Law Judge's Report (July 12, 1984).

12. Chief Administrative Law Judge's Report (July 12, 1984).

13. Chief Administrative Law Judge's Report (September 7, 1984).

14. Agency's Findings of Fact and Conclusions.

15. Statement of Need and Reasonableness.

16. Hearing Record. The transcripts of the hearing and all the exhibits and documents in the record are enclosed.

17. Certificate of Compliance with Rulemaking Procedures.

18. Notice of Submission to the Attorney General.

19. Affidavit of Mailing Notice of Submission to the Attorney General.

Please advise when you have completed your review.

Very truly yours,

Alan R. Mitchell

ALAN R. MITCHELL
Special Assistant
Attorney General

ARM:cg
Enclosures

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Cynthia C. Jepsen
Chairperson

ATTN: Alan R. Mitchell
Special Assistant Attorney General

FROM : Larry Starns LS
Special Assistant Attorney General

DATE: October 2, 1984

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Revision of 6 MCAR §4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State.

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

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

1. Affixation of stamps of the Attorney General and Secretary of State;

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.

LS:sz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Pollution Control Agency

Water Quality Division

Adopted Rules Governing Standards for the Protection of the Quality and Purity of the Waters of the State; and Adopted Rules Governing Classification of Waters of the State

Rules as Adopted

7050.0110 SCOPE.

Parts 7050.0130 to 7050.0220 apply to all waters of the state and include general provisions applicable to the maintenance of water quality; definitions of water use classes; standards for dischargers of sewage, industrial, and other wastes; and standards of quality and purity for specific water use classes. Other water quality rules of general or specific application that include any more stringent water quality or effluent standards or prohibitions are preserved.

7050.0130 DEFINITIONS.

The terms "waters of the state," "sewage," "industrial wastes," and "other wastes," as well as any other terms for which definitions are given in the Water Pollution Control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes, sections 115.01 and 115.41, with the exception that disposal systems or treatment works operated under permit of the agency shall not be construed to be "waters of the state".

Other terms and abbreviations used herein which are not specifically defined in applicable federal or state law shall be construed in conformance with the context, and in relation to the applicable section of the statutes pertaining to the matter at hand, and current professional usage.

7050.0140 USES OF WATERS OF THE STATE.

The classifications are listed separately in accordance with the need for water quality protection, considerations of

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best use in the interest of the public, and other considerations, as indicated in Minnesota Statutes, section 115.44. The classifications should not be construed to be an order of priority, nor considered to be exclusive or prohibitory of other beneficial uses.

7050.0150 DETERMINATION OF COMPLIANCE.

In making tests or analyses of the waters of the state, sewage, industrial wastes, or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number, and frequency as may be considered necessary by the agency from the viewpoint of adequately reflecting the condition of the waters, the composition of the effluents, and the effects of the pollutants upon the specified uses. Reasonable allowance will be made for dilution of the effluents, which are in compliance with part 7050.0210, subpart 6, following discharge into waters of the state. The agency by allowing dilution may consider the effect on all uses of the waters of the state into which the effluents are discharged. The extent of dilution allowed regarding any specific discharge shall not violate the applicable water quality standards. The samples shall be preserved and analyzed in accordance with procedures given in the 1971 edition of Standard Methods for the Examination of Water and Waste-Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and any revisions or amendments thereto. The agency may accept or may develop other methods, procedures, guidelines, or criteria for measuring, analyzing, and collecting samples.

7050.0170 NATURAL WATER QUALITY.

The waters of the state may, in a state of nature, have some characteristics or properties approaching or exceeding the limits specified in the water quality standards. The standards shall be construed as limiting the addition of pollutants of human activity to those of natural origin, where such be present, so that in total the specified limiting concentrations

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will not be exceeded in the waters by reason of such controllable additions. Where the background level of the natural origin is reasonably definable and normally is higher than the specified standard the natural level may be used as the standard for controlling the addition of pollutants of human activity which are comparable in nature and significance with those of natural origin. The natural background level may be used instead of the specified water quality standard as a maximum limit of the addition of pollutants, in those instances where the natural level is lower than the specified standard and reasonable justification exists for preserving the quality to that found in a state of nature.

In the adoption of standards for individual waters of the state, the agency will be guided by the standards set forth herein but may make reasonable modifications of the same on the basis of evidence brought forth at a public hearing if it is shown to be desirable and in the public interest to do so in order to encourage the best use of the waters of the state or the lands bordering such waters.

7050.0180 NONDEGRADATION POLICY.

Subpart 1. **Policy.** The agency recognizes that the maintenance of existing high quality in some waters of outstanding resource value to the state is essential to their function as exceptional recreational, cultural, aesthetic, or scientific resources. To preserve the value of these special waters, the agency will prohibit or stringently control new or expanded discharges to outstanding resource value waters.

Subp. 2. **Definitions.** For the purpose of this part, the following terms have the meanings given them:

A. "Outstanding resource value waters" are waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, <u>those portions of</u> the Mississippi River from Lake Itasca to the southerly boundary of Morrison County <u>that are included in the Mississippi Headwaters Board</u>

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comprehensive plan dated February 12, 1981, and other waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution.

B. "New discharge" means a discharge that was not in existence on the effective date of these amendments to chapter 7050.

C. "Expanded discharge" means a discharge that changes in volume, quality, location, or any other manner after the effective date of these amendments ~~except that a change that results in reduced loading of pollutants is not considered an expanded discharge~~ such that an increased loading of one or more pollutants results. In determining whether an increased loading of one or more pollutants would result from the proposed change in the discharge, the agency shall compare the loading that would result from the proposed discharge with the loading allowed by the agency at the time these parts take effect.

Subp. 3. **Prohibited discharges.** No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, or Department of Natural Resources designated scientific and natural areas, or to federal or state wild river segments.

Subp. 4. **DNR designated scientific and natural areas.** Department of Natural Resources designated scientific and natural areas include but are not limited to:

A. Boot Lake, Anoka County;

B. Kettle River in sections 15, 22, 23, T 41 N, R 20, Pine County;

C. Pennington Bog, Beltrami County;

D. Purvis Lake-Ober Foundation, St. Louis County;

E. Waters within the borders of Itasca Wilderness Sanctuary, Clearwater County;

F. Iron Spring Bog, Clearwater County;

G. Wolsfeld Woods, Hennepin County;

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H. Green Water Lake, Becker County.

Subp. 5. **State designated wild river segments.** State designated wild river segments include but are not limited to:

A. Kettle River from dam at Sandstone to its confluence with the St. Croix River;

B. Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia.

Subp. 6. **Restricted discharges.** No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981, and federal or state designated scenic or recreational river segments unless there is no prudent and feasible alternative to the discharge. If a new or expanded discharge to these waters is permitted, the agency shall restrict the discharge ~~as to duration, volume, and loading to the extent necessary to maintain future water quality within the range of natural background quality~~ to the extent necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an outstanding resource value water. Waters with a federal or state scenic or recreational designation include but are not limited to:

A. St. Croix River, entire length;

B. Cannon River from northern city limits of Faribault to its confluence with the Mississippi River;

C. North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line;

D. Kettle River from north Pine County line to dam at Sandstone;

E. Minnesota River from Lac qui Parle dam to Redwood County state aid highway 11;

F. Mississippi River from county state aid highway 7 bridge in St. Cloud to northwestern city limits of Anoka;

G. Rum River from state highway 27 bridge in Onamia

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to Madison and Rice Streets in Anoka.

Subp. 7. **Unlisted outstanding resource value waters.** The agency shall prohibit or stringently control new or expanded discharges to outstanding resource value waters not specified in subparts 3 to 6 to the extent that this stringent protection is necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an outstanding resource value water.

Subp. 8. **Public hearing.** The agency shall provide an opportunity for a hearing before identifying and establishing additional outstanding resource value waters, before determining the existence or lack of prudent and feasible alternatives under subpart 6, and before prohibiting or restricting new or expanded discharges to outstanding resource value waters under subparts 3, 6, and 7.

Subp. 9. **Impact from upstream discharges.** The agency shall require new or expanded discharges to waters that flow into outstanding resource value waters be controlled so as to assure no deterioration in the quality of the downstream outstanding resource value water.

Subp. 10. **Thermal discharges.** If a thermal discharge causes potential water quality impairment, the agency shall implement the nondegradation policy consistent with section 316 of the Clean Water Act.

7050.0190 VARIANCE FROM STANDARDS.

In any case where, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste, or other waste is necessary for the public health, safety, or welfare; and that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances; the agency in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control, or

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abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and federal laws. The United States Environmental Protection Agency will be advised of any permits which may be issued under this clause together with information as to the need therefor.

7050.0200 WATER USE CLASSIFICATIONS FOR WATERS OF THE STATE.

Based on considerations of best usage in the interest of the public and in conformance with the requirements of the applicable statutes, the waters of the state shall be grouped into one or more of the following classes:

1. Domestic consumption includes all waters of the state which are or may be used as a source of supply for drinking, culinary or food processing use or other domestic purposes, and for which quality control is or may be necessary to protect the public health, safety, or welfare.

2. Fisheries and recreation includes all waters of the state which are or may be used for fishing, fish culture, bathing, or any other recreational purposes, and for which quality control is or may be necessary to protect aquatic or terrestrial life, or the public health, safety, or welfare.

3. Industrial consumption includes all waters of the state which are or may be used as a source of supply for industrial process or cooling water, or any other industrial or commercial purposes, and for which quality control is or may be necessary to protect the public health, safety, or welfare.

4. Agriculture and wildlife includes all waters of the state which are or may be used for any agriculture purposes, including stock watering and irrigation, or by waterfowl or other wildlife, and for which quality control is or may be necessary to protect terrestrial life or the public health, safety, or welfare.

5. Aesthetic enjoyment and navigation includes all waters of the state which are or may be used for any form of water transportation or navigation, or fire prevention, and for which quality control is or may be necessary to protect the public

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health, safety, or welfare.

6. Other uses includes all waters of the state which are or may serve the above listed uses or any other beneficial uses not listed herein, including without limitation any such uses in this or any other state, province, or nation of any waters flowing through or originating in this state, and for which quality control is or may be necessary for the above declared purposes, or to conform with the requirements of the legally constituted state or national agencies having jurisdiction over such waters, or any other considerations the agency may deem proper.

7. Limited resource value waters includes surface waters of the state which are of limited value as a water resource and where water quantities are intermittent or less than one cubic foot per second at the once in ten year, seven-day low flow as defined in part 7050.0210, subpart 7. These waters shall be protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. It is the intent of the agency that very few waters be classified as limited resource value waters. In conjunction with those factors listed in Minnesota Statutes, section 115.44, subdivisions 2 and 3, the agency, in cooperation and agreement with the Department of Natural Resources with respect to determination of fisheries values and potential, shall determine the extent to which the waters of the state demonstrate the conditions set forth below:

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

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

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

Conditions "a" and "c" or "b" and "c" must be established

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by the agency water assessment procedure before the waters can be classified as limited resource value waters.

7050.0210 STANDARDS FOR DISCHARGERS TO WATERS OF THE STATE.

Subpart 1. **Untreated sewage.** No untreated sewage shall be discharged into any waters of the state. Effective disinfection of any discharges, including combined flows of sewage and storm water, will be required where necessary to protect the specified uses of the waters of the state.

Subp. 2. **Nuisance conditions prohibited.** No sewage, industrial waste, or other wastes shall be discharged into any waters of the state so as to cause any nuisance conditions, such as the presence of significant amounts of floating solids, scum, oil slicks, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, or other offensive or harmful effects.

Subp. 3. **Inadequate treatment.** Existing discharges of inadequately treated sewage, industrial waste, or other wastes shall be abated, treated, or controlled so as to comply with the applicable standards. Separation of sanitary sewage from natural runoff may be required where necessary to ensure continuous effective treatment of sewage.

Subp. 4. **Highest levels of water quality.** The highest levels of water quality, including, but not limited to, what ? else dissolved oxygen, which are attainable in the waters of the state by continuous operation at their maximum capability of all primary and secondary units of treatment works or their equivalent discharging effluents into the waters of the state shall be maintained in order to enhance conditions for the specified uses.

Subp. 5. **Mixing zones.** Means for expediting mixing and dispersion of sewage, industrial waste, or other waste effluents in the receiving waters are to be provided so far as practicable when deemed necessary by the agency to maintain the quality of the receiving waters in accordance with applicable standards. Mixing zones must be established by the agency on an individual

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basis, with primary consideration being given to the following guidelines:

A. mixing zones in rivers shall permit an acceptable passageway for the movement of fish;

B. the total mixing zone or zones at any transect of the stream should contain no more than 25 percent of the cross sectional area and/or volume of flow of the stream, and should not extend over more than 50 percent of the width;

C. mixing zone characteristics shall not be lethal to aquatic organisms;

D. for contaminants other than heat, the 96-hour median tolerance limit for indigenous fish and fish food organisms should not be exceeded at any point in the mixing zone;

E. mixing zones should be as small as possible, and not intersect spawning or nursery areas, migratory routes, water intakes, nor mouths of rivers; and

F. overlapping of mixing zones should be minimized and measures taken to prevent adverse synergistic effects.

This subpart applies in cases where a Class 7 water is tributary to a Class 2 water.

Subp. 6. **Minimum secondary treatment.** It is herein established that the agency shall require secondary treatment as a minimum for all municipal sewage and biodegradable industrial or other wastes to meet the adopted water quality standards. A comparable high degree of treatment or its equivalent also shall be required of all nonbiodegradable industrial or other wastes unless the discharger can demonstrate to the agency that a lesser degree of treatment or control will provide for water quality enhancement commensurate with present and proposed future water uses and a variance is granted under the provisions of the variance clause. Secondary treatment facilities are defined as works which will provide effective sedimentation, biochemical oxidation, and disinfection, or the equivalent, including effluents conforming to the following:

Substance or Characteristic	Limiting Concentration or Range*
5-Day Carbonaceous Biochemical Oxygen Demand*	25 milligrams per liter

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Fecal coliform group organisms ***	200 organisms per 100 milliliters
Total suspended solids*	30 milligrams per liter
Oil	Essentially free of visible oil
Phosphorus**	1 milligram per liter
Turbidity	25
pH range	6.0 - 9.0
Unspecified toxic or corrosive substances	None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property.

*The arithmetic mean for concentrations of five-day carbonaceous biochemical oxygen demand and total suspended solids shall not exceed the stated values in any calendar month and 45 milligrams per liter in any calendar week.

**Where the discharge of effluent is directly to or affects a lake or reservoir, removal of nutrients from all wastes shall be provided to the fullest practicable extent wherever sources of nutrients are considered to be actually or potentially detrimental to preservation or enhancement of the designated water uses.

***Disinfection of wastewater effluents to reduce the levels of fecal coliform organisms to the stated value is required from March 1 through October 31 (Class 2 waters) and May 1 through October 31 (Class 7 waters) except that where the effluent is discharged 25 miles or less upstream of a water intake supplying a potable water system, the reduction to the stated value is required year around. The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of five samples, nor shall more than ten percent of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. The application of the fecal coliform group organism standards shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms, or viable pathogenic organisms in such wastes is known or reasonably certain. Analysis of samples for fecal coliform group organisms

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by either the multiple tube fermentation or the membrane filter techniques is acceptable.

Subp. 6a. **Other requirements preserved.** The requirements of this chapter and specifically the requirement of secondary treatment as stated above are in addition to any requirement imposed on a discharge by the Clean Water Act, United States Code, title 33, sections 1251 et seq., and its implementing regulations. In the case of a conflict between the requirements of parts 7050.0100 to 7050.0220 and the requirements of the Clean Water Act or its implementing regulations, the more stringent requirement controls.

Subp. 7. **Minimum stream flow.** Dischargers of sewage, industrial waste, or other waste effluents shall be controlled so that the water quality standards will be maintained at all stream flows which are equal to or exceeded by 90 percent of the seven consecutive daily average flows of record (the lowest weekly flow with a once in ten-year recurrence interval) for the critical month(s). The period of record for determining the specific flow for the stated recurrence interval, where records are available, shall include at least the most recent ten years of record, including flow records obtained after establishment of flow regulation devices, if any. Such calculations shall not be applied to lakes and their embayments which have no comparable flow recurrence interval. Where stream flow records are not available, the flow may be estimated on the basis of available information on the watershed characteristics, precipitation, run-off, and other relevant data.

Allowance shall not be made in the design of treatment works for low stream flow augmentation unless such flow augmentation of minimum flow is dependable and controlled under applicable laws or regulations.

Subp. 8. **Advanced wastewater treatment.** In any instance where it is evident that the minimal treatment specified in subpart 6 and dispersion are not effective in preventing pollution, or if at the applicable flows it is evident that the specified stream flow is inadequate to protect the specified

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water quality standards, the specific standards may be interpreted as effluent standards for control purposes. In addition, the following effluent standards may be applied without any allowance for dilution where stream flow or other factors are such as to prevent adequate dilution, or where it is otherwise necessary to protect the waters of the state for the stated uses:

Item*	Limits**
5-day Carbonaceous Biochemical Oxygen Demand	5 milligrams per liter (arithmetic mean of all samples taken during any calendar month)

*The concentrations specified in subpart 6 may be used in lieu thereof if the discharge of effluent is restricted to the spring flush or other high runoff periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge period. If treatment works are designed and constructed to meet the specified limits given above for a continuous discharge, at the discretion of the agency the operation of such works may allow for the effluent quality to vary between the limits specified above and in subpart 6, provided the water quality standards and all other requirements of the agency and the United States Environmental Protection Agency are being met. Such variability of operation must be based on adequate monitoring of the treatment works and the effluent and receiving waters as specified by the agency.

**If a discharger is required by the director to implement a pretreatment program for the control of toxic pollutants from industrial contributors and the program has not yet been implemented, the discharger's effluent limitation for total suspended solids shall be five milligrams per liter until such time as the program has been implemented.

This section shall not apply to discharges to surface waters classified as limited resource value waters pursuant to parts 7050.0200, number 7 and 7050.0400 to 7050.0480.

Subp. 9. **Water quality based effluent limitations.** Notwithstanding the provisions of subparts 8 and 16, the agency

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may require a specific discharger to meet effluent limitations which are necessary to maintain the water quality of the receiving water at the standards of quality and purity established by this part. Any effluent limitation determined to be necessary under this section shall only be required of a discharger after the discharger has been given notice of the specific effluent limitations and an opportunity for public hearing provided that compliance with the requirements of part 7070.1400 regarding notice of National Pollutant Discharge Elimination System and State Disposal System permits shall satisfy the notice and opportunity for hearing requirements of this subpart.

Subp. 10. **Alternative waste treatment.** After providing an opportunity for public hearing the agency shall accept effective loss prevention and/or water conservation measures or process changes or other waste control measures or arrangements if it finds that such measures, changes, or arrangements are equivalent to the waste treatment measures required for compliance with applicable effluent and/or water quality standards or load allocations.

Subp. 11. **Discharge permit required.** All sources of sewage, industrial waste, or other waste which do not at present have a valid operation and discharge permit, or an application for the same pending before the agency, shall apply for the same within 30 days of the adoption of this rule, or the agency may abate the source forthwith. The provisions of subpart 6 relating to effluent quality standards, and the other provisions of this rule, are applicable to existing sewage, industrial waste, or other waste disposal facilities and the effluent discharged therefrom. Nothing herein shall be construed to prevent the agency subsequently from modifying any existing permits so as to conform with federal requirements and the requirements of this chapter.

Subp. 12. **Liquid substances.** Liquid substances which are not commonly considered to be sewage or industrial waste but which could constitute a pollution hazard shall be stored in

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accordance with parts 7100.0010 to 7100.0090, and any revisions or amendments thereto. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into any waters of the state in excess of or contrary to any of the standards herein adopted, or cause pollution as defined by law.

Subp. 13. **Pollution prohibited.** No sewage, industrial waste, or other wastes shall be discharged into the waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law. In any case where the waters of the state into which sewage, industrial waste, or other waste effluents discharge are assigned different standards than the waters of the state into which such receiving waters flow, the standards applicable to the waters into which such sewage, industrial waste, or other wastes discharged shall be supplemented by the following:

The quality of any waters of the state receiving sewage, industrial waste, or other waste effluents shall be such that no violation of the standards of any waters of the state in any other class shall occur by reason of the discharge of such sewage, industrial waste, or other waste effluents.

Subp. 14. **Undefined toxic substances.** Questions concerning the permissible levels, or changes in the same, of a substance, or combination of substances, of undefined toxicity to fish or other biota shall be resolved in accordance with the latest methods recommended by the United States Environmental Protection Agency. The agency shall consider the recommendations of the Quality Criteria for Water, US EPA 1976, in making determinations under this part. Toxic substances shall not exceed one-tenth of the 96-hour median tolerance limit (TLM) as a water quality standard except that other application factors shall be used when justified on the basis of available scientific evidence.

Subp. 15. **Dischargers must report to agency.** All persons

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operating or responsible for sewage, industrial waste, or other waste disposal systems which are adjacent to or which discharge effluents to these waters or to tributaries which affect the same, shall submit regularly every month a report to the agency on the operation of the disposal system, the effluent flow, and the characteristics of the effluents and receiving waters. Sufficient data on measurements, observations, sampling, and analyses, and other pertinent information shall be furnished as may be required by the agency to adequately evaluate the condition of the disposal system, the effluent, and the waters receiving or affected by the effluent.

Subp. 16. **Limited resource value waters.** Restrictions on discharges to limited resource value waters include the following:

A. For point source discharges to surface waters classified as limited resource value waters pursuant to parts 7050.0200, number 7 and 7050.0400 to 7050.0480, the agency shall require treatment facilities which will provide effluents conforming to the following limitations:*

Substance or Characteristic	Limiting Concentration
5-Day Carbonaceous Biochemical Oxygen Demand	15 milligrams per liter (arithmetic mean of all samples taken during any calendar month)

*All effluent limitations specified in subpart 6 shall also be applicable to dischargers to Class 7 waters, provided that unspecified toxic or corrosive substances shall be limited to the extent necessary to protect the designated uses of the receiving water or affected downstream waters.

B. The agency shall allow treatment works to be constructed and/or operated to produce effluents to limited resource value waters at levels up to those stated in subpart 6 provided that it is demonstrated that the water quality standards for limited resource value waters will be maintained during all periods of discharge from the treatment facilities.

C. Notwithstanding the effluent limitations established by this section the quality of limited resource value waters shall not be such as to allow a violation of

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applicable water quality standards in waters of the state which are connected to or affected by water classified as limited resource value waters.

D. The classification of surface waters as limited resource value waters pursuant to parts 7050.0200, number 7 and 7050.0400 to 7050.0480 shall not supersede, alter, or replace the classification and designation of such waters as public waters pursuant to applicable provisions and requirements of Minnesota Statutes, chapter 105.

Subp. 17. **Compliance with permit conditions.** No person who is in compliance with the terms and conditions of its permit issued pursuant to chapter 7070 shall be deemed in violation of any water quality standard in this rule for which a corresponding effluent limitation is established in the permit. However, exceedances of the water quality standards in a receiving water shall constitute grounds for modification of a permit(s) for any discharger(s) to the receiving water who is (are) causing or contributing to the exceedances. Chapter 7070 shall govern the modification of any such permit.

Subp. 18. **Water quality standard based ammonia effluent limitations.** For the purpose of establishing limitations to meet the ammonia water quality standard, a statistic which estimates the central value (such as the mean or median) for ambient pH and temperature of the receiving water for the critical months shall be used.

7050.0220 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR DESIGNATED CLASSES OF WATERS OF THE STATE.

The following standards shall prescribe the qualities or properties of the waters of the state which are necessary for the designated public use or benefit and which, if the limiting conditions given are exceeded, shall be considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to such designated uses or established classes of the waters of the state.

1. Domestic consumption.

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Class A. The quality of this class of the waters of the state shall be such that without treatment of any kind the raw waters will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to underground waters with a high degree of natural protection. The basic requirements are given below:

Substance or Characteristic	Limit or Range
Total coliform organisms	1 most probable number per 100 milliliters
Turbidity value	5
Color value	15
Threshold odor number	3
Methylene blue active substance (MBAS)	0.5 milligram per liter
Arsenic (As)	0.01 milligram per liter
Chlorides (Cl)	250 milligrams per liter
Copper (Cu)	1 milligram per liter
Carbon chloroform extract	0.2 milligram per liter
Cyanides (CN)	0.01 milligram per liter
Fluorides (F)	1.5 milligrams per liter
Iron (Fe)	0.3 milligram per liter
Manganese (Mn)	0.05 milligram per liter
Nitrates (NO_3)	45 milligrams per liter
Phenol	0.001 milligram per liter
Sulfates (SO_4)	250 milligrams per liter
Total dissolved solids	500 milligrams per liter
Zinc (Zn)	5 milligrams per liter
Barium (Ba)	1 milligram per liter
Cadmium (Cd)	0.01 milligram per liter
Chromium (Hexavalent, Cr)	0.05 milligram per liter
Lead (Pb)	0.05 milligram per liter
Selenium (Se)	0.01 milligram per liter

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Silver (Ag)	0.05 milligram per liter
Radioactive material	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

Class B. The quality of this class of the waters of the state shall be such that with approved disinfection, such as simple chlorination or its equivalent, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards -- 1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to surface and underground waters with a moderately high degree of natural protection. The physical and chemical standards quoted above for Class A waters shall also apply to these waters in the untreated state.

Class C. The quality of this class of the waters of the state shall be such that with treatment consisting of coagulation, sedimentation, filtration, storage, and chlorination, or other equivalent treatment processes, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards -- 1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to surface waters, and groundwaters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water infiltration. The physical and chemical standards quoted above for Class A waters shall also apply to these waters in the

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untreated state, except as listed below:

Substance or Characteristic	Limit or Range
Turbidity value	25

Class D. The quality of this class of the waters of the state shall be such that after treatment consisting of coagulation, sedimentation, filtration, storage, and chlorination, plus additional pre, post, or intermediate stages of treatment, or other equivalent treatment processes, the treated water will meet in all respects the recommended requirements of the Public Health Service Drinking Water Standards -- 1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to surface waters, and groundwaters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water infiltration. The concentrations or ranges given below shall not be exceeded in the raw waters before treatment:

Substance or Characteristic	Limit or Range
Arsenic (As)	0.05 milligram per liter
Barium (Ba)	1 milligram per liter
Cadmium (Cd)	0.01 milligram per liter
Chromium (Hexavalent, Cr)	0.05 milligram per liter
Cyanide (CN)	0.2 milligram per liter
Fluoride (F)	1.5 milligrams per liter
Lead (Pb)	0.05 milligram per liter
Selenium (Se)	0.01 milligram per liter
Silver (Ag)	0.05 milligram per liter
Radioactive material	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their

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use.

In addition to the above listed standards, no sewage, industrial waste, or other wastes, treated or untreated, shall be discharged into or permitted by any person to gain access to any waters of the state classified for domestic consumption so as to cause any material undesirable increase in the taste, hardness, temperature, toxicity, corrosiveness, or nutrient content, or in any other manner to impair the natural quality or value of the waters for use as a source of drinking water.

2. Fisheries and recreation.

Class A. The quality of this class of the waters of the state shall be such as to permit the propagation and maintenance of warm or cold water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the waters are given below:

Substance or Characteristic	Limit or Range
Dissolved oxygen	Not less than 7 milligrams per liter at all times (instantaneous minimum concentration)***
Temperature	No material increase
Ammonia (N)*	0.016 milligram per liter (un-ionized as N)
Chlorides (Cl)	50 milligrams per liter
Chromium (Cr)	0.02 milligram per liter
Copper (Cu)	0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value
Cyanides (CN)	0.02 milligram per liter
Oil	0.5 milligram per liter
pH value	6.5 - 8.5
Phenols	0.01 milligram per liter and none that could impart odor or taste to fish flesh or other freshwater edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present.

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Turbidity value	10
Color value	30
Fecal coliform organisms	200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between March 1 and October 31.)
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Total residual chlorine**	0.005 milligram per liter

*The percent un-ionized ammonia can be calculated for any temperature and pH by using the following formula taken from Thurston, R. V., R. C. Russo, and K. Emerson, 1974. Aqueous ammonia equilibrium calculations. Technical Report Number 74-1, Fisheries Bioassay Laboratory, Montana State University, Bozeman, MT. 18 p.

$$f = \frac{1}{10^{(pk_a - pH)} + 1} \times 100$$

where:

f = the percent of total ammonia in the un-ionized state

$pk_a = 0.0901821 + \frac{2729.92}{T}$, dissociation constant for ammonia

T = temperature in degrees Kelvin (273.16° Kelvin = 0° Celsius)

**Applies to conditions of continuous exposure, where continuous exposure refers to chlorinated effluents which are discharged for more than a total of two hours in any 24 hour period.

***This dissolved oxygen standard shall be construed to require compliance with the standard 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten year recurrence interval (7Q10).

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Class B. The quality of this class of the waters of the state shall be such as to permit the propagation and maintenance of cool or warm water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the waters are given below:

Substance or Characteristic	Limit or Range
Dissolved oxygen*	Not less than 5 milligrams per liter at all times (instantaneous minimum concentration)****
Temperature	5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature, except in no case shall it exceed the daily average temperature of 86°F.
Ammonia (N)**	0.04 milligram per liter (un-ionized as N)
Chromium (Cr)	0.05 milligram per liter
Copper (Cu)	0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value.
Cyanides (CN)	0.02 milligram per liter
Oil	0.5 milligram per liter
pH value	6.5 - 9.0
Phenols	0.01 milligram per liter and none that could impart odor or taste to fish flesh or other freshwater edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present.
Turbidity value	25
Fecal coliform organisms	200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than

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	10% of all samples taken during any calendar month individually exceed 2000 organisms per 100 milliliters. (Applies only between March 1 and October 31.)
Radioactive materials	Not to exceed the lowest concentration permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Total Residual Chlorine***	0.005 milligram per liter

*This standard applies to all waters of the state except for the reach of the Mississippi River from the outlet of the metro wastewater treatment works in St. Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815). For this reach of the Mississippi River the standard is not less than five milligrams per liter from April 1 through November 30, and not less than four milligrams per liter at other times.

**See ammonia footnote for Class 2A waters.

***See chlorine footnote for Class 2A waters.

****See dissolved oxygen footnote for Class 2A waters.

Class C. The quality of this class of the waters of the state shall be such as to permit the propagation and maintenance of rough fish or species commonly inhabiting waters of the vicinity under natural conditions, and be suitable for boating and other forms of aquatic recreation for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the waters are given below:

Substance or Characteristic	Limit or Range
Dissolved oxygen*	Not less than 5 milligrams per liter at all times (instantaneous minimum concentration.)****
Temperature	5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature except in no case shall it exceed the daily average temperature of 90°F.
Ammonia (N)**	0.04 milligram per liter (unionized as N)

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Chromium (Cr)	0.05 milligram per liter
Copper (Cu)	0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value.
Cyanides (CN)	0.02 milligram per liter
Oil	10 milligrams per liter, and none in such quantities as to (1) produce a visible color film on the surface, (2) impart an oil odor to water or an oil taste to fish and edible invertebrates, (3) coat the banks and bottom of the watercourse or taint any of the associated biota, or (4) become effective toxicants according to the criteria recommended.
pH value	6.5 - 9.0
Phenols	0.1 milligram per liter and none that could impart odor or taste to fish flesh or other freshwater edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present.
Turbidity value	25
Fecal coliform organisms	200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calender month, nor shall more than 10% of all samples taken during any calendar month individually exceed 2000 organisms per 100 milliliters. (Applies only between March 1 and October 31.)
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Total residual chlorine***	0.005 milligram per liter

*This standard applies to all waters of the state except for the reach of the Mississippi River from the outlet of the metro wastewater treatment works in St. Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815). For this reach

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of the Mississippi River the standard is not less than five milligrams per liter from April 1 through November 30, and not less than four milligrams per liter at other times.

**See ammonia footnote for Class 2A waters.

***See chlorine footnote for Class 2A waters.

****See dissolved oxygen footnote for Class 2A waters.

For all classes of fisheries and recreation waters, the aquatic habitat, which includes the waters of the state and stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments, and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste, or other waste effluents to the waters of the state.

No sewage, industrial waste, or other wastes shall be discharged into any of the waters of this category so as to cause any material change in any other substances or characteristics which may impair the quality of the waters of the state or the aquatic biota of any of the above listed classes or in any manner render them unsuitable or objectionable for fishing, fish culture, or recreational uses. Additional selective limits or changes in the discharge bases may be imposed on the basis of local needs.

3. Industrial consumption.

Class A. The quality of this class of the waters of the state shall be such as to permit their use without chemical treatment, except softening for groundwater, for most industrial purposes, except food processing and related uses, for which a high quality of water is required. The quality shall be generally comparable to Class B waters for domestic consumption,

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except for the following:

Substance or Characteristic	Limit or Range
Chlorides (Cl)	50 milligrams per liter
Hardness	50 milligrams per liter
pH value	6.5 - 8.5

Class B. The quality of this class of the waters of the state shall be such as to permit their use for general industrial purposes, except for food processing, with only a moderate degree of treatment. The quality shall be generally comparable to Class D waters of the state used for domestic consumption, except the following:

Substance or Characteristic	Limit or Range
Chlorides (Cl)	100 milligrams per liter
Hardness	250 milligrams per liter
pH value	6.0 - 9.0

Class C. The quality of this class of the waters of the state shall be such as to permit their use for industrial cooling and materials transport without a high degree of treatment being necessary to avoid severe fouling, corrosion, scaling, or other unsatisfactory conditions. The following shall not be exceeded in the waters of the state:

Substance or Characteristic	Limit or Range
Chlorides (Cl)	250 milligrams per liter
Hardness	500 milligrams per liter
pH value	6.0 - 9.0

Additional selective limits may be imposed for any specific waters of the state as needed.

In addition to the above listed standards, no sewage, industrial waste, or other wastes, treated or untreated, shall be discharged into or permitted by any person to gain access to any waters of the state classified for industrial purposes so as to cause any material impairment of their use as a source of industrial water supply.

4. Agriculture and wildlife.

Class A. The quality of this class of the waters of the state shall be such as to permit their use for irrigation

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without significant damage or adverse effects upon any crops or vegetation usually grown in the waters or area, including truck garden crops. The following concentrations or limits shall be used as a guide in determining the suitability of the waters for such uses, together with the recommendations contained in Handbook 60 published by the Salinity Laboratory of the United States Department of Agriculture, and any revisions, amendments, or supplements thereto:

Substance or Characteristic	Limit or Range
Bicarbonates (HCO_3)	5 milliequivalents per liter
Boron (B)	0.5 milligram per liter
pH value	6.0 - 8.5
Specific conductance	1,000 micromhos per centimeter
Total dissolved salts	700 milligrams per liter
Sodium (Na)	60% of total cations as milliequivalents per liter
Sulfates (SO_4)	10 milligrams per liter, applicable to water used for production of wild rice during periods when the rice may be susceptible to damage by high sulfate levels.
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

Class B. The quality of this class of the waters of the state shall be such as to permit their use by livestock and wildlife without inhibition or injurious effects. The limits or concentrations of substances or characteristics given below shall not be exceeded in the waters of the state:

Substance or Characteristic	Limit or Range
pH value	6.0 - 9.0
Total salinity	1,000 milligrams per liter
Radioactive materials	Not to exceed the lowest concentrations permitted, to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Unspecified toxic substances	None at levels harmful either directly or indirectly.

Additional selective limits may be imposed for any specific

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waters of the state as needed.

5. Aesthetic enjoyment and navigation. The quality of this class of the waters of the state shall be such as to be suitable for aesthetic enjoyment of scenery and to avoid any interference with navigation or damaging effects on property. The following limits or concentrations shall not be exceeded in the waters of the state:

Substance or Characteristic	Limit or Range
pH value	6.0 - 9.0
Hydrogen sulfide	0.02 milligram per liter

Additional selective limits may be imposed for any specific waters of the state as needed.

6. Other uses. The uses to be protected in this class may be under other jurisdictions and in other areas to which the waters of the state are tributary, and may include any or all of the uses listed in the foregoing categories, plus any other possible beneficial uses. The agency therefore reserves the right to impose any standards necessary for the protection of this class, consistent with legal limitations.

7. Limited resource value waters. The quality of this class of waters of the state shall be such as to protect aesthetic qualities, secondary body contact use, and groundwater for use as a potable water supply. The limits or concentrations of substances or characteristics given below shall not be exceeded in the waters:

Substance or Characteristic	Limit or Range
Fecal coliform organisms	1,000 organisms per 100 milliliters* (Applies only between May 1 and October 31.)
pH	6.0 - 9.0
Dissolved oxygen	At concentrations which will avoid odors or putrid conditions in the receiving water or at concentrations at not less than 1 mg/l (daily average) provided that measurable concentrations are present at all times.
Unspecified Substances	Unspecified substances shall not be allowed in such quantities or concentrations that will impair the specified uses.

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*The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of five samples, nor shall more than ten percent of all samples taken during any calendar month individually exceed 2,000 organisms per 100 milliliters.

REPEALER. Minnesota Rules, parts 7050.0100, 7050.0120, 7050.0160, 7050.0300, 7050.0310, 7050.0320, 7050.0330, 7050.0340, 7050.0350, 7050.0360, 7050.0370, and 7050.0380 are repealed.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT -2 1984
Joan Anderson Growe
Secretary of State

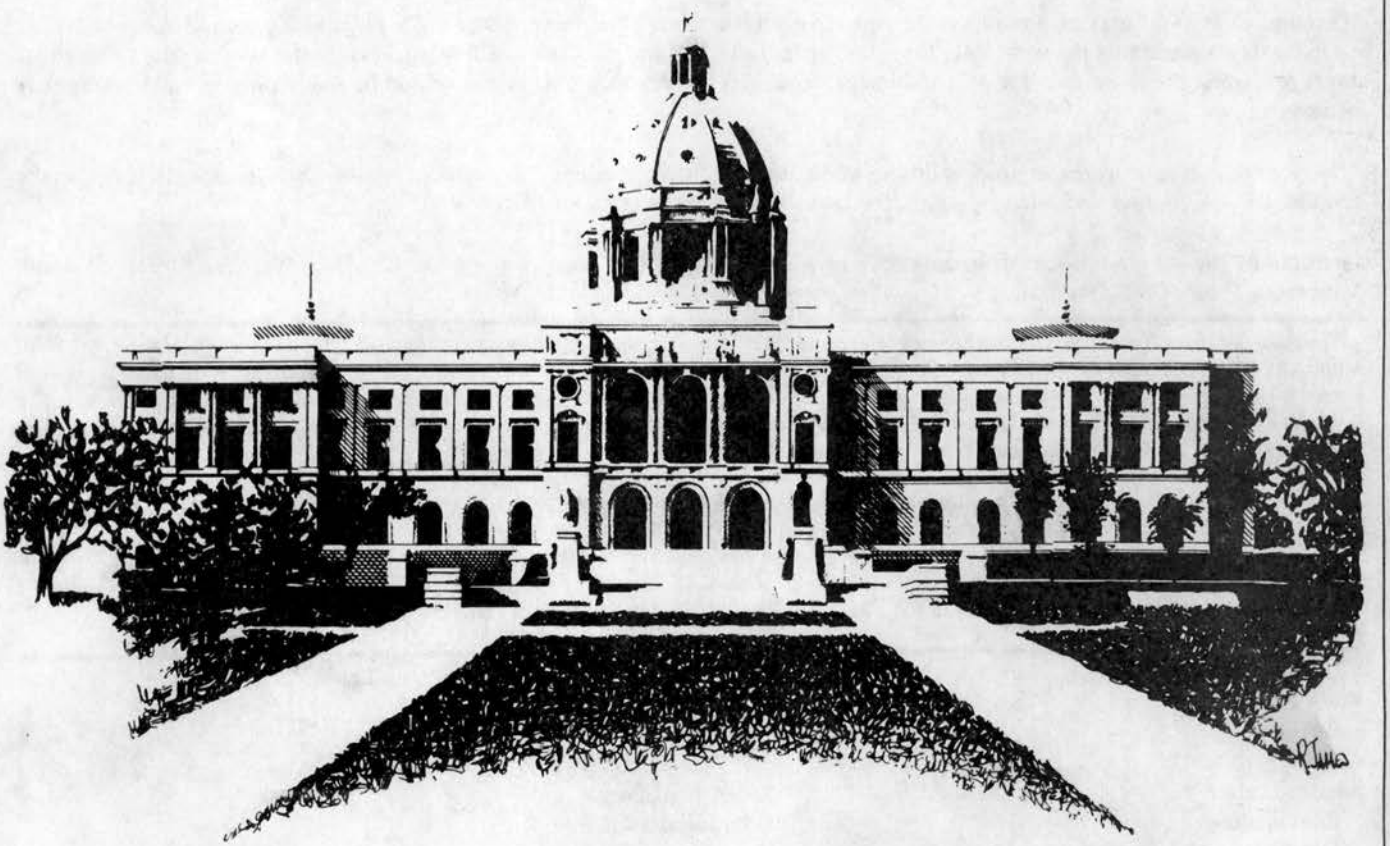
10:45AM

APPROVED AS TO LEGALITY
October 1, 19 84
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Jerry D. Jarvis
SPECIAL ASSISTANT ATTORNEY GENERAL

EXHIBIT 4

STATE REGISTER

STATE OF MINNESOTA



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March 19, 1984

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STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 8		
39	Monday Mar 12	Monday Mar 19	Monday Mar 26
40	Monday Mar 19	Monday Mar 26	Monday Apr 2
41	Monday Mar 26	Monday Apr 2	Monday Apr 9
42	Monday Apr 2	Monday Apr 9	Monday Apr 16

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION. Such notices are published in the OFFICIAL NOTICES section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the MCAR AMENDMENT AND ADDITIONS listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issue 27-38, inclusive
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MINNESOTA RULES

Office of the Revisor of Statutes
State Register and Public Documents Division

Announcement of New Minnesota Rules Format

Beginning with the March 19 issue of the *State Register*, proposed rules published in the *State Register* will be drafted in a new format and will use a new numbering system. This format and numbering system change was made by the Revisor of

Statutes as part of the Revisor's recompilation of state administrative rules. This recompilation has been published and is known as *Minnesota Rules*.

The MCAR format will still appear when agencies publish changes to proposed rules that were published in the MCAR format. The changes will follow the MCAR format so that readers can easily compare the proposed and adopted rules. Also, rules that began at the proposal stage in the MCAR format before the changeover will still appear in the MCAR format in the *State Register*. After the rules have been adopted, the revisor will recompile them in the new format for inclusion in *Minnesota Rules*.

Copies of the *Minnesota Rules Drafting Manual*, which explains the new format, can be purchased from the State Register and Public Documents Division of the Department of Administration. The cost is $11.00 plus 6% sales tax (Minnesota residents only) and $1.50 handling charge (handling charge applicable to mail orders only). Prepayment is required.

Concordance tables for converting MCAR numbers into MR numbers and vice versa is also available. It is included in Volume 6 of the new set of *Minnesota Rules*, 1983. The cost of Volume 6 of *Minnesota Rules* is $17.00 plus sales tax and handling charge ($1.50 for mail orders), and is available from the State Register and Public Documents. For questions about specific MCAR-MR conversions, call Barbara Moehrle, Revisor's Office, at 297-2958.

EXECUTIVE ORDERS

Executive Order No. 84-5

Providing for the Establishment of the Governor's Task Force on the Minnesota Convention Center

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the attraction of national conventions, trade shows, and other similar programs can have a beneficial impact upon Minnesota's economy; and

WHEREAS, the existence of a world class convention center in this state may be an economic development initiative of statewide significance; and

WHEREAS, such a facility does not now exist in Minnesota;

NOW, THEREFORE, I order:

1. The formation of the Governor's Task Force on the Minnesota Convention Center to assess the need for a world class convention center in this state. The Task Force shall consist of nine members appointed by the Governor. The chair shall be named by the Governor.

2. If the Council determines that such a convention center is needed and would be an economic benefit to the state, the Council shall solicit proposals from cities in Minnesota that would be willing to serve as the "host city" for a world convention center. The "host city" proposal shall include the location and description of one or more sites and shall indicate the date that the site would be available to begin construction.

3. All proposals must include evidence of official action by the city's governing body with regard to the following three items:

a. the city's firm commitment to furnish free and unencumbered a site of adequate size for the convention center;

b. the city's ability and commitment to support the convention center by assuming operating losses;

c. the city's willingness, if any, to assume a portion of the debt service cost;

d. the city's proposal for management and operation of the convention center at an appropriate time after completion of construction.

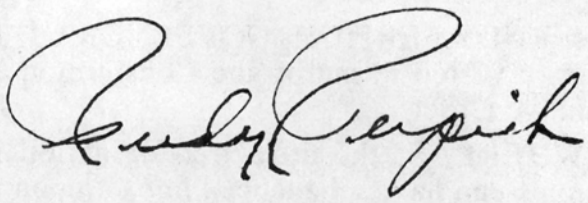
4. From the proposals submitted by the cities, the Council shall select a preferred "host city" by September 11, 1984.

5. The Council shall select a preferred site within the preferred "host city" by December 18, 1984.

6. The Council shall prepare a final report and recommendations to be submitted to the Governor and the Minnesota Legislature no later than February 5, 1985. This report shall include a market analysis and shall describe the type of facilities needed to be competitive in the relevant market. The report shall estimate the economic and other impacts of the proposal facility and shall include a proposal for the ownership, operations, and promotion of the facility. The report shall include preliminary design and cost estimates and a recommended financing mechanism.

Pursuant to Minnesota Statutes 1982, Section 4.035, this Order shall be effective 15 days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1982, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this 1st day of March, 1984.



PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Energy and Economic Development Authority

Proposed Rules Governing Pilot Community Development Corporation Projects

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Energy and Economic Development Authority proposes to adopt the above-entitled rules without a public hearing. The Minnesota Energy and Economic Development Authority has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days 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 rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13 to 14.20 (1982). If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language and the reasons or data relied on to support the suggested modifications is desired.

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

Minnesota Energy and Economic Development Authority
Attention: Edward J. Meyer, Jr.
980 American Center Building
St. Paul, Minnesota 55101
612/297-3547

Authority for adoption of these rules is contained in Minnesota STATUTES 116J.65, subd. 5 and *Minn. Laws* of 1983, ch. 289, section 1 subd. 3. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Minnesota Energy and Economic Development Authority, attention: Edward J. Meyer, Jr., 480 Cedar Street, 1st Floor Hanover Building, St. Paul, Minnesota 55101.

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

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

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. Meyer.

You are hereby advised, pursuant to *Minn. Laws* of 1983, ch. 188, Small Business Considerations in Rulemaking, that the proposed rule amendments will have a beneficial impact on some small businesses in Minnesota.

Since Community Development Corporations as a generic group are small businesses and since the intent of these amendments is to make application easier and quicker, this will benefit small businesses seeking CDC designation and program funds.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting the Minnesota Energy and Economic Development Authority.

Mark B. Dayton
Chairman, Minnesota Energy and
Economic Development Authority

Rules as Proposed.

4350.0200 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. Assistant Commissioner. "~~Assistant~~ Commissioner" means the ~~assistant~~ commissioner of the ~~Business Community Development Division of the~~ Minnesota Department of Energy~~,~~ ~~Planning~~ and Economic Development, or his designated representative.

Subp. 2a. Authority. "Authority" means the Minnesota Energy and Economic Development Authority.

Subparts 3 to 6. [Unchanged.]

4350.0400 AVAILABILITY OF PROGRAM FUNDS.

Program funds shall be available only to eligible community development corporations designated as such by the ~~assistant commissioner, with the approval of the State Executive Council~~ authority.

4350.0600 PROJECT GRANTS.

Subpart 1. Program funds. Program funds shall be made available to eligible community development corporations in the form of project grants, on approval by the ~~commissioner~~ authority of an application therefor~~,~~ ~~with the concurrence of the State Executive Council~~. All applications shall be in a form prescribed by the ~~assistant~~ commissioner. Project grants shall be made only with respect to projects that will be carried on within the designated community of the applicant community development corporation, except where the applicant demonstrates that a project carried on outside the designated community will have a significant impact within the designated community.

Subparts 2 to 6. [Unchanged.]

Department of Energy and Economic Development

Proposed Rules Governing Tax Credit Certification for "Qualified Small Businesses" and "Small Business Assistance Offices" under *Laws of Minnesota 1983*, Chapter 342

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Energy and Economic Development proposes to adopt the above-entitled rules without a public hearing. The Minnesota Department of Energy and Economic Development has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days 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 rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the

provisions of Minnesota Statutes sections 14.13 to 14.20 (1982). If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language and the reasons or data relied on to support the suggested modifications is desired.

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

Charles A. Schaffer
Director
Program of Business Information
Minnesota Department of Energy and Economic Development
980 American Center Building
150 East Kellogg
St. Paul, MN 55101
612/296-0617

Authority for adoption of these rules is contained in Minnesota Statutes 14.06. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Minnesota Department of Energy and Economic Development, attention: Charles A. Schaffer, Director, Program of Business Information, 980 American Center Building, 150 East Kellogg, St. Paul, MN 55101.

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 Dr. Schaffer.

You are hereby advised, pursuant to *Minn. Laws* of 1983, ch. 188, Small Business Considerations in Rulemaking, that the proposed rule amendments will have a beneficial impact on some small businesses in Minnesota. The tax credits are intended to stimulate the growth and success of small businesses through encouragement of transfer of technology to small businesses, equity investment in small business and contributions to small business assistance offices.

A copy of the proposed rules is attached to this notice. Additional copies may be obtained by contacting the Minnesota Department of Energy and Economic Development.

Mark B. Dayton
Commissioner, Minnesota Department
of Energy and Economic Development

Rules as Proposed (all new material)

4351.0100 DEFINITIONS.

Subpart 1. Scope. For purposes of this chapter, the following terms have the meaning given them.

Subp. 2. Business entity. For purposes of certification as a qualified small business, "business entity" means a business conducted in any organizational form for profit.

Subp. 3. Employee. For purposes of certification as a qualified small business, "employee" means any person who is permanently on the payroll of a business entity at the time the business entity seeks certification as a qualified small business.

Subp. 4. Subsidiary or affiliate. For purposes of certification as a qualified small business, a business entity is a "subsidiary" of a tranferor or investor if the business entity is a corporation and the transferor or investor owns more than 50 percent of the value of the outstanding stock of the entity corporation, or the entity is not a corporation and the transferor or investor owns more than 50 percent of the value of the capital interest or the profit interest in the entity.

For purposes of certification as a qualified small business, a business entity is an "affiliate" of a transferor or investor if:

A. the business entity is a corporation and the transferor or investor owns more than 20 percent of the value of the outstanding stock of the entity corporation;

B. the business entity is not a corporation and the transferor or investor owns more than 20 percent of the capital stock interest or the profit interest in the entity; or

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C. other facts and circumstances indicate that the transferor or investor possesses effective control of the entity as evidenced by:

(1) contractual arrangements that provide for allocation of the entity's output to the transferor or investor or that require the purchase of inputs from the transferor or investor;

(2) a high percentage of the ownership by transferor or investor, but less than 50 percent, and fragmentation of the ownership of the other interests among various other individuals or entities;

(3) a majority of the membership of the entity's board of directors or other governing body is held by employees, directors, or owners of the transferor or investor; or

(4) other relevant factors.

A business entity is a subsidiary or affiliate of a transferor or investor if the entity and the transferor or investor are both subsidiaries or affiliates, or some combination thereof, of a common third party.

A separately incorporated franchise is not a subsidiary or affiliate.

Subp. 5. Commercial domicile. For purposes of certification as a qualified small business, "commercial domicile" means the state where the business entity maintains the principal office from which it manages and directs its business.

Subp. 6. Commissioner. For purposes of certification as a qualified small business and for purposes of certification as a small business assistance office, "commissioner" means the commissioner of energy and economic development or his or her designee.

Subp. 7. Audited financial statements. For purposes of certification as a small business assistance office, "audited financial statements" means financial statements on which a state licensed public accountant has delivered an opinion according to generally accepted auditing standards that the financial statements soundly and fairly present the business's financial data.

Subp. 8. Full-time professional employee or the equivalent. For purposes of certification as a small business assistance office, "full-time professional employee or the equivalent" means:

A. an individual who is on the payroll of a nonprofit corporation, who performs services directly related to the primary purpose of a nonprofit corporation, and who works at least 2,080 hours per year; or

B. a combination of professional employees who are on the payroll of the nonprofit corporation, who perform services directly related to the purpose of the nonprofit corporation, and who individually work fewer than 2,080 hours per year but who aggregately work at least 2,080 hours per year.

Subp. 9. Financing. For purposes of certification as a small business assistance office, "financing" means the making of market rate loans. Financing does not mean assisting with the securing of grants or contracts from public or private sources.

4351.0200 PURPOSE.

The purpose of this chapter is to provide notice of the procedures and criteria used by the commissioner of energy and economic development to certify a nonprofit corporation as a small business assistance office and to certify a business entity organized for profit as a qualified small business under Minnesota Statutes, section 290.069, subdivision 1, clauses (a) and (f).

4351.0300 COMPUTATION OF GROSS ANNUAL RECEIPTS.

For the purpose of certification as a qualified small business, gross annual receipts is determined by using the following computations (the forms and lines referenced relate to 1983 federal tax forms, or their equivalent forms and lines in the future):

A. For businesses filing a federal corporation income tax return, use the total income increased by the cost of goods sold and/or operations (IRS form 1120, the sum total of lines 11 and 2).

B. For businesses filing a federal income tax return for a chapter S corporation, use the sum of the total income, cost of goods sold and/or operations, and the long and short term net capital gain or losses. (IRS form 1120S, use line 9 and increase it by the amount on line 2. Increase this total by the amount on IRS schedule D, form 1120S, by the amounts on lines 1, 2, and 9.)

C. For businesses filing federal sole proprietorship or partnership interest returns, use the gross receipts or sales less returns or allowances plus other income (IRS form 1040 schedule C, use the total amounts on lines 1c and 4b.)

If form 1040 schedule D is filed, use the net short and long term capital gain or loss excluding any gain made on the sale of your home. (IRS form 1040 schedule D, line 6 less line 2 plus line 17 less line 10.)

If form 1040 schedule E is filed, use any rental income and any other business income (IRS form 1040 schedule E, lines 3, 27, 31, and 33.)

D. If an IRS form 1065 is filed, use the gross receipts or sales less returns or allowances (line 1c), plus ordinary income from

other partnerships (line 4, only if positive amount), plus interest and dividends (line 5), plus gross rents (line 6a), plus income from royalties (line 7), plus any other income or loss (line 10).

4351.0400 CERTIFICATION AS SMALL BUSINESS ASSISTANCE OFFICE.

Subpart 1. Application. For a nonprofit corporation to be eligible for a contribution tax credit under Minnesota Statutes, section 290.069, subdivision 3, it must submit to the commissioner an application form provided by the commissioner along with a copy of the articles of incorporation; a copy of the designation by the Internal Revenue Service that the corporation is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code of 1954, as amended through January 15, 1984; the most recent audited financial statement; and a recent payroll abstract or the equivalent.

The application form must contain the corporate name, principal place of business of the corporation, and an affirmation made by an officer of the corporation affirming the following:

A. that the primary purpose of the corporation is to aid in the formation of new businesses which create jobs by training or providing other direct assistance to entrepreneurs, managers, inventors, and other individuals in the development, financing, and operation of qualified small businesses;

B. that the corporation provides audited financial statements to all contributors seeking the tax credit and to the commissioner of energy and economic development within 90 days following the close of the corporation's fiscal year;

C. that the corporation employs at least two full-time professional employees or the equivalent; and

D. that the corporation is not engaged in providing financing or is not primarily engaged in arranging financing for businesses.

Subp. 2. Period of certification. The initial certification is for the calendar year beginning January 1, 1984. Application for certification for calendar year 1984 must be received by the commissioner not later than November 15, 1984.

Subp. 3. Annual applications. A separate new application must be made for certification for each calendar year beginning January 1, 1985. Applications for certification for calendar years after 1984 must be received by the commissioner not later than November 15 of the calendar year for which the tax credit is sought.

Subp. 4. Decision to certify. Within 30 days of receipt of the application and information required in subpart 1, the commissioner shall determine whether to certify a nonprofit corporation as a small business assistance office. The commissioner shall certify the corporation for a calendar year if it has satisfied the conditions of Minnesota Statutes, section 290.069, subdivision 1, paragraph (a), clauses (1) to (4). If the commissioner denies certification, he or she shall provide the applicant with a statement of the reason for the denial.

4351.0500 CERTIFICATION AS QUALIFIED SMALL BUSINESS.

Subpart 1. Application. For a business entity organized for profit to be eligible for a technology transfer credit or an equity investment credit under Minnesota Statutes, section 290.069, subdivision 2 or 4, it must submit to the commissioner an application form provided by the commissioner along with a copy of the most recent individual or corporate federal income tax return, a list of the entity's shareholders and their voting interest, a copy of the articles of incorporation and its amendments or partnership agreement if the business entity is a partnership, or a certificate of limited partnership when the business entity is a limited partnership, a recent payroll abstract or the equivalent, and any other information requested by the commissioner as reasonably needed to certify the business entity as a qualified small business.

The application must contain at a minimum the name and address of the business, the taxable year of the business, and an affirmation by an officer of the business affirming:

A. that the business entity is organized for profit;

B. that the business entity has 20 or fewer employees and less than $1,000,000 in gross annual receipts;

C. that the business entity is not a subsidiary or an affiliate of a business which employs more than 20 employees or has total gross receipts for the previous year of more than $1,000,000, computed by aggregating all of the employees and gross receipts of the business entities affiliated with the business;

D. that the business entity has its commercial domicile in Minnesota;

E. that the business entity does not derive more than 20 percent of its gross receipts from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities; and

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F. that the business entity is not engaged in a trade or business, the primary purpose of which is described in section 103(b)(6)(0) of the Internal Revenue Code of 1954, as amended through January 15, 1983.

Subp. 2. Period of certification. The initial certification is for the calendar year beginning January 1, 1984. Application for certification for calendar year 1984 must be received by the commissioner not later than November 15, 1984.

Subp. 3. Annual applications. A separate new application must be made for certification for each calendar year beginning January 1, 1985. Applications for certification for calendar years after 1984 must be received by the commissioner not later than November 15 of the calendar year for which the tax credit is sought.

Subp. 4. Decision to certify. Within 30 days of the receipt of the application and information required in subpart 1, the commissioner shall determine whether to certify a business entity organized for profit as a qualified small business. The commissioner shall certify the business entity if it has satisfied the conditions of Minnesota Statutes, section 290.069, subdivision 1, paragraph (f), clauses (1) to (5). If the commissioner denies certification, he or she shall provide the applicant with a written reason for the denial.

4351.0600 FALSE INFORMATION.

The commissioner shall deny or withdraw certification to a corporation or business entity that the commissioner determines has knowingly provided false, incomplete, or inaccurate information in the application or other documents required in part 4351.0400 or 4351.0500.

4351.0700 APPLICATION FORM FOR CERTIFICATION OF SMALL BUSINESS ASSISTANCE OFFICE.

APPLICATION FOR CERTICATION OF
SMALL BUSINESS ASSISTANCE OFFICE
Pursuant to Minnesota Statutes,
section 290.069, subdivision 1

Department of Energy and Economic Development

Date of application: _____

Name of business: _____

Address of business: _____

I _____ affirm that I am the _____ of the above named organization and affirm:

1. that the above named corporation is a nonprofit corporation under Minnesota Statutes, chapter 317 and is an exempt organization under section 501(c)(3) of the Internal Revenue Code, as amended through January 15, 1984;

2. that the above named corporation has as its primary purpose aiding in the formation of new businesses which create jobs in the state by training or providing other direct assistance to entrepreneurs, managers, inventors, and other individuals in the development, financing, and operation of qualified small businesses;

3. that the above named corporation will provide audited financial statements to all contributors and to the commissioner of energy and economic development within 90 days following the close of the corporation's fiscal year;

4. that the above named corporation employs at least two full-time professional employees or the equivalent; and

5. that the above named corporation is not engaged in providing financing or is not primarily engaged in arranging financing for businesses.

Notary Seal

Signature: _____

Date: _____

4351.0800 APPLICATION FORM FOR CERTIFICATION AS A QUALIFIED SMALL BUSINESS.

APPLICATION FOR CERTIFICATION
AS A QUALIFIED SMALL BUSINESS
Pursuant to Minnesota Statutes,
section 290.069, subdivision 1

Department of Energy and Economic Development

Date of application: _____

Name of business: _____

Address of business: _____

Primary purpose of business: _____

I _____ affirm that I am the _____ of the above named business entity and affirm:

1. that the above named business entity is organized for profit;

2. that the above named business entity has 20 or fewer employees and less than $1,000,000 in gross annual receipts;

3. that the above named business entity is not a subsidiary or affiliate of a business with more than 20 employees or with total gross receipts for the previous year of more than $1,000,000, as computed by aggregating all the employees and all the gross receipts of the business entities affiliated with the business;

4. that the above named business entity has its commercial domicile in this state;

5. that the above named business entity does not derive more than 20 percent of its gross receipts from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities; and

6. that the above named business entity is not engaged in a trade or business, the primary purpose of which is described in section 103(b)(6)(0) of the Internal Revenue Code of 1954, as amended through January 15, 1984.

Notary Seal

Signature: _____

Date: _____

Energy and Economic Development Authority

Proposed Rules Governing the Minnesota Energy and Economic Development Authority and Repealing Parts 8300.0200 and 8300.0700

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Energy and Economic Development Authority proposes to adopt the above-entitled rules without a public hearing. The Minnesota Energy and Economic Development Authority has determined that the proposed adoption of these rules will be non-controversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days 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 rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13 to 14.20 (1982). If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language and the reasons or data relied on to support the suggested modifications is desired.

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

Minnesota Energy and Economic Development Authority
Attention: Edward J. Meyer, Jr.
980 American Center Building
St. Paul, Minnesota 55101
612/297-3547

Authority for adoption of these rules is contained in Minnesota Statutes 116J.91, subd. 4 (1982). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Minnesota Energy and Economic Development Authority, attention: Edward J. Meyer, Jr., 480 Cedar Street, 1st Floor Hanover Building, St. Paul, Minnesota 55101.

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. Meyer.

You are hereby advised, pursuant to Minn. Laws of 1983, ch. 188, Small Business Considerations in Rulemaking, that the proposed rule amendments will have a beneficial impact on some small businesses in Minnesota. Minn. Laws 1983 ch. 289 reorganized the Small Business Finance Agency into the Minnesota Energy and Economic Development Authority. The Authority manages several loan programs and is able to help qualified small businesses through loan guarantees or outright loans. These amendments bring the rules into compliance with that statute and reflect the broader range of assistance the Authority is able to provide.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting the Minnesota Energy and Economic Development Authority.

Mark B. Dayton
Chairman, Minnesota Energy and
Economic Development Authority

Rules as Proposed

8300.0100 DEFINITIONS.

Subpart 1. Statutory definitions. The terms defined in Minnesota Statutes ~~1980~~, section ~~362.50~~ 116J.88 have the same meanings when used in ~~these rules~~ chapter 8300 as ascribed to them in the act.

Subp. 2. Act. "Act" means Laws of Minnesota 1980, chapter 547, as now in effect and as amended from time to time.

Subp. 2a. Applicant. "Applicant" means a person, partnership, firm, corporation, or association that applies to the authority for financial assistance.

Subp. 2b. Authority. "Authority" means the energy and economic development authority, formerly known as the small business finance agency.

Subp. 3. Commissioner. "Commissioner" means the commissioner of energy and economic development or his or her designee.

Subp. 4. ~~Executive director.~~ ~~"Executive director" means the executive director of the agency designated by the commissioner~~ **Financial Assistance.** "Financial assistance" means loans, loan guarantees or insurance, and any other use of funds permitted by the act.

Subp. 5. Members. "Members" means the commissioner and those persons appointed to the ~~agency pursuant to Minnesota Statutes 1980, section 362.51, subdivision 8~~ authority under Minnesota Statutes, section 116J.89.

8300.0300 REGULAR MEETINGS.

Regular meetings of the ~~agency~~ authority shall be held on the ~~third~~ fourth Wednesday of each month at 3:00 p.m. at the offices of the ~~agency~~ authority in St. Paul, Minnesota, unless another place of meeting is designated by resolution. ~~In the event such~~ If this date ~~shall fall~~ falls on a legal holiday, the regular meeting shall be held on the next succeeding business day.

8300.0400 SPECIAL MEETINGS.

Special meetings of the ~~agency~~ authority may be called upon reasonable notice to all members by the chairperson or by a majority of the existing members of the ~~agency~~ authority, for the purpose of transacting any business designated in the notice,

and shall be held at the business offices of the ~~agency~~ authority in St. Paul, Minnesota, unless another place of meeting is designated by resolution. At ~~any such~~ a special meeting, no business ~~shall~~ may be considered other than as designated in the notice~~; provided, however, that if~~ unless all of the members of the ~~agency~~ authority are present at ~~such~~ the special meeting~~, this limitation shall not apply~~.

8300.0500 PUBLIC APPEARANCES AT MEETINGS OF MEMBERS.

The following procedures shall govern public appearances at meetings of the members:

A. With respect to regular meetings, the ~~executive director~~ commissioner shall complete the agenda for meetings of the members not less than five nor more than seven days prior to the date of ~~any such~~ the meeting.

B. With respect to regular meetings, any person who desires to appear and address the members shall make a written request to the ~~executive director, with a copy to the chairperson~~ commissioner, at least ten days prior to the date of the meeting, setting forth the nature of the matter about which ~~such~~ the person wishes to appear.

C. With respect to regular or special meetings, any person who desires to appear and address the members with respect to any matter enumerated on the agenda shall make a written request to the ~~executive director, with a copy to the chairperson~~ commissioner, at least 24 hours before the meeting.

D. Any member may at any time request that a person be permitted to appear and address the members at any regular or special meeting. All ~~such~~ requests ~~shall~~ must be placed on the agenda for review by the members at the meeting. A majority vote of the members present ~~shall be~~ is required ~~in order~~ to grant ~~any such~~ a request to address the members.

8300.0600 MISREPRESENTATION OF APPLICATION INFORMATION.

~~The agency may forthwith reject any application, whether or not previously approved, may revoke any preliminary or final resolution prior to sale of the bonds approved thereby, or may refuse to close any loan in the event that any information provided to the agency by the owner contains a material misrepresentation or omission. Each applicant shall have an affirmative duty and obligation to update and correct all information provided to the agency.~~

Subpart 1. Affirmative duty. An applicant or financial institution has an affirmative duty and obligation to update and correct all information provided to the authority.

Supb. 2. Authority's action. If information provided to the authority by either the applicant or the financial institution contains a material misrepresentation or omission, the authority may:

1. reject an application whether or not previously approved;

2. refuse to provide financial assistance;

3. make financial assistance provided by it immediately due and payable; or

4. revoke any preliminary or final resolution prior to the provision of financial assistance or prior to the sale of the bonds approved by it.

POLLUTION CONTROL ~~LOANS~~ FINANCIAL ASSISTANCE

8300.1000 UNIFORM POLLUTION CONTROL ~~LOAN~~ FINANCIAL ASSISTANCE APPLICATION FORMS.

The ~~executive director~~ commissioner shall prepare uniform ~~loan~~ financial assistance application forms for ~~use by the public~~ each program of the authority setting forth the information necessary for the determination of probable eligibility for ~~a~~ pollution control ~~loan guaranteed or to be guaranteed as a full faith and credit obligation of the United States, by the United States Small Business Administration, or by another agency or instrumentality of the United States to which the same or similar power may be granted~~ financial assistance. All forms ~~shall~~ must be submitted to the members for their review at a regular or special meeting and ~~shall~~ become effective only upon the approving vote of the members.

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8300.1100 ACCEPTANCE OF POLLUTION CONTROL FINANCIAL ASSISTANCE APPLICATIONS.

In determining whether to accept applications for pollution control ~~loans~~ financial assistance, the members shall examine the following facts:

A. the probable eligibility of the pollution control ~~loan~~ financial assistance for a federal guarantee;

B. the nature of the pollution control facilities to be financed with the ~~loan~~ financial assistance;

C. the location of the proposed facilities;

D. the availability of bonding authority under the act; and

E. the extent to which the ~~loan~~ financial assistance will assist and encourage the establishment, maintenance, and growth of small business in Minnesota and reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small business.

8300.1200 AUTHORIZATION OF ~~LOANS~~ POLLUTION CONTROL FINANCIAL ASSISTANCE.

No pollution control ~~loan shall~~ financial assistance may be ~~made~~ authorized until the members of the ~~agency~~ authority have received and reviewed the recommendation of the ~~executive director~~ commissioner relating to the ~~loan~~ financial assistance, and until the members have adopted a resolution approving the ~~loan, which resolution shall include, at a minimum:~~

~~A. a determination that the loan has been approved for a federal guarantee, as a full faith and credit obligation of the United States, by the United States Small Business Administration, or by another agency or instrumentality of the United States to which the same or similar power may be granted; and~~

~~B.~~ financial assistance. If the authority intends to fund the financial assistance by issuing bonds or bond anticipation notes, the resolution must include a statement that the obligation of the ~~agency~~ authority to ~~make such loans~~ provide financial assistance is contingent on the ability of the ~~agency~~ authority to sell its bonds or bond anticipation notes, on terms which the members of the ~~agency~~ authority, in their sole discretion, deem acceptable. The resolution may include other conditions and provisions as the authority in its sole discretion deems advisable for prudent financial management of authority financial assistance.

BUSINESS ~~LOANS~~ FINANCIAL ASSISTANCE

8300.1500 OVERVIEW OF PROCEDURE FOR APPROVAL OF BUSINESS ~~LOANS~~ FINANCIAL ASSISTANCE.

Subpart 1. Owner's duty. To be eligible for a business ~~loan~~ financial assistance, an owner shall make an application for ~~a business loan pursuant to~~ business financial assistance under parts 8300.1600 to 8300.1900 on approved application forms of the ~~agency~~ authority.

Subp. 2. Executive director's Commissioner's duty. The ~~executive director~~ commissioner shall process the application in accordance with the procedures and limitations set out in parts 8300.1600 to 8300.1900. The criteria the ~~executive director~~ commissioner shall use in approving an application for processing are set out in parts 8300.1600 to 8300.1900.

Subp. 3. Agency's duties. Upon the determination by the ~~executive director~~ commissioner that the business ~~loan~~ financial assistance requested meets the eligibility requirements of parts 8300.1600 to 8300.1900, the ~~agency~~ authority shall determine ~~pursuant to~~ under parts 8300.2100 and 8300.2200 if the ~~agency~~ authority intends to fund the requested business ~~loan~~ financial assistance subject to final authorization by the ~~agency~~ authority.

Subp. 4. Resolution to approve loan financial assistance. Upon the determination by the ~~agency~~ authority that the ~~loan~~ financial assistance requested ~~pursuant to~~ in an application which has been accepted for processing can and should be funded, the ~~agency~~ authority shall adopt a resolution approving ~~such loan, which~~ the financial assistance. If the authority intends to fund the financial assistance by issuing bonds, the resolution ~~shall~~ must include a provision that the obligation of the ~~agency~~ authority to ~~make the loan~~ provide the financial assistance is contingent on the ability of the ~~agency~~ authority to sell its bonds on terms which the ~~agency~~ authority, in its sole discretion, deems acceptable. In addition, ~~any such~~ a resolution may contain ~~such~~ other provisions and conditions as the ~~agency~~ authority, in its sole discretion, deems advisable.

8300.1600 APPLICATION PROCEDURES.

Subpart 1. Submission of application. The owner shall submit to the ~~agency~~ authority copies of the completed application upon the forms provided by the ~~agency~~ authority.

Subp. 2. Incomplete applications. Application ~~shall be~~ is deemed to have been made ~~upon receipt by the agency of~~ when the authority receives a completed application with all required documentation and exhibits, together with the required fee specified

in the application forms. ~~In the event that~~ If an incomplete application is received, the ~~executive director~~ commisssioner shall notify the applicant specifying the deficiencies. The applicant ~~shall have~~ has 60 days from the date of the ~~executive director's~~ commissioner's notification to complete ~~such~~ the application. If the application is not completed within 60 days, the application ~~shall be~~ is deemed to be rejected and the applicant ~~must~~ shall reapply to be further considered. ~~In the event the executive~~ director If the commissioner is able to determine from the information submitted on an incomplete application that the applicant is not an owner or the proceeds of the requested business ~~loan~~ financial assistance are intended to finance expenditures not permitted under the act, the ~~executive director~~ commissioner shall reject the application and so notify the applicant.

Subp. 3. Review by executive director commissioner. Upon receiving a completed application, the ~~executive director~~ commissioner shall review the application and shall make a determination as to whether the applicant is an owner as defined in the act or the proceeds of the requested business ~~loan~~ financial assistance are intended to finance expenditures permitted under the act.

8300.1700 CAPITAL EXPENDITURES ELIGIBLE FOR FUNDING FINANCIAL ASSISTANCE.

Costs eligible for funding are the ~~capital~~ expenditures set forth in the act, including but not limited to the following:

A. land and/or building acquisition costs;

B. site preparation;

C. construction costs;

D. engineering costs;

E. equipment and/or machinery;

F. bond issuance costs;

G. underwriting or placement fees;

H. ~~initial~~ trustee's fee;

I. ~~initial fee~~ fees of guarantor ~~or insuror, if applicable, fees or insurance contracts, letters of credit, municipal bond insurance, and surety bonds;~~

~~J. Small Business Administration processing and administration fee, if applicable;~~

~~K. Minnesota Small Business Finance Agency~~ authority fee and administrative costs and expenses;

L. certain contingency costs;

M. interest costs during construction; ~~and~~

N. legal fees, including those of ~~agency's~~ authority's bond counsel; and

O. short-term costs of conducting an eligible small business.

8300.1800 NOTIFICATION OF APPROVAL OR DISAPPROVAL OF APPLICATION.

After approving or disapproving an application, the ~~executive director~~ commissioner shall notify the applicant of the determination and the treatment of the application as follows:

A. If the ~~executive director~~ commissioner determines that the applicant is an owner as defined in the act and that the costs specified in the application are eligible ~~for funding~~, the application ~~shall~~ is then ~~be~~ deemed accepted for processing and treated in accordance with the ~~agency~~ authority review provisions established in parts 8300.2100 and 8300.2200.

B. If the ~~executive director~~ commissioner determines that the applicant is not an owner as defined in the act, the application ~~shall~~ must be rejected and not further considered.

C. If the ~~executive director~~ commissioner determines that any of the costs described in the application are not eligible for ~~funding~~ financial assistance, the ~~executive director~~ commissioner shall note the deficiencies in the application and shall so notify the owner. The owner ~~shall have~~ has 30 days from the date of the ~~executive director's~~ commissioner's notification to amend the application. ~~In the event~~ if the application is amended in a timely fashion to include only eligible costs, it ~~shall~~ must

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be treated in accordance with the ~~agency~~ authority review provisions established in parts 8300.2100 and 8300.2200. If the application is not properly amended within 30 days, the application ~~shall be~~ is deemed rejected and not further considered.

8300.1900 REVIEW OF REJECTED APPLICATION.

~~In the event that~~ If an application is rejected for processing ~~pursuant to~~ under part 8300.1800, item B or C, the applicant may, within 30 days after date of the notification by the ~~executive director~~ commissioner, request the ~~executive director~~ commissioner to submit the ~~determination~~ rejected application to the ~~agency~~ authority for review at the next regularly scheduled meeting of the ~~agency~~ authority for which the agenda has not been established. If the ~~agency~~ authority approves the application, the application ~~shall~~ must be treated in accordance with parts 8300.2100 and 8300.2200.

8300.2000 UNIFORM BUSINESS ~~LOAN~~ FINANCIAL ASSISTANCE APPLICATION FORMS.

The ~~executive director~~ commissioner shall prepare uniform ~~loan~~ financial assistance application forms for use by the public setting forth the information necessary for the determination of eligibility for a business ~~loan pursuant to~~ financial assistance under the act and ~~these rules~~ this chapter.

8300.2100 EVALUATION PROCEDURE.

Applications approved for processing by the ~~executive director shall~~ commissioner must be presented to the ~~agency~~ authority for approval or disapproval. If the ~~agency~~ authority disapproves the application, the ~~executive director~~ commissioner shall so notify the applicant. If the ~~agency~~ authority approves the business ~~loan for funding~~ financial assistance it shall ~~forthwith~~ pass a ~~preliminary~~ resolution giving ~~preliminary~~ approval to the project to be financed ~~from the loan proceeds~~ and stating the name of the owner, a brief description of the project, ~~and~~ the amount of the ~~loan~~ financial assistance, and other provisions as the authority in its sole discretion deems advisable for prudent financial management of authority financial assistance. The authority shall first pass a preliminary resolution if the authority intends to fund the financial assistance by issuing bonds. ~~Such a~~ The preliminary resolution ~~shall~~ must not obligate the ~~agency~~ authority to issue bonds or to fund ~~any loan~~ financial assistance, but ~~shall~~ must only constitute an expression of current intention of the ~~agency~~ authority to issue ~~such~~ bonds or to fund ~~such a loan~~ the financial assistance. The preliminary resolution may contain a time limit with respect to the issuance of the bonds, may be revoked or amended by the ~~agency~~ authority at any time prior to the final resolution of the ~~agency~~ authority without liability to the ~~agency~~ authority, and may imopse any conditions or requirements which the ~~agency~~ authority deems desirable. The ~~executive director~~ commissioner shall ~~forthwith~~ notify the applicant of the ~~agency's~~ authority's approval adn furnish to the applicant a copy of the preliminary resolution.

8300.200 FACTORS TO CONSIDER IN EVALUATION PROCEDURE.

The ~~agency~~ authority shall review and consider approval of an application for a business ~~loan~~ financial assistance, on the basis of effectuating the purposes of the act, ~~including determinations~~ regarding the following:

A. that the applicant is an owner as defined in the act;

B. that the small business reasonably can be expected to maintain a sound financial condition and to retire the principal and pay the interest on the ~~loan~~ financial assistance made or guaranteed in accordance with the terms of the ~~loan~~ financial assistance agreement;

C. that the project is economically feasible with a reasonable expectation that the life of its economic feasibility will exceed the maturity of the loan or duration of financial assistance, as appropriate;

D. that the project will create or maintain a sufficient number and type of jobs to justify ~~agency~~ authority participation in its financing;

E. that the ~~project~~ project's feasibility is sufficient to allow the ~~agency~~ authority to sell the bonds if any required for its financing;

F. that the project and its development are economically advantageous to the state, that the provision to meet increased demand upon public facilities as a result of the project is reasonably assured, and that energy sources to support the successful operation of the project are adequate;

G. that if the project shall have the effect of a transfer of employment from one area of this state to another the ~~agency~~ authority determines that the project is economically advantageous to the state or that the project is necessary to the continued operation of the business enterprise within the state; and

H. that the project will assist in fulfilling the purposes of the act.

Repealer. Parts 8300.0200 and 8300.0700 are repealed.

Environmental Quality Board

Proposed Adoption of Rules Governing Operating Procedures for Conduct of Business of the Environmental Quality Board

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Environmental Quality Board proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of the rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21-14.28 (1982/Supp. 1983).

Minnesota Statute section 116C.04, subd. 5 (1982) establishes the authority for the Environmental Quality Board to adopt rules governing its own administration and procedures. A statement of need and reasonableness that describes the need for and reasonableness of the proposed rules has been prepared and is available for inspection by the public during regular business hours or a copy may be provided upon request to the address below.

Persons interested shall have 30 days 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 Board and do not result in a substantial change in the proposed language.

Unless seven (7) or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the Board will proceed according to the provisions of Minnesota Statutes 14.13-14.20 (1982/Supp. 1983). While not required, it would be helpful to the Board if persons requesting a public hearing identify the particular provisions objected to, the suggested modifications to the proposed rules, and the reasons or data relied on to support the suggested modifications.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule 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 rule as proposed for adoption, should submit a written request to the address below.

A copy of the proposed rules follows this notice. Additional copies may be obtained at the address below.

Persons who wish to submit comments or a written request for a public hearing, or who wish to receive a copy of the final rule or to be informed when the rule is submitted to the Attorney General, should submit comments or requests to:

Shirley M. Dougherty
Environmental Quality Board
Room 110, Capitol Square Building
St. Paul, MN 55101
(612) 296-2723

Rules as Proposed (all new material)

4405.0100 DEFINITIONS.

Subpart 1. Scope. For the purpose of this chapter, the following terms have the meanings given them.

Subp. 2. Agency. "Agency" means a member agency of the board as defined in Minnesota Statutes, section 116C.03, subdivision 2.

Subp. 3. Board. "Board" means the Minnesota Environmental Quality Board.

Subp. 4. Chairperson. "Chairperson" means the person designated in Minnesota Statutes, section 116C.03, subdivision 3a to chair board meetings and perform duties as designated in Minnesota Statutes, chapters 116C and 116D, or as directed by the board or by rules adopted by the board.

Subp. 5. Contested case. "Contested case" means a proceeding as defined in Minnesota Statutes, section 14.02, subdivision 3 and conducted in accordance with Minnesota Statutes, sections 14.57 to 14.62 and parts 1400.5200 to 1400.8500.

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Subp. 6. EQB Monitor. "EQB Monitor" means the publication of the board which contains notices required under Minnesota Statutes, chapters 116C and 116D or under rules adopted by the board and of other relevant information.

Subp. 7. Hearing. "Hearing" means a fact-finding proceeding held under Minnesota Statutes, chapters 116C and 116D and rules adopted under these chapters or any other fact-finding proceeding authorized by the board which is not conducted under Minnesota Statutes, chapter 14.

Subp. 8. Hearing examiner. "Hearing examiner" means the person or persons assigned by the chief hearing examiner under Minnesota Statutes, section 14.50.

Subp. 9. Interested persons. "Interested persons" means those persons who have expressed interest in receiving notice of all board meetings or those persons who have expressed interest in a specific project or action of the board.

Subp. 10. Party. "Party" means any person whose legal rights, duties, or privileges may be determined in a contested case or board hearing and any person who has intervened in a contested case or hearing.

Subp. 11. Person. "Person" means a natural person, state, municipality, or other governmental unit or political subdivision or other agency or instrumentality, a public or private corporation, partnership, firm, association, or other organization, receiver, trustee, assignee, agent, or other legal representative of the foregoing, and any other entity.

Subp. 12. Presiding officer. "Presiding officer" means the person who chairs the board meeting in the absence of both the chairperson and vice chairperson.

Subp. 13. Quorum. "Quorum" means a majority of the permanent members of the board as established under Minnesota Statutes, section 116C.03, subdivision 2, excluding vacancies.

Subp. 14. Regular meeting. "Regular meeting" means the board meeting regularly scheduled for the third Thursday of each month.

Subp. 15. Service; serve. "Service" or "serve" means personal service or, unless otherwise provided by law, service by first class United States mail, postage prepaid, and addressed to the party at the last known address. Service by mail is complete upon the placing of the item to be served in the mail. Agencies of the state of Minnesota may also serve by depositing the item with central mailing section, Department of Administration.

Subp. 16. Southern Minnesota Rivers Basin Council. "Southern Minnesota Rivers Basin Council" means the council as defined in Minnesota Statutes, section 116C.82, subdivision 2.

Subp. 17. Special meeting. "Special meeting" means meetings of the board other than the regular meetings.

Subp. 18. Subcommittee. "Subcommittee" means a group of board members, less than a quorum, authorized by the board to accomplish a specific objective.

Subp. 19. Task force. "Task force" means a group of individuals authorized by the board to accomplish a specific objective.

Subp. 20. Technical representative. "Technical representative" means a designated representative of an agency member of the board.

Subp. 21. Vice chairperson. "Vice chairperson" means the person elected by the board to serve as chairperson in the absence of the chairperson.

4405.0200 STATUTORY AUTHORITY.

Chapter 4405 is adopted under authority granted in Minnesota Statutes, sections 14.06, and 116C.04, subdivision 5.

4405.0300 DUTY OF CANDOR.

Subpart 1. Duty. In all formal or informal negotiations, communications, proceedings, and other dealings between any person and any member, employee, or agent of the board, it is the duty of each person and each member, employee, or agent of the board to act in good faith and with complete truthfulness, accuracy, disclosure, and candor.

Subp. 2. Violation. The board may deny, suspend, or revoke a permit, certificate, or approval issued by the board if the person seeking or holding the permit, certificate, or approval makes a material misstatement, act, or omission with respect to the permit, certificate, or approval that results in a breach of the duty of candor.

Subp. 3. Imposition of sanctions. In a case of an alleged violation of the duty of candor in which the board seeks to deny, suspend, or revoke a permit, certificate, or approval issued or granted by the board, a contested case hearing must be held to determine whether a violation of the duty of candor has occurred.

4405.0400 EX PARTE COMMUNICATION.

No party to a matter for which a hearing, a contested case, or rulemaking proceeding under Minnesota Statutes, chapter 14 has been ordered by the board may communicate with a board member concerning the matter except in writing, or orally as part

of a presentation at a board meeting. Copies of any written communication must be sent to all parties to the matter and to all board members.

4405.0500 BOARD OFFICERS AND DUTIES.

Subpart 1. Chairperson. The chairperson shall preside at board meetings and perform other duties as assigned under law, rule, or as directed by the board.

Subp. 2. Vice chairperson. At its first meeting in February of each year, the board shall elect a member to serve as vice chairperson. In the absence or disability of the chairperson, the vice chairperson shall preside at board meetings and perform the other duties of the chairperson.

Subp. 3. Presiding officer. At a board meeting, if both the chairperson and vice chairperson are absent or are abstaining from discussing or voting on a matter, the board shall elect a presiding officer who shall serve only for that meeting or until either the chairperson or vice chairperson is available to chair the meeting.

4405.0600 BOARD MEETING PROCEDURES.

Subpart 1. Decisions at open meetings. All regular and special board meetings, and board-authorized subcommittee and task force meetings, must be open to the public. All board decisions must be made at open meetings.

Subp. 2. Posting of meeting notices. All notices of regular and special board meetings and meetings of board subcommittees and task forces must be posted in a conspicuous place in the board offices.

Subp. 3. Notice of regular meetings. The chairperson shall designate the time and place of each regular meeting. At least ten calendar days prior to a regular meeting, written notice of the time, place, and matters to be considered must be posted and served on all board members, technical representatives, interested persons, and each party to a matter being considered at the meeting. Notice of the meeting must be published in the EQB Monitor prior to the meeting. The chairperson may direct that any regular meeting be rescheduled. Written notice of a rescheduled regular meeting shall be given in the manner described in subpart 4.

Subp. 4. Notice of special meetings. The chairperson, vice chairperson, or a majority of the board members may call a special meeting when deemed necessary or desirable. At least three calendar days prior to a special meeting, written notice of the time, place, and matters to be considered must be posted and served on board members, technical representatives, interested persons, and each party to a matter being considered at the meeting.

Subp. 5. Agenda preparation. The chairperson shall prepare a proposed agenda of business to be conducted for all meetings of the board. The agenda must include the time and place of the meeting and a list of all matters to be considered. Items may be placed on the agenda by notifying the chairperson of the matter at least 14 calendar days prior to a regular meeting. The chairperson shall determine whether or not a matter should be placed on the agenda and shall advise the board of all matters not placed on the agenda. A copy of an agenda constitutes written notice of board meetings when served as required in subparts 3 and 4.

Subp. 6. Filing of written material. Written material related to a matter to be decided by the board at a regular meeting must be served on all parties and 14 copies delivered to the board offices at least seven calendar days before a regular meeting. Written material related to a matter to be decided at a special meeting must be personally served on all parties, board members, and at the board offices at least two calendar days before the special meeting. The chairperson may grant an extension of time or allow the submission of fewer copies due to time constraints or economic hardship.

Subp. 7. Quorum. A quorum must be present for transaction of board business.

Subp. 8. Parliamentary procedure. Except as specifically provided under statute or these parts, the most current revision o Roberts Rules of Order Revised governs any question of parliamentary procedure that arises at a board meeting.

Subp. 9. Adoption of agenda. The first order of business at the meeting must be adoption of the agenda, which may be amended or modified by the board prior to taking up other business. No matter may be voted upon at a regular or special board meeting unless it has been placed on the agenda as required under subparts 4 and 5. Discussion or informational items for which no decision will be made at the meeting may be added to the agenda at the meeting.

Subp. 10. Public forum. The chairperson may include a portion of time on each regular meeting agenda for persons to present

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statements on matters which are within the board's jurisdiction but are not on the agenda. The chairperson shall determine the limits of time and the relevancy of the statement to the board's jurisdiction.

Subp. 11. Argument and presentations. A person who wishes to present a statement on a matter that is on the agenda for the meeting shall be allowed to present statements to the board at the meeting; provided, however, that all written supporting materials must be filed as required under subpart 6. If the board determines that a person affected by an oral or written statement has not had adequate opportunity to respond, the board shall allow additional time to respond.

The chairperson shall determine the limits of time and the relevancy of discussion or debate on any matter before the board.

Subp. 12. Voting. An affirmative vote of a majority of all members of the board is necessary to take action, including the adoption, amendment, or repeal of rules and orders. All members present, including the chairperson, shall vote or abstain on every matter presented for board action.

When computing a majority of all members of the board, absences or abstentions must be included and vacancies must be excluded.

Unless otherwise provided by law or rule, whenever a motion for final adoption of a decision, resolution, or other action fails to receive the vote required and no contrary motion for final adoption has received the required vote, no action may be taken and the matter must be placed on the agenda of the next regular meeting or a special meeting without need for a determination to reopen, rehear, or otherwise reconsider the matter.

Subp. 13. Record of meetings. The board shall keep full and accurate minutes of all meetings, including a record of all votes of individual members.

Subp. 14. Notice of decisions. Following each regular or special meeting, a copy of all decisions or resolutions adopted by the board must be served on all parties to an action. Notice of board decisions must be published in the EQB Monitor.

4405.0700 SOUTHERN MINNESOTA RIVERS BASIN COUNCIL.

Subpart 1. Recommendations. Recommendations from the council must be submitted to the board. Minority recommendations on an issue may also be submitted. Recommendations must be submitted as required under part 4405.0600, subpart 6.

Subp. 2. Meetings. All meetings of the council are open to the public. Notice of time, place, and matters to be considered must be posted as established in part 4405.0600, subpart 2.

4405.0800 BOARD SUBCOMMITTEES; TASK FORCES.

Subpart 1. Establishment. The board may establish citizen or interdepartmental task forces or subcommittees to aid in performing its duties. The board shall specify the charge, duration, size, membership, meeting notice requirements, and other procedures to be followed for each group. The board may specify a chairperson for each task force or subcommittee.

Subp. 2. Purpose. Task forces and subcommittees shall advise the board on matters for which the board has charged them responsible.

Subp. 3. Recommendations. Recommendations from task forces and subcommittees must be submitted to the board. Minority recommendations on an issue may also be submitted. Recommendations must be submitted as required under part 4405.0600, subpart 6.

Subp. 4. Meetings. All meetings of subcommittees and task forces are open to the public. Notice of the time, place, and matters to be considered must be posted as established in part 4405.0600, subpart 2 and as specified in subpart 1.

4405.0900 EXCEPTIONS AND PROPOSED FINDINGS.

Subpart 1. Exceptions to report of hearing examiner. If a hearing examiner acting under contested case procedures in Minnesota Statutes, chapter 14 has submitted a report, and a party wishes to file exceptions to the report, a copy of the exceptions must be served on all parties and 14 copies of the exceptions must be filed with the chairperson within 14 calendar days after the availability of the report. The chairperson may grant an extension of time for filing exceptions, and may allow fewer copies to be submitted due to time constraints or economic hardship.

Subp. 2. Proposed findings in other than contested cases. If the board has conducted a hearing, parties to the proceeding may submit proposed findings and conclusions for the board's consideration. A copy of the proposed findings must be served on all parties and 14 copies must be filed within ten working days of the close of the record of the proceeding. The period for submitting proposed findings and conclusions and the number of copies required may be changed as set forth in subpart 1.

4405.1000 PARTIES.

Subpart 1. Contested cases. In proceedings conducted under Minnesota Statutes, chapter 14, parties have the rights and obligations specified in applicable rules established by the Office of Administrative Hearings.

Subp. 2. Hearings. In hearings not conducted under Minnesota Statutes, chapter 14, the chairperson shall identify as a party any person with direct responsibility for proposing or undertaking an action or study, or for obtaining approval of an action, plan, or a proposal. Other persons not named as parties may intervene to the extent provided in part 4405.1100.

Subp. 3. Rights and obligations. Rights and obligations of parties in proceedings not under chapter 14 include all rights of the public at large and:

A. the right to make motions pertinent to the matter under consideration;

B. the right to notice other than published notice of board decisions;

C. the right to present argument to the board;

D. the right to submit proposed findings and conclusions; and

E. the obligation to serve other parties with copies of documents or other writings filed with the board as required under part 4405.0600, subpart 6.

4405.1100 INTERVENTION.

Subpart 1. Contested cases. In proceedings conducted under Minnesota Statutes, chapter 14, persons desiring to intervene shall intervene in accordance with applicable rules established by the Office of Administrative Hearings.

Subp. 2. Hearings. In other hearings, persons desiring to intervene shall intervene by submitting a timely petition to intervene to the board and to all parties showing both the persons' interest in the matter, and the likelihood that this interest will not be adequately represented by existing parties. The chairperson shall determine the timeliness of the petition for each hearing based on circumstances at the time of filing. The chairperson of the board may grant permission to intervene. Intervenors have the rights and obligations accorded parties in matters before the board as established in this part. Intervention is not required before a person may submit evidence, make statements, or ask questions regarding matters before the board.

4405.1200 FINAL DECISIONS AND ORDERS.

Subpart 1. Decision. The board shall make all final decisions and orders in those matters for which a hearing, contested case, or rulemaking proceeding conducted under Minnesota Statutes, chapter 14 has been held. When required by law, the board's decision or order must be based solely on the record from the hearing. Nothing in this rule precludes argument concerning the application of law to matters of record.

Subp. 2. Findings and conclusions. The decision or order must be accompanied by a concise statement of the findings and conclusions upon each contested issue of fact necessary to the decision. If the proposed statements of findings and conclusions submitted to the board are not adopted, the board shall direct its staff to prepare additional findings and conclusions. Rejection of the proposed findings and conclusions is considered an interim decision. A final decision on the matter must be made after the board has adopted a statement of findings and conclusions. When the board or its staff has prepared proposed findings and conclusions, a copy must be served on all parties at least ten calendar days before the meeting at which the board intends to make its decision or order.

Subp. 3. Remand. The board may remand a matter to the hearing examiner for further proceedings if the board determines that the record is inadequate.

4405.1300 RECONSIDERATION AND REHEARING.

Subpart 1. Board right to reconsider and rehear. Under the procedures in this part, the board may reconsider or rehear a final decision. The right to reconsider or rehear under this part may be exercised unless it is lost by appeal or the granting of a writ or certiorari.

Subp. 2. Reconsideration. A board member or a party to a matter may request the board to reconsider a final decision by notifying the chairperson in writing within ten calendar days after the board meeting at which the final decision on a matter was made. The chairperson shall place the request for reconsideration on the agenda for the board meeting next following the meeting at which the decision was made. Absent a motion to reconsider by a board member at the board meeting next following the meeting at which the decision was made, the request for reconsideration is deemed to be denied.

Subp. 3. Obtaining a rehearing. At any time within ten calendar days after the board's final decision on a matter for which the board held a hearing or a contested case, a board member or a party to the matter may request a rehearing by filing with the

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chairperson in writing both a request for reconsideration and a petition for rehearing. The chairperson shall place the request for reconsideration and rehearing on the agenda for the board meeting next following the meeting at which the decision was made. The petition must contain the name, address, and telephone number of the petitioner; the board designation for the matter; and the reasons for the petition.

A petition for rehearing submitted after a final decision on the matter has been reached by the board may not be acted upon unless the board has first decided to reconsider its decision. Absent a motion by a board member to reconsider at the board meeting next following the board meeting at which the decision was made, the request for reconsideration and the petition for rehearing is deemed to be denied. The board shall grant or deny a petition for rehearing as part of the record of the decision. This petition must be granted upon a showing that there are irregularities in the hearing which affected the outcome of a hearing, errors of law, or that there is newly discovered material evidence of such importance it would have likely altered the outcome of the hearing. A rehearing petition must also be granted upon a showing of good cause for failure to have answered or appeared at the hearing.

A rehearing must be noticed and conducted in the same manner as the original hearing or contested case on a matter; provided that, in a contested case, the hearing examiner may permit service of the notice less than 30 days prior to the rehearing of a contested case.

Pollution Control Agency
Water Quality Division

Proposed Rules Governing Standards for the Protection of the Quality and Purity of the Waters of the State; and Proposed Rules Governing Classification of Waters of the State

Notice of Hearing

Notice is hereby given that on Monday, April 23, 1984, a public hearing on proposed amendments to 6 MCAR §§ 4.8014 and 4.8024 and the proposed repeal of 6 MCAR §§ 4.8015 and 4.8025 (commonly known as WPC 14, 15, 24, and 25 and to be codified in Minnesota Rules as Chapter 7050) will commence at 9:30 a.m. in the Board Room of the Minnesota Pollution Control Agency at 1935 W. County Road B-2, Roseville, Minnesota. The hearing will continue on additional days, if necessary, at times and places determined during the hearing. Also, the hearing will continue at the following times and locations:

1. Tuesday, April 24, 1984, 1:00 p.m. and 7:00 p.m.
   Friedel Building
   1200 South Broadway
   Rochester, Minnesota
2. Monday, April 30, 1984, 7:00 p.m.
   Building IL
   Room 219
   Southwest State College
   Marshall, Minnesota
3. Tuesday, May 1, 1984, 7:00 p.m.
   Department of Transportation
   1000 W. Highway 10
   Detroit Lakes, Minnesota
   (Use lower level entrance.)
4. Wednesday, May 2, 1984, 2:00 p.m. and 7:00 p.m.
   St. Louis County Courthouse
   Duluth, Minnesota

The hearing will be conducted by Hearing Examiner Allan Klein, Office of Administrative Hearings, 400 Summit Bank Building, 310 S. 4th Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7609.

WPC 14 and 15 establish standards and classifications for the intrastate and interstate waters of the state, respectively. WPC 24 and 25 classify the intrastate and interstate waters. Under the proposed amendments, the distinction between intrastate and

interstate waters will be eliminated. Standards and classifications for all waters will be included in WPC 14; all waters will be classified in WPC 24; WPC 15 and 25 will be repealed.

Aside from a clarifying change in the chromium water quality standard and the repeal of certain temperature standards in WPC 15, no other water quality standards are being proposed for change. Other standards, such as those for fecal coliform and dissolved oxygen, are not a subject of this hearing.

Under the proposed amendments a number of water classifications will be changed and updated. The list of trout streams and trout lakes, for example, will be updated. Some waters currently classified as 2C waters (rough fisheries) will be upgraded to 2B waters (gamefish). Seven new limited resource value water segments (Class 7 waters) are being proposed. Please take notice, however, that while WPC 24 is being revised in its entirety and WPC 25 is being repealed, most of the change in these rules is simply editorial and renumbering, and very few waters are being considered for reclassification. Specifically, the classification of the Mississippi River and Minnesota River in the Twin Ciites metropolitan area is not being proposed for reclassification and is not a subject of this hearing.

The Agency is proposing to amend the secondary treatment standards to change the 5-day biochemical oxygen demand (BOD_5) standard from total BOD_5 to carbonaceous BOD_5 and to widen slightly the acceptable pH range. Other secondary treatment standards are not proposed for modification.

The proposed amendments alos revise the Agency's provisions regarding nondegradation of waters. The proposed amendments specify certain waters that are designated outstanding resource value waters and provide for prohibition or strict control of new and expanded discharges to these waters. The proposed rule identifies certain outstanding resource value waters, including wild and scenic rivers, waters within the Boundary Waters Canoe Area Wilderness and Voyageurs National Park, Lake Superior, and others, and a procedure is proposed to establish additional outstanding resource value waters.

The Agency has determined, pursuant to Minn. Stat. § 14.11, subd. 1 (1982), that the changes being proposed to WPC 14, 15, 24, and 25 in this rulemaking hearing will not require local governmental bodies to incur additional expenses to comply with the amended rules, and, in fact, savings may be realized by some municipalities. However, in the future, if local governmental bodies propose discharges to outstanding resource value waters, expenses may result from these proposed amendments, but these expenses are uncertain and unknown at this time.

A free copy of the proposed amendments is available by contacting David Maschwitz, Division of Water Quality, Monitoring and Analysis, Minnesota Pollution Control Agency, Roseville, Minnesota 55113, telephone (612) 296-7238.

The Agency's authority to promulgate these rules is found in Minn. Stat. §§ 115.03 and 115.44 (1982).

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Agency and at the Office of 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 both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

At the hearing the Agency will introduce its statement of need and reasonableness and its exhibits. The statement of need and reasonableness and the exhibits will constitute the Agency's affirmative presentation in support of the proposed amendments. All interested or affected persons will then have an opportunity to participate by asking questions about the statement of need and reasonableness and by presenting oral and written comments about the proposed amendments. Comments are most helpful if the comments identify with particularity each provision of the proposed amendments that is supported or objected to and if the comments suggest specific alternative language to what is proposed and provide the reasons and data that support the proposed modifications.

Written comments may be submitted to the hearing examiner at any time up to five working days after the hearing ends, or for a longer period not to exceed twenty days after the hearing ends if ordered by the hearing examiner. Copies of the comments should also be submitted to the Agency.

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 (or resubmitted) to the Attorney General by the Agency.

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If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General).

This proceeding is governed by Minn. Stat. §§ 14.04-14.20 and 14.50 (1982) and by the rules of the Office of Administrative Hearings 9 MCAR §§ 2.101-2.113. Any person who has any questions about the procedure to be followed may contact the Hearing Examiner.

Please be advised that the items proposed for amendment are subject to change as a result of the rule hearing process. The Agency urges those who are interested to any extent in the proposed amendments, including those who support the amendments as proposed and do not want to see changes made, to participate in the hearing and make their view known.

Please be further advised that Minn. Stat. ch. 10A. requires each lobbyist to register with the State Ethical Practices Board within five working days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) 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 or her 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 or her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

March 5, 1984

Sandra S. Gardebring
Executive Director

Rules as Proposed

7050.0110 SCOPE.

~~The following classification, criteria, and standards of water and effluent quality and purity as hereby adopted and established shall apply to all intrastate waters of the state, notwithstanding any other intrastate water quality or effluent regulations of general or specific application, except that any more stringent water quality or effluent standards or prohibitions in the other applicable regulations are preserved.~~ Parts 7050.0130 to 7050.0220 apply to all waters of the state and include general provisions applicable to the maintenance of water quality; definitions of water use classes; standards for dischargers of sewage, industrial, and other wastes; and standards of quality and purity for specific water use classes. Other water quality rules of general or specific application that include any more stringent water quality or effluent standards or prohibitions are preserved.

7050.0130 DEFINITIONS.

The ~~term~~ terms "waters of the state," ~~for the purposes of this chapter shall be construed to mean intrastate waters as herein below defined, and the terms~~ "sewage," "industrial wastes," and "other wastes," as well as any other terms for which definitions are given in the Water Pollution Control statutes, as used herein have the meanings ascribed to them in Minnesota Statutes, sections 115.01 and 115.41, with the exception that disposal systems or treatment works operated under permit of the agency shall not be construed to be "waters of the state" ~~as the terms is used herein~~.

~~"Interstate waters" are defined as all rivers, lakes, and other waters that flow across or form part of state boundaries. All of the remaining designated waters of the state which do not meet the definition of interstate waters given above are to be construed herein as constituting "intrastate waters."~~

Other terms and abbreviations used herein which are not specifically defined in applicable federal or state law shall be construed in conformance with the context, and in relation to the applicable section of the statutes pertaining to the matter at hand, and current professional usage.

7050.0140 USES OF ~~INTRASTATE~~ WATERS OF THE STATE.

The classifications are listed separately in accordance with the need for ~~intrastate~~ water quality protection, considerations of best use in the interest of the public, and other considerations, as indicated in Minnesota Statutes, section 115.44. The classifications should not be construed to be an order of priority, nor considered to be exclusive or prohibitory of other beneficial uses.

7050.0150 ~~DESIGNATION~~ DETERMINATION OF COMPLIANCE.

In making tests or analyses of the ~~intrastate~~ waters of the state, sewage, industrial wastes, or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and of such type, number, and frequency as may be considered necessary by the agency from the viewpoint of adequately reflecting the condition of the ~~intrastate~~ waters, the composition of the effluents, and the effects of the pollutants upon the specified uses. Reasonable allowance will be made for dilution of the effluents, which are in compliance with part 7050.0210, subpart 6, following discharge into waters of the state. The agency by allowing dilution may consider the effect on all uses of the ~~intrastate~~ waters of the state into which the effluents are discharged. The extent of dilution allowed regarding any specific discharge shall not violate the applicable water quality standards. The samples shall be preserved and analyzed in accordance with procedures given in the 1971 edition of Standard Methods for the Examination of Water and Waste Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and any revision or amendments thereto. The agency may accept or may develop other methods, procedures, guidelines, or criteria for measuring, analyzing, and collecting samples.

7050.0170 NATURAL ~~INTRASTATE~~ WATER QUALITY.

The ~~intrastate~~ waters of the state may, in a state of nature, have some characteristics or properties approaching or exceeding the limits specified in the water quality standards. The standards shall be construed as limiting the addition of pollutants of human activity to those of natural origin, where such be present, so that in total the specified limiting concentrations will not be exceeded in the ~~intrastate~~ waters by reason of such controllable additions. Where the background level of the natural origin is reasonably definable and normally is higher than the specified standard the natural level may be used as the standard for controlling the addition of pollutants of human activity which are comparable in nature and significance with those of natural origin. The natural background level may be used instead of the specified water quality standard as a maximum limit of the addition of pollutants, in those instances where the natural level is lower than the specified standard and reasonable justification exists for preserving the quality to that found in a state of nature.

In the adoption of standards for individual ~~intrastate~~ waters of the state, the agency will be guided by the standards set forth herein but may make reasonable modifications of the same on the basis of evidence brought forth at a public hearing if it is shown to be desirable and in the public interest to to so in order to encourage the best use of the ~~intrastate~~ waters of the state or the lands bordering such ~~intrastate~~ waters.

7050.0180 NONDEGRADATION POLICY.

~~Waters which are of quality better than the established standards shall be maintained at high quality unless a determination is made by the agency that a change is justifiable as a result of necessary economic or social development and will not preclude appropriate beneficial present and future uses of the waters. Any project or development which would constitute a source of pollution to waters of the state shall be required to provide the best practicable control technology currently available not later than July 1, 1977, and the best available technology economically achievable not later than July 1, 1983, and any other applicable treatment standards as defined by and in accordance with the requirements of the Federal Water Pollution Control Act, United States Code, title 33, sections 1251 et. seq., as amended, in order to maintain high water quality and keep water pollution at a minimum. In implementing this policy, the administrator of the United States Environmental Protection Agency will be provided with such information as he requires to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.~~

Subpart 1. Policy. The agency recognizes that the maintenance of existing high quality in some waters of outstanding resource value to the state is essential to their function as exceptional recreational, cultural, aesthetic, or scientific resources. To preserve the value of these special waters, the agency will prohibit or stringently control new or expanded discharges to outstanding resource value waters.

Subp. 2. Definitions. For the purpose of this part, the following terms have the meanings given them:

A. "Outstanding resource value waters" are waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, the Mississippi River from Lake Itasca to the southerly boundary of Morrison County, and other waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution.

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B. "New discharge" means a discharge that was not in existence on the effective date of these amendments to chapter 7050.

C. "Expanded discharge" means a discharge that changes in volume, quality, location, or any other manner after the effective date of these amendments except that a change that results in reduced loading of pollutants is not considered an expanded discharge.

Subp. 3. Prohibited discharges. No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, or Department of Natural Resources designated scientific and natural areas, or to federal or state wild river segments.

Subp. 4. DNR designated scientific and natural areas. Department of Natural Resources designated scientific and natural areas include but are not limited to:

A. Boot Lake, Anoka County;

B. Kettle River in sections 15, 22, 23, T 41 N, R 20, Pine County;

C. Pennington Bog, Beltrami County;

D. Purvis Lake-Ober Foundation, St. Louis County;

E. Waters within the borders of Itasca Wilderness Sanctuary, Clearwater County;

F. Iron Spring Bog, Clearwater County;

G. Wolsfeld Woods, Hennepin County;

H. Green Water Lake, Becker County.

Subp. 5. State designated wild river segments. State designated wild river segments include but are not limited to:

A. Kettle River from dam at Sandstone to its confluence with the St. Croix River;

B. Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia.

Subp. 6. Restricted discharges. No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to Lake Superior, the Mississippi River from Lake Itasca to the southerly boundary of Morrison County, and federal or state designated scenic or recreational river segments unless there is no prudent and feasible alternative to the discharge. If a new or expanded discharge to these waters is permitted, the agency shall restrict the discharge as to duration, volume, and loading to the extent necessary to maintain future water quality within the range of natural background quality. Waters with a federal or state scenic or recreational designation include but are not limited to:

A. St. Croix River, entire length;

B. Cannon River from northern city limits of Faribault to its confluence with the Mississippi River;

C. North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line;

D. Kettle River from north Pine County line to dam at Sandstone;

E. Minnesota River from Lac qui Parle dam to Redwood County state aid highway 11;

F. Mississippi River from county state aid highway 7 bridge in St. Cloud to northwestern city limits of Anoka;

G. Rum River from state highway 27 bridge in Onamia to Madison and Rice Streets in Anoka.

Subp. 7. Unlisted outstanding resource value waters. The agency shall prohibit or stringently control new or expanded discharges to outstanding resource value waters not specified in subparts 3 to 6 to the extent that this stringent protection is necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an outstanding resource value water.

Subp. 8. Public hearing. The agency shall provide an opportunity for a hearing before identifying and establishing additional outstanding resource value waters, before determining the existence or lack of prudent and feasible alternatives under subpart 6, and before prohibiting or restricting new or expanded discharges to outstanding resource value waters under subparts 3, 6, and 7.

Subp. 9. **Impact from upstream discharges.** The agency shall require new or expanded discharges to waters that flow into outstanding resource value waters be controlled so as to assure no deterioration in the quality of the downstream outstanding resource value water.

Subp. 10. **Thermal discharges.** If a thermal discharge causes potential water quality impairment, the agency shall implement the nondegradation policy consistent with section 316 of the Clean Water Act.

7050.0190 VARIANCE FROM STANDARDS.

in any case where, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste, or other waste is necessary for the public health, safety, or welfare; and that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances; the agency in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purposes of these classifications and standards and the intent of the applicable state and federal laws. The United States Environmental Protection Agency will be advised of any permits which may be issued under this clause together with information as to the need therefor.

7050.0200 WATER USE CLASSIFICATIONS FOR INTRASTATE WATERS OF THE STATE.

Based on considerations of best usage in the interest of the public and in conformance with the requirements of the applicable statutes, the ~~intrastate~~ waters of the state shall be grouped into one or more of the following classes:

1. Domestic consumption ~~shall include~~ includes all ~~intrastate~~ waters of the state which are or may be used as a source of supply for drinking, culinary or food processing use or other domestic purposes, and for which quality control is or may be necessary to protect the public health, safety, or welfare.

2. Fisheries and recreation ~~shall include~~ includes all ~~intrastate~~ waters of the state which are or may be used for fishing, fish culture, bathing, or any other recreational purposes, and for which quality control is or may be necessary to protect aquatic or terrestrial life, or the public health, safety, or welfare.

3. Industrial consumption ~~shall include~~ includes all ~~intrastate~~ waters of the state which are or may be used as a source of supply for industrial process or cooling water, or any other industrial or commercial purposes, and for which quality control is or may be necessary to protect the public health, safety, or welfare.

4. Agriculture and wildlife ~~shall include~~ includes all ~~intrastate~~ waters of the state which are or may be used for any agriculture purposes, including stock watering and irrigation, or by waterfowl or other wildlife, and for which quality control is or may be necessary to protect terrestrial life or the public health, safety, or welfare.

5. Aesthetic enjoyment and navigation ~~and waste disposal shall include~~ includes all ~~intrastate~~ waters of the state which are or may be used for any form of water transportation or navigation, ~~disposal of sewage, industrial waste, or other waste effluents,~~ or fire prevention, and for which quality control is or may be necessary to protect the public health, safety, or welfare.

6. Other uses ~~shall include~~ includes all ~~intrastate~~ waters of the state which are or may serve the above listed uses or any other beneficial uses not listed herein, including without limitation any such uses in this or any other state, province, or nation of any ~~intrastate~~ waters flowing through or originating in this state, and for which quality control is or may be necessary for the above declared purposes, or to conform with the requirements of the legally constituted state or national agencies having jurisdiction over such ~~intrastate~~ waters, or any other considerations the agency may deem proper.

7. Limited resource value waters ~~shall include~~ includes surface waters of the state which are of limited value as a water resource and where water quantities are intermittent or less than one cubic foot per second at the once in ten year, seven-day low flow as defined in part 7050.0210, subpart 7. These waters shall be protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. It is the intent of the agency that very few waters be classified as limited resource value waters. In conjunction with those factors listed in Minnesota Statutes, section 115.44, subdivisions 2 and 3, the agency, in cooperation and agreement with the Department of Natural Resources with respect to determination of fisheries values and potential, shall determine the extent to which the waters of the state demonstrate the conditions set forth below:

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

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

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

Conditions "a" and "c" or "b" and "c" must be established by the agency water assessment procedure before the waters can be classified as limited resource value waters.

7050.0210 GENERAL STANDARDS ~~APPLICABLE TO INTRASTATE~~ FOR DISCHARGERS TO WATERS OF THE STATE.

Subpart 1. Untreated sewage. No untreated sewage shall be discharged into any ~~intrastate~~ waters of the state. Effective disinfection of any discharges, including combined flows of sewage and storm water, will be required where necessary to protect the specified uses of the ~~intrastate~~ waters of the state.

Subp. 2. Nuisance conditions prohibited. No sewage, industrial waste, or other wastes shall be discharged into any ~~intrastate~~ waters of the state so as to cause any nuisance conditions, such as the presence of significant amounts of floating solids, scum, oil slicks, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, or other offensive or harmful effects.

Subp. 3. Inadequate treatment ~~of existing discharges.~~ Existing discharges of inadequately treated sewage, industrial waste, or other wastes shall be abated, treated, or controlled so as to comply with the applicable standards. Separation of sanitary sewage from natural runoff may be required where necessary to ensure continuous effective treatment of sewage.

Subp. 4. Highest levels of water quality. The highest levels of water quality, including, but not limited to, dissolved oxygen, which are attainable in the ~~intrastate~~ waters of the state by continuous operation at their maximum capability of all primary and secondary units of treatment works or their equivalent discharging effluents into the ~~intrastate~~ waters of the state shall be maintained in order to enhance conditions for the specified uses.

Subp. 5. Mixing zones. Means for expediting mixing and dispersion of sewage, industrial waste, or other waste effluents in the receiving ~~intrastate~~ waters are to be provided so far as practicable when deemed necessary by the agency to maintain the quality of the receiving ~~intrastate~~ waters in accordance with applicable standards. Mixing zones must be established by the agency on an individual basis, with primary consideration being given to the following guidelines:

A. mixing zones in rivers shall permit an acceptable passageway for the movement of fish;

B. the total mixing zone or zones at any transect of the stream should contain no more than 25 percent of the cross sectional area and/or volume of flow of the stream, and should not extend over more than 50 percent of the width;

C. mixing zone characteristics shall not be lethal to aquatic organisms;

D. for contaminants other than heat, the 96-hour median tolerance limit for indigenous fish and fish food organisms should not be exceeded at any point in the mixing zone;

E. mixing zones should be as small as possible,and not intersect spawning or nursery areas, migratory routes, water intakes, nor mouths of rivers; and

F. overlapping of mixing zones should be minimized and measures taken to prevent adverse synergistic effects.

This ~~provision shall also apply~~ subpart applies in cases where a Class 7 water is tributary to a Class 2 water.

Subp. 6. Minimum secondary treatment. It is herein established that the agency shall require secondary treatment as a minimum for all municipal sewage and biodegradable industrial or other wastes to meet the adopted water quality standards. A comparable high degree of treatment or its equivalent also shall be required of all nonbiodegradable industrial or other wastes unless the discharger can demonstrate to the agency that a lesser degree of treatment or control will provide for water quality enhancement commensurate with present and proposed future water uses and a variance is granted under the provisions of the variance clause. Secondary treatment facilities are defined as works which will provide effective sedimentation, biochemical oxidation, and disinfection, or the equivalent, including effluents conforming to the following:

Substance or Characteristic	Limiting Concentration or Range*
5-Day Carbonaceous Biochemical Oxygen Demand*	25 milligrams per liter
Fecal coliform Group organisms . . .	200 organisms per 100 milliliters
Total suspended solids*	30 milligrams per liter

Oil	Essentially free of visible oil
Phosphorus**	1 milligram per liter
Turbidity	25
pH range	~~6.5~~ - ~~8.5~~ 6.0 - 9.0
Unspecified toxic or corrosive substances	None at levels acutely toxic to humans or other animals or plant life, or directly damaging to real property.

*The arithmetic mean for concentrations of five-day carbonaceous biochemical oxygen demand and total suspended solids shall not exceed the stated values in ~~a period of 30 consecutive days~~ any calendar month and 45 milligrams per liter in ~~a period of seven consecutive days~~ any calendar week.

** Where the discharge of effluent is directly to or affects a lake or reservoir~~.~~, removal of nutrients from all wastes shall be provided to the fullest practicable extent wherever sources of nutrients are considered to be acutally or potentially detrimental to preservation or enhancement of the designated water uses.

**Disinfection of wastewater effluents to reduce the levels of fecal coliform organisms to the stated value is required from March 1 through October 31 (Class 2 waters) and May 1 through October 31 (Class 7 waters) except that where the effluent is discharged 25 miles or less upstream of a water intake supplying a potable water system, the reduction to the stated value is required year around. The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of five samples, nor shall more than ten percent of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. The application of the fecal coliform group organism standards shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms, or viable pathogenic organisms in such wastes is known or reasonably certain. Analysis of samples for fecal coliform group organisms by either the multiple tube fermentation or the membrane filter techniques is acceptable.

Subp. 6a. **Other requirements preserved.** The requirements of this ~~rule~~ chapter and specifically the requirement of secondary treatment as stated above ~~shall be~~ are in addition to any requirement imposed on a discharge by the Clean Water Act, United States Code, title 33, sections 1251 et seq., and its implementing regulations. In the case of a conflict between the requirements of parts 7050.0100 to 7050.0220 and the requirements of the Clean Water Act or its implementing regulations, the more stringent requirement ~~shall be controlling~~ controls.

Subp. 7. **Minimum stream ~~flows~~ flow.** Dischargers of sewage, industrial waste, or other waste effluents shall be controlled so that the water quality standards will be maintained at all stream flows which are equal to or exceeded by 90 percent of the seven consecutive daily average flows of record (the lowest weekly flow with a once in ten-year recurrence interval) for the critical month(s). The period of record for determining the specific flow for the stated recurrence interval, where records are available, shall include at least the most recent ten years of record, including flow records obtained after establishment of flow regulation devices, if any. Such calculations shall not be applied to lakes and their embayments which have no comparable flow recurrence interval. Where stream flow records are not available, the flow may be estimated on the basis of available information on the watershed characteristics, precipitation, run-off, and other relevant data.

Allowance shall not be made in the design of treatment works for low stream flow augmentation unless such flow augmentation of minimum flow is dependable and controlled under applicable laws or regulations.

Subp. 8. ~~Specific standards interpreted as effluent standards in certain cases~~ **Advanced wastewater treatment.** In any instance where it is evident that the minimal treatment specified in subpart 6 and dispersion are not effective in preventing pollution, or if at the applicable flows it is evident that the specified stream flow is inadequate to protect the specified water quality standards, the specific standards may be interpreted as effluent standards for control purposes. In addition, the following effluent standards may be applied without any allowance for dilution where stream flow or other factors are such as to prevent adequate dilution, or where it is otherwise necessary to protect the ~~intrastate~~ waters of the state for the state uses:

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Item*	Limits**
5-day Carbonaceous Biochemical Oxygen Demand	5 milligrams per liter (arithmetic mean of all samples taken during any calendar month)

*The concentrations specified in subpart 6 may be used in lieu thereof if the discharge of effluent is restricted to the spring flush or other high runoff periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge period. If treatment works are designed and constructed to meet the specified limits given above for a continuous discharge, at the discretion of the agency the operation of such works may allow for the effluent quality to vary between the limits specified above and in subpart 6, provided the water quality standards and all other requirements of the agency and the United States Environmental Protection Agency are being met. Such variability of operation must be based on adequate monitoring of the treatment works and the effluent and receiving waters as specified by the agency.

** If a discharger is required by the director to implement a pretreatment program for the control of toxic pollutants from industrial contributors and the program has not yet been implemented, the discharger's effluent limitation for total suspended solids shall be ~~5 mg/l~~ five milligrams per liter until such time as the program has been implemented.

This section shall not apply to discharges to surface waters classified as limited resource value waters pursuant to parts 7050.0200, number 7 and ~~7050.0300 to 7050.0380~~ 7050.0400 to 7050.0480.

Subp. 9. ~~Requirements for specific dischargers~~ Water quality based effluent limitations. Notwithstanding the provisions of subparts 8 and 16, the agency may require a specific discharger to meet effluent limitations which are necessary to maintain the water quality of the receiving water at the standards of quality and purity established by this part. Any effluent limitation determined to be necessary under this section shall only be required of a discharger after the discharger has been given notice of the specific effluent limitations and an opportunity for public hearing provided that compliance with the requirements of part 7070.1400 regarding notice of National Pollutant Discharge Elimination System and State Disposal system permits shall satisfy the notice and opportunity for hearing requirements of this subpart.

Subp. 10. ~~Acceptance of equivalent controls~~ Alternative waste treatment. After providing an opportunity for public hearing the agency shall accept effective loss prevention and/or water conservation measures or process changes or other waste control measures or arrangements if it finds that such measures, changes, or arrangements are equivalent to the waste treatment measures required for compliance with applicable effluent and/or water quality standards or load allocations.

Subp. 11. Discharge permit required. All sources of sewage, industrial waste, or other waste which do not at present have a valid operation and discharge permit, or an application for the same pending before the agency, shall apply for the same within 30 days of the adoption of this rule, or the agency may abate the source forthwith. The provisions of subpart 6 relating to effluent quality standards, and the other provisions of this rule, are applicable to existing sewage, industrial waste, or other waste disposal facilities and the effluent discharged therefrom. Nothing herein shall be construed to prevent the agency subsequently from modifying any existing permits so as to conform with federal requirements and the requirements of this chapter.

Subp. 12. Liquid substances. Liquid substances which are not commonly considered to be sewage or industrial ~~wastes~~ waste but which could constitute a pollution hazard shall be stored in accordance with parts 7100.0010 to 7100.0090, and any revisions or amendments thereto. Other wastes as defined by law or other substances which could constitute a pollution hazard shall not be deposited in any manner such that the same may be likely to gain entry into any ~~intrastate~~ waters of the state in excess of or contrary to any of the standards herein adopted, or cause pollution as defined by law.

Subp. 13. Pollution prohibited. No sewage, industrial waste, or other wastes shall be discharged into the ~~intrastate~~ waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution thereof as defined by law. In any case where the ~~intrastate~~ waters of the state into which sewage, industrial ~~wastes~~ waste, or other waste effluents discharge are assigned different standards than the ~~interstate or intrastate~~ waters of the state into which such receving ~~intrastate~~ waters flow, the standards applicable to the ~~intrastate~~ waters into which such sewage, industrial waste, or other wastes discharged shall be supplemented by the following:

The quality of any waters of the state receiving sewage, industrial waste, or other waste effluents shall be such that no violation of the standards of any ~~interastate or intrastate~~ waters of the state in any other class shall occur by reason of the discharge of such sewage, industrial waste, or other waste effluents.

Subp. 14. ~~Resolution of questions~~ Undefined toxic substances. Questions concerning the permissible levels, or changes in the same, of a substance, or combination of substances, of undefined toxicity to fish or other biota shall be resolved in accordance with the latest methods recommended by the United States Environmental Protection Agency. The agency shall consider the recommendations of the Quality Criteria for Water, US EPA 1976, in making determinations under this ~~section~~ part. Toxic

substances shall not exceed one-tenth of the 96-hour median tolerance limit (TLM) as a water quality standard except that other application factors shall be used when justified on the basis of available scientific evidence.

Subp. 15. ~~Monthly reports~~ Dischargers must report to agency. All persons operating or responsible for sewage, industrial waste, or other waste disposal systems which are adjacent to or which discharge effluents to these waters or to tributaries which affect the same, shall submit regularly every month a report to the agency on the operation of the disposal system, the effluent flow, and the characteristics of the effluents and receiving waters. Sufficient data on measurements, observations, sampling, and analyses, and other pertinent information shall be furnished as may be required by the agency to adequately evaluate the condition of the disposal system, the effluent, and the waters receiving or affected by the effluent.

Subp. 16. Limited Resources value waters. Restrictions on discharges to limited resource value waters include the following:

A. For point source discharges to surface waters classified as limited resource value waters pursuant to parts 7050.0200, number 7 and ~~7050.0300 to 7050.0380~~ 7050.0400 to 7050.0480, the agency shall require treatment facilities which will provide effluents conforming to the following limitations:*

5-Day Carbonaceous Biochemical Oxygen Demand	Limiting Concentraion 15 milligrams per liter** (arithmetic mean of all samples taken during any calendar month)

*All effluent limitations specified in subpart 6 shall also be applicable to dischargers to Class 7 waters, provided that unspecified toxic or corrosive substances shall be limited to the extent necessary to protect the designated uses of the receiving water or affected downstream waters.

~~**As measured by the arithmetic mean of all samples taken during any calendar month.~~

B. The agency shall allow treatment works to be constructed and/or operated to produce effluents to limited resource value waters at levels up to those stated in subpart 6 provided that it is demonstrated that the water quality standards for limited resource value waters will be maintained during all periods of discharge from the treatment facilities.

C. Notwithstanding the effluent limitations established by this section the quality of limited resource value waters shall not be such as to allow a violation of applicable water quality standards in waters of the state which are connected to or affected by water classified as limited resource value waters.

D. The classification of surface waters as limited resource value waters pursuant to parts 7050.0200, number 7 and ~~7050.0300 to 7050.0380~~ 7050.0400 to 7050.0480 shall not supersede, alter, or replace the classification and designation of such waters as public waters pursuant to applicable provisions and requirements of Minnesota Statutes, chapter 105.

Subp. 17. Compliance with ~~terms and water quality standards~~ permit conditions. No person who is in compliance with the terms and conditions of its permit issued pursuant to chapter 7070 shall be deemed in violation of any water quality standard in this rule for which a corresponding effluent limitation is established in the permit. However, exceedances of the water quality standards in a receiving water shall constitute grounds for modification of a permit(s) for any discharger(s) to the receiving water who is (are) causing or contributing to the exceedances. Chapter 7070 shall govern the modification of any such permit.

Subp. 18. ~~Ammonia~~ Water quality standard based ammonia effluent limitations. For the purpose of establishing limitations to meet the ammonia water quality standard, a statistic which estimates the central value (such as the meaning or median) for ambient pH and temperature of the receiving water for the critical months shall be used.

7050.0220 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR DESIGNATED CLASSES OF ~~INTRASTATE~~ WATERS OF THE STATE.

The following standards shall prescribe the qualities or properties of the ~~intrastate~~ waters of the state which are necessary for the designated public use or benefit and which, if the limiting conditions given are exceeded, shall be considered indicative of a polluted condition which is actually or potentially deleterious, harmful, deterimental, or injurious with respect to such designated uses or established classes of the ~~intrastate~~ waters of the state.

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1. Domestic consumption

Class A. The quality of this class of the ~~intrastate~~ waters of the state shall be such that without treatment of any kind the raw waters will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to underground waters with a high degree of natural protection. The basic requirements are given below:

Substance or Characteristic	Limit or Range
Total coliform organisms	1 most probable number per 100 milliliters
Turbidity value	5
Color value	15
Threshold odor number	3
Methylene blue active substance (MBAS)	0.5 milligram per liter
Arsenic (As)	0.01 milligram per liter
Chlorides (Cl)	250 milligrams per liter
Copper (Cu)	1 milligram per liter
Carbon chloroform extract	0.2 milligram per liter
Cyanides (CN)	0.01 milligram per liter
Fluorides (F)	1.5 milligrams per liter
Iron (Fe)	0.3 milligram per liter
Manganese (Mn)	0.05 milligram per liter
Nitrates (NO_3)	45 milligrams per liter
Phenol	0.001 milligram per liter
Sulfates (SO_4)	250 milligrams per liter
Total dissolved solids	500 milligrams per liter
Zinc (Zn)	5 milligrams per liter
Barium (Ba)	1 milligram per liter
Cadmium (Cd)	0.01 milligram per liter
Chronium (Hexavalent, Cr)	0.05 milligram per liter
Lead (Pb)	0.05 milligram per liter
Selenium (Se)	0.01 milligram per liter
Silver (Ag)	0.05 milligram per liter
Radioactive material	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

Class B. The quality of this class of the ~~intrastate~~ waters of the state shall be such that with approved disinfection, such as simple chlorination or its equivalent, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards—1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to surface and underground waters with a moderately high degree of natural protection. The physical and chemical standards quoted above for Class A. ~~intrastate~~ waters shall also ~~supply~~ apply to these ~~intrastate~~ waters in the untreated state.

Class C. The quality of this class of the ~~intrastate~~ waters of the state shall be such that with treatment consisting of coagulation, sedimentation, filtration, storage, and chlorination, or other equivalent treatment processes, the treated water will meet in all respects both the mandatory and recommended requirements of the Public Health Service Drinking Water Standards—1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to surface waters, and groundwaters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where ~~intrastate~~ water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water infiltration. The physical and chemical standards quoted above for Class A ~~intrastate~~ waters shall also apply to these ~~intrastate~~ waters in the untreated state, except as listed below:

Substance ~~of~~ or Characteristic	Limit or Range
Turbidity value	25

Class D. The quality of this class of the ~~intrastate~~ waters of the state shall be such that after treatment consisting of coagulation, sedimentation, filtration, storage, and chlorination, plus additional pre, post, or intermediate stages of treatment, or other equivalent treatment processes, the treated water will meet in all respects the recommended requirements of the Public Health Service Drinking Water Standards—1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to surface waters, and groundwaters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water infiltration. The concentrations or ranges given below shall not be exceeded in the raw waters before treatment:

Substance or Characteristic	Limit or Range
Arsenic (As)	0.05 milligram per liter
Barium (Ba)	1 milligram per liter
Cadmium (Cd)	0.01 milligram per liter
Chromium (Hexavalent, Cr + =6)	0.05 milligram per liter
Cyanide (CN)	0.2 milligram per liter
Fluoride (F)	1.5 milligrams per liter
Lead (Pb)	0.05 milligram per liter
Selenium (Se)	0.01 milligram per liter
Silver (Ag)	0.05 milligram per liter
Radioactive material	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

In addition to the above listed standards, no sewage, industrial waste, or other wastes, treated or untreated, shall be discharged into or permitted by any person to gain access to any ~~intrastate~~ waters of the state classified for domestic consumption so as to cause any material undesirable increase in the taste, hardness, temperature, toxicity, corrosiveness, or nutrient content, or in any other manner to impair the natural quality or value of the ~~intrastate~~ waters for use as a source of drinking water.

2. Fisheries and recreation.

Class A. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to permit the propagation and maintenance of warm or cold water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the ~~intrastate~~ waters are given below:

Substance or Characteristic	Limit or Range
Dissolved oxygen	Not less than 7 milligrams per liter at all times (instantaneous minimum concentration)***
Temperature	No material increase
Ammonia (N)*	0.016 milligram per liter (un-ionized as N)
Chlorides (Cl)	50 milligrams per liter
Chromium (Cr)	0.02 milligram per liter
Copper (Cu)	0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value
Cyanides (CN)	0.02 ~~milligrams~~ milligram per liter
Oil	0.5 milligram per liter
pH value	6.5-8.5
Phenols	0.01 milligram per liter and none that could impart odor or taste to fish flesh or other freshwater edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present.

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Turbidity value	10
Color value	30
Fecal coliform organisms	200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between March 1 and October 31.)
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Total residual chlorine**	0.005 ~~milligrams~~ milligram per liter

* The percent un-ionized ammonia can be calculated for any temperature and pH by using the following formula taken from Thurston, R. V., R. C. Russo, and K. Emerson, 1974. Aqueous ammonia equilibrium calculations. Technical Report Number 74-1, Fisheries Bioassay Laboratory, Montana State University, Bozeman, MT. 18 p.

$$f = \frac{1}{10^{(pk_a - pH)} + 1} \times 100$$

where:

f = the percent of total ammonia in the un-ionized state

$pk_a = 0.0901821 + \frac{2729.92}{T}$, dissociation constant for ammonia

T = temperature in degrees Kelvin (273.16° Kelvin = 0° Celsius)

** Applies to conditions of continuous exposure, where continuous exposure refers to chlorinated effluents which are discharged for more than a total of two hours in any 24 hour period.

*** This dissolved oxygen standard shall be construed to require compliance with the standard 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten year recurrence interval (7Q10).

Class B. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to permit the propagation and maintenance of cool or warm water sport or commercial fishes and be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the ~~intrastate~~ waters are given below:

Substance or Characteristic	Limit or Range
Dissolved oxygen*	Not less than 5 milligrams per liter at all times (instantaneous minimum concentration)****
Temperature	5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature, except in no case shall it exceed the daily average temperature of 86°F.
Ammonia (N)**	0.04 milligram per liter (un-ionized as N)
Chromium (Cr)	0.05 milligram per liter
Copper (Cu)	0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value.
Cyanides (CN)	0.02 milligram per liter
Oil	0.5 milligram per liter
pH value	6.5-9.0
Phenols	0.01 milligram per liter and none that could impart odor or taste to fish flesh or other freshwater edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present.
Turbidity value	25
Fecal coliform organisms	200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 2000 organisms per 100 milliliters. (Applies only between March 1 and October 31.)
Radioactive materials	Not to exceed the lowest concentration permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Total Residual Chlorine***	0.005 ~~milligrams~~ milligram per liter

* This standard applies to all waters of the state except for the reach of the Mississippi River from the outlet of the metro wastewater treatment works in St. Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815). For this reach of the Mississippi River the standard is not less than five milligrams per liter from April 1 through November 30, and not less than four milligrams per liter at other times.

** See ammonia footnote for Class 2A waters.

*** See chlorine footnote for Class 2A waters.

**** See dissolved oxygen footnote for Class 2A waters.

Class C. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to permit the propagation and maintenance of rough fish or species commonly inhabiting waters of the vicinity under natural conditions, and be suitable for boating and other forms of aquatic recreation for which the ~~intrastate~~ waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the ~~intrastate~~ waters are given below:

Substance or Characteristic	Limit or Range
Dissolved oxygen*	Not less than 5 milligrams per liter at all times (instantaneous minimum concentration.)****
Temperature	5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature except in no case shall it exceed the daily average temperature of 90°F.
Ammonia (N)**	0.04 milligram per liter (un-ionized as N)
Chromium (Cr)	0.05 milligram per liter
Copper (Cu)	0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value.
Cyanides (CN)	0.02 milligram per liter
Oil	10 milligrams per liter, and none in such quantities as to (1) produce a visible color film on the surface, (2) impart an oil odor to water or an oil taste to fish and edible invertebrates, (3) coat the banks and bottom of the watercourse or taint any of the associated biota, or (4) become effective toxicants according to the criteria recommended.
pH value	6.5-9.0
Phenols	0.1 milligram per liter and none that could impart odor or taste to fish flesh or other freshwater edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present.
Turbidity value	25
Fecal coliform organisms	200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 2000 organisms per 100 milliliters. (Applies only between March 1 and October 31.)
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Total residual chlorine***	0.005 ~~milligrams~~ milligram per liter

* This standard applies to all waters of the state except for the reach of the Mississippi River from the outlet of the metro wastewater treatment works in St. Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815). For this reach of the Mississippi River the standard is not less than five milligrams per liter from April 1 through November 30, and not less than four milligrams per liter at other times.

** See ammonia footnote for Class 2A waters.

*** See chlorine footnote for Class 2A waters.

**** See dissolved oxygen ~~standard~~ footnote for Class 2A waters.

For all classes of fisheries and recreation waters, the aquatic habitat, which includes the ~~intrastate~~ waters of the state and

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stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments, and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste, or other waste effluents to the ~~intrastate~~ waters of the state.

No sewage, industrial waste, or other wastes shall be discharged into any of the ~~intrastate~~ waters of this category so as to cause any material change in any other substances or characteristics which may impair the quality of the ~~intrastate~~ waters of the state or the aquatic biota of any of the above listed classes or in any manner render them unsuitable or objectionable for fishing, fish culture, or recreational uses. Additional selective limits or changes in the discharge bases may be imposed on the basis of local needs.

3. Industrial consumption.

Class A. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to permit their use without chemical treatment, except softening for groundwater, for most industrial purposes, except food processing and related uses, for which a high quality of water is required. The quality shall be generally comparable to Class B waters for domestic consumption, except for the following:

Substance or Characteristic	Limit or Range
Chlorides (Cl)	50 milligrams per liter
Hardness	50 milligrams per liter
pH value	6.5-8.5

Class B. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to permit their use for general industrial purposes, except for food processing, with only a moderate degree of treatment. The quality shall be generally comparable to Class D ~~intrastate~~ waters of the state used for domestic consumption, except the following:

Substance or Characteristic	Limit or Range
Chlorides (Cl)	100 milligrams per liter
Hardness	250 milligrams per liter
pH value	6.0-9.0

Class C. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to permit their use for industrial cooling and materials transport without a high degree of treatment being necessary to avoid severe fouling, corrosion, scaling, or other unsatisfactory conditions. The following shall not be exceeded in the ~~intrastate~~ waters of the state:

Substance or Characteristic	Limit or Range
Chlorides (Cl)	250 milligrams per liter
Hardness	500 milligrams per liter
pH value	6.0-9.0

Additional selective limits may be imposed for any specific ~~intrastate~~ waters of the state as needed.

In addition to the above listed standards, no sewage, industrial waste, or other wastes, treated or untreated, shall be discharged into or permitted by any person to gain access to any ~~intrastate~~ waters of the state classified for industrial purposes so as to cause any material impairment of their use as a source of industrial water supply.

4. Agriculture and wildlife.

Class A. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the waters or area, including truck garden crops. The following concentrations or limits shall be used as a guide in determining the suitability of the waters for such uses, together with the recommendations contained in Handbook 60 published by the Salinity Laboratory of the United States Department of Agriculture, and any revisions, amendments, or supplements thereto:

Substance or Characteric	Limit or Range
Bicarbonates (HCO_3)	5 milliequivalents per liter
Boron (B)	0.5 milligram per liter
pH value	6.0-8.5
Specific conductance	1,000 micromhos per centimeter
Total dissolved salts	700 milligrams per liter
Sodium (Na)	60% of total cations as milliequivalents per liter

Sulfates (SO_4)	10 milligrams per liter, applicable to water used for production of wild rice during periods when the rice may be susceptible to damage by high sulfate levels.
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.

Class B. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to permit their use by livestock and wildlife without inhibition or injurious effects. The limits or concentrations of substances or characteristics given below shall not be exceeded in the ~~intrastate~~ waters of the state:

Substance or Characteristic	Limit or Range
pH value	6.0-9.0
Total salinity	1,000 milligrams per liter
Radioactive materials	Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use.
Unspecified toxic substances	None at levels harmful either directly or indirectly.

Additional selective limits may be imposed for any specific ~~intrastate~~ waters of the state as needed.

5. Aesthetic enjoyment and navigation ~~and waste disposal~~. The quality of this class of the ~~intrastate~~ waters of the state shall be such as to be suitable for aesthetic enjoyment of scenery and to avoid any interference with navigation or damaging effects on property. The following limits or concentrations shall not be exceeded in the ~~intrastate~~ waters of the state:

Substance or Characteristic	Limit or Range
pH value	6.0-9.0
Hydrogen sulfide	0.02 ~~milligrams~~ milligram per liter

Additional selective limits may be imposed for any specific ~~intrastate~~ waters of the state as needed.

6. Other uses. The uses to be protected in this class may be under other jurisdictions and in other areas to which the ~~intrastate~~ waters of the state are tributary, and may include any or all of the uses listed in the foregoing categories, plus any other possible beneficial uses. The agency therefore reserves the right to impose any standards necessary for the protection of this class, consistent with legal limitations.

7. Limited resource value waters. The quality of this class of ~~intrastate~~ waters of the state shall be such as to protect aesthetic qualities, secondary body contact use, and groundwater for use as a potable water supply. The limits or concentrations of substances or characteristics given below shall not be exceeded in the ~~intrastate~~ waters:

Substance or Characteristic	Limit or Range
Fecal coliform organisms	1,000 organisms per 100 milliliters* (Applies only between May 1 and October 31.)
pH	6.0-9.0
Dissolved oxygen	At concentrations which will avoid odors or putrid conditions in the receiving water or at concentrations at not less than 1 mg/1 (daily average) provided that measurable concentrations are present at all times.
Unspecified Substances	Unspecified substances shall not be allowed in such quantities or concentrations that will impair the specified uses.

* The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of ~~5~~ five samples, nor shall more than ~~10%~~ ten percent of all samples taken during any calendar month individually exceed 2,000 organisms per 100 milliliters.

REPEALER. Minnesota Rules, parts 7050.0100, 7050.0120, 7050.0160, 7050.0300, 7050.0310, 7050.0320, 7050.0330, 7050.0340, 7050.0350, 7050.0360, 7050.0370, and 7050.0380 are repealed.

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Rules as Proposed (all new material)

7050.0400 PURPOSE.

Parts 7050.0400 to 7050.0480 classify all surface waters within or bordering the state of Minnesota and thereby designate appropriate beneficial uses for these waters. The use classifications are defined in part 7050.0200.

7050.0410 LISTED WATERS.

Those waters of the state that are specifically listed in part 7050.0470 are, in addition to any classifications listed in part 7050.0470, also classified as 3C, 4A, 4B, 5, and 6 class waters.

7050.0420 TROUT WATERS.

Trout streams and trout lakes described in Department of Natural Resources Commissioner's orders 2089 (dated June 26, 1981) and 2086 (dated March 7, 1981) respectively are hereby classified as trout waters. Other lakes that are classified as trout waters are listed in part 7050.0470. All trout waters are classified 1B, 2A, 3B, 3C, 4A, 4B, 5, and 6.

7050.0430 UNLISTED WATERS.

All waters of the state that are not listed in part 7050.0470 are hereby classified as 2B, 3B, 4A, 4B, 5, and 6 class waters.

7050.0440 OTHER CLASSIFICATIONS SUPERSEDED.

Parts 7050.0400 to 7050.0480 supersede any other previous classifications and any classifications in other rules including parts 7056.0010 to 7056.0040 (formerly WPC 1).

7050.0450 MULTI-CLASSIFICATIONS.

If a water of the state is classified in more than one class, all the water quality standards for each of the classes apply. If the water quality standards for particular parameters for the various classes are different, the more restrictive of the standards apply.

7050.0460 WATERS SPECIFICALLY CLASSIFIED.

The waters of the state listed in part 7050.0470 are hereby classified as specified. The specific stretch of watercourse or the location of lakes is described by township, range, and section, abbreviated as T., R., S., respectively. Any community listed in part 7050.0470 is the community nearest the water classified, and is included solely to assist in identifying the water. An asterisk (*) indicates the water is designated as an outstanding resource value water.

7050.0470 CLASSIFICATIONS FOR WATERS IN MAJOR SURFACE WATER DRAINAGE BASINS.

Subpart 1. Lake Superior Basin.

Streams		
Amenda Creek	(T.59, R.5W)	2C
Barber Creek (East Swan River) (Chisholm Creek) Chisholm	(T.58, R.20, S.21, 22, 26, 27, 34, 35)	7
Boulder Creek	(T.53, 54, R.14)	2C
Brule River (excluding trout waters)	(T.62, 63, 64, R.1W, 1E, 2E, 3E)	1B, 2B, 3B
Buhl Creek Buhl	(T.58, R.19, S.20, 29)	7
Cranberry Creek	(T.58, R.13)	2C
Elbow Creek Eveleth	(T.57, R.17, S.6; T.57, R.18, S.1)	7
Horn Creek	(T.62, R.4W)	1B, 2B, 3B
Manganika Creek Virginia	(T.58, R.17, S.19; T.58, R.18, S.24)	7
Pigeon River	(South of Fowl Lake to Pigeon Bay of Lake Superior)	1B, 2B, 3A
Swan River, West	(T.55, R.20, 21)	2C
Temperance River (excluding trout waters)	(T.59, 60, 61, 62, R.4W)	1B, 2B, 3B

Trappers Creek	(T.56, R.11)	2C
Unnamed Creek Meadowlands	(T.53, R.19, S.22, 23)	7
Unnamed Ditch Eveleth	(T.57, R.17, S.6)	7
Unnamed Ditch Gilbert	(T.58, R.17, S.23, 24, 25, 36)	7
*All other streams in the Boundary Waters Canoe Area Wilderness		1B, 2B, 3B
Lakes		
*Alder Lake	(T.64, R.1E)	1B, 2A, 3B
*Alton Lake	(T.62, 63, R.4, 5)	1B, 2A, 3B
Bearskin Lake, East	(T.64, R.1E, 1W)	1B, 2A, 3B
Bearskin Lake, West	(T.64, 65, R.1)	1B, 2A, 3B
Birch Lake	(T.65, R.1, 2)	1B, 2A, 3B
Black Lake	(T.45, R.15)	1B, 2B, 3B
*Brule Lake	(T.63, R.2, 3)	1B, 2A, 3B
Chester Lake	(T.64, R.3E)	1B, 2A, 3B
*Clearwater Lake (Emby Lake)	(T.65, R.1E)	1B, 2A, 3B
Colby Lake	(T.58, R.14)	1B, 2B, 3B
*Cone Lake, North	(T.63, 64, R.3)	1B, 2A, 3B
*Crystal Lake	(T.64, R.1E, 2E)	1B, 2A, 3B
*Daniels Lake	(T.65, R.1E, 1W)	1B, 2A, 3B
*Davis Lake	(T.64, R.3)	1B, 2A, 3B
Devilfish Lake	(T.64, R.3E)	1B, 2A, 3B
*Duncan Lake	(T.65, R.1)	1B, 2A, 3B
*Dunn Lake	(T.65, R.1, 2)	1B, 2A, 3B
Echo Lake	(T.59, R.6)	1B, 2A, 3B
Esther Lake	(T.63, 64, R.3E)	1B, 2A, 3B
*Fan Lake	(T.65, R.2E)	1B, 2B, 3A
Flour Lake	(T.64, R.1E, 1W)	1B, 2A, 3B
Fowl Lake, North	(T.64, 65, R.3E)	1B, 2B, 3A
Fowl Lake, South	(T.64, 65, R.3E)	1B, 2B, 3A
*Gaskin Lake	(T.64, R.2)	1B, 2A, 3B
Greenwood Lake	(T.64, R.2E)	1B, 2A, 3B
Hungry Jack Lake	(T.64, 65, R.1)	1B, 2A, 3B
Jap Lake (Jerry Lake)	(T.64, R.1E)	1B, 2A, 3B
Kemo Lake	(T.63, R.1)	1B, 2A, 3B
*Lily Lakes	(T.65, R.2E)	1B, 2B, 3A
McFarland Lake	(T.64, R.3E)	1B, 2A, 3B
*Misquah Lake	(T.64, R.1)	1B, 2A, 3B
*Moose Lake	(T.65, R.2E, 3E)	1B, 2A, 3A
*Morgan Lake	(T.64, R.1)	1B, 2A, 3B
Moss Lake	(T.65, R.1)	1B, 2A, 3B
*Mountain Lake	(T.65, R.1E, 2E)	1B, 2A, 3B
Musquash Lake	(T.63, R.1E)	1B, 2A, 3B
*Onega Lake (Omega Lake)	(T.64, R.2, 3)	1B, 2A, 3B

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*Otto Lake, Lower	(T.64, R.2)	1B, 2A, 3B
*Partridge Lake	(T.65, R.1)	1B, 2A, 3B
*Pike Lake, West	(T.65, R.2E)	1B, 2A, 3B
*Pine Lake	(T.64, 65, R.1E, 2E, 3E)	1B, 2A, 3B
*Ram Lake	(T.63, R.1)	1B, 2A, 3B
*Rose Lake	(T.65, R.1)	1B, 2A, 3B
St. Mary's Lake	(T.57, R.17, S.9, 16, 17)	1C, 2B, 3B
*Sawbill Lake	(T.62, 63, R.4)	1B, 2B, 3B
Seven Beaver Lake	(T.58, R.11, 12)	2B, 3A
*South Lake	(T.65, R.1, 2)	1B, 2A, 3B
*State Lake	(T.63, 64, R.2)	1B, 2A, 3B
*Superior, Lake	(T.49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, R.14W-7E)	1B, 2A, 3A
*Swan Lake	(T.63, R.2)	1B, 2A, 3B
Trout Lake	(T.62, R.2E)	1B, 2A, 3B
*Trout Lake, Little	(T.63, R.1)	1B, 2A, 3B
Twin Lake, Upper (Bear Lake)	(T.56, R.8)	1b, 2A, 3B
*Vista Lake	(T.64, R.1)	1B, 2A, 3B
*Wanihigan Lake (Trap Lake)	(T.63, 64, R.2, 3)	1B, 2A, 3B
*Winchell Lake	(T.64, R.2, 3)	1B, 2A, 3B
*All other lakes in the Boundary Waters Canoe Area Wilderness		1B, 2B, 3B

Subp. 2. Lake of the Woods Basin.

Streams

Beaver Creek	(T.62, 63, R.20)	2C
Gardner Brook	(T.63, 64, R.23)	2C
Indian Sioux River, Little	(T.64, 65, R.15)	1B, 2B, 3B
Island River	(T.61, R.7, 8)	1B, 2B, 3B
Kawishiwi River	(Source to Fall Lake)	1B, 2B, 3B
Lone Creek	(T.66, R.5)	1B, 2C
Moose River	(T.68, R.18, 19)	1B, 2B, 3B
Moose River	(T.64, 65, 66, R.14)	1B, 2B, 3B
Portage Creek	(T.65, R.21)	2C
Portage River	(T.65, 66, R.14)	1B, 2B, 3B
Rainy River	(Outlet of Rainy Lake to Dam in International Falls)	1B, 2B, 3A
Rainy River	(Dam in International Falls to Railroad Bridge in Baudette)	1C, 2B, 3A
Rainy River	(Railroad Bridge in Baudette to Lake of the Woods)	2B, 3A
Snake River	(T.61, R.9)	1B, 2B, 3B
Stuart River	(T.65, 66, R.13)	1B, 2C
Zippel Creek, West Branch	(T.162, R.33, 34)	2C
*All other streams in the Boundary Waters Canoe Area Wilderness		1B, 2B, 3B
*Purvis Lake-Ober	(Waters within the Purvis Lake-Ober Foundation Scientific and Natural Area, St. Louis County, T.61, R.13)	2B, 3B

*All other streams in the Voyageurs National Park		2B, 3B
Lakes		
*Adams Lake	T.64, R.6)	1B, 2A, 3B
*Agamok Lake	(T.65, R.5, 6)	1B, 2A, 3B
*Ahmakose Lake	(T.64, R.7)	1B, 2A, 3B
*Alpine Lake	(T.65, R.5)	1B, 2A, 3B
*Amoeber Lake	(T.65, R.6, 7)	1B, 2A, 3B
*Arkose Lake	(T.64, 65, R.7)	1B, 2A, 3B
*Ashdick Lake (Caribou Lake)	(T.66, R.6)	1B, 2A, 3B
*Basswood Lake	(T.64, 65, R.9, 10)	1B, 2A, 3B
*Bat Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Beartrack Lake	(T.67, R.15)	1B, 2A, 3B
*Beaver Lake (Elbow Lake)	(T.63, 64, R.6, 7)	1B, 2A, 3B
*Bingshick Lake	(T.65, R.4, 5)	1B, 2A, 3B
Brant Lake (Everett Lake)	(T.65, R.4)	1B, 2A, 3B
Burntside Lake	(T.63, R.12, 13)	1B, 2A, 3B
*Camp Lake	(T.64, R.11)	1B, 2B, 3B
Caribou Lake	(T.60, R.22)	1B, 2A, 3B
*Cash Lake	(T.64, R.3)	1B, 2A, 3B
*Cherokee Lake	(T.63, 64, R.4)	1B, 2A, 3B
*Cherry Lake	(T.65, R.6)	1B, 2A, 3B
*Crab Lake	(T.63, R.13, 14)	1B, 2A, 3B
Crab Lake	(T.65, R.2, 3)	1B, 2A, 3B
Crane Lake	(T.67, 68, R.16, 17)	1B, 2A, 3A
*Crooked Lake	(T.64, R.5)	1B, 2A, 3B
*Crooked Lake	(T.66, R.11, 12)	1B, 2A, 3B
*Cruiser Lake (Trout Lake)	(T.69, 70, R.19)	1B, 2A, 3B
*Eddy Lake	(T.65, R.6)	1B, 2A, 3B
*Ester Lake (Gnig Lake)	(T.65, 66, R.6)	1B, 2A, 3B
*Eugene Lake	(T.67, R.15)	1B, 2A, 3B
*Explorer Lake (South Three Lake)	(T.64, R.7, 8)	1B, 2A, 3B
Fall Lake	(T.63, 64, R.11, 12)	1B, 2B, 3B
*Fat Lake	(T.67, R.15)	1B, 2A, 3B
*Fay Lake	(T.65, R.5)	1B, 2A, 3B
*Fern Lake	(T.64, R.5)	1B, 2A, 3B
*Fern Lake, West	(T.64, R.5)	1B, 2A, 3B
*Finger Lake	(T.67, R.14)	1B, 2A, 3B
*Fishdance Lake	(T.63, R.7)	1B, 2A, 3B
*Fraser Lake	(T.64, R.7)	1B, 2A, 3B
*French Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Frost Lake	(T.64, R.4)	1B, 2A, 3B
*Gabimichigami Lake	(T.64, 65, R.5, 6)	1B, 2A, 3B
*Ge-Be-On-Equat Lake	(T.67, R.14)	1B, 2A, 3B

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*Gijikiki Lake (Cedar Lake)	(T.65, 66, R.6)	1B, 2A, 3B
*Gillis Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Gordon Lake	(T.64, R.4)	1B, 2A, 3B
*Gun Lake	(T.67, 68, R.15)	1B, 2A, 3B
Gunflint Lake	(T.65, R.2, 3, 4)	1B, 2A, 3B
Gunflint Lake, Little	(T.65, R.2)	1B, 2B, 3B
*Hanson Lake	(T.65, 66, R.6)	1B, 2A, 3B
*Holt Lake	(T.65, R.6)	1B, 2A, 3B
*Howard Lake	(T.65, R.5)	1B, 2A, 3B
*Hustler Lake	(T.66, 67, R.14)	1B, 2A, 3B
*Ima Lake (Slate Lake)	(T.64, R.7, 8)	1B, 2A, 3B
*Jasper Lake	(T.65, R.5)	1B, 2A, 3B
Johnson Lake	(T.67, 68, R.17, 18)	1B, 2A, 3B
*Kabetogama Lake	(T.69, 70, R.20, 21, 22)	1B, 2B, 3A
*Karl Lake	(T.64, R.3, 4)	1B, 2A, 3B
*Kek Lake, Little	(T.65, R.6, 7)	1B, 2A, 3B
*Kekekabic Lake	(T.64, 65, R.6, 7)	1B, 2A, 3B
*Knife Lake	(T.65, R.7, 8)	1B, 2A, 3B
*Lake of the Clouds Lake (Dutton Lake)	(T.65, R.6)	1B, 2A, 3B
Larson Lake	(T.61, R.24)	1B, 2A, 3B
*Long Island Lake	(T.64, R.3, 4)	1B, 2A, 3B
Loon Lake	(T.65, R.3)	1B, 2A, 3B
*Loon Lake	(T.66, 67, R.15)	1B, 2A, 3B
*Lunar Lake (Moon Lake)	(T.65, R.6)	1B, 2A, 3B
*Lynx Lake	(T.66, R.14, 15)	1B, 2A, 3B
Magnetic Lake	(T.65, R.3, 4)	1B, 2A, 3B
Makwa Lake (Bear Lake)	(T.64, R.6)	1B, 2A, 3B
*Marble Lake	(T.64, R.6)	1B, 2A, 3B
Mayhew Lake	(T.65, R.2)	1B, 2A, 3B
*Mesaba Lake	(T.63, R.5)	1B, 2A, 3B
*Missionary Lake (East Three Lake)	(T.64, R.7, 8)	1B, 2A, 3B
*Moose Lake	(T.64, R.9, 10)	1B, 2B, 3B
*Mora Lake	(T.64, R.5)	1B, 2A, 3B
*Mukooda Lake	(T.68, R.17)	1B, 2A, 3B
*Namakan Lake	(T.69, R.17, 18, 19)	1B, 2B, 3A
North Lake	(T.65, R.2)	1B, 2A, 3B
North Lake, Little	(T.65, R.2)	1B, 2B, 3B
*Ogishkemuncie Lake	(T.65, R.6)	1B, 2A, 3B
Ojibway Lake (Upper Twin)	(T.63, R.9, 10)	1B, 2A, 3B
*Owl Lake	(T.64, R.5)	1B, 2A, 3B
*Oyster Lake	(T.66, R.14)	1B, 2A, 3B
*Peter Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Portage Lake	(T.65, R.8)	1B, 2A, 3B
*Powell Lake	(T.64, 65, R.5)	1B, 2A, 3B
*Rabbit Lake	(T.66, R.6)	1B, 2A, 3B
Rainy Lake	(T.70, 71, R.18, 19, 20, 21, 22, 23)	1B, 2B, 3A
*Raven Lake (Lynx Lake)	(T.64, R.6)	1B, 2A, 3B
*Red Rock Lake	(T.65, 66, R.5)	1B, 2A, 3B

*Ruby Lake, Big	(T.66, R.14)	1B, 2A, 3B
*Saganaga Lake	(T.66, 67, R.4, 5)	1B, 2A, 3B
*Saganaga Lake, Little	(T.64, R.5, 6)	1B, 2A, 3B
*Sand Point Lake	(T.68, 69, R.16, 17)	1B, 2A, 3A
*Sea Gull Lake	(T.65, 66, R.4, 5)	1B, 2A, 3B
*Sema Lake (Coon Lake)	(T.65, R.7)	1B, 2A, 3B
*Snowbank Lake	(T.63, 64, R.8, 9)	1B, 2A, 3B
*Spoon Lake (Fames Lake)	(T.65, R.7)	1B, 2A, 3B
Spring Lake	(T.68, R.18)	1B, 2A, 3B
*Strup Lake	(T.64, R.7)	1B, 2A, 3B
*Sumpet Lake	(T.61, R.7)	1B, 2B, 3B
*Takucmich Lake	(T.67, 68, R.14)	1B, 2A, 3B
*Tarry Lake	(T.64, R.5)	1B, 2A, 3B
*Thomas Lake	(T.63, 64, R.7)	1B, 2A, 3B
*Thumb Lake	(T.67, R.14)	1B, 2A, 3B
*Topaz Lake (Star Lake)	(T.65, R.6)	1B, 2A, 3B
*Town Lake	(T.63, 64, R.3, 4)	1B, 2A, 3B
*Trout Lake, Big	(T.63, 64, R.15, 16)	1B, 2A, 3B
*Trout Lake, Little (Pocket Lake)	(T.68, R.17)	1B, 2A, 3B
*Tucker Lake	(T.64, R.3)	1B, 2B, 3B
*Tuscarora Lake	(T.64, R.4, 5)	1B, 2A, 3B
*Vera Lake	(T.64, R.8)	1B, 2A, 3B
*Virgin Lake	(T.64, R.5)	1B, 2A, 3B
*Wine Lake	(T.63, R.5)	1B, 2A, 3B
*Wisini Lake	(T.64, R.7)	1B, 2A, 3B
Lake of the Woods	(T.161, 162, 163, 164, 165, 166, 167, 168, R.30, 31, 32, 33, 34, 35)	1B, 2B, 3A
Unnamed Swamp Winton	(T.63, R.11, S.19; T.63, R.12, S.24)	7
*All other lakes in the Boundary Waters Canoe Area Wilderness		1B, 2B, 3B
*All other lakes in the Voyageurs National Park		2B, 3B

Subp. 3. Red River of the North Basin.

Streams

Badger Creek	(T.149, 150, 151, R.42, 43, 44)	2C
Barnums Creek (Burnham Creek)	(T.148, 149, 150, R.44, 45, 46, 47, 48)	2C
Boise de Sioux River	(Mud Lake outlet to Breckenridge)	2C
County Ditch No. 6A-2 Rothsay	(T.135, R.45, S.21, 28, 33)	7
County Ditch No. 32 Sabin	(T.138, R.48, S.13, 14, 15, 16, 17, 18)	7
County Ditch No. 65 New York Mills	(T.135, R.37, S.18; T.135, R.38, S.13)	7

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Deerhorn Creek	(T.136, R.44, 45, 46)	2C
Doran Slough	(T.131, 132, R.46, 47)	2C
Eighteen Mile Creek	(T.127, R.46, 47)	2C
Five Mile Creek	(T.127, 128, R.45)	2C
Gentilly River	(T.149, 150, R.45)	2C
Hay Creek	(T.137, 138, R.44, 45, 46)	2C
Hay Creek	(T.161, 162, 163, R.37, 38, 39)	2C
Hill River	(T.148, 149, 150, R.39, 40, 41, 42)	2C
Hoover Creek (excluding trout waters)	(T.152, 153, 154, R.29, 30)	2C
Joe River	(T.162, 163, 164, R.49, 50)	2C
Joe River, Little	(T.163, R.47, 48)	2C
Judicial Ditch No. 13 Goodridge	(T.154, R.40, S.16, 17, 18)	7
Judicial Ditch No. 18 Goodridge	(T.154, R.40, S.18, 19, 27, 28, 29, 30; T.154, R.41, S.13, 14, 15, 16, 17, 18; T.154, R.42, S.7, 8, 13, 14, 15, 16; T.154, R.43, S.9, 10, 11, 12, 16)	7
Maple Creek	(T.147, 148, R.44, 45, 46)	2C
Marsh Creek	(T.144, 145, 146, R.41, 42, 43)	2C
Mustinka River	(T.127, 128, R.45, 46, 47)	2C
Mustinka River, West Branch	(T.125, 126, 127, 128, R.45, 46, 47)	2C
Otter Tail River	(Height of Land Lake to mouth)	1C, 2B, 3B
Rabbit River	(T.130, 131, R.45, 46, 47)	2C
Rabbit River, South Fork	(T.130, R.45, 46)	2C
Red Lake River	(Outlet of Lower Red Lake to mouth)	1C, 2B, 3B
Red River of the North	(Breckenridge to Canadian border)	1C, 2B, 3B
Roy Creek (Roy Lake Creek)	(T.144, 145, R.39)	2C
Spring Creek	(T.145, 146, R.45, 46, 47)	2C
Spring Creek	(T.142, R.41, 42)	2C
Stony Creek	(T.137, R.45, 46)	2C
Sucker Creek	(T.160, 161, R.39)	2C
Tamarack River (Source to Stephen)	(T.157, 158, R.45, 46, 47, 48)	1C, 2B, 3B
Twelve Mile Creek (excluding Class 7 segment)	(T.126, 127, R.45)	2C
Twelve Mile Creek (County Ditch No. 1) Donnelly	(T.126, R.43, S.16, 17, 18, 19, 21, 22, 25, 26, 27; T.126, R.44, S.23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33; T.126, R.45, S.25, 26, 27, 28, 36)	7
Twelve Mile Creek, East Fork	(T.125, 126, R.44, 45)	2C
Twelve Mile Creek, West Fork	(T.125, 126, R.44, 45)	2C
Twin Lake Creek	(T.144, 145, R.40)	2C
Two Rivers, Middle Branch	(Source to Hallock)	1C, 2B, 3B
Two Rivers, South Branch	(T.161, R.41-49)	1C, 2B, 3B
Unnamed Creek Rothsay	(T.135, R.45, S.21, 22, 23, 25, 26)	7
Unnamed Creek Shevlin	(T.147, R.36, S.17, 18; T.147, R.37, S.11, 12, 13, 14)	7
Unnamed Ditch Audubon	(T.139, R.42, S.4, 9)	7
Unnamed Ditch Lake Park	(T.139, R.43, S.4; T.140, R.43, S.33)	7
Unnamed Ditch Glyndon	(T.139, R.47, S.1, 2, 12; T.140, R.47, S.35)	7
Unnamed Ditch Callaway	(T.140, R.41, S.6; T.140, R.42, S.1, 2, 10, 11)	7
Unnamed Ditch Gary	(T.145, R.44, S.22, 27, 34)	7

Unnamed Ditch Erskine	(T.149, R.42, S.34, 35)	7
Unnamed Ditch Thief River Falls	(T.154, R.43, S.31, 32, 33)	7
Unnamed Ditch Warroad	(T.163, R.37, S.19, 20, 21, 22, 23; T.163, R.38, S.19, 20, 21, 22, 23, 24, 30; T.163, R.39, S.25, 31, 32, 33, 34, 35, 36)	7
Whiskey Creek	(T.137, R.44, 45, 46)	2C
Whiskey Creek	(T.133, 134, R.47, 48)	2C
White Earth River	(T.143, 144, R.40, 41, 42)	2C
Willow Creek New York Mills	(T.135, R.38, S.13, 14, 15, 16, 17, 18)	7
Wolverton Creek	(T.135, 136, 137, R.48)	2C
Lakes		
Lake Bronson	(T.160, 161, R.46)	1C, 2B, 3B
Twin Lake, East	(T.138, R.41)	1B, 2A, 3B
Unnamed Slough Vergas	(T.137, R.40, S.18; T.137, R.41, S.13, 24)	7
*Green Water Lake	(Waters within the Green Water Lake Scientific and Natural Area, Becker County, T.141, R.38, S.28, 33, 34)	2B, 3B

Subp. 4. Upper Mississippi River Basin.

Streams		
Alcohol Creek	(T.143, 144, R.34)	2C
Arramba Creek	(T.40, R.30)	2C
Basswood Creek	(T.141, 142, R.36)	2C
Battle Brook	(T.35, R.26, 27)	2C
Battle Creek	(T.120, R.30, 31)	2C
Bear Brook	(T.144, R.27)	2C
Bear Creek	(T.145, R.36)	2C
Beautiful Creek	(T.127, R.31)	2C
Beaver Creek	(T.136, 137, R.32, 33)	2C
Belle Creek	(T.117, 118, R.32)	2C
Birch Brook	(T.141, R.25)	2C
Black Brook	(T.41, 42, R.26)	2C
Black Brook	(T.42, 43, R.30)	2C
Blackwater Creek	(T.55, R.26)	2C
Blueberry River	(T.138, 139, R.35, 36)	2C
Bluff Creek	(T.135, 136, R.36, 37)	2C
Bogus Brook	(T.37, 38, R.26)	2C
Buckman Creek (excluding Class 7 segment)	(T.39, 40, R.30, 31)	2C
Buckman Creek Buckman Buckman Coop Cry.	(T.39, R.30, S.4, 5, 6, 9; T.39, R.31, S.1, 2, 10, 11; T.40, R.30, S.31; T.40, R.31, S.36)	7
Bunker Hill Creek Little Rock Little Rock Coop Cry.	(T.39, R.30, S.31, 32, 33)	7
Cat River (excluding trout waters)	(T.136, 137, R.33, 34, 35)	2C

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Chase Brook	(T.38, 39, R.27)	2C
Clearwater Creek	(T.56, 57, R.24, 25)	2C
Coon Creek	(T.43, R.29, 30)	2C
County Ditch No. 15 (Bear Creek) Bertha	(T.132, R.35, S.2; T.133, R.34, S.7; T.133, R.35, S.12, 13, 24, 25, 26, 35)	7
County Ditch No. 23 Garfield	(T.129, R.38, S.26, 27)	7
County Ditch No. 23A Willmar	(T.119, R.34, S.29, 30; T.119, R.35, S.23, 25, 26)	7
County Ditch No. 42 McGregor	(T.48, R.23, S.29, 32)	7
County Ditch No. 63 Near Hutchinson West Lynn Coop Cry.	(T.116, R.30, S.19, 20, 21, 28, 33)	7
County Ditch No. 132 Lakeside Lakeside Coop Cry.	(T.116, R.31, S.16, 21)	7
Crane Creek (excluding Class 7 segment)	(T.116, 117, R.26, 27)	2C
Crane Creek Winsted	(T.117, R.27, S.14, 20, 21, 22, 23, 24, 25)	7
*Crow River, North Fork	(From the Lake Koronis outlet to the Meeker-Wright County line)	2B, 3B
Dagget Brook	(T.43, R.29, 30)	2C
Eagle Creek	(T.120, R.29)	2C
Elk River, Little	(T.130, 131, R.30, 31)	2C
Elk River, So. Branch Little	(T.130, R.30, 31, 32)	2C
Estes Brook	(T.36, 37, 38, R.27, 28)	2C
Everton Creek	(T.149, R.30)	2C
Farley Creek	(T.147, R.28)	2C
Fish Creek	(T.28, R.22)	2C
Fletcher Creek	(T.42, R.31)	2C
Foley Brook	(T.141, R.25)	2C
Frederick Creek	(T.119, R.25)	2C
Frontenac Creek	(T.145, R.34)	2C
Hanson Brook	(T.40, R.27)	2C
Hay Creek	(T.43, 44, R.30, 31)	2C
Hazel Creek	(T.127, R.29, 30)	2C
Hennepin Creek (excluding trout waters)	(T.144, 145, 146, R.34, 35)	2C
Indian Creek	(T.141, 142, R.36, 37)	2C
Irish Creek	(T.129, R.31)	2C
Iron Creek	(T.135, R.32)	2C
Jewett Creek	(T.119, 120, R.30, 31)	2C
Johnson Creek	(T.137, R.28)	2C
Judicial Ditch No. 1 Lakeside Lakeside Coop Cry.	(T.116, R.31, S.28, 33)	7
Judicial Ditch No. 15 Buffalo Lake Iowa Pork Industries Hector	(T.115, R.31, S.15, 16, 20, 21, 29, 30; T.115, R.32, S.22, 25, 26, 27, 28, 32, 33)	7
Kettle Creek	(T.138, R.35, 36, 37)	2C
Kitchi Creek	(T.146, 147, R.29, 30)	2C
Kitten Creek	(T.137, R.34, 35)	2C
LaSalle Creek (excluding trout waters)	(T.143, 144, R.35)	2C
LaSalle River	(T.144, 145, R.35)	2C

Laura Brook	(T.141, R.26)	2C
Meadow Creek	(T.128, R.30)	2C
Mike Drew Brook	(T.38, 39, R.26, 27)	2C
Mink Creek, Big	(T.41, 42, R.30, 31)	2C
Mink Creek, Little	(T.41, 42, R.29, 30, 31)	2C
*Mississippi River	(From Lake Itasca to Fort Ripley)	2B, 3B
*Mississippi River	(From Fort Ripley to the southerly boundary of Morrison County)	1C, 2B, 3B
Mississippi River	(From the southerly boundary of Morrison County to County State Aid Highway 7 bridge in St. Cloud)	1C, 2B, 3B
*Mississippi River	(County State Aid Highway 7 bridge in St. Cloud to the northwestern city limits of Anoka)	1C, 2B, 3B
Mississippi River	(From the northwestern city limits of Anoka to the Upper Lock and Dam at St. Anthony Falls in Minneapolis)	1C, 2B, 3B
Mississippi River	(Outlet of Metro Wastewater Treatment Works in St. Paul to river mile 830, Rock Island RR Bridge)	2C, 3B
Northby Creek	(T.140, R.27)	2C
Norway Brook	(T.139, R.30)	2C
O'Brien Creek	(T.56, 57, R.22)	2C
O'Neill Brook	(T.38, R.26)	2C
Oak Ridge Creek (Oak Creek)	(T.133, 134, R.36)	2C
Pigeon River	(T.147, R.27)	2C
Pike Creek (except Class 7 segment)	(T.129, R.30)	2C
Pike Creek Flensburg	(T.129, R.30, S.17, 18, 19, 20)	7
Pillager Creek	(T.133, R.30)	2C
Pioneer Creek	(T.118, R.24)	2C
Prairie Brook	(T.36, R.27)	2C
Rat Creek	(T.144, 145, R.34)	2C
Rice Creek	(T.30, 31, 32, R.22, 23, 24)	1C, 2B, 3B
Rice Creek	(T.35, R.29)	2C
*Rum River	(From the Ogechie Lake spillway to the northernmost confluence with Lake Onamia)	2B, 3B
*Rum River	(From the State Highway 27 bridge in Onamia to Madison and Rice Streets in Anoka)	2B, 3B
Sandy River McGregor	(T.48, R.23, S.19, 29, 30; T.48, R.24, S.13, 24)	7
Seven Mile Creek	(T.133, 134, R.30, 31)	2C
Six Mile Brook	(T.143, 144, R.26, 27)	2C
Skimmerhorn Creek	(T.149, R.30)	2C
Skunk Creek	(T.144, R.34)	2C
Skunk River (Co. Dt. No. 37) (Co. Dt. No. 29) Brooten	(T.123, R.35, S.4, 5, 9; T.123, R.35, S.9, 10, 11, 12; T.123, R.34, S.3, 4, 5, 6, 7, 8)	7
Snowball Creek	(T.56, R.23)	2C
Split Hand Creek	(T.53, R.24)	2C
Stag Brook	(T.121, 122, R.30, 31)	2C

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Stanchfield Brook, Lower Braham	(T.37, R.23, S.3, 10, 15, 22)	7
Stocking Creek	(T.138, R.35)	2C
Stony Brook (Stoney Brook) Foley	(T.36, R.29, S.2, 9, 10, 11, 16; T.37, R.29, S.35, 36)	7
Stony Creek	(T.140, R.28)	2C
Stony Point Brook	(T.147, R.28)	2C
Sucker Creek (Gould Creek) (excluding trout waters)	(T.143, 144, R.36)	2C
Swamp Creek, Big	(T.137, 138, 139, R.32, 33)	2C
Swamp Creek, Little	(T.136, 137, R.33)	2C
Swan Creek	(T.134, 135, R.32)	2C
Swan Creek, Little	(T.135, R.32)	2C
Swift River	(T.142, R.27)	2C
Taylor Creek	(T.128, R.31)	2C
Ted Brook Creek	(T.130, R.31)	2C
Tibbits Brook	(T.33, 34, R.26, 27)	2C
Tibbetts Creek (Tibbetts Brook)	(T.39, 40, R.27, 28)	2C
Tower Creek	(T.135, R.32, 33)	2C
Two Rivers, South Branch Albany	(T.125, R.31, S.21, 22, 23)	7
Unnamed Creek Calumet	(T.56, R.23, S.21)	7
Unnamed Creek Hiller Mobile Home Court	(T.119, R.26, S.22, 26, 27, 35)	7
Unnamed Creek Grove City	(T.120, R.32, S.34, 35, 36)	7
Unnamed Creek Albertville	(T.121, R.23, S.30; T.121, R.24, S.25, 36)	7
Unnamed Creek Eden Valley Ruhland Feeds	(T.121, R.31, S.2; T.122, R.31, S.35)	7
Unnamed Creek Lake Henry	(T.123, R.33, S.11, 14)	7
Unnamed Creek Miltona	(T.129, R.36, S.6; T.130, R.36, S.30, 31)	7
Unnamed Ditch Braham	(T.37, R.23, S.2, 3)	7
Unnamed Ditch Ramey Ramey Farmers Coop Cry.	(T.38, R.28, S.4, 5; T.39, R.28, S.29, 30, 32; T.39, R.29, S.25, 26, 27, 28)	7
Unnamed Ditch McGregor	(T.48, R.23, S.31, 32)	7
Unnamed Ditch Nashwauk	(T.56, R.22, S.4, 5; T.57, R.22, S.32)	7
Unnamed Ditch Taconite	(T.56, R.24, S.22)	7
Unnamed Ditch Glencoe Green Giant	(T.115, R.28, S.21, 22, 27, 28)	7

Unnamed Ditch Glencoe Green Giant	(T.115, R.28, S.14, 23)	7
Unnamed Ditch Winsted Green Giant	(T.117, R.27, S.10, 11)	7
Unnamed Ditch Hiller Mobile Home Court	(T.119, R.26, S.34, 35)	7
Unnamed Ditch Kandiyohi	(T.119, R.34, S.10, 15, 21, 22, 28, 29, 32)	7
Unnamed Ditch Belgrade	(T.123, R.34, S.19, 30)	7
Unnamed Ditch Flensburg	(T.129, R.30, S.30; T.129, R.31, S.25)	7
Unnamed Ditch Miltona	(T.130, R.36, S.30; T.130, R.37, S.25, 36)	7
Unnamed Stream Winsted	(T.117, R.27, S.11, 12)	7
Unnamed Stream Flensburg	(T.129, R.30, S.19, 30)	7
Vandell Brook	(T.37, 38, R.26)	2C
Welcome Creek	(T.56, 57, R.22)	2C
Whitney Brook	(T.39, R.26, 27)	2C
Willow River, North Fork	(T.142, R.25)	2C
Willow River. South Fork	(T.142, R.25)	2C
Wilson Creek	(T.137, R.30)	2C
Wolf Creek	(T.42, R.30)	2C
*Itasca Wilderness Sanctuary	(Waters within the Itasca Wilderness Sanctuary, Clearwater County, T.143, R.36)	2B, 3B
*Iron Springs Bog	(Waters within the Iron Springs Bog Scientific and Natural Area, Clearwater County, T.144, R.36)	2B, 3B
*Pennington Bog	(Waters within the Pennington Bog Scientific and Natural Area, Beltrami County, T.146, R.30)	2B, 3B
*Wolsfeld Woods	(Waters within the Wolsfeld Woods Scientific and Natural Area, Hennepin County, T.118, R.23)	2B, 3B
Lakes		
Bald Eagle Lake	(T.30, 31, R.21, 22)	1C, 2B, 3B
Benedict Lake	(T.142, R.32)	1B, 2A, 3B
Blue Lake	(T.46, 47, R.27)	1B, 2A, 3B
Blue Lake	(T.141, R.34)	1B, 2A, 3B
Bluewater Lake	(T.57, R.25)	1B, 2A, 3B
Centerville Lake	(T.31, R.22)	1C, 2B, 3B
Charley Lake	(T.30, R.23)	1C, 2B, 3B
Deep Lake	(T.30, R.22)	1C, 2B, 3B

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Hay Lake, Lower	(T.137, R.28, 29)	1B, 2A, 3B
Kabekona Lake	(T.142, 143, R.32, 33)	1B, 2A, 3B
Kennedy Lake	(T.58, R.23)	1B, 2A, 3B
LaSalle Lake, Lower	(T.145, R.35)	1B, 2A, 3B
Otter Lake	(T.30, 31, R.22)	1C, 2B, 3B
Pleasant Lake	(T.30, R.22, 23)	1C, 2B, 3B
Pokegama Lake	(T.54, 55, R.25, 26)	1B, 2A, 3B
Roosevelt Lake	(T.138, 139, R.26)	1B, 2A, 3B
Sucker Lake	(T.30, R.22)	1C, 2B, 3B
Trout Lake	(T.55, 56, R.24)	1B, 2A, 3B
Trout Lake, Big	(T.57, 58, R.25)	1B, 2A, 3B
Trout Lake, Big	(T.137, 138, R.27, 28)	1B, 2A, 3B
Trout Lake, Little	(T.57, R.25)	1B, 2A, 3B
Unnamed Swamp Flensburg	(T.129, R.31, S.25)	7
Unnamed Slough Miltona	(T.130, R.37, S.26, 35, 36)	7
Unnamed Swamp Staples	(T.133, R.33, S.1)	7
Unnamed Swamp Taconite	(T.56, R.24, S.22)	7
Vadnais Lake	(T.30, R.22)	1C, 2B, 3B
Wabana Lake	(T.57, R.25)	1B, 2A, 3B
Watab Lake, Big	(T.124, R.30)	1B, 2A, 3B
Wilkinson Lake	(T.30, R.22)	1C, 2B, 3B

Subp. 5. Minnesota River Basin.

Streams

Altermatts Creek (County Ditch No. 39) Comfrey	(T.108, R.33, S.17, 19, 20, 30; T.108, R.34, S.24, 25, 35, 36)	7
Badger Creek	(T.101, 102, R.28)	2C
Beaver Creek, East Fork (County Ditch No. 63) Olivia Olivia Canning Co.	(T.115, R.34, S.1, 2, 3, 4, 5, 6; T.115, R.35, S.1, 12, 13, 14, 23, 24, 25, 26; T.116, R.34, S.16, 20, 21, 28, 29, 30, 32, 33, 34, 35)	7
Blue Earth River, East Fork	(Brush Creek to mouth)	2C, 3B
Blue Earth River, West Fork	(Iowa border to mouth)	2C, 3B
Boiling Spring Creek (excluding Class 7 segment)	(T.113, 114, R.37, 38)	2C
Boiling Springs Creek (County Ditch No. 1B) Echo	(T.113, R.38, S.5, 8; T.114, R.37, S.19, 30; T.114, R.38, S.25, 26, 27, 32, 33, 34)	7
Boot Creek (excluding Class 7 segment)	(T.105, 106, R.22, 23)	2C
Boot Creek New Richland	(T.105, R.22, S.6, 7; T.105, R.23, S.12, 13, 24)	7
Brafees Creek	(T.116, 117, R.40)	2C
Brush Creek	(Iowa border to mouth)	2C, 3B
Bull Run Creek, Little	(T.106, R.24, 25)	2C
Butterfield Creek	(T.106, 107, R.31, 32, 33)	2C
Canby Creek (excluding trout waters)	(South Dakota border to mouth)	2C, 3B
Cedar Run Creek	(T.103, 104, R.32, 33)	2C

Cherry Creek Cleveland	(T.110, R.25, S.7, 8, 16, 17; T.110, R.26, S.12)	7
Chetomba Creek	(T.116, 117, R.36, 37, 38)	2C
Cobb Creek Freeborn	(T.104, R.23, S.7, 8, 17; T.104, R.24, S.11, 12)	7
Cobb Creek Ditch Freeborn	(T.103, R.23, S.2; T.104, R.23, S.14, 15, 16, 23, 26, 35)	7
Cobb River, Big	(T.104, 105, 106, 107, R.23, 24, 25, 26)	2C
Cobb River, Little	(T.105, 106, R.23, 24, 25, 26)	2C
Cottonwood Creek	(T.119, 120, 121, R.41, 42)	2C
County Ditch No. 1 Echo	(T.113, R.38, S.8, 9)	7
County Ditch No. 4 Arco	(T.110, R.44, S.5; T.111, R.44, S.32, 33)	7
County Ditch No. 4 Norwood	(T.115, R.25, S.30; T.115, R.26, S.13, 14, 24, 25)	7
County Ditch No. 5 Marietta	(T.117, R.45, S.6, 7, 18; T.117, R.46, S.1; T.118, R.46, S.23, 25, 26, 36)	7
County Ditch No. 6 Janesville	(T.107, R.24, S.4, 8, 9, 17, 18; T.107, R.25, S.13)	7
County Ditch No. 7 Lowry	(T.126, R.39, S.25, 26)	7
County Ditch No. 12 Waseca	(T.107, R.23, S.22, 23)	7
County Ditch No. 12 (Rice Creek) Belview	(T.113, R.36, S.7, 8, 18, 19; T.113, R.37, S.15, 21, 22, 23, 24)	7
County Ditch No. 14 Tyler	(T.109, R.43, S.18; T.109, R.44, S.2, 3, 11, 13, 14; T.110, R.44, S.33, 34)	7
County Ditch No. 22 Montgomery Green Giant Co.	(T.111, R.23, S.4, 9, 10; T.112, R.23, S.33)	7
County Ditch No. 27 Madison	(T.117, R.43, S.3, 4, 5, 6; T.117, R.44, S.1; T.118, R.43, S.34; T.118, R.44, S.35, 36)	7
County Ditch No. 28 Marietta	(T.118, R.46, S.22, 23, 26)	7
County Ditch No. 38 Storden	(T.107, R.37, S.28, 29)	7
County Ditch No. 40A Lafayette	(T.111, R.29, S.8, 14, 15, 16, 17, 23, 24)	7
County Ditch No. 42 Winthrop	(T.112, R.29, S.6, 7)	7
County Ditch No. 44 Bricelyn Owatonna Canning Co.	(T.101, R.25, S.7, 8, 16, 17; T.101, R.26, S.1, 12; T.102, R.26, S.36)	7
County Ditch No. 45 Renville	(T.114, R.36, S.5, 6, 7, 18; T.114, R.37, S.13; T.115, R.36, S.7, 18, 19, 29, 30, 32)	7
County Ditch No. 46 Willmar	(T.119, R.35, S.19, 20, 29)	7
County Ditch No. 51 Le Center	(T.110, R.24, S.5, 6; T.111, R.24, S.31, 32; T.111, R.25, S.26, 35, 36)	7

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County Ditch No. 54 Montgomery	(T.112, R.23, S.26, 33, 34, 35)	7
County Ditch No. 60 (Chippewa River) Millerville Millerville Coop Cry.	(T.130, R.39, S.14, 22, 23, 27, 28, 32, 33)	7
County Ditch No. 61 Kerkhoven	(T.120, R.37, S.21, 22)	7
County Ditch No. 63 Hanska	(T.108, R.30, S.11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 27, 28)	7
County Ditch No. 66 Bird Island	(T.115, R.34, S.15, 16, 17, 18, 22, 23)	7
County Ditch No. 87 Wells	(T.103, R.24, S.6; T.104, R.24, S.31; T.104, R.25, S.36)	7
County Ditch No. 104 Sacred Heart	(T.114, R.38, S.1, 2; T.115, R.37, S.7, 18; T.115, R.38, S.13, 24, 25, 35, 36)	7
County Ditch No. 109 Morgan	(T.111, R.34, S.4, 5, 8, 17; T.112, R.34, S.22, 23, 27, 28, 33)	7
Crow Creek	(T.112, R.35)	2C
Dry Creek	(T.108, 109, R.36)	2C
Dry Weather Creek	(T.117, 118, R.39, 40, 41)	2C
Dry Wood Creek	(T.122, R.42, 43)	2C
Echo Creek	(T.114, R.37)	2C
Eight Mile Creek	(T.111, 112, 113, R.31)	2C
Elm Creek, North Fork	(T.104, R.34)	2C
Elm Creek, South Fork	(T.103, R.34)	2C
Emily Creek	(T.118, 119, R.43)	2C
Fish Creek	(T.123, 124, R.47, 48)	2C
Five Mile Creek	(T.120, R.44)	2C
Florida Creek	(South Dakota border to mouth)	2C, 3B
Foster Creek (excluding Class 7 segment)	(T.102, 103, R.24)	2C
Foster Creek Alden	(T.103, R.23, S.31; T.103, R.24, S.25, 36)	7
Hassel Creek	(T.122, 123, R.38, 39)	2C
Hawk Creek (County Ditch No. 10) Willmar/Pennock	(T.118, R.36, S.2, 3, 8, 10, 15, 16, 17, 18, 19; T.118, R.37, S.5, 6, 7, 8, 9, 14, 15, 16, 18, 19, 23, 24, 30, 31; T.119, R.35, S.19; T.119, R.36, S.24, 25, 26, 35)	7
Hazel Run	(T.115, R.39, 40, 41, 42)	2C
Iosco Creek	(T.108, R.23)	2C
Judicial Ditch No. 1 Delavan	(T.104, R.27, S.23, 25, 26, 36)	7
Judicial Ditch No. 1A Lafayette	(T.111, R.27, S.5, 6, 7; T.111, R.28, S.10, 11, 12, 15, 16, 17, 18, 19; T.111, R.29, S.24)	7
Judicial Ditch No. 5 Murdock	(T.120, R.38, S.4, 5, 6, 9, 10, 11; T.120, R.39, S.1, 4, 9, 10, 11, 12)	7
Judicial Ditch No. 6 Hanska	(T.107, R.30, S.4; T.108, R.30, S.28, 33)	7
Judicial Ditch No. 10 Hanska	(T.108, R.30, S.4; T.109, R.30, S.35, 36)	7
Judicial Ditch No. 12 Tyler	(T.109, R.43, S.9, 15, 16, 17, 18)	
Judicial Ditch No. 29 Arco	(T.111, R.44, S.21, 28, 33)	7

Judicial Ditch No. 30 Sleepy Eye Del Monte Corp.	(T.109, R.32, S.4, 5, 6; T.110, R.32, S.31)	7
Judicial Ditch No. 49 (Providence Creek) Amboy	(T.105, R.27, S.18, 19; T.105, R.28, S.13)	7
Lac qui Parle River	(Lake Hendricks outlet to Minnesota River)	2C, 3B
Lac qui Parle River, West Fork	(South Dakota border to mouth)	2C, 3B
Lazarus Creek	(South Dakota border to Canby Creek)	2C, 3B
Le Sueur River, Little	(T.106, R.22)	2C
Lone Tree Creek Tracy	(T.109, R.39, S.2, 3, 4, 7, 8, 9; T.110, R.38, S.19, 20, 30; T.110, R.39, S.25, 34, 35 36)	7
Middle Creek	(T.113, 114, R.36)	2C
Mink Creek	(T.104, R.30, 31)	2C
Minneopa Creek Lake Crystal	(T.108, R.28, S.26, 27, 32, 33, 34)	7
Minnesota River	(Big Stone Lake outlet to the Lac qui Parle dam)	1C, 2B, 3B
*Minnesota River	(Lac qui Parle dam to Granite Falls)	1C, 2B, 3B
*Minnesota River	(Granite Falls to Redwood County State Aid Highway 11 bridge)	2B, 3B
Minnesota River	(River Mile 22 to mouth)	2C, 3B
Minnesota River, Little	(South Dakota border crossing to Big Stone Lake)	2C, 3B
Morgan Creek	(T.109, R.29, 30)	2C
Mud Creek	(T.114, R.43, 44, 45)	2C
Mud Creek DeGraff/Murdock	(T.121, R.37, S.31; T.121, R.38, S.18, 19, 20, 28, 29, 33, 34, 35, 36; T.121, R.39, S.11, 12, 13)	7
Muddy Creek (Mud Creek) (County Ditch No. 2) (County Ditch No.4) Chokio	(T.124, R.42, S.6, 7, 15, 16, 17, 18, 21, 22, 23; T.124, R.43, S.1, 4, 5, 6, 7, 8; T.124, R.44, S.1, 2, 3, 12; T.125, R.43, S.34, 35, 36)	7
Palmer Creek	(T.116, 117, 118, R.39)	2C
Pelican Creek	(T.130, R.41, 42)	2C
Pell Creek Walnut Grove	(T.109, R.38, S.25, 26, 27, 28)	7
Perch Creek	(T.104, 105, 106, R.29, 30)	2C
Rice Creek	See County Ditch No. 12	
Rush River, Middle Branch Winthrop	(T.112, R.27, S.16, 19, 20, 21, 30; T.112, R.28, S.18, 19, 20, 21, 22, 25, 26, 27, T.112, R.29, S.7, 8, 9, 13, 14, 15, 16, 17, 18)	7
St. James Creek (excluding Class 7 segment)	(T.105, 106, R.31, 32, 33)	2C
St. James Creek St. James	(T.106, R.31, S.5, 7, 8, 18; T.107, R.31, S.21, 22, 28, 32, 33)	7
Shakopee Creek	(T.119, 120, R.36, 37, 38, 39, 40)	2C
Silver Creek	(T.108, R.23, 24)	2C
Smith Creek	(T.113, R.35, 36)	2C
South Creek	(T.102, 103, R.28, 29, 30)	2C, 3B
Spring Branch Creek	(T.106, R.29, 30)	2C

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Spring Creek	(T.110, 111, R.32, 33, 34)	2C
Spring Creek	(T.117, R.40)	2C
Stony Run	(T.121, 122, R.45, 46)	2C
Stony Run Creek	(T.116, R.40)	2C
Three Mile Creek	(T.112, R.33)	2C
Timms Creek	(T.114, 115, R.36)	2C
Unnamed Creek Green Isle	(T.114, R.26, S.2, 3, 4, 8, 9, 17)	7
Unnamed Creek Pennock	(T.118, R.37, S.2, 3, 4, 5; T.119, R.36, S.4, 5, 6, 7, 18, 19; T.119, R.37, S.24, 25, 26, 35)	7
Unnamed Creek Murdock	(T.120, R.38, S.1, 2; T.121, R.38, S.35)	7
Unnamed Ditch Burnsville Freeway Sanitary Landfill	(T.27, R.24, S.28, 33)	7
Unnamed Ditch Bricelyn Owatonna Canning Co.	(T.101, R.25, S.10)	7
Unnamed Ditch Alden	(T.102, R.23, S.4, 5; T.103, R.23, S.31, 32)	7
Unnamed Ditch Truman	(T.104, R.30, S.2, 11; T.105, R.30, S.25, 26, 35)	7
Unnamed Ditch New Richland	(T.105, R.22, S.17, 18, 19; T.105, R.23, S.24)	7
Unnamed Ditch Lewisville	(T.105, R.30, S.3; T.106, R.30, S.14, 23, 26, 34, 35)	7
Unnamed Ditch Waldorf	(T.106, R.24, S.34)	7
Unnamed Ditch Waseca	(T.107, R.23, S.14, 23)	7
Unnamed Ditch Jeffers	(T.107, R.36, S.21)	7
Unnamed Ditch Storden	(T.107, R.37, S.19, 30)	7
Unnamed Ditch Eagle Lake	(T.108, R.25, S.18, 19; T.108, R.26, S.13)	7
Unnamed Ditch Walnut Grove	(T.109, R.38, S.28)	7
Unnamed Ditch Tracy	(T.109, R.39, S.18; T.109, R.40, S.13)	7
Unnamed Ditch Wabasso	(T.110, R.36, S.3; T.111, R.36, S.18, 19, 20, 28, 29, 33, 34; T.111, R.37, S.13)	7
Unnamed Ditch Lafayette	(T.111, R.29, S.6, 7, 8; T.111, R.30, S.12)	7
Unnamed Ditch Wabasso	(T.111, R.37, S.13, 24)	7
Unnamed Ditch Montgomery	(T.112, R.23, S.33)	7
Unnamed Ditch Near Fernando Round Grove Coop Cry.	(T.113, R.30, S.5; T.114, R.29, S.19, 20, 30; T.114, R.30, S.25, 26, 27, 28, 29, 32)	7
Unnamed Ditch Green Isle	(T.114, R.26, S.19; T.114, R.27, S.11, 12, 13, 14, 24)	7
Unnamed Ditch Porter	(T.114, R.44, S.21, 28)	7

Unnamed Ditch Bongards Bongards Creameries	(T.115, R.25, S.9, 16)	7
Unnamed Ditch Clarkfield	(T.115, R.41, S.16)	7
Unnamed Ditch Clarkfield	(T.115, R.41, S.16, 21)	7
Unnamed Ditch Madison	(T.118, R.44, S.27, 28, 34, 35)	7
Unnamed Ditch Pennock	(T.119, R.36, S.2, 3, 4, 9, 10)	7
Unnamed Ditch DeGraff	(T.121, R.38, S.19, 29, 30)	7
Unnamed Ditch Hancock	(T.122, R.40, S.6; T.122, R.41, S.1, 12; T.123, R.40, S.18, 19, 30, 31; T.123, R.41, S.11, 12)	7
Unnamed Ditch Alberta	(T.24, R.43, S.3, 4)	7
Unnamed Ditch Farwell Farwell Coop Cry. Assn.	(T.126, R.39, S.6)	7
Unnamed Ditch Lowry	(T.126, R.39, S.26, 35)	7
Unnamed Ditch Brandon	(T.129, R.39, S.21, 22)	7
Unnamed Ditch Evansville	(T.129, R.40, S.10, 11)	7
Unnamed Dry Run Near Minneopa Blue Earth- Nicollet Elec.	(T.108, R.27, S.16)	7
Unnamed Dry Run Mankato Southview Hts. Coop Assn.	(T.108, R.26, S.19, 30; T.108, R.27, S.24)	7
Unnamed Stream Mankato Midwest Electric Products	(T.109, R.26, S. 20, 21, 28)	7
Unnamed Stream Savage	(T.115, R.21, S.8, 9)	7
Unnamed Stream Dawson Dawson Mills Soy Isolate	(T.117, R.43, S.22)	7
Wabasha Creek	(T.112, R.34)	2C
Whetstone River	(South Dakota border to mouth)	2C, 3B
Old Whetstone River Channel Ortonville	(T.121, R.46, S.16, 21)	7

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Big Stone Canning Co.		
Willow Creek	(T.104, 105, R.31, 32)	2C
Wood Lake Creek	(T.113, 114, R.38, 39)	2C
Yellow Bank River, North Fork	(South Dakota border to mouth)	2C, 3B
Yellow Bank River, South Fork	(South Dakota border to mouth)	2C, 3B
Yellow Medicine River, North Fork	(South Dakota border to mouth)	2C, 3B
Lakes		
Amber Lake	(T.102, R.30)	1C, 2B, 3B
Bardwell Lake	(T.102, R.30)	1C, 2B, 3B
Budd Lake	(T.102, R.30)	1C, 2B, 3B
George Lake	(T.102, R.30)	1C, 2B, 3B
Hall Lake	(T.102, R.30)	1C, 2B, 3B
Mud Lake	(T.102, R.30)	1C, 2B, 3B
One Hundred Acre Slough St. James	(T.106, R.31, S.7)	7
Silver Lake, North	(T.101, R.30)	1C, 2B, 3B
Sisseton Lake	(T.102, R.30)	1C, 2B, 3B
Unnamed Marsh Barry	(T.124, R.47, S.8)	7
Unnamed Slough Kensington	(T.127, R.40, S.34)	7
Unnamed Slough	(T.129, R.39, S.21, 22)	7
Unnamed Swamp Minnesota Lake	(T.104, R.25, S.3, 4)	7
Unnamed Swamp Storden	(T.107, R.37, S.30)	7
Unnamed Swamp Sunbufg Sunburg Coop Cry.	(T.122, R.36, S.30)	7
Unnamed Swamp Lowry	(T.126, R.39, S.35, 36)	7
Wilmert Lake	(T.101, R.30)	1C, 2B, 3B
Subp. 6. St. Croix River Basin.		
Streams		
Bear Creek	(T.43, R.23, 24)	2C
Bergman Brook	(T.42, 43, R.23, 24)	2C
Groundhouse River, West Fork	(T.39, 40, R.26)	2C
Hay Creek	(T.42, 43, 44, R.15, 16)	1B, 2B, 3B
*Kettle River	(From the north Pine County line to the dam at Sandstone)	2B, 3B
*Kettle River	(From the dam at Sandstone to its confluence with the St. Croix River)	2B, 3B
King Creek	(T.47, R.19)	2C
Mission Creek (excluding trout waters)	(T.39, 40, 41, R.20, 21)	1B, 2B, 3B
Rock Creek	(T.37, 38, R.20, 21)	1B, 2B, 3B
Rush Creek	(T.37, R.20, 21)	1B, 2B, 3B
*St. Croix River	(Wisconsin border crossing to Taylors Falls)	1B, 2B, 3B
*St. Croix River	(Taylors Falls to mouth)	1C, 2B, 3B
Sunrise River, West Branch	(T.34, R.21, 22)	1B, 2B, 3B
Tamarack River, Lower	(Hay Creek to mouth)	1B, 2B, 3B

Tamarack River, Upper (Spruce River)	(T.42, R.15, 16)	1B, 2B, 3B
Unnamed Ditch Chisago City	(T.34, R.20, S.19, 29, 30, 31, 32)	7
Unnamed Ditch Almelund Almelund Coop Cry.	(T.35, R.20, S.25)	7
Unnamed Ditch Moose Lake	(T.46, R.19, S.30)	7
Unnamed Dry Run Wahkon	(T.41, R.25, S.3; T.42, R.25, S.29, 32, 33, 34)	7
Unnamed Stream Shafer	(T.34, R.19, S.32, 33, 34)	7
*Kettle River	(Waters within the Kettle River Scientific and Natural Area, Pine County, T.41, R.20)	
Lakes		
Grindstone Lake	(T.42, R.21)	1B, 2A, 3B
Unnamed Swamp Shafer	(T.34, R.19, S.31, 32)	7
*Boot Lake	(Waters within the Boot Lake Scientific and Natural Area, Anoka County, T.33, R.22)	2B, 3B

Subp. 7. Lower Mississippi River Basin.

Streams		
Albany Creek, West	(T.110, 111, R.12, 13)	2C
Bear Creek (Excluding trout waters)	(T.107, R.9)	2C
Brush Valley Creek	(T.104, R.5)	2C
*Cannon River	(From the northern city limits of Faribault to its confluence with the Mississippi River)	2B, 3B
Carters Creek Wykoff	(T.103, R.12, S.4, 9, 15, 16, 22)	7
Chub Creek, North Branch	(T.112, 113, R.19)	2C
Cold Creek	(T.110, 111, R.14)	2C
County Ditch No. 15 Kilkenny	(T.110, R.23, S.22, 23)	7
Crane Creek	(T.107, 108, R.20, 21, 22)	2C
Dakota Creek	(T.105, R.5)	2C
Dry Creek	(T.108, R.12, 13)	2C
Dutch Creek	(T.112, R.20, 21)	2C
Gilmore Creek (excluding trout waters)	(T.107, R.7)	2C
Harkcom Creek	(T.108, R.16)	2C
Homer Creek	(T.106, R.6)	2C
Indian Spring Creek	(T.103, R.5)	2C
King Creek	(T.111, R.11, 12)	2C
Long Creek	(T.108, 109, R.12)	2C
MacKenzie Creek	(T.108, 109, R.21)	2C
Mahoney Creek	(T.103, R.10)	2C

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Mound Prairie Creek	(T.104, R.5)	2C
Mud Creek	(T.108, 109, R.20, 21)	2C
Pine Creek	(T.112, 113, R.17, 18)	2C
Pleasant Valley Creek	(T.106, 107, R.6, 7)	2C
Plum Creek	(T.108, R.15)	2C
Prairie Creek	(T.110, 111, 112, R.18, 19, 20)	2C
Riceford Creek Mabel	(T.101, R.8, S.24, 25, 26)	7
Salem Creek	(T.106, R.15, 16)	2C
Shingle Creek	(T.109, 110, R.17)	2C
Silver Creek (excluding trout waters)	(T.104, 105, R.6)	2C
Silver Spring Creek	(T.108, 109, R.13)	2C
Snake Creek	(T.109, R.10)	2C
Sugar Creek (Sugarloaf Creek)	(T.111, 112, R.12, 13)	2C
Sullivan Creek	(T.103, R.5)	2C
Trout Brook (Mazeppa Creek) Goodhue	(T.110, R.15, S.3, 4; T.111, R.15, S.28, 33, 34)	7
Trout Creek, Little	(T.106, R.5, 6)	2C
Trout Run Creek (Trout Creek) (excluding trout waters)	(T.104, 105, R.10)	2C
Unnamed Creek Canton	(T.101, R.9, S.20)	7
Unnamed Creek Byron	(T.107, R.15, S.17, 20, 29)	7
Unnamed Creek Plainview	(T.108, R.11, S.16, 17, 20, 21, 22, 27, 34)	7
Unnamed Creek West Concord	(T.108, R.17, S.17, 20, 21)	7
Unnamed Ditch Claremont	(T.107, R.18, S.27, 34)	7
Unnamed Ditch Lonsdale	(T.112, R.22, S.25, 35, 36)	7
Unnamed Ditch Hampton	(T.113, R.18, S.5, 6; T.114, R.18, S.31)	7
Unnamed Dry Run Altura	(T.107, R.9, S.7, 18)	7
Unnamed Dry Run Owatonna Owatonna Canning Co.	(T.107, R.20, S.6; T.107, R.21, S.1)	7
Unnamed Dry Run Owatonna Owatonna Canning Co.	(T.107, R.20, S.6; T.107, R.21, S.1)	7
Unnamed Stream Dodge Center Owatonna Canning Co.	(T.107, R.17, S.27, 34)	7
Whitewater River, North Fork Elgin	(T.108, R.12, S.25, 26, 27)	7
Lakes		
Unnamed Marsh Kilkenny	(T.110, R.23, S.22, 23)	7

Unnamed Swamp Hampton	(T.113, R.18, S.8)	7

Subp. 8. Cedar-Des Moines Rivers Basin.

Streams

Bancroft Creek	(T.103, 104, R.21)	2C
Bear Creek (excluding Class 7 segment)	(Source to Iowa border)	2C, 3B
Bear Creek, North Spring Grove	(T.101, R.7, S.26, 27, 35)	7
Beaver Creek	(T.101, 102, R.13, 14)	2C, 3B
Cedar River, Little	(Source to Iowa border)	2C, 3B
Clear Creek	(T.102, R.4)	2C
County Ditch No. 11 Sherburn	(T.101, R.32, S.4, 9, 10; T.102, R.32, S.7, 8, 16, 17, 21, 27, 28, 33, 34)	7
County Ditch No. 48 Conger	(T.102, R.22, S.19, 20; T.102, R.23, S.24, 25, 26, 35)	7
Deer Creek	(T.101, R.19, 20)	2C, 3B
Dobbins Creek	(T.103, R.16, 17)	2C
Goose Creek Twin Lakes	(T.101, R.20, S.31; T.101, R.21, S.16, 17, 18, 21, 22, 26, 27, 35, 36; T.101, R.22, S.12, 13)	7
Heron Lake Outlet	(T.104, 105, R.37)	2C
Iowa River, Little	(T.101, 102, R.14)	2C
Jack Creek Wilmont	(T.104, R.41, S.25, 26, 30, 31, 32, 33, 34, 35, 36)	7
Lime Creek	(T.101, R.22, 23)	2C, 3B
Murphy Creek	(T.103, R.18)	2C
Okabena Creek (excluding Class 7 segment)	(T.102, 103, R.37, 38, 40)	2C
Okabena Creek Worthington Worthington Lagoons and Allied Mills	(T.102, R.38, S.6, 7; T.102, R.39, S.7, 8, 9, 10, 11, 12, 14, 15, 16, 18; T.102, R.40, S.13)	7
Orchard Creek	(T.102, R.18, 19)	2C
Pine Creek (excluding Class 7 segment)	(T.101, R.10)	2C, 3B
Pine Creek Harmony	(T.101, R.9, S.31; T.101, R.10, S.24, 25, 36)	7
Roberts Creek	(T.103, 104, R.16, 17, 18)	2C
Rose Creek	(T.102, 103, R.16, 17, 18)	2C
Soldier Creek	(T.101, R.32, 33)	2C, 3B
Turtle Creek	(T.103, R.18, 19, 20)	2C
Unnamed Creek Spring Grove	(T.101, R.7, S.14, 22, 23, 27)	7
Unnamed Creek Emmons	(T.101, R.22, S.31)	7
Unnamed Creek Brownsdale	(T.103, R.17, S.4, 9)	7

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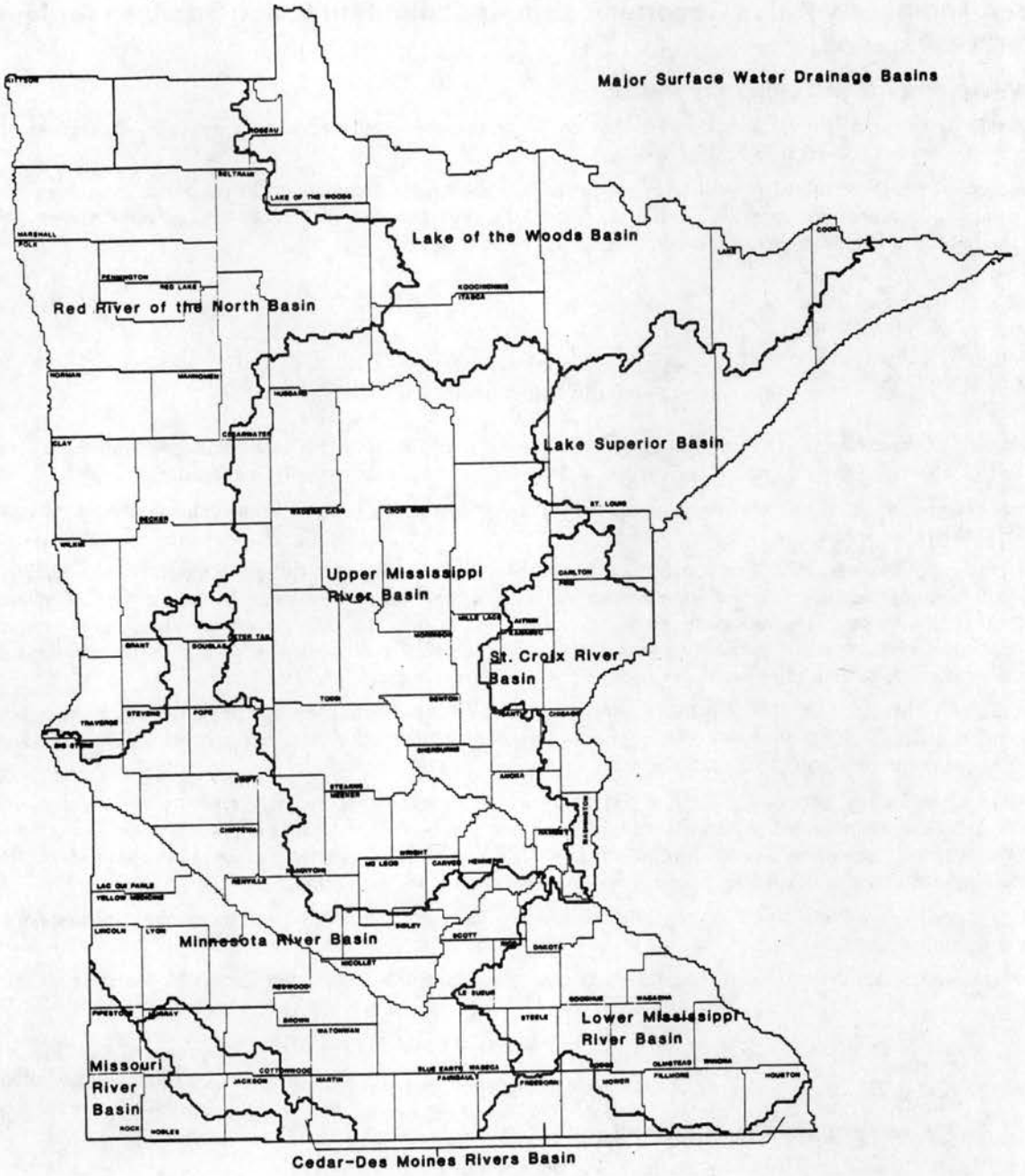
Unnamed Creek Blooming Prairie	(T.104, R.18, S.5, 8, 9, 16; T.105, R.18, S.31)	7
Unnamed Creek Iona	(T.105, R.41, S.3, 4, 9; T.106, R.40, S.19, 29, 30, 32; T.106, R.41, S.24, 25, 26, 34, 35)	7
Wapsipinicon River	(T.101, R.15)	2C, 3B
Waterloo Creek	(T.101, R.6, 7)	1B, 2B, 3B
Wildcat Creek (excluding trout waters)	(T.103, R.4)	2C
Wolf Creek	(T.103, R.16, 17, 18)	2C
Woodbury Creek	(T.101, 102, R.18, 19)	2C

Subp. 9. Missouri River Basin.

Streams

Ask Creek	(T.101, R.45)	2C
Beaver Creek	(T.102, 103, 104, R.45, 46, 47)	2C, 3B
Flandreau Creek (excluding Class 7 segment)	(T.107, 108, R.46, 47)	2C, 3B
Flandreau Creek Lake Benton	(T.108, R.46, S.1, 2, 11; T.109, R.45, S.30, 31; T.109, R.46, S.36)	7
Kanaranzi Creek	(Source to Iowa border)	2C, 3B
Medary Creek	(Source to South Dakota border)	2C, 3B
Mound Creek	(T.103, 104, R.45)	2C
Mud Creek	(T.101, 102, R.45, 46)	2C, 3B
Pipestone Creek	(Source to South Dakota border)	2C, 3B
Rock River (excluding Class 7 segment)	(Source to Iowa border)	2C, 3B
Rock River Holland	(T.107, R.44, S.18, 19, 20, 29; T.107, R.45, S.12, 13)	7
Rock River, Little	(Source to Iowa border)	2C, 3B
Sioux River, Little	(Source to Iowa border)	2C, 3B
Sioux River, West Fork Little	(Source to Iowa border)	2C, 3B
Skunk Creek	(T.101, 102, R.37, 38, 39)	2C
Split Rock Creek	(Split Rock Lake outlet to South Dakota border)	2C, 3B
Unnamed Creek Jasper	(T.104, R.46, S.6)	7
Unnamed Creek Hatfield	(T.105, R.44, S.6, 7, 8; T.105, R.45, S.1; T.106, R.45, S.36)	7
Unnamed Creek Hatfield	(T.106, R.45, S.34, 35, 36)	7
Unnamed Ditch Steen	(T.101, R.45, S.31, 32)	7
Unnamed Ditch Hills	(T.101, R.46, S.28, 33)	7
Unnamed Ditch Lake Benton	(T.109, R.45, S.17, 19, 20)	7

7050.0480 MAP: MAJOR SURFACE WATER DRAINAGE BASINS.



REPEALER. Minnesota Rules, parts 7055.0010, 7055.0020, 7055.0030, 7055.0040, 7055.0050, 7055.0060, 7055.0070, 7055.0080, 7055.0090, 7055.0100, 7055.0110, 7055.0120, 7055.0250, 7055.0260, 7055.0270, 7055.0280, 7055.0290, 7055.0300, and 7055.0310 are repealed.

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Department of Public Welfare

Proposed Temporary Rules Governing Semi-Independent Living Services for Mentally Retarded Persons

Notice of Intent to Adopt Temporary Rules

The State Department of Public Welfare proposes to adopt the above-entitled temporary rules to implement Laws of Minnesota 1983, chapter 310, section 1, subdivision 6.

Persons interested in these rules have until April 9, 1984 to submit written comments. The proposed temporary 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. Written comments should be sent to:

Robert F. Meyer
Mental Health Bureau
Department of Public Welfare
Fourth Floor, Centennial Building
St. Paul, MN 55155
612/296-2147

Upon adoption of these temporary rules, this notice, all written comments received, and the adopted temporary rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality.

The adopted temporary rules will not become effective without the Attorney General's approval and the Revisor of Statutes' certification of the rules' form.

As required by the Administrative Procedures Act, Minnesota Statutes, chapter 14, these temporary rules shall be in effect for up to 180 days following their adoption and may be continued in effect for an additional 180 days if the Commissioner gives notice of continuation by publishing notice in the *State Register* and mailing the same notice to all persons registered with the Commissioner to receive notice of rulemaking proceedings. The temporary rules shall not be effective 360 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

The purpose of 12 MCAR §§ 2.02001-2.02011 (Temporary) is to establish procedures to implement a statewide program of semi-independent living services to assist county boards in reducing their utilization of intermediate care services in state hospitals and community residential facilities for persons who are mentally retarded.

Semi-Independent Living Services (SILS) means an array of services that includes training, counseling, instruction, supervision and assistance provided in accordance with the client's individual program plan provided for fewer than 24-hours her day. Services may include assistance in budgeting, meal preparation, shopping, personal appearance, counseling and related social support services needed to maintain and improve the clients' functioning.

These temporary rules will not result in any additional state or county spending beyond the amount of funds appropriated under Laws of Minnesota 1983, chapter 310.

Copies of this notice and the proposed temporary rule may be obtained by contacting Robert F. Meyer, 612/296-2147.

March 5, 1984

Leonard W. Levine
Commissioner of Public Welfare

Temporary Rules as Proposed (all new material)

12 MCAR § 2.02001 [Temporary] Authority, purpose, and applicability.

A. Authority. Minnesota Statutes, section 252.275, subdivision 6, authorizes the commissioner to adopt rules to govern grant applications, criteria for approval of applications, allocation of grants, and maintenance of program and financial statements for county or human service boards applying for state grants for semi-independent living services for mentally retarded persons.

B. Purpose. The purpose of 12 MCAR §§ 2.02001-2.02011 [Temporary] is to establish procedures to implement a statewide program of semi-independent living services to assist county boards in reducing their utilization of intermediate care services in state hospitals and community residential facilities for persons who are mentally retarded.

C. Applicability. Rules 12 MCAR §§ 2.02001-2.02011 [Temporary] govern the county boards' grant proposal, submission and reporting, and the department grant approval of semi-independent living services for mentally retarded persons. Only county boards may apply for a state grant for semi-independent living services. Rules 12 MCAR §§ 2.02001-2.02011 [Temporary]

govern only semi-independent living services funded under appropriations made available under Minnesota Statutes, section 252.275. Rules 12 MCAR §§ 2.02001-2.02011 [Temporary] do not govern semi-independent living services funded as a home and community-based service under Minnesota Statutes, section 256B.50, or semi-independent living services funded as a community social service under Minnesota Statutes, sections 256E.01 to 256E.12.

12 MCAR § 2.02002 [Temporary] Definitions.

A. Applicability. As used in 12 MCAR §§ 2.02001-2.02011 [Temporary], the following terms have the meanings given to them.

B. Administrative operating costs. "Administrative operating costs" has the meaning given it in 12 MCAR § 2.05313 [Temporary] C.

C. Case management. "Case management" has the meaning given it in 12 MCAR § 2.185.

D. Client. "Client" means an adult who is mentally retarded, 18 years of age and older, and receiving semi-independent living services as provided in 12 MCAR § 2.018.

E. Commissioner. "Commissioner" means the commissioner of the Department of Public Welfare.

F. County board. "County board" means that body of duly elected officials responsible for the governance of the county under the authority of Minnesota Statutes, sections 375.02 to 375.55. When a human service board has been established under Minnesota Statutes, section 402.02 to 402.10, it shall be considered to be the county board for the purposes of 12 MCAR §§ 2.02001-2.02011 [Temporary].

G. Department. "Department" means the Department of Public Welfare.

H. Financially responsible county board. "Financially responsible county board" means the county of financial responsibility as defined in Minnesota Statutes, section 256E.08.

I. Host county contract. "Host county contract" has the meaning given it in 12 MCAR § 2.160.

J. Individual program plan. "Individual program plan" has the meaning given it in 12 MCAR § 2.185.

K. Individual service plan. "Individual service plan" has the meaning given it in 12 MCAR § 2.185.

L. Interdisciplinary team. "Interdisciplinary team" has the meaning given it in 12 MCAR § 2.185.

M. Intermediate care facility for mentally retarded or ICF/MR. "Intermediate care facility for mentally retarded" or "ICF/MR" means a program licensed to serve mentally retarded residents under Minnesota Statutes, section 252.28, and a physical plant licensed as a supervised living facility under Minnesota Statutes, chapter 144, which are also certified as an intermediate care facility for mentally retarded under Code of Federal Regulations, title 42, section 442 (as amended through December 1983).

N. Local matching money. "Local matching money" means local actual cash revenues made available by a county board for the provision of semi-independent living services.

O. Local social service agency. "Local social service agency" has the meaning given it in 12 MCAR § 2.185.

P. Mentally retarded person. "Mentally retarded person" has the meaning given it in 12 MCAR § 2.185.

Q. Provider. "Provider" means an individual, organization, or agency providing semi-independent living services and meeting the requirements of 12 MCAR § 2.02004 [Temporary] and 12 MCAR § 2.018.

R. Request for proposal. "Request for proposal" means a written proposal by the county board specifying the number and types of clients to be served, the amount and type of services to be provided, the client outcomes to be expected, the criteria for provider selection, and the service cost or budget limitations, if any.

S. Semi-independent living services. "Semi-independent living services" means services which include training, counseling, instruction, supervision, and assistance provided in accordance with the client's individual program plan provided for fewer than 24 hours per day. Services may include assistance in budgeting, meal preparation, shopping, personal appearance, counseling, and related social support services needed to maintain and improve the clients' functioning.

T. Service site. "Service site" means the building where clients reside while receiving semi-independent living services.

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U. Unit of service. A "unit of service" means one hour of staff time spent on the activities of developing, implementing, coordinating, and evaluating a client's program plan. A unit of service is limited to:

1. direct contact activities involving direct contact with the client either face-to-face or over the phone directed at the attainment of the individual service plan;

2. collateral activities which means direct verbal or written contact with professionals or others relating to client which is directed toward the attainment of the individual service plan; and

3. individual program planning activities, which means attending the client's interdisciplinary team meetings, assessing the client's functioning levels, developing and reviewing the client's quarterly and annual program plans, and charting and reporting on the client's progress toward individual service objectives.

12 MCAR § 2.02003 [Temporary] Client eligibility.

A. Client eligibility. The county board may receive state reimbursement under 12 MCAR §§ 2.02001-2.02011 [Temporary] for a person who is:

1. determined to be mentally retarded in accordance with the procedures of 12 MCAR § 2.185; and is 18 years of age and older;

2. a resident of an ICF/MR, who would otherwise remain in an ICF/MR if semi-independent living services were not provided, or the resident is determined by the local social service agency to be at risk of institutional placement and in need of semi-independent living services. At risk of institutional placement means that the client would be placed into a long-term intermediate care facility for mentally retarded persons within one year if semi-independent living services were not provided; and

3. eligible for the categorical requirement of disability used in the Medical Assistance Program. The person must have a current federal or state determination of disability by the Social Security Administration or a state disability determination by the Department of Public Welfare's medical review team.

B. Exceptions. Individual client exceptions to having a federal or state disability determination may be made when it is demonstrated that the person meets the criteria in A.1. and A.2. of this rule. Application for individual exceptions must be submitted in writing by the financially responsible county board to the mental retardation division. Individual exceptions will be reviewed and determined by the mental retardation division in consultation with the state medical review team within 30 days of the receipt of the county board's request unless additional information is required.

C. Appeals. If a client receiving semi-independent living services is no longer determined to be disabled and has appealed that determination, the client continues to be eligible for semi-independent living services until the final determination of the appeal.

D. Loss of eligibility. If a client is finally determined to no longer be disabled, the client is considered eligible for semi-independent living services for the remainder of the grant period.

E. Transfers from ICF/MR. Any client taken from an ICF/MR and placed in a semi-independent living service is eligible to receive three consecutive years of semi-independent living services reimbursement regardless of their medical assistance eligibility or disability status.

12 MCAR § 2.02004 [Temporary] Approved provider.

A. Approved provider. A provider is approved to receive state reimbursement from a responsible county board for semi-independent living services under 12 MCAR §§ 2.02001-2.02011 [Temporary] when:

1. the provider has a current license to provide semi-independent living services in accordance with Minnesota Statutes, sections 252.28 and 245.781, and 12 MCAR § 2.018;

2. the provider provides semi-independent living services to no more than eight clients per service site. More than eight clients may be served at a service site if fewer than 25 percent of the occupants of the building are receiving semi-independent living services. Service sites where more than four clients are served shall not be adjacent to or within any existing group residential facility or another semi-independent living services site where more than four clients are served. A provider licensed to provide semi-independent living services on January 1, 1983 not in compliance with this provision, shall submit a plan of compliance to the county board in which it is located by January 1, 1985. The plan of compliance shall not exceed two years and must be approved by the commissioner under the provisions of 12 MCAR § 2.185. The plan must provide for full compliance within two years of its submission; the provider is not approved to receive state reimbursement unless the commissioner approves the plan.

A county board may apply to the commissioner for an exception to 12 MCAR § 2.02004 [Temporary] A.2. based upon the lack of appropriate and adequate housing available to mentally retarded persons. The exception shall demonstrate that the

county proposal is based upon the individual program needs of the clients, assures that services are provided in the least restrictive setting, and avoids the excessive concentration of mentally retarded persons within any service site, town, municipality, or county of the state.

B. Hiring displaced state hospital staff. Each county board shall assure directly or put it in the contract with a provider, that reasonable efforts are made to hire qualified employees of state hospital mental retardation units who have been displaced by reorganization, closure, or consolidation of state hospital units. The county board shall:

1. send its county's request for proposals for the provision of semi-independent living services to the state hospital designated to serve its county's mentally retarded persons at the same time the proposal is sent to other providers; and

2. require that the semi-independent living services providers in the county send all job postings or advertisements to the county's designated state hospital personnel department for mentally retarded.

C. County board and provider contract. When a county board contracts for semi-independent living services, there must be a written host county contract between the county board and the semi-independent living services provider before they are eligible for state reimbursement provided under 12 MCAR §§ 2.02001-2.02011 [Temporary]. The contract must specify:

1. the procedures for monitoring of the provider's compliance with 12 MCAR § 2.02004 [Temporary];

2. the method of payment by the county board to the provider, in which the hourly rate and the units of service by the categories defined in 12 MCAR § 2.02002 [Temporary] and their administrative operating costs associated with providing semi-independent living services must be stated;

3. that reporting and maintenance of records must be consistent with the reporting and recording requirements of 12 MCAR §§ 2.02001-2.02011 [Temporary]; and

4. that services to be provided must be directed at the attainment of the goals and objectives of each client's individual service plan.

12 MCAR § 2.02005 [Temporary] Reimbursable services.

A. Reimbursable services. A county board is eligible for state reimbursement for semi-independent living services when the services are directed at maintaining or improving a client's functioning level. Reimbursable services include, but are not limited to, supervision, assistance, counseling, or training in the following areas of service:

1. meal planning and preparation;
2. shopping;
3. first-aid training;
4. money management and budgeting;
5. administration of medications;
6. telephone and other public utility usage;
7. personal appearance and hygiene;
8. apartment or home maintenance and upkeep;
9. use of community emergency resources;
10. rights and responsibilities of community living;
11. social, recreational, and transportation skills; and
12. appropriate social behaviors.

B. Authorization for services. Semi-independent living services shall be authorized by the financially responsible county board or its designee before the services are reimbursable.

C. Unapproved providers. Semi-independent living services delivered by a provider not meeting the provisions of 12 MCAR § 2.02004 [Temporary], will not be reimbursed.

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D. Services to a person in an ICF/MR. Semi-independent living services provided to a person while he or she resides in an ICF/MR shall be reimbursed under 12 MCAR § 2.02001-2.02011 [Temporary] only when:

1. the amount of services does not exceed a total of 20 hours while the person resides in ICF/MR; and

2. the services have resulted in the person being placed into a semi-independent living arrangement.

E. No preclusion or substitution for day programs or occupations. Semi-independent living services provided which preclude the client from participation in the appropriate day program or occupation, or provided as a substitute for the appropriate day program or occupation, shall not be reimbursed.

12 MCAR § 2.02006 [Temporary] Application process.

A. Application forms and deadlines. The commissioner shall notify county boards of the deadlines and provide application forms for submission of proposals for grants under Minnesota Statutes, section 252.275.

B. Grant proposals. In order to qualify for a grant under Minnesota Statutes, section 252.275, the county board shall submit to the commissioner two completed copies of the annual proposal. A county board may submit its semi-independent living services proposal as part of its community social service plan. The proposal must at least:

1. describe the proposed semi-independent living services program or changes in the service program from the previous year to be provided under the grant;

2. state the measurable semi-independent living services program goals and objectives or changes in the service program goals and objectives from the previous year to be accomplished with the grant;

3. specify the projected annual service cost, semi-independent living service vendor, living arrangement, day occupation, projected number of service hours, hourly rate, and public assistance eligibility for each client to be served; and

4. include a budget showing total projected income and expenditures from all sources for the proposed semi-independent living services program and the methods used in projecting expenditures.

C. Review of proposals. The commissioner shall evaluate proposals submitted in accordance with 12 MCAR §§ 2.02001-2.02011 [Temporary] for approval. The criteria used for reviews of the proposals must include:

1. the degree to which the proposal reduces or limits the county board's use of long-term intermediate care for mentally retarded persons in state hospitals and community facilities according to Minnesota Statutes, section 252.28;

2. the degree to which the budget for services are based upon reasonable cost projections and methodologies; and

3. the compliance with 12 MCAR §§ 2.02001-2.02011 [Temporary].

D. Approval of applications. The commissioner shall base approval of applications and budgets for semi-independent living services on their compliance with Minnesota Statutes, section 252.275 and 12 MCAR §§ 2.02001-2.02011 [Temporary].

E. Compliance with applicable laws and rules. To be eligible for state reimbursement under 12 MCAR §§ 2.02001-2.02011 [Temporary], the county board and its contracting providers and subcontractors shall comply with:

1. Minnesota Statutes, section 245.825, and applicable rules governing the use of aversive and deprivation procedures;

2. Minnesota Statutes, chapter 13 governing the collection, security, and dissemination of records; and

3. Minnesota Statutes, section 626.557 and applicable rules governing reporting of maltreatment of vulnerable adults. If a county board does not comply with these statutes and rules, it will not be reimbursed under 12 MCAR §§ 2.02001-2.02011 [Temporary].

F. Adjustment of proposals. The commissioner shall adjust county proposals as necessary to assure compliance with Minnesota Statutes, section 252.025 and the provisions of 12 MCAR §§ 2.02001-2.02011 [Temporary].

G. Notice of grant award. The commissioner shall give written notice of the grant award determinations to the county boards.

12 MCAR § 2.02007 [Temporary] Use of state funds.

A. Reimbursement amounts. County boards shall be paid by the state agency based on their actual expenditures for semi-independent living services to eligible clients and the rate of state reimbursement determined by the commissioner in C. for the grant period. The amount of state reimbursement to a county board must not exceed the amount of the state grant award made to the county board for the grant period.

B. Other income. If a county board or a provider receives any income other than county money as a reimbursement for service costs also funded through state or local matching money under Minnesota Statutes, section 252.275, then:

1. this income shall be applied first to the local share to reduce the local share; and

2. if the income exceeds the local share of the approved service costs, the commissioner must reduce the state grant by the amount that the income exceeds the local share.

C. Rate of state reimbursement. The actual percentage of the total cost of semi-independent living services paid by the commissioner shall be the percentage of total expenditures for services budgeted by county boards for the grant period prorated against the state appropriations for the period. The commissioner shall work with county boards to adjust proposals as necessary to comply with Minnesota Statutes, section 252.275, subdivision 4. State reimbursement shall not be more than 95 percent or be less than 80 percent of the cost of semi-independent living services for eligible clients. Priority for funding shall be given to eligible clients who have received semi-independent living services in the previous grant period and continue to need services during the proposed grant period.

D. Board and lodging expenditures. Expenditures for board and lodging are not reimbursable as semi-independent living services. Board and lodging expenses are costs of:

1. normal and special diet food preparation and service;

2. linen, bedding, laundering, and laundry supplies;

3. housekeeping, including cleaning and lavatory supplies;

4. maintenance and operation of the building and grounds, including fuel, electricity, water, supplies and parts and tools to repair and maintain equipment and facilities; and

5. allocation of salaries and other costs related to these areas.

E. Case management and county administrative costs. Case management and county administrative costs are not reimbursable as semi-independent living services. If the county board is the provider of the services, the actual units of direct semi-independent living services provided by agency staff shall be reimbursed.

12 MCAR § 2.02008 [Temporary] Fiscal and client reporting.

A. Records. The county board and its contracting providers and subcontractors shall maintain records to document compliance with 12 MCAR §§ 2.02001-2.02011 [Temporary] and with the goals and objectives in the approved application.

B. Reports. The county board shall use forms provided by the commissioner to report the use of funds for the previous grant period under Minnesota Statutes, section 252.275. The reports must consist of quarterly fiscal reports to ensure tracking of state expenditures for semi-independent living services and an annual program report describing the types of clients served and the amount and types of services provided. County boards shall submit quarterly fiscal reports within 20 days of the end of the quarter and annual program reports within 20 days of the end of the grant year. A county board may integrate these reports into its reports for community social services.

C. Financial records. The county board and its contracting providers and subcontractors shall maintain financial records, using generally accepted accounting principles, in a manner that enables expenditures to be easily compared with the approved budget, all sources of income readily identified, and documentation available for all expenditures.

D. Audits. The county board and its contracting providers and subcontractors shall make available for audit inspection all records required by 12 MCAR §§ 2.02001-2.02011 [Temporary] upon request by the commissioner.

E. Retention of records. Unless an audit in process requires a longer retention period, the county board and its contracting providers and subcontractors shall retain a copy of the following records required by 12 MCAR § 2.02001-2.02011 [Temporary] for at least four years:

1. the program and fiscal reports required in B. and C.;

2. records of specific payments made and income received; and

3. all other records.

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12 MCAR § 2.02009 [Temporary] Budget revision and adjustments, new awards.

A. Increase of a grant. The commissioner may increase a grant award to a county for semi-independent living services when:

1. it has been determined that unused grant money is available under 12 MCAR § 2.02010 [Temporary];

2. the grant increase is within the limits established under Minnesota Statutes, section 252.275, subdivision 4; and

3. the county expenditures for semi-independent living services, which are eligible for reimbursement, exceeded their budget projections.

B. State payments, reductions. Payments shall be in the form of an initial advance, with subsequent quarterly payments contingent upon receipt of a completed quarterly financial report from the county board on forms provided by the commissioner. If actual expenditures by the county board and its contracting providers and subcontractors are less than provided in its approved budget, the commissioner shall reduce the quarterly payments so that the grant remains within the limits in 12 MCAR § 2.02007 [Temporary].

C. New awards. The commissioner may make new grant awards for other proposals approved for funding within the provisions of Minnesota Statutes, section 252.275 from unused funds that are available under 12 MCAR § 2.02009 [Temporary] B. and 12 MCAR § 2.02010 [Temporary].

12 MCAR § 2.02010 [Temporary] Reduction, termination, and return of grants.

A. Unnecessary funds. If the commissioner determines, in consultation with a county board, that the total grant award to that county will not be earned during the grant period, the commissioner may reduce the grant award by the amount determined not to be needed. The commissioner shall notify the affected county board within 30 days of the grant award reduction.

B. Improper use of funds. If the commissioner determines that funds are not being used according to the approved application and budget, all or part of the grant must be terminated upon 30-day notice to the county board with a copy to the provider. The commissioner must require repayment of any funds not used according to the approved application and budget.

12 MCAR § 2.02011 [Temporary] Appeal process.

If the commissioner receives a written appeal from the county board within the 30-day-notice period, reconsideration by the commissioner in which the county board may state its reasons and present evidence, shall be provided before the grant is reduced, terminated, or is required to be repaid. The 30-day period begins when the county board receives the commissioner's notice of certified mail.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Energy and Economic Development Authority

Adopted Temporary Rules for the Administration of the Public School Energy Conservation Investment Loan Program

The temporary rules proposed and published at *State Register*, Volume 8, Number 26, pages 1506-1509, December 26, 1983 (8 S.R. 1506) are adopted with the following modifications:

Temporary Rules as Adopted

6 MCAR § 2.2506 [Temporary] Financial criteria.

A. Maximum loan amount. To assure equitable statewide distribution of loan funds, given that loans will be issued on a first-come-first-served basis, the authority shall establish three equal allocations of the ~~available funds~~ $30 million appropriated to this program to be divided between small, medium, and large school districts. Small districts are defined as having less than 900 students and four classroom buildings or less. Small districts are eligible for up to $250,000 per district. Large districts are defined as having greater than 5,000 students or greater than ten classroom buildings. Large districts are eligible for up to $1,000,000 per district. All other districts are defined as medium size school districts and are eligible for up to $500,000 per district. Cooperative vocational centers and any other eligible educational facilities not included in school districts are limited to $250,000. If less than 33 percent of any of the three allocations is used within a year from the effective date of these rules, the authority may redistribute funds between the three allocations.

6 MCAR § 2.2507 [Temporary] Reports and monitoring.

A. Annual project status report. The school district shall submit to the authority on forms provided by the authority an annual project status report covering the period July 1 through June 30. These reports are due each July 31 until the project is completed. The project status report must indicate the progress of the implementation of the measures funded, problems encountered, the effect of the problem on the project, and the corrective action taken. If at any time the school district ~~has not demonstrated substantial progress towards completion of the project after 18 months, or anytime thereafter~~ fails to substantially comply with the start and end dates given in the loan application as approved and as shown on the financial and progress reports, and if the school district cannot reasonably justify its lack of progress, the entire loan amount may become due and payable at the discretion of the authority.

Department of Transportation

Adopted Rules Governing Distribution of Financial Assistance under the Public Transit Assistance Program (14 MCAR §§ 1.4031-1.4065) and Repeal of Existing Rules (14 MCAR §§ 1.4025-1.4030)

The rules proposed and published at *State Register*, Volume 8, Number 11, pages 451 through 459, on September 12, 1983 (8 S.R. 451) are adopted with the following modifications:

Rules as Adopted

A. Scope. The terms used in 14 MCAR §§ 1.4031~~-1.4065~~ 1.4044 have the meanings given them in this rule.

B. Cost. "Cost" means the amount of money asked or paid or the liability incurred for a commodity or service.

C. Cost contract. "Cost contract" means a cost reimbursement contract under which the contractor receives no fee, operating as a nonprofit organization.

D. Cost-plus-a-fixed-fee contract. "Cost-plus-a-fixed-fee contract" means a cost reimbursement contract providing for the payment of a fixed fee to the contractor based upon negotiation.

E. Cost-plus-incentive-fee contract. "Cost-plus-incentive-fee contract" means a cost reimbursement contract providing for a fee adjusted by a negotiated formula relating total allowable costs to target costs.

F. Cost reimbursement contract. "Cost reimbursement contract" means a contract providing for payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract.

G. Department. "Department" means the Department of Transportation.

H. Direct cost. "Direct cost" means cost incurred for the benefit of and traceable to a specific activity or incurred for providing a specific service.

I. Fee. "Fee" means profit and represents a sum of money which is over and above actual costs.

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J. Financial assistance. "Financial assistance" means state funds paid to an eligible recipient in accordance with the public transit subsidy program established under Minnesota Statutes, section 174.24.

K. Generally accepted accounting principles. "Generally accepted accounting principles" means broad rules adopted by the accounting profession as guides for use in accumulating and reporting financial data and found in the American Institute of Certified Public Accountants Professional Standards, volume 3 "Accounting," published by Commerce Clearing House (Chicago 1979).

L. Indirect cost. "Indirect cost" means a cost incurred for the benefit of the operating entity as a whole and not traceable to a specific activity.

M. Negotiation. "Negotiation" means the process of conferring or bargaining to reach agreement.

N. Operating deficit. "Operating deficit" has the meaning given it in Minnesota Statutes, section 174.22, subdivision 5.

O. Public transit or transit. "Public transit" or "transit" has the meaning given it in Minnesota Statutes, section 174.22, subdivision 7.

P. Reasonable cost. "Reasonable cost" means a price for a commodity or service which, in its nature or amount, does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business.

Q. Regional Development Commission. "Regional Development Commission" has the meaning given it in Minnesota Statutes, section 462.384, subdivision 4.

R. Revenue. "Revenue" means sources of income.

S. Total operating cost. "Total operating cost" means the cost allowability provisions of 14 MCAR §§ ~~1.4040~~ 1.4036 and ~~1.4042~~ 1.4037, as well as the fee allowability provisions of 14 MCAR § ~~1.4043~~ 1.4038.

14 MCAR § 1.4032 Authority, purpose, and scope.

A. Authority. Rules 14 MCAR §§ 1.4031-~~1.4065~~ 1.4044 are adopted pursuant to Minnesota Statutes, sections 174.23, subdivisions 2 and 7; 174.24, subdivision 3; and 174.245, subdivision 2.

B. Purpose. The purpose of 14 MCAR §§ 1.4031-~~1.4065~~ 1.4044 is to establish the procedures and standards for review and approval of applications for transit financial assistance, to define "total operating cost" as the term is used in carrying out the public transit assistance program, to establish uniform performance standards for private operators of regular route transit systems in the Twin Cities metropolitan area transit taxing district, and to establish the procedures and standards for review and approval of applications for capital grant assistance.

C. Scope. Rules 14 MCAR §§ 1.4031-~~1.4065~~ 1.4044 apply to applicants for financial assistance under the public transit subsidy program established by Minnesota Statutes, section 174.24, and the public transit capital grant assistance program established by Minnesota Statutes, section 174.245.

14 MCAR § 1.4033 ~~Eligible recipient~~ Eligibility for public transit participation program.

"Eligible recipient," for the purposes of 14 MCAR §§ 1.4033-1.4043, means a legislatively established public transit commission or authority, a county or a statutory or a home rule charter city operating or providing financial assistance to public transit, a private operator of public transit, or a combination of them.

14 MCAR § ~~1.4035~~ 1.4034 Application for financial assistance through public transit participation program.

An applicant shall request financial assistance using a format prescribed by the department. The required information for the application is limited to the items specified in 14 MCAR § 1.4035. In addition to submitting an application to the department, an applicant shall submit an application to the appropriate regional development commission for review and approval for consistency with regional transportation plans and development guides. If there is no regional development commission in the area, the applicant shall submit the application to the State Planning Agency for review. When applicable, the application must also be submitted to the local transit authority, commission, or system for review and comment as to consistency with its approved transportation development program.

14 MCAR § ~~1.4037~~ 1.4035 Application format.

A. Management plan. Applicants shall include the following information in the management plan:

1. a description of the levels of service to be provided during the contract period, including a discussion of service area, type of service, vehicle descriptions, days and hours of service, contract services, and route maps;

2. a description of the participating transit system's proposed marketing program, including costs and benefits of major elements;

3. a description of proposed capital improvements in the participating transit system;

4. a description of revenue-producing contracts relating to the transit services provided by or for the applicant;

5. a description of expense contracts for services and goods procured by the transit system;

6. a description of the participating public transit system's vehicle maintenance program for the period of financial assistance;

7. a description of the organizational structure established to direct, control, review, and implement the management plan;

8. a description of measurable goals and objectives for the transit system, illustrating the benefits expected to be realized by the investment of state financial assistance;

9. a description of how revenue will be generated through the fare box;

10. a listing of transit and paratransit systems and their union affiliations currently operating in the applicant's area, and a description of existing or potential coordination with these systems;

11. a description of the driver selection process; and

12. a description of the proposed insurance carrier and the limits of coverage.

B. Operations report. Applicants shall include the following information in the operations report on forms provided by the department:

1. actual statistics on operating expenses and operating revenues for the most recent 12-month period;

2. anticipated statistics on operating expenses and operating revenues for the new contract period;

3. actual statistics on miles and hours of service and passengers carried for the most recent 12-month period; and

4. anticipated statistics on miles and hours of service and passengers carried for the new contract period.

C. Resolution regarding application submission. Applicants shall include with the application a resolution by the governing body authorizing the submission of an application, designating a person to represent the applicant in negotiations with the department, and attesting to the availability of local funds to provide the percentage of total cost specified in Minnesota Statutes, section 174.24, subdivision 3.

14 MCAR § ~~1.4040~~ 1.4036 Determination of financial assistance; expense categories.

A. Scope. In determining the total operating costs of a public transit system, upon which financial assistance is based, 14 MCAR § ~~1.4042~~ 1.4037 and the following definitions of expense categories apply and have the meanings given them in this rule.

B. Personnel services. The "personnel services" expense category includes:

1. administrative, management, and supervisory services which are the amount paid to employees of the transit system who are classified as managers, supervisors, coordinators, or administrators and for which the amounts claimed by employees not working solely for the transit system must be supported by detailed time sheets;

2. operators' wages which are the total amount paid to employees of the transit system who are classified as vehicle operators;

3. maintenance and repair wages which are the labor charges incurred in the performance of maintenance and repair of vehicles and other property required for the operation of the transit system, including only wages of maintenance personnel employed by the transit system;

4. other direct wages which are the amount paid to employees of the transit system who are not classfied as operators, maintenance, or administrative personnel, such as dispatchers, bookkeepers, clerical personnel, janitors, and security personnel;

5. indirect labor charges which are the amount to be allocated to the transit contract for labor which is not traceable to a specific transit activity but which benefits the transit operation and must be based on a cost allocation plan approved by the Minnesota Department of Transportation; and

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6. fringe benefits which are the cost of providing fringe benefits for active and retired employees of the transit system, including pension benefits, vacation and sick leave benefits, social security taxes, workers' compensation insurance, unemployment insurance, life insurance, and first party medical coverage and which may be allocated indirectly based on a cost allocation plan approved by the Minnesota Department of Transportation.

C. Administrative charges. The "administrative charges" expense category includes:

1. management fees which are the amount paid for professional services provided by a management service company engaged contractually to provide operating management to the transit system;

2. tariffs and traffic expenses which are any necessary tariff filing fees and costs for the procurement of tickets, tokens, and transfers~~, etc.~~;

3. advertising, marketing, and promotional charges including the necessary cost of advertising and promoting the transit system;

4. legal, auditing, and other professional fees including attorney fees and expenses, court costs, witness fees, and fees for accounting and auditing services rendered by individuals or firms other than employees of the transit system for the purpose of maintaining continuing operations of the transit system, such as accident claims, defending workers' compensation claims, or other items directly related to the mangement plan and approved by the Minnesota Department of Transportation project manager and other professional fees including fees paid for planning, engineering, or other consultant services necessary to the continuing operation of the transit system;

5. security costs which are the costs necessary to provide armored car services and patrol services for vehicles, stations, yards, and buildings to detect and prevent criminal activity, fires, and unsafe conditions, ~~etc.,~~ when the patrolling is performed by an outside security agency and not by transit system employees;

6. office supplies expense which is the cost of office supplies and materials and printing and photocopying charges, which are solely attributable to and necessary for the operation of the transit system;

7. lease and rental costs of administrative facilities including leases and rentals of such items as land, buildings, office equipment, and furnishings, that are used for performing the general administrative functions of the transit system;

8. utilities expense which is the cost of utilities such as gas, electricity, water, telephone services, and trash collection;

9. other direct administrative charges including other administrative charges necessary for the continuing operation of the transit system such as mileage reimbursement for transit support vehicles, approved conference fees, employee travel expenses, driver's training, approved membership fees for transit associations if the cost of membership is reasonably related to the value of the services or benefits received, and subscriptions to transit publications; and

10. indirect administrative charges which are the amount allocated to the transit contract for administrative services not traceable to a specific transit activity but which benefit the transit operation and which must be based on a cost allocation plan approved by the Minnesota Department of Transportation.

D. Vehicle charges. The "vehicle charges" expense category includes:

1. fuel and lubricants expense including costs of gasoline, diesel fuel, antifreeze, propane, lubricating oil, transmission fluid, and grease used by revenue and service vehicles;

2. maintenance and repair material expense including costs of parts, materials, and supplies used in the maintenance and repair of revenue and service equipment;

3. contract service maintenance labor expense which is the cost of labor for maintenance and repair service provided by persons other than transit system employees;

4. tire expense which is the cost of tires and tubes used on revenue and service equipment including the cost of recapping or regrooving and the rental costs for tires and tubes; and

5. other vehicle charges including the cost of first aid equipment, fire extinguishers, and other emergency equipment required for vehicles, and the cost of noncapitalzied vehicle improvements which do not remake a vehicle or appreciably extend its useful life and which have received approval from the Minnesota Department of Transportation.

E. Operations charges. The "operations charges" expense category includes:

1. purchase of service which is the cost of having a subcontractor operate the project service, with cost established;

a. through competitive bidding procedures, except for those recipients covered under Minnesota Statutes, chapter 221;

b. through a negotiated contract with the prime contractor in bid situations when only one bid is received; or

c. through a negotiated subcontract in a nonbid situation;

2. depreciation which is the amount of depreciation or use allowance on depreciable items such as structures, revenue equipment, service vehicles and equipment, and office furniture and equipment and is the amount allowed based on a company's existing depreciation schedule or, if a schedule does not already exist, a depreciation schedule submitted to and approved by the Minnesota Department of Transportation, but which may not be charged for items purchased, totally or in part, with state or federal funds;

3. mileage reimbursement for passenger service including the cost of volunteer driver reimbursement for projects incorporating this type of service, as well as mileage reimbursement for transit personnel using private vehicles for emergency replacement passenger transport in the event of mechanical breakdown of transit vehicles;

4. repair and maintenance of other property including material costs associated with the upkeep and repair of buildings and stations, grounds, nonrevenue equipment owned or leased by the transit company, and miscellaneous expenses such as small tool replacement, and supplies used for cleaning and for general shop and garage purposes;

5. leases and rentals including leases and rentals of garages, depots, passenger vehicles, service vehicles, and passenger stations, ~~etc.,~~ used in the operation of the transit system, with allowability based on the reasonableness of rates and the presence of evidence that the lease will not give rise to material equity in the property; and

6. other operations charges including the cost of such things as the purchase or rental and cleaning of uniforms, street tolls, standing and snowplow operations, passenger amenities, and station agents and which may be allocated indirectly based on a cost allocation plan approved by the department.

F. Insurance charges. The "insurance charges" expense category includes:

1. public liability and property damage insurance expense on vehicles including premiums paid to insure the transit system against loss through damage to its own property and to indemnify the transit system and all financial and operational participants against loss from liability for its acts which cause damage to the person or property of others; and

2. public liability and property damage insurance charges other than on vehicles, including excess liability insurance, baggage and express insurance, and fire and theft insurance.

G. Taxes and fees. The "taxes and fees" expense category includes:

1. vehicle registration and permit fees on vehicles;

2. federal fuel and lubricant taxes and excise taxes on tires;

3. state fuel and lubricant taxes; and

4. other taxes and fees including applicable real estate and property taxes.

14 MCAR § ~~1.4042~~ 1.4037 Determination of financial assistance; disallowed expenses.

A. Scope. In determining the total operating costs of a public transit system, upon which financial assistance is based, 14 MCAR § ~~1.4040~~ 1.4036 and the following definitions of disallowed expenses apply and have the meanings given them in this rule.

B. General purpose equipment. Expenditures for general purpose equipment are unallowable as operating costs ~~except with the prior approval of the department~~. "General purpose equipment" means equipment that is usable for other than transit contract purposes, such as office equipment and furnishings, air conditioning equipment, reproduction and printing equipment, and automatic data processing equipment.

C. Interest and other financial costs. Interest on borrowing (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection with these costs are unallowable.

D. Fines and penalties. Costs resulting from violations of, or failure to comply with federal, state, or local laws and regulations are unallowable.

E. Contingencies. Contributions to a contingency reserve or any similar provision for unseen events are unallowable.

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F. Bad debts. Any losses arising from uncollectible accounts, other claims, and related costs are unallowable.

G. Donations and entertainment expense. Contributions and donations are unallowable as are any entertainment expenses.

14 MCAR § ~~1.4043~~ 1.4038 Determination of financial assistance; fee for service.

Operators for profit of public transit service are eligible for a fee for service. The profit or fee must be established as a dollar amount over and above costs of operation. The fee will be arrived at through noncompetitive negotiations and must represent a fair and reasonable price. Factors to be considered in determining the fee are degree of risk assumed by the contractor, the extent of the contractor's investment, and the contractor's past and present performance.

14 MCAR § ~~1.4044~~ 1.4039 Distribution of financial assistance; revenue categories.

A. Scope. In determining the local sources of funds which may comprise the fixed percentage of total operating costs to be paid by a recipient in accordance with the distribution classifications specified in Minnesota Statutes, sections 174.24, subdivision 3, the following definitions of revenue categories apply and have the meanings given them in this rule.

B. Passenger fare. "Passenger fare" means revenue earned from transporting passengers on the public transit system, including a cash fare, a donation received instead of a set fare, and an advanced fare received from the sale of a coupon, token, or pass.

C. Contract revenue. "Contract revenue" means revenue received from a contract with a beneficiary of a specific transit service, including an amount paid by an organization for a special route guarantee and revenue earned for a ride given in regular transit service but paid for by some organization for the benefit of the rider.

D. School bus revenue. "School bus revenue" means revenue earned from service provided under a contract with a school district, including an amount paid for transporting school children on regularly scheduled route service, for operating a bus exclusively to carry school children, and an amount paid by a college or university for operating a bus on or between campuses.

E. Charter revenue. "Charter revenue" includes reimbursement for charter service received in association with publicly funded transit service, providing that charter service rates are developed so that cost recovery equals or exceeds the full cost of providing the charter service.

F. Auxiliary revenue. "Auxiliary revenue" means revenue earned from an activity closely associated with the transit operation, including revenue received from an advertising service, delivery, a lease, and station and vehicle concessions.

G. Other financial assistance. "Other financial assistance" includes revenue earned from an activity not associated with the provision of the recipient's transit service but which is applied to help cover the system's costs, including a federal cash grant, senior citizen fare assistance, fuel and lubricant tax refund, insurance settlement, investment income, and any general donation.

14 MCAR § ~~1.4045~~ 1.4040 Distribution classifications.

Distribution of funds must be made in accordance with the recipient's classification as specified in Minnesota Statutes, section 174.24, subdivision 3. Exceptions to the distribution classifications are the Twin Cities Metropolitan Transit Commission based on the definition of urbanized area found in Minnesota Statutes, section 174.22, subdivision 10, private operators of regular route transit service in the metropolitan transit taxing district based on the statutory commitment to pay private operators up to 100 percent of the operating deficit, and the project for coordination of special transportation service in the metropolitan area based on the definition of elderly and handicapped service found in Minnesota Statutes, section 174.22, subdivision 13.

14 MCAR § ~~1.4050~~ 1.4041 Financial assistance contract.

A. Content. The financial assistance contract must be a cost reimbursement contract and may be a cost contract, a cost-plus-a-fixed-fee contract, or a cost-plus-incentive-fee contract. The contract must specify the maximum amount of financial assistance to be awarded to the eligible recipient by the department and state the terms and conditions of assistance. For recipients receiving payment under the method described in Minnesota Statutes, section 174.24, subdivision 5, the contract is effective for no more than one year. The final application must be incorporated into the contract as a legal part of the contract document. A resolution by the governing body which designates a person or persons to execute the contract on behalf of the recipient and to represent the recipient during the contract term must be included with the contract.

B. Disbursement schedule. Payments to recipients under contract must be made in accordance with Minnesota Statutes, section 174.24, subdivision 5.

C. Penalties. If a recipient fails to comply with the terms and conditions of the contract, the department shall terminate the financial assistance contract.

14 MCAR § ~~1.4055~~ 1.4042 Use of financial assistance.

A. Record keeping. An eligible recipient and any subcontractor shall maintain their financial records in accordance with

generally accepted accounting principles. The records must permit audit verification of transit cost allocations claimed during the contract period. The eligible recipient and any subcontractor also shall keep records on miles and hours of service and passengers carried. Records must be kept available for a period of three years from the date of final payment.

B. Reporting. At the end of each month of operation, a recipient shall provide the department with a report summarizing cost allocations and operating statistics for the period. Reports must be completed on forms provided or approved by the department and must be submitted no later than 20 working days after the end of the preceding month.

C. Audits. The financial records of the eligible recipient must be audited. They may be audited by the department or the department may accept all or part of the audit of an independent auditor instead of a departmental audit if the audit meets department standards. The financial records of a subcontractor may be audited at the department's discretion. Audits at the end of a contract period must establish approved total operating costs. New recipients are subject to a pre-award audit before contract execution and fund encumbrance. As provided by Minnesota Statutes, section 16.095, the records, books, documents, and accounting practices of the recipient and of any subcontractor relating to the contract are subject to audit and examination by the department and the legislative auditor during working hours.

D. Project monitoring. The department shall use the management plan required under 14 MCAR § ~~1.4037~~ 1.4035 A. as a basis for monitoring and evaluating the performance of the public transit system during the contract period. Public transit policy decisions made by the recipient and actions taken during the contract period must conform with the management plan. A proposed deviation from the management plan must be reported to the department and approval secured in writing before implementation. Approval will be granted if it is clearly documented that the proposed deviation will not increase overall project costs. Failure to secure approval jeopardizes continued financial assistance.

14 MCAR § ~~1.4060~~ 1.4043 Uniform performance standards for private operators in metropolitan transit taxing district.

A. Uniform standards. Performance standards developed by the private operators of regular route transit service must be specified in the management plan required under 14 MCAR § ~~1.4037~~ 1.4035 A. and approved by the department in the process of negotiation. Standards must emphasize maintaining the quality of the system, maintaining the efficiency of the system, and maintaining service levels to the extent necessary to maximize ridership.

B. Funding procedures for private operators. Private operators are subject to the application procedures described in 14 MCAR §§ ~~1.4035~~ 1.4034 and ~~1.4037~~ 1.4035. They also are subject to the contract described in 14 MCAR § ~~1.4050~~ 1.4041 and the provisions in 14 MCAR § ~~1.4055~~ 1.4042. By the provisions of Minnesota Statutes, section 174.24, subdivision 3, payments to private operators may equal up to 100 percent of the operating deficit. The operating deficit is recognized as the total operating cost defined in 14 MCAR § 1.4031 S., minus revenue received. Payments to private operators must be made monthly upon receipt of a request for funds submitted on forms provided by the department. An advance of funds not to exceed ten percent of the maximum contract award may be made in the first month of the contract upon justification from the recipient. This advance must then be deducted from the last two monthly requests for funds.

14 MCAR § ~~1.4065~~ 1.4044 Public transit capital grant assistance program.

A. Eligibility. To be eligible for capital grant assistance, an applicant must be a political subdivision, public transit authority, or other public or private nonprofit agency that operates or provides financial assistance to a public transit system, except that a public transit authority or commission that operates a public transit system in a city of the first class is not eligible.

B. Criteria. Requests for capital assistance from eligible recipients must be evaluated for the impact of the capital need addressed on the provision of transit service, for the impact on accessibility to the handicapped, and on the availability of local share money.

C. Standards. ~~Capital~~ Only assistance requests ~~must be considered~~ for the purchase of new transit vehicles or for the refurbishing of existing vehicles may be considered. Refurbishing expenses are recognized as those costs that remake a vehicle to a renewed level of mechanical and structural soundness and which appreciably extend its useful life.

D. Procedures. The department shall conduct an annual survey of the capital needs of financial assistance grant recipients. The survey must ask respondents to relate capital needs to the criteria established. The resulting capital grant requests must be reviewed by an internal committee of departmental representatives. The committee shall evaluate requests ~~based on the criteria~~

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

and establish priority rankings based on an equal weighting of each of the three criteria. The department shall award grants to the highest ranked eligible recipients from funds designated for capital grants.

E. Capital grant assistance contract. The capital assistance contract between the department and the eligible recipient must specify the maximum amount of financial assistance to be awarded to the recipient and must state the terms and conditions of assistance. In accordance with Minnesota Statutes, section 174.245, capital grants may not exceed two-thirds of the total cost of the purchase price or refurbishing expense. A resolution by the recipient's governing body pertaining to the capital grant request is required.

Repealer. Rules 14 MCAR §§ 1.4025; 1.4026; 1.4027; 1.4028; 1.4029; and 1.4030, are repealed.

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

Outside Opinion Sought Regarding Amendments to Proposed Rules Relating to Securities Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate amendments to rules governing securities. Promulgation of these amendments is authorized by Minnesota Statutes, section 80A.25. The reason for promulgation of these amendments is to eliminate any outmoded portions of the rules in order to increase their effectiveness and to remove any provisions which are unduly burdensome in relation to their benefit to the investor. Suggestions are requested which will ease any undue burden of the rules while still protecting the interests of the public.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes § 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Richard Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-5689.

All statements of information and comment shall be accepted until April 18, 1984. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Energy and Economic Development Community Development Division

Notice of Proposed Fund Distribution for the 1984 Small Cities Development Program

The Department of Energy and Economic Development, Community Development Division, in accordance with the Housing and Community Development Act of 1974, as amended through the Housing and Urban-Rural Recovery Act of 1983 (P.L. 98-181), hereby gives notice on the 1984 Small Cities Development Program's proposed distribution of funds; proposed use of funds for activities that will benefit persons of low and moderate income; and plans of the State of Minnesota for minimizing displacement of persons as a result of activities assisted with Small Cities Development Program funds.

1. Proposed Distribution of Funds.

The U.S. Department of Housing and Urban Development has notified the Department of Energy and Economic Development, Community Development Division, will receive an allocation of $21,792,000 for the 1984 Small Cities Development Program. Of this amount, $435,840 will be reserved by the department for administration of the grant program and $21,356,160 will be available for grants to eligible communities. Under the administrative rules for this program, 10 MCAR §§ 1.500-1.565, 15 percent or $3,203,424 will be reserved for economic development grants; 30 percent or $6,406,848 will be reserved for single purpose housing or public facilities grants; and 55 percent or $11,745,888 will be reserved for comprehensive grants.

2. Proposed Use of Funds for Activities That Will Benefit Persons of Low and Moderate Income.

The purpose of the Small Cities Development Program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate income persons to the exclusion of low income persons. All funded activities must be designed to:

(1) benefit low- and moderate-income persons;

(2) prevent or eliminate slums and blight; or

(3) alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

Under the Housing and Community Development Act of 1974, as amended, at least 51 percent of the funds must be used for activities that benefit low and moderate income persons. The Department of Energy and Economic Development, Community Development Division, proposes that 70 percent of the funds be used to benefit persons of low and moderate income.

3. Plans of the State of Minnesota for Minimizing Displacement of Persons as a Result of Activities Assisted with Small Cities Development Program Funds:

Section 104 of the Housing and Community Development Act of 1974, as amended, through the Housing and Urban-Rural Recovery Act of 1983, Public Law 98-181, requires that states administering the Community Development Block Grant (CDBG) program in nonentitlement areas, develop plans "for minimizing displacement of persons as a result of activities assisted with such funds and to assist persons actually displaced as a result of such activities." This document shall constitute the policy of the Minnesota Small Cities Development Program with regard to the above requirements.

"Displacement," as defined by the U.S. Department of Housing and Urban Development Rules and Regulations, 24 CFR Part 570, Subpart K, 570.612, "means the involuntary movement, except temporary relocation, of a household from a dwelling unit resulting from its acquisition, rehabilitation, or demolition when: (1) funded in whole or in part with CDBG funds; or (2) funded with non-CDBG funds where the acquisition, rehabilitation, or demolition is a prerequisite for an activity carried out with CDBG funds (e.g., acquisition of land with local funds for a neighborhood facility to be constructed with CDBG funds). "Displacement" also means the involuntary movement, except temporary relocation, of a household from a dwelling unit necessitated by CDBG assisted code enforcement."

For the purpose of this policy, the Minnesota Small Cities Development Program shall divide displacement into two distinct types, defined as follows:

"Direct displacement" means displacement of any family, individual, business, nonprofit organization or farm that results from any acquisition of real property by a "state agency" that is carried out with the intention that such acquisition be for a community development activity assisted under the Small Cities Development Program (SCDP). The term "state agency," as defined in Appendix 1, Uniform Relocation Assistance and Real Property Acquisition, 24 CFR Part 42, Subpart A, 42.85, means any department, agency or instrumentality of a state or of a political subdivision of a state. The requirements of the Uniform Act and HUD implementing regulations (24 CFR Part 42) apply to such direct displacement, as provided in 24 CFR Part 570, Subpart K, 570.606.

"Indirect displacement," means that displacement as defined in 24 CFR Part 570, Subpart K, 570.612 (above) which results from, or is a prerequisite for, Small Cities Development Program activities, other than State Agency acquisition. Displacement resulting from SCDP funded rental rehabilitation and business development loans, where the grantee (city/county) does not acquire real property, are examples of indirect displacement.

It shall be the policy of the Minnesota Small Cities Development Program to identify, through its application review and rating process, as outlined in 10 MCAR § 1.515 through 1.546, those activities proposed by grantees which could result in either direct or indirect displacement. All direct displacement shall be subject to the requirements of the Uniform Act and SCDP

budgets shall include adequate funding to cover Uniform Act requirements. State monitoring of SCDP grantees will ensure compliance.

Where the potential for indirect displacement is identified through the application review and rating process, the Minnesota Small Cities Development Program will determine whether the potential displacement is consistent with and essential to the applicant's proposed community development program. This evaluation will be based on the ultimate purpose to be served by the project, including the projected benefit of the project to low and moderate income persons, as offset by the potential displacement. Examples of circumstances which may constitute positive indicators for approval of applications despite possible displacement are:

1. Current housing conditions are a clear danger to the health and safety of the occupants.

2. The proposed project substantially increases the availability of standard housing for low and moderate income persons.

3. The specific site from which persons will be displaced is essential to completion of urgently needed public facilities or an economic development project which creates substantial low and moderate income jobs, and no alternate sites can be feasibly substituted.

4. The proposed project will substantially increase the tax base of the city, potentially relieving some of the tax burden for low and moderate income persons.

5. The potential displacement involves only voluntary sales by owner-occupants.

When the potential displacement is determined by the Minnesota Small Cities Development Program to be nonessential and/or inconsistent with community development objectives, the applicant will be so advised. SCDP funding will either be denied, or the activities restructured to prevent the displacement.

Where indirect displacement is determined consistent with and/or essential to the applicant's proposed community development program, the Minnesota Small Cities Development Program will require that the grantee develop and submit a plan for mitigating the adverse effects of any such displacement on low and moderate income persons, prior to release of funds for the activities proposed.

Budget revisions necessary to these efforts will be encouraged.

Grantee plans may include the provision of relocation payments and assistance at levels either higher or lower than those required by the Uniform Act. These plans may also include establishment of priorities for other forms of housing assistance currently operated by the grantee or by cooperating agencies within the grantee's jurisdiction, as well as income based assistance policies.

The Minnesota Small Cities Development Program will provide technical assistance to grantees in the development of their local displacement minimization plans, in order to insure the appropriateness and potential effectiveness of the proposed plans prior to approval.

This displacement minimization plan constitutes the initial efforts of the Minnesota Small Cities Development Program to minimize involuntary displacement of persons, consistent with other program objectives and goals. It is subject to addition and/or revision, as necessary, to insure compliance with the intent of the Housing and Community Development Act of 1974 as amended by the Housing and Urban-Rural Recovery Act of 1983.

Department of Energy and Economic Development Energy Finance Division

Announcement of Cycle VI of the Institutional Buildings Grants Program (IBGP)

Public and private non-profit schools and hospitals are eligible to compete for approximately $1.2 million in federal funds for maxi-audits (Technical Assistance) or energy conservation measures (ECMs). Grants will be awarded on a competitive basis for 50% of project costs. The remaining 50% must be from non-federal resources. Hardship grants for more than 50% may be possible.

The Cycle VI application deadline is 4:30 p.m., Thursday, May 10, 1984.

For more information call (612) 297-2103 or write: IBGP, Energy Finance Division, Department of Energy and Economic Development, 980 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101.

Department of Labor and Industry Apprenticeship Advisory Task Force

Notice of Intent to Appoint Apprenticeship Advisory Task Force

The Commissioner of Labor and Industry intends to appoint an Apprenticeship Advisory Task Force to look into the issue of women and minorities in the skilled trades and apprenticeship programs and to recommend whether there are additional steps the Department or other interested parties could take to encourage greater involvement on the part of these groups.

Candidates with an interest in these issues should contact Elaine Failor, Department of Labor and Industry, at (612) 297-4794 before April 2, 1984.

Minnesota Teachers Retirement Association

Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, April 6, 1984, at 9 a.m. in Room 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota to consider matters which may properly come before the Board.

Pollution Control Agency

Outside Opinion Sought Regarding Implementation of a Permit Fee Rule for Air Quality and Water Quality Permits, Including the Impact of the Rules on Small Businesses

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (agency) in response to Legislative authorization is seeking information and opinions from sources outside the agency on the development of a permit fee rule. The rule would address the collection of a fee to cover the reasonable costs of reviewing and acting upon applications for air quality and water quality permits and implementing and enforcing the conditions of the permits.

Opinion is also being solicited as to how these rules will affect small business as defined by Minnesota Law 1983, ch. 188, codified as Minnesota Statutes § 14.115, subd. 1.

To facilitate expression of opinions on the subject of a permit fee rule, a public meeting is scheduled to be held on April 5, 1984, at 9:00 a.m. in the Agency Board Room, at 1935 West County Road B-2, Roseville, Minnesota. Subject matter to be discussed at the meeting will include the breakdown of fees into various parts such as application fees, reviewal fees and implementation fees, payment schedules, and implementation of a permit fee program.

Interested persons or groups may submit statements of information or opinion orally or in writing. Written comments will be accepted until April 20, 1984 and should be sent to:

Mary Kimlinger
Minnesota Pollution Control Agency
Division of Air Quality
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone (612) 296-7232

Any written material received by the agency shall be a part of the hearing record in the event a rule is proposed and a public hearing is held.

March 12, 1984

Sandra S. Gardebring
Executive Director

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Commodities contracts with an estimated value of $5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers at the indicated phone numbers as soon as possible. If the specific buyer is not available, contact Barbara Jolly or Harvey Leach at 296-3779.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Contract #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount	Contact Person
02-307-43421	Janitorial Service—Health Bldg.	Health	Mpls.	Contact buyer	Jim Kinzie 296-3778
21-200-07691	Rosemount Partition Accessories	Economic Security	St. Paul	Contact buyer	Maurie 296-3772
26-137-02730-31-32-33	Purchase of Cache Tape Drive with Cables and Controller	Various	Various	Contact buyer	Doug 296-3775
775986, 04-251-22583	Directory of Farmers Markets, Roadside Stands	Agriculture	St. Paul	Contact buyer	Art 296-3742
775926, 22-400-00363	Minnetours (Separations Only)	Tourism	St. Paul	Contact buyer	Art 296-3742
Contract	Tabulation Cards	All Agencies		125,000-150,000	Harvey 296-3779 or Art 296-3742
79-650-A	Aggregates	Transportation	Owatonna	Contact buyer	
02-430-41778	Telephone Supplies	Austin Comm. College	Austin	Contact buyer	Don 296-3777
Contract	Industrial Reproduction Graphic Pro. (Film, Chemicals & Papers)	Various	Various	1,500-2,000	Don 296-3777
27-000-41926	Inspection of Trane Centrifugal Chiller	Rochester Comm. College	Rochester	Contact buyer	Ed 296-3770
29-000-35529	Aerial Photography	DNR-Forestry	Same	Contact buyer	Doug 296-3775
78-760-01781	Used Printing Equipment	MCF	Red Wing	Contact buyer	Bernadette 296-2546
55-000-87661	X-ray Equipment	St. Peter Hospital	Same	Contact buyer	Donnalee 296-3776
07-500-29314	Wire Harness	Public Safety	St. Paul	Contact buyer	Dale 296-3773
775925, 22-400-00364	Minnetours	Tourism	St. Paul	Contact buyer	Art 296-3742
79-250-WS REBID	Winter Sand	Transportation	Crookston	Contact buyer	Jim 296-3778
REBID 79-750-A	Aggregates	Transportation	Windom	Contact buyer	Jim 296-3778
Contract	Rubbish Disposal	MCF	Sauk Centre	—	Jim 296-3778
79-050-14662	Traffic Mgmt. Computer Systems	Transportation	Minneapolis	Contact buyer	Doug 296-3775
Contract	Straighten Light Poles and Install New Bases	Transportation	St. Paul	15,000-25,000	Jim 296-3778
26-071-13737	ECG Monitor	Mankato University	Mankato	Contact buyer	Donnalee 296-3776
26-156-40513	Electronic Instrumentation	Normandale Community College	Bloomington	Contact buyer	Donnalee 296-3776

Contract #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount	Contact Person
04-361-22562	Electornic Instrumentation	Agriculture	St. Paul	Contact buyer	Donnalee 296-3776
79-000-41494-92	MISC. Lab Supplies	Transportation	Roseville	Contact buyer	Donnalee 296-3776
27-156-40496	Microscopes	Various	Various	Contact buyer	Donnalee 296-3776
12-400-77579	Biological Safety Cabinet	Health	Minneapolis	Contact buyer	Donnalee 296-3776
78-770-01896	Dunnage Racks	MCF	Sauk Centre	Contact buyer	Maurie 296-3772
775688	1984-86 College Catalog	Fergus Falls Comm. College	Fergus Falls	Contact buyer	Art 296-3742
27-142-41896 774776, 27-154-40969	1984-86 College Catalog	Lakewood Comm. College	White Bear Lk.	Contact buyer	Art 296-3742
Contract	Dodge and Plymouth Auto and Truck Parts	Various	Various	—	Harvey 296-3779
26-073-16157	Purchase of Data Transmission System	St. Cloud State Univ.	Same	Contact buyer	Doug 296-3775
26-074-09087	Nursery Stock	Winona State Univ.	Winona	Contact buyer	Cy 296-2621
79-000-41369	Video Equipment	Transportation		Contact buyer	Don 296-3777
65-300-02505	Environmental Control System	Supreme Court	Anoka	Contact buyer	Ed 296-3770
79-000-40967 etc.	Snowplows	Transportation	Various	Contact buyer	Dale 296-3773
78-620-16277	Shielded Drive Shaft	Mn Corr. Facility	Stillwater	Contact buyer	Dale 296-3773
Various	Herbicides	Various	Various	Contact buyer	Donnalee 296-3776
Contract	Automotive V Belts	Various	Various	4,000-6,000	Harvey 296-3779
Contract	Slide Projectors & Trays	Various	Various	5,000-7,000	Don 296-3777
42-701-06521	Re-mfg. Photocopier Machines	Labor & Industry	Various	Contact buyer	Doug 296-3775
78-620-16201	Radiographic Fluoroscopic X-ray	MCF	Stillwater	Contact buyer	Donnalee 296-3776
77-900-08064	Computerized Sign Making System—Rebid	Zoo	Apple Valley	Contact buyer	Bernadette 296-2546

Department of Energy and Economic Development

Request for Proposals for Economic Analysis Services to Assess Impact of Convention Center

The Minnesota Department of Energy and Economic Development, in cooperation with the Governor's Task Force on the Minnesota Convention Center, is requesting proposals from individuals and organizations capable of assessing the projected economic impact a convention center would have on the state and local economies of Minnesota.

The Governor's Task Force on the Minnesota Convention Center is seeking the assistance of an individual or organization ("contractor") capable of assessing a Minnesota convention centers ability to compete for major national and international conventions, and the economic impact such a center would have. The contractor will also be required to recommend to the Task Force the appropriate criteria that should be used to evaluate specific proposals for the size, design and location of a convention center. The recommended criteria must be based on the contractor's detailed analysis of the most marketable convention center possible for the State of Minnesota.

Proposals for this contract must include a detailed background of the individual's or organization's experience in conducting studies of a similar nature. Proposals must outline the basic methodology that will be used in producing the required analysis and recommendations. The report must be completed by June 15, 1984.

The cost of the report may not exceed $40,000. The Commissioner of Energy and Economic Development will award the contract after receiving a recommendation from the Task Force. The awarding of a contract is entirely contingent upon a legislative appropriation to the department for the activities of the Task Force. The issuance of this RFP does not require the department to award a contract.

For a copy of the complete request for proposal, interested individuals should contact, and proposals should be addressed to: Kathleen Callahan, 980 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101. All proposals must be received by 4:30 p.m., April 9, 1984. No late proposals will be accepted.

Department of Energy and Economic Development Developmental Resources Division and Minnesota Office of Tourism

Request for Proposals To Study and Report on the Market, Financial and Organizational Feasibility of the Proposed Bemidji Trail Country Tourism Project

The Minnesota Department of Energy and Economic Development is requesting proposals from qualified individuals interested in studying and reporting on the feasibility of the Bemidji Trail Country Tourism Project.

Proposals are being requested to complete the following major project activities.

A. Project Overview.

B. Summary of existing and need tourism resources.

C. Analysis of the project's market potential.

D. Financial analysis/profitability.

E. Organizational analysis.

F. Examination of other factors impacting the project.

G. Conclusion.

It is estimated that the cost of the project study need not approach, but shall not exceed $25,000. Proposals should be received by MN DEED no later than 4:30 p.m., April 9, 1984.

The formal Request For Proposal may be requested and inquiries should be directed to:

Patrick R. Connoy
Developmental Resources Division
MN Department of Energy and Economic Development
980 American Center Building
150 Kellogg Boulevard
St. Paul, MN 55101
(612) 296-5022

Minnesota Teachers Retirement Association

Notice of Availability of Actuarial Consultant Contract (July 1, 1984-June 30, 1986)

Minnesota Teachers Retirement Association, 302 Capitol Square Building, St. Paul, MN 55101—Tel. (612) 296-2409. Contact Persons: Harvey W. Schmidt or Elton I. Erdahl.

Provide actuarial consultant services to Association; prepare and submit actuarial valuations, experience studies and reports as required in M.S. 356.215; assist in the preparation of the certification of funds required from the State; consult with the Director of the Board and staff on any matters of actuarial nature; make any necessary special statistical studies in connection with proposed legislation; and perform any other services of an actuarial nature which the Board may deem desirable. Final Submission Date—May 15, 1984.

SUPREME COURT

Decisions of the Court of Appeals Filed Wednesday, March 7, 1984

Compiled by Wayne O. Tschimperle, Clerk

C5-83-1868 Susan Karen Evenson, Relator v. Omnetic's and Commissioner of Economic Security. Department of Economic Seuity.

Relator's continued tardiness combined with repeated warnings constitutes misconduct, a disqualifying condition for unemployment compensation benefits under Minn. Stat. § 268.09, subd. 1(2).

Affirmed. Popovich, Chief Judge.

C3-83-1139 Raymond Case, Jr., petitioner, Appellant v. State of Minnesota. St. Louis County.

Following a direct appeal, a defendant may not raise issues previously raised, or known but not raised, in a subsequent postconviction proceeding.

Affirmed. Parker, Judge.

C2-83-1620 State of Minnesota v. Marion Sherman Munnell, Appellant. Itasca County.

Minn. Stat. § 609.21, subd. 1, is constitutional, both on its fact and as applied to drivers under the influence who are less negligent than the victims whose deaths they cause.

Fault of the victim is not a defense to Minn. Stat. § 609.21, subd. 1.

Affirmed. Foley, Judge.

C3-83-1352 James M. Seacrist, Relator v. City of Cottage Grove and Commissioner of Economic Security. Department of Economic Security.

When a police sergeant resigns rather than face disciplinary proceedings that would adversely affect his application for a Chief of Police job in another city, the sergeant voluntarily quit his job and is disqualified from receiving unemployment benefits.

Affirmed. Wozniak, Judge.

C5-83-1577 In Re the Marriage of: LeRoy W. Bledsoe, petitioner, Appellant v. Frances J. Bledsoe. Freeborn County.

An order denying modification of child support is appealable. If no appeal is taken, the order is *res judicata*.

Where a husband failed to pay child support payments supposedly because he had to make restitution payments as part of his probation for a theft conviction, the trial court did not abuse its discretion by refusing to forgive the arrearages.

Affirmed. Wozniak, Judge.

Memorandum Opinion and Order

C4-83-1439, C9-83-1499 Mary E. Murphy, individually and as trustee for the heirs of Gary K. Murphy, Appellant v. Milbank Mutual Insurance Company and Kemper Insurance Company. Chisago County.

Kemper's petition for costs and disbursements is denied.

Popovich, Chief Judge.

Decisions of the Supreme Court Filed Friday, March 9, 1984

Compiled by Wayne O. Tschimperle, Clerk

C1-83-281 Borg Warner Acceptance Corporation, Appellant v. ITT Diversified Credit Corporation. Meeker County.

Holder of prior prefected blanket security interest in inventory has priority over subsequent purchase money lender who fails to notify prior secured party of purchase money interest, even though such failure was the result of a mistake by the filing officer.

Reversed and remanded with instructions to enter judgment in favor of Borg Warner in accordance with this opinion. Yetka, J.

C0-82-925 Brett Kashmark v. Western Insurance Companies, Appellant v. Progressive Casualty Insurance Co. Big Stone County.

For purposes of the uninsured motorist coverage provided by an insurance policy which defines an uninsured motor vehicle as an uninsured land motor vehicle of any type except "equipment designed mainly for use off public roads while not on public roads," an unregistered, uninsured all-terrain cycle is an uninsured motor vehicle when it is operated on a public street.

Minn. Stat. § 65B.49, subd. 4 (1982) does not mandate the extension of uninsured motorist coverage to insure one who is neither the named insured nor a relative of the named insured residing in the named insured's household with respect to injuries sustained in a one vehicle accident while occupying a non-owned, uninsured vehicle.

Reversed and remanded. Coyne, J.

C8-82-963 Sharon Wakefield v. Federated Mutual Insurance Company, Appellant. Hennepin County.

Personal injury protection coverage ("PIP" no-fault basic economic loss benefits) afforded by endorsement to a business auto policy insuring several corporately owned motor vehicles may not be stacked where the premium for the endorsement is based on the number of vehicles covered by the policy.

Reversed. Coyne, J. Dissenting, Todd, Yetka, and Scott, JJ.

ORDER FILED MARCH 6, 1984

51102 In the Matter of the Petition for Disciplinary Action Against Ellis Olkon, Supreme Court.

IT IS HEREBY ORDERED that, consistent with the original opinion of this court, *In Re Matter of Olkon, supra*, and upon the applicant's demonstrated satisfactory completion of the terms of the suspension from practice, the applicant is reinstated to practice law. Rule 18, Rules on Lawyers Professional Responsibility is deemed inapplicable to these proceedings. Yetka, J.

STATE OF MINNESOTA

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This Week—weekly interim bulletin of the House. Contact House Information Office.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Administrative Law Judge Allan W. Klein on April 23, 1984, after proper notice was served upon all persons, associations, and other interested groups registered with the Minnesota Pollution Control Agency for that purpose. After affording all interested persons an opportunity to present written and oral data, statements and argument, after considering the Statement of Need and Reasonableness and the Reports of the Administrative Law Judge and the Chief Administrative Law Judge, after considering all of the evidence adduced upon the records, files, and proceedings herein, and the Agency being fully advised in the premises,

NOW, THEREFORE, IT IS ORDERED that 6 MCAR §§ 4.8015 and 4.8025 (Minnesota Rules chapter 7055) are hereby repealed and that the proposed amendments to 6 MCAR §§ 4.8014 and 4.8024 published at 8 State Register 2068-2105 (and to be codified as Minnesota Rules chapter 7050) are hereby adopted with the following changes:

1. Minnesota Rules Part 7050.0180, subpart 2A, is amended to read as follows:

A. "Outstanding resource value waters" are waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981, and other waters of the state with high quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution.

2. Minnesota Rules Part 7050.0180, subpart 2C is amended to read as follows:

C. "Expanded discharge" means a discharge that changes in volume, quality, location, or any other manner after the effective date of these amendments such that an increased loading of one or more pollutants results. ~~except that a change that results in reduced loading of pollutants is not considered an expanded discharge~~. In determining whether an increased loading of one or more pollutants would result from the proposed change in the discharge, the Agency shall compare the loading that would result from the proposed discharge with the loading allowed by the Agency at the time these rules take effect.

3. Minnesota Rules Part 7050.0180, subpart 6, is amended to read as follows:

Subp. 6. Restricted discharges. No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981, and federal or state designated scenic or recreational river segments unless there is no prudent and feasible alternative to the discharge. If a new or expanded discharge to these waters is permitted, the agency shall

restrict the discharge ~~as to duration, volume, and loading to the extent necessary to maintain future water quality within the range of natural background.~~ to the extent necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an outstanding resource value water. Waters with federal or state scenic or recreational designation include but are not limited to:

4. The title to Minnesota Rules Part 7050.0200 is amended to read as follows:

7050.0200. WATER USE CLASSIFICATIONS FOR ~~INTRASTATE~~ WATERS OF THE STATE.

5. Minnesota Rules Part 7050.0210, subpart 6, is amended to change the three periods after the words "fecal coliform group organisms" to asterisks.

6. Minnesota Rules Part 7050.0210, subpart 6, is amended to include three asterisks rather than two in the footnote beginning "Disinfection of wastewater effluents . . ."

7. Minnesota Rules Part 7050.0210, subpart 16A, is amended to delete the two asterisks after the words "15 milligrams per liter."

8. Minnesota Rules Part 7050.0470, subpart 2, is amended to include an asterisk next to Rainy Lake to indicate that Rainy Lake is an outstanding resource value water.

Dated this 28th day of August, 1984

MINNESOTA POLLUTION CONTROL AGENCY

Cynthia C Jepsen

CYNTHIA C. JEPSEN
Chairperson

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

EXHIBIT 9

State Implementation Plan (hereinafter referred to as "SIP") for the inclusion of the revised state ambient air quality standards. These air quality standards are contained in the state rule 6 MCAR § 4.001 (hereinafter referred to as "APC 1"). This proposal was originally scheduled to be considered on September 27, 1983.

Notice is also hereby given, that the public is invited to attend the agency meeting on November 22, 1983, and to comment at that meeting on the proposed SIP revision. Written comment on the inclusion of APC 1 in the SIP may be submitted prior to the meeting and should be addressed to Douglas M. Benson, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota, 55113.

The November 22, 1983 agency meeting will be held in the agency board room, at the address noted above and will begin at 9:00 a.m. An agenda for the meeting will be available by November 11, 1983. Questions should be directed to Douglas M. Benson at the address noted above or at 612/296-7743. A copy of the agenda and APC 1 may be obtained from Jeanine Willenbring, also at the address noted above, and at 612/296-7351.

The SIP is designed to attain and maintain the National Ambient Air Quality Standards for criteria air pollutants, as contained in the Clean Air Act, as amended in 1977. The purpose of this SIP revision is to include in the SIP the state air quality standards now in effect as a result of the latest APC 1 amendment. On November 15, 1982, the Minnesota Pollution Control Agency revised the state ambient air quality standards for sulfur dioxide and ozone. The SIP currently refers to the state air quality standards in APC 1 as established on April 13, 1972.

Dated this 10th day of October, 1983.

Sandra S. Gardebring
Executive Director

Pollution Control Agency

Notice of Intent to Solicit Outside Opinion Regarding Amendment of State Water Quality Standards (6 MCAR §§ 4.8014 and 4.8015) and the Classification of Waters of the State (6 MCAR §§ 4.8024 and 4.8025)

Notice is hereby given that the Minnesota Pollution Control Agency (agency) is seeking information and opinions from sources outside the agency to assist in the preparation of proposed amendments to state water quality standards and classifications of waters of the state. The state water quality standards are found in 6 MCAR §§ 4.8014 and 4.8015 and the waters of the state are classified in 6 MCAR §§ 4.8024 and 4.8025.

The agency is considering the following additions or changes to these rules:

a) eliminating the distinction between interstate and intrastate waters of the state by combining 6 MCAR §§ 4.8014 and 4.8015, and 6 MCAR §§ 4.8024 and 4.8025.

b) changing some water use classifications such as, adding several new limited resource value waters (Class 7), reclassifying some waters in the rough fisheries class (Class 2C) to the warmwater game fisheries class (Class 2B), and updating the list of trout streams and lakes (Class 2A).

c) revising the non-degradation provision so that discharges to specific waters of very high quality, unique scientific value, or outstanding wilderness and recreational value will be prohibited or restricted.

d) making minor changes to clarify the rules.

Any person may submit data or views on these possible amendments or on any other provisions of the cited rules. Comments may be submitted in writing or orally. Any written material received in response to this notice will become a part of the rulemaking record generated in this matter.

Written comments and statements may be submitted to Mr. David Maschwitz at the address listed below:

Minnesota Pollution Control Agency
Division of Water Quality
1935 West County Road B-2
Roseville, MN 55113

Oral comments and inquiries may be directed to Mr. Maschwitz during normal business hours at the Agency offices or over the telephone at (612) 296-7238.

Written and oral comments and statements will be accepted until December 2, 1983.

October 13, 1983

Sandra S. Gardebring
Executive Director

Department of Revenue
Corporate Income Tax Division

Department of Energy and Economic Development
Economic Development Division

Notice of Intent to Solicit Outside Opinion Regarding Development of Rules Governing the Operation of the Tax Credit Program for Technology Transfer, Equity Investment and Contribution Credits for "Qualified Small Businesses" and Contributions to "Small Business Assistance Offices" under *Laws of Minnesota* 1983, Chapter 342

Notice is hereby given that the Minnesota Departments of Revenue and Energy and Economic Development are seeking information and opinions from sources outside the agencies in preparation of rules related to the operation of the tax credit program for technology transfer equity investment in "qualified small businesses" and contributions to "small business assistance offices" under *Laws of Minnesota* 1983, chapter 342.

The Department of Revenue is particularly interested in information and opinions regarding the substance and operation of the tax credit program. The promulgation of these rules is authorized by Chapter 342, *Laws of Minnesota* 1983.

The Department of Energy and Economic Development is seeking information and opinions regarding the certification of "qualified small businesses" and "small business assistance offices." The promulgation of these rules is authorized by *Minn. Stat.* § 14.06.

The Department of Revenue and the Department of Energy and Economic Development request information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Written statements regarding the substance and operation of the tax credit programs should be directed to the Department of Revenue:

Harriet Sims
Minnesota Department of Revenue
Centennial Office Building
PO Box 4336
St. Paul, Minnesota 55104
(612) 297-4058

Written statements regarding the definition and certification of a "qualified small business" and a "small business assistance office" should be directed to the Department of Energy and Economic Development:

Charles A. Schaffer
Program of Business Information
Minnesota Department of Energy and Economic Development
480 Cedar Street
St. Paul, Minnesota 55101
(612) 296-0617

Oral statements will be received during regular business hours over the telephone at the telephone numbers given above and in person at the above address.

Pursuant to Chapter 188, *Laws of Minnesota* 1983, the concerns and opinions of small businesses are particularly desired since these tax credits specifically involve small businesses. The credits are intended to stimulate the growth and success of small businesses through encouragement of transfer of technology to small businesses, equity investment in small business and contributions to small business assistance offices.

All statements of information and comment shall be accepted until November 30, 1983. All comments received by the

EXHIBIT 1

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing shall be held to consider amendments to 6 MCAR §§ 4.8014 and 4.8024 and the repeal of 6 MCAR §§ 4.8015 and 4.8025. The hearing shall commence at 9:30 a.m. on Monday, April 23, 1984, in the Board Room of the Minnesota Pollution Control Agency at 1935 W. County Road B-2, Roseville, Minnesota, and shall continue on subsequent days in Rochester, Marshall, Detroit Lakes, and Duluth, Minnesota, and at other times and places determined during the hearing, if necessary.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Agency for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Sandra Gardebring

SANDRA S. GARDEBRING
Executive Director

Dated: February 24, 1984

EXHIBIT 2

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Sandra S. Gardebring, do hereby certify that I am the Executive Director 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 24th day of January, 1984, that a quorum was present at said meeting, that a majority of the Board voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> BE IT RESOLVED, that the Executive Director is hereby granted the authority and directed to call a hearing for the purpose of promulgating amendments to 6 MCAR §§ 4.8014 and 4.8024 and repealing 6 MCAR §§ 4.8015 and 4.8025 and to perform any and all acts incidental thereto, including but not limited to, signing an Order for Hearing and Notice of Hearing and acting as the Agency's representative at the hearing and making any form changes in the rules that the Revisor of Statutes requires in order to obtain the Revision's certification as required in Minnesota Statutes § 14.07, subd 2 (1982).

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

Sandra Gardebring

SANDRA S. GARDEBRING
Executive Director

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

Maryanne Gibbons

NOTARY PUBLIC

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

EXHIBIT 3

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

NOTICE OF HEARING

Notice is hereby given that on Monday, April 23, 1984, a public hearing on proposed amendments to 6 MCAR §§ 4.8014 and 4.8024 and the proposed repeal of 6 MCAR §§ 4.8015 and 4.8025 (commonly known as WPC 14, 15, 24, and 25 and to be codified in Minnesota Rules as Chapter 7050) will commence at 9:30 a.m. in the Board Room of the Minnesota Pollution Control Agency at 1935 W. County Road B-2, Roseville, Minnesota. The hearing will continue on additional days, if necessary, at times and places determined during the hearing. Also, the hearing will continue at the following times and locations:

1. Tuesday, April 24, 1984, 1:00 p.m. and 7:00 p.m.
   Friedel Building
   1200 South Broadway
   Rochester, Minnesota

2. Monday, April 30, 1984, 7:00 p.m.
   Building IL
   Room 219
   Southwest State College
   Marshall, Minnesota

3. Tuesday, May 1, 1984, 7:00 p.m.
   Department of Transportation
   1000 W. Highway 10
   Detroit Lakes, Minnesota
   (Use lower level entrance.)

4. Wednesday, May 2, 1984, 2:00 p.m. and 7:00 p.m.
   St. Louis County Courthouse
   Duluth, Minnesota

The hearing will be conducted by Hearing Examiner Allan Klein, Office of Administrative Hearings, 400 Summit Bank Building, 310 S. 4th Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7609.

WPC 14 and 15 establish standards and classifications for the intrastate and interstate waters of the state, respectively. WPC 24 and 25 classify the intrastate and interstate waters. Under the proposed amendments, the distinction between intrastate and interstate waters will be eliminated. Standards and

classifications for all waters will be included in WPC 14; all waters will be classified in WPC 24; WPC 15 and 25 will be repealed.

Aside from a clarifying change in the chromium water quality standard and the repeal of certain temperature standards in WPC 15, no other water quality standards are being proposed for change. Other standards, such as those for fecal coliform and dissolved oxygen, are not a subject of this hearing.

Under the proposed amendments a number of water classifications will be changed and updated. The list of trout streams and trout lakes, for example, will be updated. Some waters currently classified as 2C waters (rough fisheries) will be upgraded to 2B waters (gamefish). Seven new limited resource value water segments (Class 7 waters) are being proposed. Please take notice, however, that while WPC 24 is being revised in its entirety and WPC 25 is being repealed, most of the change in these rules is simply editorial and renumbering, and very few waters are being considered for reclassification. Specifically, the classification of the Mississippi River and Minnesota River in the Twin Cities metropolitan area is not being proposed for reclassification and is not a subject of this hearing.

The Agency is proposing to amend the secondary treatment standards to change the 5-day biochemical oxygen demand (BOD_5) standard from total BOD_5 to carbonaceous BOD_5 and to widen slightly the acceptable pH range. Other secondary treatment standards are not proposed for modification.

The proposed amendments also revise the Agency's provisions regarding nondegradation of waters. The proposed amendments specify certain waters that are designated outstanding resource value waters and provide for prohibition or strict control of new and expanded discharges to these waters. The proposed rule identifies certain outstanding resource value waters, including wild and scenic rivers, waters within the Boundary Waters Canoe Area Wilderness and Voyageurs National Park, Lake Superior, and others, and a procedure is proposed to establish additional outstanding resource value waters.

The Agency has determined, pursuant to Minn. Stat. § 14.11, subd. 1 (1982), that the changes being proposed to WPC 14, 15, 24, and 25 in this rulemaking hearing will not require local governmental bodies to incur additional expenses to comply with the amended rules, and, in fact, savings may be realized by some municipalities. However, in the future, if local governmental bodies propose discharges to outstanding resource value waters, expenses may result from these proposed amendments, but these expenses are uncertain and unknown at this time.

A free copy of the proposed amendments is available by contacting David Maschwitz, Division of Water Quality, Monitoring and Analysis, Minnesota Pollution Control Agency, Roseville, Minnesota 55113, telephone (612) 296-7238.

The Agency's authority to promulgate these rules is found in Minn. Stat. §§ 115.03 and 115.44 (1982).

Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Agency and at the Office of 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 both the need for and the reasonableness of the proposed rule or rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

At the hearing the Agency will introduce its statement of need and reasonableness and its exhibits. The statement of need and reasonableness and the exhibits will constitute the Agency's affirmative presentation in support of the proposed amendments. All interested or affected persons will then have an opportunity to participate by asking questions about the statement of need and reasonableness and by presenting oral and written comments about the proposed amendments. Comments are most helpful if the comments identify with particularity each provision of the proposed amendments that is supported or objected to and if the comments suggest specific alternative language to what is proposed and provide the reasons and data that support the proposed modifications.

Written comments may be submitted to the hearing examiner at any time up to five working days after the hearing ends, or for a longer period not to exceed twenty days after the hearing ends if ordered by the hearing examiner. Copies of the comments should also be submitted to the Agency.

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 (or resubmitted) to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General).

This proceeding is governed by Minn. Stat. §§ 14.04-14.20 and 14.50 (1982) and by the rules of the Office of Administrative Hearings 9 MCAR §§ 2.101-2.113. Any person who has any questions about the procedure to be followed may contact the Hearing Examiner.

Please be advised that the items proposed for amendment are subject to change as a result of the rule hearing process. The Agency urges those who are interested to any extent in the proposed amendments, including those who support the amendments as proposed and do not want to see changes made, to participate in the hearing and make their view known.

Please be further advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five working days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) 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 of her 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 or her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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



SANDRA S. GARDEBRING
Executive Director

March 5, 1984

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ADMINISTRATIVE HEARINGS

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY) SS.
)

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

That on the 20th and 21st days of March, 1984, at the City of Roseville, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the State of Minnesota Central Mail System for first class mailing at said City of Roseville, a copy thereof on all persons and associations named on the attached mailing list and to the township chairman named in the 1983-84 Directory of Minnesota Township Officers, published by the Minnesota Association of Townships.

Gerald T Blaha

Subscribed and
sworn to before me
this 28th day of March 1984

Carol T Groppoli
Notary Public

CAROL T. GROPPOLI
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Jun.23, 1987

MnDM 1

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State Soil & Water Conservation
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2nd Floor, Space Center Bldg.
444 Lafayette Road
ATTN: Vernon F. Reinert
Executive Director
Interoffice

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Environmental Education Board
3xx Centennial Office Bldg.
658 Cedar Street
ATTN: Ray Quinn
Executive Director
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Fish Section
3xx Centennial Office Bldg.
Box 12, 658 Cedar Street
ATTN: Richard Hassinger
Chief, Fisheries
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444 Lafayette Road
ATTN: Larry D. Seymour
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444 Lafayette Road
ATTN: Donald D. Davison
Director
Parks & Recreation Divison
INTER-OFFICE

MnDR 2

Dept.of Natural Resources
Division of Water
Box 32 Space Center
444 Lafayette Road.
ATTN: Ms. Pat Harvell
INTEROFFICE

MN Dept. of Natural Resources
Detroit Lakes Area
Area Fisheries Manager
P.O. Box 823
Detroit Lakes, MN 56501

MN Dept. of Natural Resources
Northwest Region I
Regional Adminstrator
Route 5, Box 41A
Bemidji, MN 56601

MN Dept. Natural Resources
Fergus Falls Area
Area Fisheries Manger
1221 Fir Avenue E., Box 122
Fergus Falls, MN 56537

MN Dept. of Natural Resources
Northwest Region I
Regional Fisheries Supervisor
Route 5, Box 41A
Bemidji, MN 56601

MN Dept. Natural Resources
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Area Fisheries Manager
Route 3, Box 1A
Glenwood, MN 56334

MN Dept. of Natural Resources
Baudette Area
Area Fisheries Manager
Route 1, Box 1001
Baudette, MN 56623

MN Dept. Natural Resources
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Area Fisheries Manager
P.O. Box 166
Park Rapids, MN 56470

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Bemidji Area
Area Fisheries Manager
2114 Bemidji Avenue
Bemidji, MN 56601

MN Dept. Natural Resources
Walker Area
Area Fisheries Manager
P.O. Box #38
Walker, MN 56484

MnDR 3

MN Dept. Natural Resources
Detroit Lakes Area Heavy Equip.,
Building Foreman
P.O. Box #823
Detroit Lakes, MN 56501

MN Dept. Natural Resources
Ely Area
Area Fisheries Manager
Star Route #2, Box 3710
Ely, MN 55731

MN Dept. Natural Resources
Northeast Region II
Regional Adminstrator
1201 East Highway 2
Grand Rapids, MN 55744

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Grand Marais Area
Area Fisheries Manager
P.O. Box 146
Grand Marais, MN 55604

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1201 East Highway 2
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Duluth, MN 55804

MN Dept. Natural Resources
French R. Cold Water Hatchery
Hatchery Manager
10033 North Shore Drive
Duluth, MN 55804

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

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

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

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

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

County Board of Commissioners
c/o Auditor
Hennepin County Courthouse
Minneapolis, MN 55487
CBC

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

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

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

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

County Board of Commissioners
c/o Auditor
Koochiching County Courthouse
Int'l Falls, MN 56649
CBC

County Board of Commissioners
c/o Auditor
Jackson County Courthouse
Jackson, MN 56143
CBC

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

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

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

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

County Board of Commissioners
c/o Auditor
Lake of the Woods Cty. Crthouse
Baudette, MN 56623
CBC

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

County Board of Commissioners
c/o Auditor
Le Sueur County Courthouse
Le Center, MN 56057
CBC

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

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

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

County Board of Commissioners
c/o Auditor
Meeker County Courthouse
Litchfield, MN 55355
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County Board of Commissioners
c/o Auditor
Lyon County Courthouse
Marshall, MN 56258
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County Board of Commissioners
c/o Auditor
Mille Lacs County Courthouse
Milaca, MN 56353
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County Board of Commissioners
c/o Auditor
McLeod County Courthouse
Glencoe, MN 55336
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County Board of Commissioners
c/o Auditor
Morrison County Courthouse
Little Falls, MN 56345
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County Board of Commissioners
c/o Auditor
Mahnomen County Courthouse
Hahnomen, MN 56557
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County Board of Commissioners
c/o Auditor
Mower County Courthouse
Austin, MN 55912
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County Board of Commissioners
c/o Auditor
Murray County Courthouse
Slayton, MN 56172
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County Board of Commissioners
c/o Auditor
Otter Tail County Courthouse
Fergus Falls, MN 56537
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County Board of Commissioners
c/o Auditor
Nicollet County Courthouse
St. Peter, MN 56082
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County Board of Commissioners
c/o Auditor
Pennington County Courthouse
Thief River Falls, MN 56701
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County Board of Commissioners
c/o Auditor
Nobles County Courthouse
Worthington, MN 56187
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County Board of Commissioners
c/o Auditor
Pine County Courthouse
Pine City, MN 55063
CBC

County Board of Commissioners
c/o Auditor
Norman County Courthouse
Ada, MN 56510
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County Board of Commissioners
c/o Auditor
Pipestone County Courthouse
Pipestone, MN 56164
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c/o Auditor
Olmsted County Courthouse
Rochester, MN 55901
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County Board of Commissioners
c/o Auditor
Polk County Courthouse
Crookston, MN 56716
CBC

County Board of Commissioners
c/o Auditor
Pope County Courthouse
Glenwood, MN 56334
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County Board of Commissioners
c/o Auditor
Rice County Courthouse
Faribault, MN 55021
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County Board of Commissioners
c/o Auditor
Ramsey County Courthouse
St. Paul, MN 55102
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c/o Auditor
Rock County Courthouse
Luverne, MN 56156
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c/o Auditor
Red Lake County Courthouse
Red Lake Falls, MN 56750
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County Board of Commissioners
c/o Auditor
Roseau County Courthouse
Roseau, MN 56751
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County Board of Commissioners
c/o Auditor
Redwood County Courthouse
Redwood Falls, MN 56283
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County Board of Commissioners
c/o Auditor
St. Louis County Courthouse
Duluth, MN 55802
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County Board of Commissioners
c/o Auditor
Renville County Courthouse
Olivia, MN 56277
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County Board of Commissioners
c/o Auditor
Scott County Courthouse
Shakopee, MN 55379
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County Board of Commissioners
c/o Auditor
Sherburne County Courthouse
Elk River, MN 55330
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County Board of Commissioners
c/o Auditor
Swift County Courthouse
Benson, MN 56215
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County Board of Commissioners
c/o Auditor
Sibley County Courthouse
Gaylord, MN 55334
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County Board of Commissioners
c/o Auditor
Todd County Courthouse
Long Prairie, MN 56347
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County Board of Commissioners
c/o Auditor
Sterns County Courthouse
St. Cloud, MN 56301
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County Board of Commissioners
c/o Auditor
Traverse County Courthouse
Wheaton, MN 56296
CBC

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

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

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

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

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

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

County Board of Commissioners
c/o Auditor
Washington County Courthouse
Stillwater, MN 55082
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County Board of Commissioners
c/o Auditor
Yellow Medicine Cty Crthouse
Granite Falls, MN 56241
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County Board of Commissioners
c/o Auditor
Watonwan County Courthouse
St. James, MN 56081
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County Board of Commissioners
c/o Auditor
Wilkin County Courthouse
Breckenridge, MN 56520
CBC

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

Greenway Township
Chairman
Marble, Minnesota 55764

New Scandia Township
Chairman
Scandia, Minnesota 55073

Oak Grove Township
Chairman
Anoka, Minnesota 55303

May Township
15101 Riverside Ave. N.
Marine-on-St. Croix, MN 55047

The Honorable Mayor
City of Ada
City Hall
Ada, Minnesota 56510

The Honorable Mayor
City of Adams
City Hall
Adams, MN 55909

The Honorable Mayor
City of Adrian
City Hall
Adrian, MN 56110

The Honorable Mayor
City of Afton
City Hall
Afton, Minnesota 55001

The Honorable Mayor
City of Aitkin
City Hall
Aitkin, MN 56431

The Honorable Mayor
City of Akeley
City Hall
Akeley, MN 56433

The Honorable Mayor
City of St. Anthony
c/o Post Office
Albany, Minnesota 56307

The Honorable Mayor
City of Albany
City Hall
Albany, MN 56307

The Honorable Mayor
City of Albert Lea
City Hall
Albert Lea, MN 56007

The Honorable Mayor
City of Alberta
City Hall
Alberta, MN 56207

The Honorable Mayor
City of Albertville
City Hall
Albertville, MN 55301

The Honorable Mayor
City of Alden
City Hall
Alden, MN 56009

The Honorable Mayor
City of Aldrich
City Hall
Aldrich, Minnesota 56434

The Honorable Mayor
City of Forada
c/o Post Office
Alexandria, Minnesota 56308

The Honorable Mayor
City of Alexandria
City Hall
Alexandria, MN 56308

The Honorable Mayor
City of Alpha
City Hall
Alpha, MN 56111

The Honorable Mayor
City of Altura
City Hall
Altura, MN 55910

The Honorable Mayor
City of Anoka
City Hall
Anoka, Minnesota 55303

The Honorable Mayor
City of Alvarado
City Hall
Alvarado, Minnesota 56710

The Honorable Mayor
City of Ramsey
c/o Post Office
Anoka, Minnesota 55303

The Honorable Mayor
City of Amboy
City Hall
Amboy, MN 56010

The Honorable Mayor
City of Apple Valley
City Hall
Apple Valley, Minnesota 55124

The Honorable Mayor
City of Andover
City Hall
Andover, Minnesota 55303

The Honorable Mayor
City of Appleton
City Hall
Appleton, MN 56208

The Honorable Mayor
City of Annandale
City Hall
Annandale, MN 55302

The Honorable Mayor
City of Arco
City Hall
Arco, MN 56113

The Honorable Mayor
City of Arden Hills
City Hall
Arden Hills, Minnesota 55112

The Honorable Mayor
City of Atwater
City Hall
Atwater, Minnesota 56209

The Honorable Mayor
City of Argyle
City Hall
Argyle, MN 56713

The Honorable Mayor
City of Audubon
City Hall
Audubon, Minnesota 56511

The Honorable Mayor
City of Arlington
City Hall
Arlington, MN 55307

The Honorable Mayor
City of Aurora
City Hall
Aurora, Minnesota 55705

The Honorable Mayor
City of Ashby
City Hall
Ashby, MN 56309

The Honorable Mayor
City of Austin
City Hall
Austin, Minnesota 55912

The Honorable Mayor
City of Askov
City Hall
Askov, Minnesota 55704

The Honorable Mayor
City of Mapleview
c/o Post Office
Austin, Minnesota 55912

The Honorable Mayor
City of Avoca
City Hall
Avoca, Minnesota 56114

The Honorable Mayor
City of Avon
City Hall
Avon, Minnesota 56310

The Honorable Mayor
City of Babbitt
City Hall
Babbitt, Minnesota 55706

The Honorable Mayor
City of Backus
City Hall
Backus, Minnesota 56435

The Honorable Mayor
City of Badger
City Hall
Badger, Minnesota 56714

The Honorable Mayor
City of Bagley
City Hall
Bagley, Minnesota 56621

The Honorable Mayor
City of Balaton
City Hall
Balaton, Minnesota 56115

The Honorable Mayor
City of Barnesville
City Hall
Barnesville, Minnesota 56514

The Honorable Mayor
City of Barnum
City Hall
Barnum, Minnesota 55707

The Honorable Mayor
City of Barrett
City Hall
Barrett, Minnesota 56311

The Honorable Mayor
City of Barry
City Hall
Barry, Minnesota 56210

The Honorable Mayor
City of Beardsley
City Hall
Beardsley, Minnesota 56211

The Honorable Mayor
City of Battle Lake
City Hall
Battle Lake, Minnesota 56515

The Honorable Mayor
City of Beaver Bay
City Hall
Beaver Bay, Minnesota 55601

The Honorable Mayor
City of Baudette
City Hall
Baudette, Minnesota 56623

The Honorable Mayor
City of Beaver Creek
City Hall
Beaver Creek, Minnesota 56116

The Honorable Mayor
City of Baxter
City Hall
Baxter, Minnesota 56401

The Honorable Mayor
City of Becker
City Hall
Becker, Minnesota 55308

The Honorable Mayor
City of Bayport
City Hall
Bayport, Minnesota 55003

The Honorable Mayor
City of Bejou
City Hall
Bejou, Minnesota 56516

The Honorable Mayor
City of Belgrade
City Hall
Belgrade, Minnesota 56312

The Honorable Mayor
City of Belview
City Hall
Belview, Minnesota 56214

The Honorable Mayor
City of Belle Plaine
City Hall
Belle Plaine, Minnesota 56011

The Honorable Mayor
City of Bemidji
City Hall
Bemidji, Minnesota 56601

The Honorable Mayor
City of Bellechester
City Hall
Bellechester, Minnesota 55027

The Honorable Mayor
City of Turtle River
P.O. Rt. 5
Bemidji, Minnesota 56601

The Honorable Mayor
City of Bellingham
City Hall
Bellingham, Minnesota 56212

The Honorable Mayor
City of Bena
City Hall
Bena, Minnesota 56626

The Honorable Mayor
City of Beltrami
City Hall
Beltrami, Minnesota 56517

The Honorable Mayor
City of Benson
City Hall
Benson, Minnesota 56215

The Honorable Mayor
City of Bertha
City Hall
Bertha, Minnesota 56437

The Honorable Mayor
City of Big Lake
City Hall
Big Lake, Minnesota 55309

The Honorable Mayor
City of Bethel
City Hall
Bethel, Minnesota 55005

The Honorable Mayor
City of Bigelow
City Hall
Bigelow, Minnesota 56117

The Honorable Mayor
City of Big Falls
City Hall
Big Falls, Minnesota 56627

The Honorable Mayor
City of Bingham Lake
City Hall
Bingham Lake, Minnesota 56118

The Honorable Mayor
City of Big Fork
City Hall
Big Fork, Minnesota 56628

The Honorable Mayor
City of Birchwood
City Hall
Birchwood, Minnesota 55110

The Honorable Mayor
City of Bird Island
City Hall
Bird Island, Minnesota 55310

The Honorable Mayor
City of Biscay
City Hall
Biscay, Minnesota 55336

The Honorable Mayor
City of Biwabik
City Hall
Biwabik, Minnesota 55708

The Honorable Mayor
City of Blackduck
City Hall
Blackduck, Minnesota 56630

The Honorable Mayor
City of Funkley
c/o Post Office
Blackduck, Minnesota 56630

The Honorable Mayor
City of Blaine
City Hall
Blaine, Minnesota 55434

The Honorable Mayor
City of Blomkest
City Hall
Blomkest, Minnesota 56216

The Honorable Mayor
City of Blooming Prairie
City Hall
Blooming Prairie, MN 55917

The Honorable Mayor
City of Bloomington
City Hall
Bloomington, Minnesota 55431

The Honorable Mayor
City of Blue Earth
City Hall
Blue Earth, Minnesota 56013

The Honorable Mayor
City of Bluffton
City Hall
Bluffton, Minnesota 56518

The Honorable Mayor
City of Bock
City Hall
Bock, Minnesota 56313

The Honorable Mayor
City of Boy River
City Hall
Boy River, Minnesota 56632

The Honorable Mayor
City of Borup
City Hall
Borup, Minnesota 56519

The Honorable Mayor
City of Boyd
City Hall
Boyd, Minnesota 56218

The Honorable Mayor
City of Bovey
City Hall
Bovey, Minnesota 55709

The Honorable Mayor
City of Braham
City Hall
Braham, Minnesota 55006

The Honorable Mayor
City of Bowlus
City Hall
Bowlus, Minnesota 56314

The Honorable Mayor
City of Brainerd
City Hall
Brainerd, Minnesota 56401

The Honorable Mayor
City of Elmdale
c/o Post Office
Bowlus, Minnesota 56314

The Honorable Mayor
City of Lake Shore
P.O. Rt. 6
Brainerd, Minnesota 56401

The Honorable Mayor
City of Gull Lake
c/o Post Office
Brainerd, MN 56401

The Honorable Mayor
City of Millerville
P.O., Rt. 1
Brandon, MN 56315

The Honorable Mayor
City of Lakeshore
P.O., Rt. 6
Brainerd, MN 56401

The Honorable Mayor
City of Breckenridge
City Hall
Breckenridge, Minnesota 56520

The Honorable Mayor
City of Branch
City Hall
Branch, Minnesota 55056

The Honorable Mayor
City of Brewster
City Hall
Brewster, Minnesota 56119

The Honorable Mayor
City of Brandon
City Hall
Brandon, Minnesota 56315

The Honorable Mayor
City of Bricelyn
City Hall
Bricelyn, Minnesota 56014

The Honorable Mayor
City of Millerville
P.O. Rt. 1
Brandon, Minnesota 56315

The Honorable Mayor
City of Brook Park
City Hall
Brook Park, Minnesota 55007

The Honorable Mayor
City of Brooklyn Center
City Hall
Brooklyn Center, MN 55430

The Honorable Mayor
City of Brooklyn Park
City Hall
Brooklyn Park, Minnesota 55443

The Honorable Mayor
City of Brooks
City Hall
Brooks, Minnesota 56715

The Honorable Mayor
City of Brookston
City Hall
Brookston, Minnesota 55711

The Honorable Mayor
City of Brooten
City Hall
Brooten, Minnesota 56316

The Honorable Mayor
City of Browerville
City Hall
Browerville, Minnesota 56438

The Honorable Mayor
City of Browns Valley
City Hall
Browns Valley, Minnesota 56219

The Honorable Mayor
City of Brownsdale
City Hall
Brownsdale, Minnesota 55918

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City of Brownsdale
City Hall
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The Honorable Mayor
City of Brownsville
City Hall
Brownsville, Minnesota 55919

The Honorable Mayor
City of Brownton
City Hall
Brownton, Minnesota 55312

The Honorable Mayor
City of Buhl
City Hall
Buhl, Minnesota 55713

The Honorable Mayor
City of Bruno
City Hall
Bruno, Minnesota 55712

The Honorable Mayor
City of Burnsville
City Hall
Burnsville, Minnesota 55337

The Honorable Mayor
City of Buckman
City Hall
Buckman, Minnesota 56317

The Honorable Mayor
City of Burtrum
City Hall
Burtrum, Minnesota 56318

The Honorable Mayor
City of Buffalo Lake
City Hall
Buffalo Lake, Minnesota 55314

The Honorable Mayor
City of Butterfield
City Hall
Butterfield, Minnesota 56120

The Honorable Mayor
City of Buffalo
City Hall
Buffalo, Minnesota 55313

The Honorable Mayor
City of Byron
City Hall
Byron, Minnesota 55920

The Honorable Mayor
City of Caledonia
City Hall
Caledonia, Minnesota 55921

The Honorable Mayor
City of Canby
City Hall
Canby, Minnesota 56220

The Honorable Mayor
City of Callaway
City Hall
Callaway, Minnesota 56521

The Honorable Mayor
City of Cannon Falls
City Hall
Cannon Falls, Minnesota 55009

The Honorable Mayor
City of Calumet
City Hall
Calumet, MN 55716

The Honorable Mayor
City of Canton
City Hall
Canton, Minnesota 55922

The Honorable Mayor
City of Cambridge
City Hall
Cambridge, Minnesota 55008

The Honorable Mayor
City of Carlos
City Hall
Carlos, Minnesota 56319

The Honorable Mayor
City of Campbell
City Hall
Campbell, Minnesota 56522

The Honorable Mayor
City of Carlton
City Hall
Carlton, Minnesota 55718

The Honorable Mayor
City of Thomson
c/o Post Office
Carlton, Minnesota 55718

The Honorable Mayor
City of Centerville
City Hall
Centerville, Minnesota 55038

The Honorable Mayor
City of Carver
City Hall
Carver, Minnesota 55315

The Honorable Mayor
City of Ceylon
City Hall
Ceylon, Minnesota 56121

The Honorable Mayor
City of Cass Lake
City Hall
Cass Lake, Minnesota 56633

The Honorable Mayor
City of Champlin
City Hall
Champlin, Minnesota 55316

The Honorable Mayor
City of Cedar Mills
City Hall
Cedar Mills, Minnesota 55351

The Honorable Mayor
City of Chandler
City Hall
Chandler, Minnesota 56122

The Honorable Mayor
City of Center City
City Hall
Center City, Minnesota 55012

The Honorable Mayor
City of Chanhassen
City Hall
Chanhassen, Minnesota 55317

The Honorable Mayor
City of Chaska
City Hall
Chaska, Minnesota 55318

The Honorable Mayor
City of Chisholm
City Hall
Chisholm, Minnesota 55719

The Honorable Mayor
City of Chatfield
City Hall
Chatfield, Minnesota 55923

The Honorable Mayor
City of Chokio
City Hall
Chokio, Minnesota 56221

The Honorable Mayor
City of Chickamaw Beach
City Hall
Chickamaw Beach, MN 56474

The Honorable Mayor
City of Circle Pines
City Hall
Circle Pines, Minnesota 55014

The Honorable Mayor
City of Chisago City
City Hall
Chisago City, Minnesota 55013

The Honorable Mayor
City of Clara City
City Hall
Clara City, Minnesota 56222

The Honorable Mayor
City of Chisago City
City Hall
Chisago City, Minnesota 55013

The Honorable Mayor
City of Claremont
City Hall
Claremont, Minnesota 55924

The Honorable Mayor
City of Clarissa
City Hall
Clarissa, MN 56440

The Honorable Mayor
City of Clearwater
City Hall
Clearwater, Minnesota 55320

The Honorable Mayor
City of Clarkfield
City Hall
Clarkfield, Minnesota 56223

The Honorable Mayor
City of Clements
City Hall
Clements, Minnesota 56224

The Honorable Mayor
City of Clarks Grove
City Hall
Clarks Grove, Minnesota 56016

The Honorable Mayor
City of Cleveland
City Hall
Cleveland, Minnesota 56017

The Honorable Mayor
City of Clear Lake
City Hall
Clear Lake, Minnesota 55319

The Honorable Mayor
City of Climax
City Hall
Climax, Minnesota 56523

The Honorable Mayor
City of Clearbrook
City Hall
Clearbrook, MN 56634

The Honorable Mayor
City of Clinton
City Hall
Clinton, Minnesota 56225

The Honorable Mayor
City of Clitherall
City Hall
Clitherall, Minnesota 56524

The Honorable Mayor
City of Clontarf
City Hall
Clontarf, Minnesota 56226

The Honorable Mayor
City of Cloquet
City Hall
Cloquet, Minnesota 55720

The Honorable Mayor
City of Scanlon
c/o Post Office
Cloquet, Minnesota 55720

The Honorable Mayor
City of Coates
City Hall
Coates, Minnesota 55068

The Honorable Mayor
City of Cobden
City Hall
Cobden, Minnesota 56018

The Honorable Mayor
City of Cokato
City Hall
Cokato, MN 55321

The Honorable Mayor
City of Cold Spring
City Hall
Cold Spring, MN 56320

The Honorable Mayor
City of Coleraine
City Hall
Coleraine, MN 55722

The Honorable Mayor
City of Cologne
City Hall
Cologne, Minnesota 55322

The Honorable Mayor
City of Columbia Heights
City Hall
Columbia Heights, MN 55421

The Honorable Mayor
City of Coon Rapids
City Hall
Coon Rapids, Minnesota 55433

The Honorable Mayor
City of Comfrey
City Hall
Comfrey, MN 56019

The Honorable Mayor
City of Corcoran
City Hall
Corcoran, Minnesota 55340

The Honorable Mayor
City of Comstock
City Hall
Comstock, Minnesota 56525

The Honorable Mayor
City of Correll
City Hall
Correll, Minnesota 56227

The Honorable Mayor
City of Conger
City Hall
Conger, MN 56020

The Honorable Mayor
City of Cosmos
City Hall
Cosmos, Minnesota 56228

The Honorable Mayor
City of Cook
City Hall
Cook, MN 55723

The Honorable Mayor
City of Cottage Grove
City Hall
Cottage Grove, Minnesota 55016

The Honorable Mayor
City of Cottonwood
City Hall
Cottonwood, MN 56229

The Honorable Mayor
City of Crosslake
City Hall
Crosslake, Minnesota 56442

The Honorable Mayor
City of Courtland
City Hall
Courtland, Minnesota 56021

The Honorable Mayor
City of Orono
Box 66
Crystal Bay, Minnesota 55323

The Honorable Mayor
City of Cromwell
City Hall
Cromwell, MN 55726

The Honorable Mayor
City of Crystal
City Hall
Crystal, Minnesota 55422

The Honorable Mayor
City of Crookston
City Hall
Crookston, MN 56716

The Honorable Mayor
City of Currie
City Hall
Currie, Minnesota 56123

The Honorable Mayor
City of Crosby
City Hall
Crosby, Minnesota 56441

The Honorable Mayor
City of Cyrus
City Hall
Cyrus, MN 56323

The Honorable Mayor
City of Dakota
City Hall
Dakota, MN 55925

The Honorable Mayor
City of Darwin
City Hall
Darwin, Minnesota 55324

The Honorable Mayor
City of Dalton
City Hall
Dalton, MN 56324

The Honorable Mayor
City of Kingsten
P.O.
Dassel, Minnesota 55325

The Honorable Mayor
City of Danube
City Hall
Danube, Minnesota 56230

The Honorable Mayor
City of Dassel
City Hall
Dassel, MN 55325

The Honorable Mayor
City of Danvers
City Hall
Danvers, MN 56231

The Honorable Mayor
City of Dawson
City Hall
Dawson, Minnesota 56232

The Honorable Mayor
City of Darfur
City Hall
Darfur, Minnesota 56022

The Honorable Mayor
City of Dayton
City Hall
Dayton, Minnesota 55327

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The Honorable Mayor
City of De Graff
City Hall
De Graff, MN 56233

The Honorable Mayor
City of Cuyuna
c/o Post Office Star Rt. 1
Deerwood, Minnesota 56444

The Honorable Mayor
City of Deephaven
City Hall
Deephaven, Minnesota 55331

The Honorable Mayor
City of Deerwood
City Hall
Deerwood, Minnesota 56444

The Honorable Mayor
City of Deer Creek
City Hall
Deer Creek, MN 56527

The Honorable Mayor
City of Delano
City Hall
Delano, MN 55328

The Honorable Mayor
City of Zemple
c/o Post Office
Deer River, Minnesota 56636

The Honorable Mayor
City of Delavan
City Hall
Delavan, MN 56023

The Honorable Mayor
City of Deer River
City Hall
Deer River, MN 56636

The Honorable Mayor
City of Delhi
City Hall
Delhi, Minnesota 56234

The Honorable Mayor
City of Dellwood
City Hall
Dellwood, Minnesota 55110

The Honorable Mayor
City of Dexter
City Hall
Dexter, Minnesota 55926

The Honorable Mayor
City of Denham
City Hall
Denham, Minnesota 55728

The Honorable Mayor
City of Dilworth
City Hall
Dilworth, Minnesota 56529

The Honorable Mayor
City of Dennison
City Hall
Dennison, MN 55018

The Honorable Mayor
City of Dodge Center
City Hall
Dodge Center, Minnesota 55927

The Honorable Mayor
City of Dent
City Hall
Dent, Minnesota 56528

The Honorable Mayor
City of Donaldson
City Hall
Donaldson, Minnesota 56720

The Honorable Mayor
City of Detroit Lakes
City Hall
Detroit Lakes, Minnesota 56501

The Honorable Mayor
City of Donnelly
City Hall
Donnelly, MN 56235

The Honorable Mayor
City of Doran
City Hall
Doran, Minnesota 56530

The Honorable Mayor
City of Dundas
City Hall
Dundas, MN 55019

The Honorable Mayor
City of Dover
City Hall
Dover, MN 55929

The Honorable Mayor
City of Dundee
City Hall
Dundee, Minnesota 56126

The Honorable Mayor
City of Dovray
City Hall
Dovray, Minnesota 56125

The Honorable Mayor
City of Dunnell
City Hall
Dunnell, Minnesota 56127

The Honorable Mayor
City of Duluth
City Hall
Duluth, Minnesota 55802

The Honorable Mayor
City of Eagan
City Hall
Eagan, Minnesota 55122

The Honorable Mayor
City of Dumont
City Hall
Dumont, Minnesota 56236

The Honorable Mayor
City of Eagle Bend
City Hall
Eagle Bend, Minnesota 55446

The Honorable Mayor
City of Eagle Lake
City Hall
Eagle Lake, MN 56024

The Honorable Mayor
City of Echo
City Hall
Echo, MN 56237

The Honorable Mayor
City of East Bethel
City Hall
East Bethel, Minnesota 55011

The Honorable Mayor
City of Eden Prairie
City Hall
Eden Prairie, Minnesota 55344

The Honorable Mayor
City of East Grand Forks
City Hall
East Grand Forks, MN 56721

The Honorable Mayor
City of Eden Valley
City Hall
Eden Valley, MN 55329

The Honorable Mayor
City of East Gull Lake
City Hall
East Gull Lake, MN 56401

The Honorable Mayor
City of Edgerton
City Hall
Edgerton, Minnesota 56128

The Honorable Mayor
City of Easton
City Hall
Easton, MN 56025

The Honorable Mayor
City of Edina
City Hall
Edina, Minnesota 55424

The Honorable Mayor
City of Effie
City Hall
Effie, Minnesota 56639

The Honorable Mayor
City of Elizabeth
City Hall
Elizabeth, MN 56533

The Honorable Mayor
City of Eitzen
City Hall
Eitzen, Minnesota 55931

The Honorable Mayor
City of Elk River
City Hall
Elk River, MN 55330

The Honorable Mayor
City of Elba
City Hall
Elba, Minnesota 55910

The Honorable Mayor
City of Elko
City Hall
Elko, Minnesota 55020

The Honorable Mayor
City of Elbow Lake
City Hall
Elbow Lake, Minnesota 56531

The Honorable Mayor
City of Elkton
City Hall
Elkton, Minnesota 55933

The Honorable Mayor
City of Elgin
City Hall
Elgin, Minnesota 55932

The Honorable Mayor
City of Ellendale
City Hall
Ellendale, Minnesota 56026

The Honorable Mayor
City of Ellsworth
City Hall
Ellsworth, MN 56129

The Honorable Mayor
City of Emily
City Hall
Emily, Minnesota 56447

The Honorable Mayor
City of Elmore
City Hall
Elmore, Minnesota 56027

The Honorable Mayor
City of Emmons
City Hall
Emmons, MN 56029

The Honorable Mayor
City of Elrosa
City Hall
Elrosa, Minnesota 56027

The Honorable Mayor
City of Erhard
City Hall
Erhard, MN 56534

The Honorable Mayor
City of Ely
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The Honorable Mayor
City of Erskine
City Hall
Erskine, MN 56535

The Honorable Mayor
City of Elysian
City Hall
Elysian, Minnesota 56028

The Honorable Mayor
City of Evan
City Hall
Evan, Minnesota 56238

The Honorable Mayor
City of Evansville
City Hall
Evansville, MN 56326

The Honorable Mayor
City of Fairfax
City Hall
Fairfax, Minnesota 55332

The Honorable Mayor
City of Leonidas
c/o Post Office
Eveleth, Minnesota 55734

The Honorable Mayor
City of Fairmont
City Hall
Fairmont, Minnesota 56031

The Honorable Mayor
City of Eveleth
City Hall
Eveleth, MN 55734

The Honorable Mayor
City of Faribault
City Hall
Faribault, MN 55021

The Honorable Mayor
City of Excelsior
City Hall
Excelsior, Minnesota 55331

The Honorable Mayor
City of Farmington
City Hall
Farmington, Minnesota 55024

The Honorable Mayor
City of Eyota
City Hall
Eyota, MN 55934

The Honorable Mayor
City of Farwell
City Hall
Farwell, Minnesota 56327

The Honorable Mayor
City of Federal Dam
City Hall
Federal Dam, Minnesota 56641

The Honorable Mayor
City of Finlayson
City Hall
Finlayson, Minnesota 55735

The Honorable Mayor
City of Felton
City Hall
Felton, Minnesota 56536

The Honorable Mayor
City of Fisher
City Hall
Fisher, Minnesota 56723

The Honorable Mayor
City of Fergus Falls
City Hall
Fergus Falls, MN 56537

The Honorable Mayor
City of Flensburg
City Hall
Flensburg, MN 56328

The Honorable Mayor
City of Fertile
City Hall
Fertile, MN 56540

The Honorable Mayor
City of Floodwood
City Hall
Floodwood, MN 55736

The Honorable Mayor
City of Fifty Lakes
City Hall
Fifty Lakes, Minnesota 56448

The Honorable Mayor
City of Florence
City Hall
Florence, Minnesota 56130

The Honorable Mayor
City of Ronneby
P.O. Rt. 4
Foley, Minnesota 56329

The Honorable Mayor
City of Foley
City Hall
Foley, MN 56329

The Honorable Mayor
City of Forest Lake
City Hall
Forest Lake, Minnesota 55025

The Honorable Mayor
City of Foreston
City Hall
Foreston, MN 56330

The Honorable Mayor
City of Fort Ripley
City Hall
Fort Ripley, Minnesota 56449

The Honorable Mayor
City of Fosston
City Hall
Fosston, MN 56542

The Honorable Mayor
City of Fountain
City Hall
Fountain, MN 55935

The Honorable Mayor
City of Foxhome
City Hall
Foxhome, Minnesota 56543

The Honorable Mayor
City of Franklin
City Hall
Franklin, Minnesota 55333

The Honorable Mayor
City of Frazee
City Hall
Frazee, MN 56544

The Honorable Mayor
City of Freeborn
City Hall
Freeborn, Minnesota 56032

The Honorable Mayor
City of Fulda
City Hall
Fulda, Minnesota 56131

The Honorable Mayor
City of Freeport
City Hall
Freeport, Minnesota 56331

The Honorable Mayor
City of Garfield
City Hall
Garfield, MN 56332

The Honorable Mayor
City of St. Rosa
P.O. Rt. 2
Freeport, Minnesota 56331

The Honorable Mayor
City of Garrison
City Hall
Garrison, Minnesota 56450

The Honorable Mayor
City of Fridley
City Hall
Fridley, Minnesota 55432

The Honorable Mayor
City of Garvin
City Hall
Garvin, MN 56132

The Honorable Mayor
City of Frost
City Hall
Frost, Minnesota 56033

The Honorable Mayor
City of Gary
City Hall
Gary, MN 56545

The Honorable Mayor
City of Gaylord
City Hall
Gaylord, MN 55334

The Honorable Mayor
City of Gibbon
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Gibbon, Minnesota 55335

The Honorable Mayor
City of Geneva
City Hall
Geneva, Minnesota 56035

The Honorable Mayor
City of Gilbert
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Gilbert, MN 55741

The Honorable Mayor
City of Genola
City Hall
Genola, Minnesota 56365

The Honorable Mayor
City of Gilman
City Hall
Gilman, Minnesota 56333

The Honorable Mayor
City of Georgetown
City Hall
Georgetown, MN 56546

The Honorable Mayor
City of Glencoe
City Hall
Glencoe, MN 55336

The Honorable Mayor
City of Ghent
City Hall
Ghent, Minnesota 56239

The Honorable Mayor
City of Glenville
City Hall
Glenville, Minnesota 56036

The Honorable Mayor
City of Long Beach
P.O. Rt. 3
Glenwood, Minnesota 56334

The Honorable Mayor
City of Good Thunder
City Hall
Good Thunder, Minnesota 56037

The Honorable Mayor
City of Glenwood
City Hall
Glenwood, MN 56334

The Honorable Mayor
City of Goodhue
City Hall
Goodhue, MN 55027

The Honorable Mayor
City of Glyndon
City Hall
Glyndon, MN 56547

The Honorable Mayor
City of Goodridge
City Hall
Goodridge, MN 56725

The Honorable Mayor
City of Golden Valley
City Hall
Golden Valley, Minnesota 55427

The Honorable Mayor
City of Graceville
City Hall
Graceville, Minnesota 56240

The Honorable Mayor
City of Gonvick
City Hall
Gonvick, MN 56644

The Honorable Mayor
City of Granada
City Hall
Granada, Minnesota 56039

The Honorable Mayor
City of Grand Marais
City Hall
Grand Marais, MN 55604

The Honorable Mayor
City of Grand Meadow
City Hall
Grand Meadow, MN 55936

The Honorable Mayor
City of Grand Rapids
City Hall
Grand Rapids, Minnesota 55744

The Honorable Mayor
City of La Prairie
c/o Post Office
Grand Rapids, Minnesota 55744

The Honorable Mayor
City of Granite Falls
City Hall
Granite Falls, MN 56241

The Honorable Mayor
City of Grasston
City Hall
Grasston, Minnesota 56726

The Honorable Mayor
City of Green Isle
City Hall
Green Isle, MN 55338

The Honorable Mayor
City of Greenbush
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Greenbush, Minnesota 56726

The Honorable Mayor
City of Greenwald
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Greenwald, Minnesota 56335

The Honorable Mayor
City of Greenwood
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Greenwood, Minnesota 55331

The Honorable Mayor
City of Grey Eagle
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Grey Eagle, Minnesota 56336

The Honorable Mayor
City of Hadley
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Hadley, Minnesota 56133

The Honorable Mayor
City of Grove City
City Hall
Grove City, MN 56243

The Honorable Mayor
City of Hallock
City Hall
Hallock, Minnesota 56728

The Honorable Mayor
City of Grygla
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Grygla, Minnesota 56727

The Honorable Mayor
City of Halma
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Halma, Minnesota 56729

The Honorable Mayor
City of Gully
City Hall
Gully, Minnesota 56646

The Honorable Mayor
City of Halstad
City Hall
Halstad, Minnesota 56548

The Honorable Mayor
City of Hackensack
City Hall
Hackensack, MN 56452

The Honorable Mayor
City of Ham Lake
City Hall
Ham Lake, Minnesota 55303

The Honorable Mayor
City of Hamburg
City Hall
Hamburg, Minnesota 55339

The Honorable Mayor
City of Hancock
City Hall
Hancock, MN 56244

The Honorable Mayor
City of Medina
c/o 2052 County Rd. 24
Hamel, Minnesota 55340

The Honorable Mayor
City of Hanley Falls
City Hall
Hanley Falls, Minnesota 56245

The Honorable Mayor
City of Medina, City Hall
2052 County Rd. 24
Hamel, MN 53340

The Honorable Mayor
City of Hanover
City Hall
Hanover, Minnesota 55341

The Honorable Mayor
City of Hammond
City Hall
Hammond, Minnesota 55938

The Honorable Mayor
City of Hanska
City Hall
Hanska, MN 56041

The Honorable Mayor
City of Hampton
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Hampton, Minnesota 55031

The Honorable Mayor
City of Hardwick
City Hall
Hardwick, Minnesota 56134

The Honorable Mayor
City of Harmony
City Hall
Harmony, MN 55939

The Honorable Mayor
City of Hatfield
City Hall
Hatfield, MN 56135

The Honorable Mayor
City of Harris
City Hall
Harris, Minnesota 55032

The Honorable Mayor
City of Hawley
City Hall
Hawley, Minnesota 56549

The Honorable Mayor
City of Hartland
City Hall
Hartland, Minnesota 56042

The Honorable Mayor
City of Hayfield
City Hall
Hayfield, MN 55940

The Honorable Mayor
City of Hastings
City Hall
Hastings, Minnesota 55033

The Honorable Mayor
City of Hayward
City Hall
Hayward, MN 56043

The Honorable Mayor
City of Miesville
P.O. Rt. 1
Hastings, Minnesota 55033

The Honorable Mayor
City of Hazel Run
City Hall
Hazel Run, Minnesota 56247

The Honorable Mayor
City of Hector
City Hall
Hector, MN 55342

The Honorable Mayor
City of Henriette
City Hall
Henriette, Minnesota 55036

The Honorable Mayor
City of Henderson
City Hall
Henderson, Minnesota 56044

The Honorable Mayor
City of Herman
City Hall
Herman, Minnesota 56248

The Honorable Mayor
City of Hendricks
City Hall
Hendricks, Minnesota 56136

The Honorable Mayor
City of Hermantown
City Hall
Hermantown, MN 55811

The Honorable Mayor
City of Hendrum
City Hall
Hendrum, Minnesota 56550

The Honorable Mayor
City of Heron Lake
City Hall
Heron Lake, Minnesota 56137

The Honorable Mayor
City of Henning
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Henning, MN 56551

The Honorable Mayor
City of Hewitt
City Hall
Hewitt, Minnesota 56453

The Honorable Mayor
City of Hibbing
City Hall
Hibbing, MN 55746

The Honorable Mayor
City of Hinckley
City Hall
Hinckley, MN 55037

The Honorable Mayor
City of Hill City
City Hall
Hill City, MN 55748

The Honorable Mayor
City of Hitterdal
City Hall
Hitterdal, Minnesota 56552

The Honorable Mayor
City of Hillman
City Hall
Hillman, Minnesota 56338

The Honorable Mayor
City of Hoffman
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Hoffman, MN 56339

The Honorable Mayor
City of Hills
City Hall
Hills, MN 56138

The Honorable Mayor
City of Hokah
City Hall
Hokah, MN 55941

The Honorable Mayor
City of Hilltop
City Hall
Hilltop, Minnesota 55421

The Honorable Mayor
City of Holdingford
City Hall
Holdingford, Minnesota 56340

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The Honorable Mayor
City of Holland
City Hall
Holland, MN 56139

The Honorable Mayor
City of Houston
City Hall
Houston, Minnesota 55943

The Honorable Mayor
City of Hollandale
City Hall
Hollandale, Minnesota 56045

The Honorable Mayor
City of Howard Lake
City Hall
Howard Lake, MN 55349

The Honorable Mayor
City of Holloway
City Hall
Holloway, MN 56249

The Honorable Mayor
City of Hoyt Lakes
City Hall
Hoyt Lakes, MN 55750

The Honorable Mayor
City of Holt
City Hall
Holt, Minnesota 56738

The Honorable Mayor
City of Hugo
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Hugo, Minnesota 55038

The Honorable Mayor
City of Hopkins
City Hall
Hopkins, Minnesota 55343

The Honorable Mayor
City of Humboldt
City Hall
Humboldt, Minnesota 56731

The Honorable Mayor
City of Hutchinson
City Hall
Hutchinson, MN 55350

The Honorable Mayor
City of Inver Grove Heights
City Hall
Inver Grove Heights, MN 55075

The Honorable Mayor
City of Ihlen
City Hall
Ihlen, Minnesota 56140

The Honorable Mayor
City of Iona
City Hall
Iona, MN 56141

The Honorable Mayor
City of Independence
City Hall
Independence, Minnesota 55359

The Honorable Mayor
City of Iron Junction
City Hall
Iron Junction, Minnesota 55751

The Honorable Mayor
City of International Falls
City Hall
Int'l Falls, MN 56649

The Honorable Mayor
City of Riverton
c/o Post Office
Ironton, Minnesota 56455

The Honorable Mayor
City of Island View
c/o Post Office
Int'l Falls, MN 56649

The Honorable Mayor
City of Ironton
City Hall
Ironton, MN 56455

The Honorable Mayor
City of Isanti
City Hall
Isanti, Minnesota 55040

The Honorable Mayor
City of Isle
City Hall
Isle, Minnesota 56342

The Honorable Mayor
City of Ivanhoe
City Hall
Ivanhoe, Minnesota 56142

The Honorable Mayor
City of Jackson
City Hall
Jackson, Minnesota 56143

The Honorable Mayor
City of Janesville
City Hall
Janesville, MN 56048

The Honorable Mayor
City of Jasper
City Hall
Jasper, MN 56144

The Honorable Mayor
City of Jeffers
City Hall
Jeffers, Minnesota 56145

The Honorable Mayor
City of Jenkins
City Hall
Jenkins, Minnesota 56456

The Honorable Mayor
City of Johnson
City Hall
Johnson, Minnesota 56250

The Honorable Mayor
City of Jordan
City Hall
Jordan, Minnesota 55352

The Honorable Mayor
City of Kandiyohi
City Hall
Kandiyohi, MN 56251

The Honorable Mayor
City of Kelliher
City Hall
Kelliher, Minnesota 56650

The Honorable Mayor
City of Karlstad
City Hall
Karlstad, Minnesota 56732

The Honorable Mayor
City of Kellogg
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Kellogg, Minnesota 55945

The Honorable Mayor
City of Kasota
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Kasota, Minnesota 56050

The Honorable Mayor
City of Kennedy
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Kennedy, Minnesota 56733

The Honorable Mayor
City of Kasson
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Kasson, MN 55944

The Honorable Mayor
City of Kenneth
City Hall
Kenneth, MN 56147

The Honorable Mayor
City of Keewatin
City Hall
Keewatin, MN 55753

The Honorable Mayor
City of Kensington
City Hall
Kensington, MN 56343

The Honorable Mayor
City of Kent
City Hall
Kent, Minnesota 56553

The Honorable Mayor
City of Kiester
City Hall
Kiester, Minnesota 56051

The Honorable Mayor
City of Kenyon
City Hall
Kenyon, MN 55946

The Honorable Mayor
City of Kilkenny
City Hall
Kilkenny, MN 56052

The Honorable Mayor
City of Kerkhoven
City Hall
Kerkhoven, Minnesota 56252

The Honorable Mayor
City of Kimball
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Kimball, MN 55353

The Honorable Mayor
City of Kerrick
City Hall
Kerrick, Minnesota 55756

The Honorable Mayor
City of Kinbrae
City Hall
Kinbrae, Minnesota 56126

The Honorable Mayor
City of Kettle River
City Hall
Kettle River, MN 55757

The Honorable Mayor
City of Kinney
City Hall
Kinney, Minnesota 55758

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The Honorable Mayor
City of La Crescent
City Hall
La Crescent, MN 55947

The Honorable Mayor
City of Lake Bronson
City Hall
Lake Bronson, Minnesota 56734

The Honorable Mayor
City of La Porte
City Hall
La Porte, Minnesota 56461

The Honorable Mayor
City of Lake City
City Hall
Lake City, MN 55041

The Honorable Mayor
City of La Salle
City Hall
La Salle, Minnesota 56056

The Honorable Mayor
City of Lake Crystal
City Hall
Lake Crystal, MN 56055

The Honorable Mayor
City of Lafayette
City Hall
Lafayette, MN 56054

The Honorable Mayor
City of Lake Elmo
City Hall
Lake Elmo, Minnesota 55042

The Honorable Mayor
City of Lake Benton
City Hall
Lake Benton, MN 56149

The Honorable Mayor
City of Lake Lillian
City Hall
Lake Lillian, Minnesota 56253

The Honorable Mayor
City of Lake Park
City Hall
Lake Park, MN 56554

The Honorable Mayor
City of St. Mary's Point
P.O. Rt. 1
Lakeland, Minnesota 55043

The Honorable Mayor
City of Lake Wilson
City Hall
Lake Wilson, MN 56151

The Honorable Mayor
City of Lake St. Croix Beach
City Hall
Lakeland, MN 55043

The Honorable Mayor
City of Lakefield
City Hall
Lakefield, MN 56150

The Honorable Mayor
City of Lakeville
City Hall
Lakeville, Minnesota 55044

The Honorable Mayor
City of Lakeland Shores
City Hall
Lakeland Shores, MN 55043

The Honorable Mayor
City of Lamberton
City Hall
Lamberton, Minnesota 56152

The Honorable Mayor
City of Lakeland
City Hall
Lakeland, Minnesota 55043

The Honorable Mayor
City of Lancaster
City Hall
Lancaster, Minnesota 56735

The Honorable Mayor
City of Lanesboro
City Hall
Lanesboro, Minnesota 55949

The Honorable Mayor
City of Leonard
City Hall
Leonard, Minnesota 56652

The Honorable Mayor
City of Lastrup
City Hall
Lastrup, Minnesota 56344

The Honorable Mayor
City of Lester Prairie
City Hall
Lester Prairie, MN 55354

The Honorable Mayor
City of Le Center
City Hall
Le Center, Minnesota 56057

The Honorable Mayor
City of LeSueur
City Hall
LeSueur, MN 56058

The Honorable Mayor
City of Le Roy
City Hall
Le Roy, Minnesota 55951

The Honorable Mayor
City of Lewiston
City Hall
Lewiston, Minnesota 55952

The Honorable Mayor
City of Lengby
City Hall
Lengby, Minnesota 56651

The Honorable Mayor
City of Lewisville
City Hall
Lewisville, MN 56060

The Honorable Mayor
City of Lexington
City Hall
Lexington, Minnesota 55112

The Honorable Mayor
City of Litchfield
City Hall
Litchfield, Minnesota 55355

The Honorable Mayor
City of Lilydale
City Hall
Lilydale, Minnesota 55118

The Honorable Mayor
City of Little Falls
City Hall
Little Falls, MN 56345

The Honorable Mayor
City of Lindstrom
City Hall
Lindstrom, MN 55045

The Honorable Mayor
City of Sobieski
c/o Post Office
Little Falls, MN 56345

The Honorable Mayor
City of Lino Lakes
City Hall
Lino Lakes, Minnesota 55014

The Honorable Mayor
City of Little Fork
City Hall
Little Fork, Minnesota 56653

The Honorable Mayor
City of Lismore
City Hall
Lismore, Minnesota 56155

The Honorable Mayor
City of Long Lake
City Hall
Long Lake, MN 55356

The Honorable Mayor
City of Long Prairie
City Hall
Long Prairie, MN 56347

The Honorable Mayor
City of Louisburg
City Hall
Louisburg, Minnesota 56254

The Honorable Mayor
City of Longville
City Hall
Longville, MN 56655

The Honorable Mayor
City of Lowry
City Hall
Lowry, MN 56349

The Honorable Mayor
City of Lonsdale
City Hall
Lonsdale, Minnesota 55046

The Honorable Mayor
City of Lucan
City Hall
Lucan, Minnesota 56255

The Honorable Mayor
City of Greenfield
R. 1 Box 269
Loretto, Minnesota 55357

The Honorable Mayor
City of Luverne
City Hall
Luverne, MN 56156

The Honorable Mayor
City of Loretto
City Hall
Loretto, MN 55357

The Honorable Mayor
City of Lyle
City Hall
Lyle, MN 55953

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The Honorable Mayor
City of Lynd
City Hall
Lynd, MN 56157

The Honorable Mayor
City of Magnolia
City Hall
Magnolia, Minnesota 56158

The Honorable Mayor
City of Mabel
City Hall
Mabel, MN 55954

The Honorable Mayor
City of Mahnomen
City Hall
Mahnomen, MN 56557

The Honorable Mayor
City of Madelia
City Hall
Madelia, Minnesota 56062

The Honorable Mayor
City of Mahtomedi
City Hall
Mahtomedi, Minnesota 55115

The Honorable Mayor
City of Madison Lake
City Hall
Madison Lake, Minnesota 56063

The Honorable Mayor
City of Manchester
City Hall
Manchester, Minnesota 56064

The Honorable Mayor
City of Madison
City Hall
Madison, MN 56256

The Honorable Mayor
City of Manhattan Beach
City Hall
Manhattan Beach, MN 56463

The Honorable Mayor
City of Skyline
P.O. Box 424
Mankato, Minnesota 56001

The Honorable Mayor
City of Maple Plain
City Hall
Maple Plain, Minnesota 55359

The Honorable Mayor
City of Mankato
City Hall
Mankato, MN 56001

The Honorable Mayor
City of Mapleton
City Hall
Mapleton, Minnesota 56065

The Honorable Mayor
City of Mantorville
City Hall
Mantorville, MN 55955

The Honorable Mayor
City of Maplewood
City Hall
Maplewood, Minnesota 55109

The Honorable Mayor
City of Maple Grove
City Hall
Maple Grove, Minnesota 55369

The Honorable Mayor
City of Marble
City Hall
Marble, MN 55764

The Honorable Mayor
City of Maple Lake
City Hall
Maple Lake, MN 55358

The Honorable Mayor
City of Marietta
City Hall
Marietta, MN 56257

The Honorable Mayor
City of Marine-on-St. Croix
City Hall
Marine-on-St. Croix, MN 55047

The Honorable Mayor
City of Marshall
City Hall
Marshall, Minnesota 56258

The Honorable Mayor
City of Mayer
City Hall
Mayer, Minnesota 55360

The Honorable Mayor
City of Maynard
City Hall
Maynard, MN 56260

The Honorable Mayor
City of Mazeppa
City Hall
Mazeppa, MN 55956

The Honorable Mayor
City of McGrath
City Hall
McGrath, Minnesota 56350

The Honorable Mayor
City of McGregor
City Hall
McGregor, MN 55760

The Honorable Mayor
City of McIntosh
City Hall
McIntosh, Minnesota 56556

The Honorable Mayor
City of McKinley
City Hall
McKinley, Minnesota 55761

The Honorable Mayor
City of Meadowlands
City Hall
Meadowlands, MN 55765

The Honorable Mayor
City of Medford
City Hall
Medford, Minnesota 55049

The Honorable Mayor
City of Mendota
City Hall
Mendota, Minnesota 55150

The Honorable Mayor
City of Meire Grove
c/o Post Office
Melrose, Minnesota 56352

The Honorable Mayor
City of Mentor
City Hall
Mentor, Minnesota 56736

The Honorable Mayor
City of Melrose
City Hall
Melrose, Minnesota 56352

The Honorable Mayor
City of Middle River
City Hall
Middle River, MN 56737

The Honorable Mayor
City of Spring Hill
c/o Post Office
Melrose, Minnesota 56352

The Honorable Mayor
City of Milaca
City Hall
Milaca, MN 56353

The Honorable Mayor
City of Menahga
City Hall
Menahga, MN 56464

The Honorable Mayor
City of Milan
City Hall
Milan, Minnesota 56262

The Honorable Mayor
City of Millville
City Hall
Millville, Minnesota 55957

The Honorable Mayor
City of Spring Lake Park
c/o Post Office
Minneapolis, Minnesota 55432

The Honorable Mayor
City of Milroy
City Hall
Milroy, Minnesota 56263

The Honorable Mayor
City of Medicine Lake
c/o Post Office
Minneapolis, Minnesota 55441

The Honorable Mayor
City of Miltona
City Hall
Miltona, MN 56354

The Honorable Mayor
City of Minneiska
City Hall
Minneiska, Minnesota 55958

The Honorable Mayor
City of Minneapolis
City Hall
Minneapolis, Minnesota 55415

The Honorable Mayor
City of Minneota
City Hall
Minneota, MN 56264

The Honorable Mayor
City of St. Anthony
c/o Post Office
Minneapolis, Minnesota 55418

The Honorable Mayor
City of Minnesota City
City Hall
Minnesota City, MN 55959

The Honorable Mayor
City of Minnesota Lake
City Hall
Minnesota Lake, MN 56068

The Honorable Mayor
City of Minnetonka Beach
City Hall
Minnetonka Beach, MN 55361

The Honorable Mayor
City of Minnetonka
City Hall
Minnetonka, Minnesota 55343

The Honorable Mayor
City of Minnetrista
City Hall
Minnetrista, Minnesota 55264

The Honorable Mayor
City of Mizpah
City Hall
Mizpah, Minnesota 56660

The Honorable Mayor
City of Montevideo
City Hall
Montevideo, Minnesota 56265

The Honorable Mayor
City of Montgomery
City Hall
Montgomery, MN 56069

The Honorable Mayor
City of Monticello
City Hall
Monticello, MN 55362

The Honorable Mayor
City of Montrose
City Hall
Montrose, MN 55363

The Honorable Mayor
City of Moorhead
City Hall
Moorhead, MN 56560

The Honorable Mayor
City of Moose Lake
City Hall
Moose Lake, MN 55767

The Honorable Mayor
City of Morton
City Hall
Morton, MN 56270

The Honorable Mayor
City of Mora
City Hall
Mora, Minnesota 55051

The Honorable Mayor
City of Motley
City Hall
Motley, MN 56466

The Honorable Mayor
City of Morgan
City Hall
Morgan, MN 56266

The Honorable Mayor
City of Mound
City Hall
Mound, Minnesota 55364

The Honorable Mayor
City of Morris
City Hall
Morris, MN 56267

The Honorable Mayor
City of Moundsview
City Hall
Moundsview, Minnesota 55112

The Honorable Mayor
City of Morristown
City Hall
Morristown, Minnesota 55052

The Honorable Mayor
City of Mountain Iron
City Hall
Mountain Iron, MN 55768

The Honorable Mayor
City of Mountain Lake
City Hall
Mountain Lake, MN 56159

The Honorable Mayor
City of Nassau
City Hall
Nassau, Minnesota 56272

The Honorable Mayor
City of Murdock
City Hall
Murdock, MN 56271

The Honorable Mayor
City of Nelson
City Hall
Nelson, MN 56355

The Honorable Mayor
City of Myrtle
City Hall
Myrtle, Minnesota 56070

The Honorable Mayor
City of Nerstrand
City Hall
Nerstrand, Minnesota 55053

The Honorable Mayor
City of Nashua
City Hall
Nashua, Minnesota 56565

The Honorable Mayor
City of Nevis
City Hall
Nevis, Minnesota 56467

The Honorable Mayor
City of Nashwauk
City Hall
Nashwauk, MN 55769

The Honorable Mayor
City of New Auburn
City Hall
New Auburn, Minnesota 55366

The Honorable Mayor
City of New Brighton
City Hall
New Brighton, Minnesota 55112

The Honorable Mayor
City of New Munich
City Hall
New Munich, MN 56356

The Honorable Mayor
City of New Germany
City Hall
New Germany, Minnesota 55367

The Honorable Mayor
City of New Prague
City Hall
New Prague, MN 56071

The Honorable Mayor
City of New Hope
City Hall
New Hope, Minnesota 55428

The Honorable Mayor
City of Heidleberg
c/o Post Office
New Praque, MN 56071

The Honorable Mayor
City of New London
City Hall
New London, Minnesota 56273

The Honorable Mayor
City of New Richland
City Hall
New Richland, MN 56072

The Honorable Mayor
City of New Market
City Hall
New Market, Minnesota 55054

The Honorable Mayor
City of New Trier
City Hall
New Trier, Minnesota 55031

The Honorable Mayor
City of New Ulm
City Hall
New Ulm, MN 56073

The Honorable Mayor
City of Nielsville
City Hall
Nielsville, Minnesota 56568

The Honorable Mayor
City of New York Mills
City Hall
New York Mills, MN 56567

The Honorable Mayor
City of Nimrod
City Hall
Nimrod, Minnesota 56478

The Honorable Mayor
City of Newfolden
City Hall
Newfolden, Minnesota 56738

The Honorable Mayor
City of Nisswa
City Hall
Nisswa, MN 56468

The Honorable Mayor
City of Newport
City Hall
Newport, Minnesota 55055

The Honorable Mayor
City of Norcross
City Hall
Norcross, Minnesota 56274

The Honorable Mayor
City of Nicollet
City Hall
Nicollet, Minnesota 56074

The Honorable Mayor
City of North Branch
City Hall
North Branch, Minnesota 55056

The Honorable Mayor
City of North Mankato
City Hall
North Mankato, Minnesota 56001

The Honorable Mayor
City of Northfield
City Hall
Northfield, MN 55057

The Honorable Mayor
City of North Oaks
City Hall
North Oaks, Minnesota 55110

The Honorable Mayor
City of Northome
City Hall
Northome, Minnesota 56661

The Honorable Mayor
City of North Redwood
City Hall
North Redwood, Minnesota 56275

The Honorable Mayor
City of Northrop
City Hall
Northrop, Minnesota 56075

The Honorable Mayor
City of North St. Paul
City Hall
North St. Paul, Minnesota 55109

The Honorable Mayor
City of Norwood
City Hall
Norwood, Minnesota 55368

The Honorable Mayor
City of Pine Springs
c/o Post Office
North St. Paul, MN 55109

The Honorable Mayor
City of Odessa
City Hall
Odessa, MN 56276

The Honorable Mayor
City of Odin
City Hall
Odin, Minnesota 56160

The Honorable Mayor
City of Olivia
City Hall
Olivia, MN 56277

The Honorable Mayor
City of Ogema
City Hall
Ogema, Minnesota 56569

The Honorable Mayor
City of Onamia
City Hall
Onamia, MN 56359

The Honorable Mayor
City of Ogilvie
City Hall
Ogilvie, MN 56358

The Honorable Mayor
City of Ormsby
City Hall
Ormsby, Minnesota 56162

The Honorable Mayor
City of Okabena
City Hall
Okabena, Minnesota 56161

The Honorable Mayor
City of Oronoco
City Hall
Oronoco, MN 55960

The Honorable Mayor
City of Oklee
City Hall
Oklee, MN 56742

The Honorable Mayor
City of Orr
City Hall
Orr, MN 55771

The Honorable Mayor
City of Ortonville
City Hall
Ortonville, MN 56278

The Honorable Mayor
City of Ottertail
City Hall
Ottertail, Minnesota 56571

The Honorable Mayor
City of Osakis
City Hall
Osakis, MN 56360

The Honorable Mayor
City of Owatonna
City Hall
Owatonna, MN 55060

The Honorable Mayor
City of Oslo
City Hall
Oslo, Minnesota 56744

The Honorable Mayor
City of Palisade
City Hall
Palisade, MN 56469

The Honorable Mayor
City of Osseo
City Hall
Osseo, Minnesota 55369

The Honorable Mayor
City of Park Rapids
City Hall
Park Rapids, MN 56470

The Honorable Mayor
City of Ostrander
City Hall
Ostrander, MN 55961

The Honorable Mayor
City of Parkers Prairie
City Hall
Parkers Prairie, MN 56361

The Honorable Mayor
City of Urbank
c/o Post Office
Parkers Prairie, MN 56361

The Honorable Mayor
City of Pemberton
City Hall
Pemberton, Minnesota 56078

The Honorable Mayor
City of Lake Henry
P.O. Rt. 3
Paynesville, Minnesota 56362

The Honorable Mayor
City of Pennock
City Hall
Pennock, MN 56279

The Honorable Mayor
City of Paynesville
City Hall
Paynesville, MN 56362

The Honorable Mayor
City of Breezy Point
P.O. Rt. 1
Pequot Lakes, MN 56472

The Honorable Mayor
City of Pease
City Hall
Pease, Minnesota 56363

The Honorable Mayor
City of Pequot Lakes
City Hall
Pequot Lakes, MN 56472

The Honorable Mayor
City of Pelican Rapids
City Hall
Pelican Rapids, MN 56572

The Honorable Mayor
City of Perley
City Hall
Perely, Minnesota 56574

The Honorable Mayor
City of Perham
City Hall
Perham, MN 56573

The Honorable Mayor
City of Pine City
City Hall
Pine City, Minnesota 55063

The Honorable Mayor
City of Peterson
City Hall
Peterson, Minnesota 55962

The Honorable Mayor
City of Pine Island
City Hall
Pine Island, MN 55963

The Honorable Mayor
City of Harding
c/o Post Office
Pierz, Minnesota 56364

The Honorable Mayor
City of Pine River
City Hall
Pine River, MN 56474

The Honorable Mayor
City of Pierz
City Hall
Pierz, Minnesota 56364

The Honorable Mayor
City of Pipestone
City Hall
Pipestone, MN 56164

The Honorable Mayor
City of Pillager
City Hall
Pillager, MN 56473

The Honorable Mayor
City of Plainview
City Hall
Plainview, MN 55964

The Honorable Mayor
City of Plato
City Hall
Plato, Minnesota 55370

The Honorable Mayor
City of Princeton
City Hall
Princeton, MN 55371

The Honorable Mayor
City of Plummer
City Hall
Plummer, MN 56748

The Honorable Mayor
City of Prinsburg
City Hall
Prinsburg, Minnesota 56281

The Honorable Mayor
City of Plymouth
City Hall
Plymouth, Minnesota 55447

The Honorable Mayor
City of Prior Lake
City Hall
Prior Lake, Minnesota 55372

The Honorable Mayor
City of Porter
City Hall
Porter, Minnesota 56280

The Honorable Mayor
City of Proctor
City Hall
Proctor, Minnesota 55810

The Honorable Mayor
City of Preston
City Hall
Preston, MN 55965

The Honorable Mayor
City of Quamba
City Hall
Quamba, MN 55064

The Honorable Mayor
City of Racine
City Hall
Racine, Minnesota 55967

The Honorable Mayor
City of Red Lake Falls
City Hall
Red Lake Falls, MN 56750

The Honorable Mayor
City of Randall
City Hall
Randall, Minnesota 56475

The Honorable Mayor
City of Red Wing
City Hall
Red Wing, MN 55066

The Honorable Mayor
City of Randolph
City Hall
Randolph, Minnesota 55065

The Honorable Mayor
City of Redwood Falls
City Hall
Redwood Falls, MN 56283

The Honorable Mayor
City of Ranier
City Hall
Ranier, Minnesota 56668

The Honorable Mayor
City of Regal
City Hall
Regal, Minnesota 56366

The Honorable Mayor
City of Raymond
City Hall
Raymond, Minnesota 56282

The Honorable Mayor
City of Remer
City Hall
Remer, MN 56672

The Honorable Mayor
City of Renville
City Hall
Renville, MN 56284

The Honorable Mayor
City of Revere
City Hall
Revere, Minnesota 56166

The Honorable Mayor
City of Rice
City Hall
Rice, Minnesota 56367

The Honorable Mayor
City of Richfield
City Hall
Richfield, Minnesota 55423

The Honorable Mayor
City of Richmond
City Hall
Richmond, MN 56368

The Honorable Mayor
City of Richville
City Hall
Richville, Minnesota 56576

The Honorable Mayor
City of Robbinsdale
City Hall
Robbinsdale, Minnesota 55422

The Honorable Mayor
City of Rochester
City Hall
Rochester, MN 55901

The Honorable Mayor
City of Rock Creek
City Hall
Rock Creek, Minnesota 55067

The Honorable Mayor
City of Rockford
City Hall
Rockford, MN 55373

The Honorable Mayor
City of Rockville
City Hall
Rockville, Minnesota 56369

The Honorable Mayor
City of Rose Creek
City Hall
Rose Creek, Minnesota 55970

The Honorable Mayor
City of Rogers
City Hall
Rogers, Minnesota 55374

The Honorable Mayor
City of Roseau
City Hall
Roseau, Minnesota 56751

The Honorable Mayor
City of Rollingstone
City Hall
Rollingstone, Minnesota 55969

The Honorable Mayor
City of Rosemont
City Hall
Rosemont, Minneosta 55068

The Honorable Mayor
City of Roosevelt
City Hall
Roosevelt, MN 56673

The Honorable Mayor
The City of Roseville
City Hall
Roseville, Minnesota 55113

The Honorable Mayor
City of Roscoe
City Hall
Roscoe, Minneosta 56311

The Honorable Mayor
City of Rothsay
City Hall
Rothsay, MN 56579

The Honorable Mayor
City of Round Lake
City Hall
Round Lake, MN 56167

The Honorable Mayor
City of Rushmore
City Hall
Rushmore, Minnesota 56168

The Honorable Mayor
City of Royalton
City Hall
Royalton, MN 56373

The Honorable Mayor
City of Russell
City Hall
Russell, MN 56169

The Honorable Mayor
City of Rush City
City Hall
Rush City, Minnesota 55069

The Honorable Mayor
City of Ruthton
City Hall
Ruthton, Minnesota 56170

The Honorable Mayor
City of Rushford Village
City Hall
Rushford Village, MN 55971

The Honorable Mayor
City of Rutledge
City Hall
Rutledge, Minnesota 55778

The Honorable Mayor
City of Rushford
City Hall
Rushford, MN 55971

The Honorable Mayor
City of S. International Falls
City Hall
S. International Fall, MN 56679

The Honorable Mayor
City of St. Bonifacius
City Hall
St. Bonifacius, MN 55375

The Honorable Mayor
City of St. Cloud
City Hall
St. Cloud, MN 56301

The Honorable Mayor
City of St. Charles
City Hall
St. Charles, Minnesota 55972

The Honorable Mayor
City of St. Francis
City Hall
St. Francis, Minnesota 55070

The Honorable Mayor
City of St. Charles
City Hall
St. Charles, MN 55972

The Honorable Mayor
City of St. Hilaire
City Hall
St. Hilaire, Minnesota 56754

The Honorable Mayor
City of St. Clair
City Hall
St. Clair, Minnesota 56080

The Honorable Mayor
City of St. James
City Hall
St. James, Minnesota 56081

The Honorable Mayor
City of Pleasant Lake
P.O. Rt. 4
St. Cloud, Minnesota 56301

The Honorable Mayor
City of St. James
City Hall
St. James, MN 56081

The Honorable Mayor
City of St. Joseph
City Hall
St. Joseph, MN 56374

The Honorable Mayor
City of St. Leo
City Hall
St. Leo, Minnesota 56286

The Honorable Mayor
City of St. Louis Park
City Hall
St. Louis Park, MN 55416

The Honorable Mayor
City of St. Martin
City Hall
St. Martin, Minnesota 56376

The Honorable Mayor
City of St. Michael
City Hall
St. Michael, MN 55376

The Honorable Mayor
City of St. Paul Park
City Hall
St. Paul Park, Minnesota 55071

The Honorable Mayor
City of St. Paul
City Hall
St. Paul, Minnesota 55102

The Honorable Mayor
City of Vadnais Heights
c/o Post Office
St. Paul, Minnesota 55110

The Honorable Mayor
City of Shoreview
c/o Post Office
St. Paul, Minnesota 55112

The Honorable Mayor
City of Falcon Heights
c/o P.O. Box
St. Paul, Minnesota 55113

The Honorable Mayor
City of S. St. Paul
City Hall
S. St. Paul, Minnesota 55075

The Honorable Mayor
City of Sartell
City Hall
Sartell, MN 56377

The Honorable Mayor
City of Sabin
City Hall
Sabin, MN 56580

The Honorable Mayor
City of Sauk Centre
City Hall
Sauk Centre, Minnesota 56378

The Honorable Mayor
City of Sacred Heart
City Hall
Sacred Heart, MN 56285

The Honorable Mayor
City of Sauk Rapids
City Hall
Sauk Rapids, Minnesota 56379

The Honorable Mayor
City of Sandstone
City Hall
Sandstone, MN 55072

The Honorable Mayor
City of Savage
City Hall
Savage, Minnesota 55378

The Honorable Mayor
City of Sargeant
City Hall
Sargeant, Minnesota 55973

The Honorable Mayor
City of Seaforth
City Hall
Seaforth, Minnesota 56287

The Honorable Mayor
City of Sebeka
City Hall
Sebeka, Minnesota 56477

The Honorable Mayor
City of Sherburn
City Hall
Sherburn, MN 56171

The Honorable Mayor
City of Sedan
City Hall
Sedan, Minnesota 56380

The Honorable Mayor
City of Shevlin
City Hall
Shevlin, MN 56676

The Honorable Mayor
City of Shafer
City Hall
Shafer, MN 55074

The Honorable Mayor
City of Shorewood
City Hall
Shorewood, Minnesota 55331

The Honorable Mayor
City of Shakopee
City Hall
Shakopee, Minnesota 55379

The Honorable Mayor
City of Silver Bay
City Hall
Silver Bay, MN 55614

The Honorable Mayor
City of Shelly
City Hall
Shelly, Minnesota 56581

The Honorable Mayor
City of Silver Lake
City Hall
Silver Lake, MN 55381

The Honorable Mayor
City of Slayton
City Hall
Slayton, Minnesota 56172

The Honorable Mayor
City of Sleepy Eye
City Hall
Sleepy Eye, MN 56085

The Honorable Mayor
City of Solway
City Hall
Solway, Minnesota 56678

The Honorable Mayor
City of South Haven
City Hall
South Haven, Minnesota 55382

The Honorable Mayor
City of Spicer
City Hall
Spicer, MN 56288

The Honorable Mayor
City of Spring Grove
City Hall
Spring Grove, MN 55974

The Honorable Mayor
City of Spring Park
City Hall
Spring Park, Minnesota 55384

The Honorable Mayor
City of Spring Valley
City Hall
Spring Valley, MN 55975

The Honorable Mayor
City of Springfield
City Hall
Springfield, MN 56087

The Honorable Mayor
City of Squaw Lake
City Hall
Squaw Lake, Minnesota 56681

The Honorable Mayor
City of Lauderdale
c/o Post Office
St. Paul, Minnesota 55113

The Honorable Mayor
City of Mendota Heights
c/o Post Office
St. Paul, Minnesota 55120

The Honorable Mayor
City of Little Canada
c/o Post Office
St. Paul, Minnesota 55117

The Honorable Mayor
City of St. Peter
City Hall
St. Peter, MN 56082

The Honorable Mayor
City of Sunfish Lake
c/o Post Office
St. Paul, Minnesota 55118

The Honorable Mayor
City of St. Stephen
City Hall
St. Stephen, MN 56375

The Honorable Mayor
City of Landfall Village
c/o Post Office
St. Paul, Minnesota 55119

The Honorable Mayor
City of St. Vincent
City Hall
St. Vincent, Minnesota 56755

The Honorable Mayor
City of Oakdale
c/o Post Office
St. Paul, Minnesota 55119

The Honorable Mayor
City of Stacy
City Hall
Stacy, MN 55079

The Honorable Mayor
City of Staples
City Hall
Staples, MN 56479

The Honorable Mayor
City of Stewartville
City Hall
Stewartville, MN 55976

The Honorable Mayor
City of Starbuck
City Hall
Starbuck, MN 56381

The Honorable Mayor
City of Stillwater
City Hall
Stillwater, Minnesota 55082

The Honorable Mayor
City of Steen
City Hall
Steen, MN 56173

The Honorable Mayor
City of Oak Park Heights
c/o Post Office
Stillwater, MN 55082

The Honorable Mayor
City of Stephen
City Hall
Stephen, Minnesota 56757

The Honorable Mayor
City of Stockton
City Hall
Stockton, MN 55988

The Honorable Mayor
City of Stewart
City Hall
Stewart, MN 55385

The Honorable Mayor
City of Storden
City Hall
Storden, MN 56174

The Honorable Mayor
City of Stranquist
City Hall
Stranquist, Minnesota 56758

The Honorable Mayor
City of Strathcona
City Hall
Strathcona, MN 56759

The Honorable Mayor
City of Sturgeon Lake
City Hall
Sturgeon Lake, Minnesota 55783

The Honorable Mayor
City of Sunburg
City Hall
Sunburg, Minnesota 56289

The Honorable Mayor
City of Swanville
City Hall
Swanville, Minnesota 56382

The Honorable Mayor
City of Taconite
City Hall
Taconite, Minnesota 55786

The Honorable Mayor
City of Tamarack
City Hall
Tamarack, Minnesota 55787

The Honorable Mayor
City of Taopi
City Hall
Taopi, Minnesota 55977

The Honorable Mayor
City of Taunton
City Hall
Taunton, MN 56291

The Honorable Mayor
City of Taylor's Falls
City Hall
Taylor's Falls, MN 55084

The Honorable Mayor
City of Tenney
City Hall
Tenney, Minnesota 56582

The Honorable Mayor
City of Tower
City Hall
Tower, MN 55790

The Honorable Mayor
City of Tenstrike
City Hall
Tenstrike, Minnesota 56683

The Honorable Mayor
City of Tracy
City Hall
Tracy, Minnesota 56175

The Honorable Mayor
City of Thief River Falls
City Hall
Thief River Falls, MN 56701

The Honorable Mayor
City of Trail
City Hall
Trail, Minnesota 56684

The Honorable Mayor
City of Tintah
City Hall
Tintah, MN 56582

The Honorable Mayor
City of Trimont
City Hall
Trimont, MN 56176

The Honorable Mayor
City of Tonka Bay
City Hall
Tonka Bay, Minnesota 55331

The Honorable Mayor
City of Trommald
City Hall
Trommald, MN 56441

The Honorable Mayor
City of Trosky
City Hall
Trosky, Minnesota 56177

The Honorable Mayor
City of Tyler
City Hall
Tyler, MN 56178

The Honorable Mayor
City of Truman
City Hall
Truman, MN 56088

The Honorable Mayor
City of Ulen
City Hall
Ulen, MN 56585

The Honorable Mayor
City of Twin Lakes
City Hall
Twin Lakes, Minnesota 56089

The Honorable Mayor
City of Underwood
City Hall
Underwood, MN 56586

The Honorable Mayor
City of Twin Valley
City Hall
Twin Valley, Minnesota 56584

The Honorable Mayor
City of Upsala
City Hall
Upsala, Minnesota 56384

The Honorable Mayor
City of Two Harbors
City Hall
Two Harbors, MN 55616

The Honorable Mayor
City of Utica
City Hall
Utica, Minnesota 55979

The Honorable Mayor
City of Vergas
City Hall
Vergas, MN 56587

The Honorable Mayor
City of Victoria
City Hall
Victoria, Minnesota 55386

The Honorable Mayor
City of Vermillion
City Hall
Vermillion, Minnesota 55085

The Honorable Mayor
City of Viking
City Hall
Viking, Minnesota 56760

The Honorable Mayor
City of Verndale
City Hall
Verndale, MN 56481

The Honorable Mayor
City of Villard
City Hall
Villard, Minnesota 56385

The Honorable Mayor
City of Vernon Center
City Hall
Vernon Center, MN 56090

The Honorable Mayor
City of Westport
c/o Post Office
Villard, Minnesota 56385

The Honorable Mayor
City of Vesta
City Hall
Vesta, MN 56292

The Honorable Mayor
City of Vining
City Hall
Vining, Minnesota 56588

The Honorable Mayor
City of Virginia
City Hall
Virginia, MN 55792

The Honorable Mayor
City of Wadena
City Hall
Wadena, MN 56482

The Honorable Mayor
City of W. St. Paul
City Hall
W. St. Paul, Minnesota 55118

The Honorable Mayor
City of Wahkon
City Hall
Wahkon, MN 56386

The Honorable Mayor
City of Wabasha
City Hall
Wabasha, MN 55981

The Honorable Mayor
City of Waite Park
City Hall
Waite Park, MN 56387

The Honorable Mayor
City Hall
City of Wabasso
Wabasso, MN 56293

The Honorable Mayor
City of Waldorf
City Hall
Waldorf, MN 56091

The Honorable Mayor
City of Waconia
City Hall
Waconia, Minnesota 55387

The Honorable Mayor
City of Walker
City Hall
Walker, Minnesota 56484

The Honorable Mayor
City of Walnut Grove
City Hall
Walnut Grove, MN 56180

The Honorable Mayor
City of Warba
City Hall
Warba, Minnesota 55793

The Honorable Mayor
City of Walters
City Hall
Walters, Minnesota 56092

The Honorable Mayor
City of Warren
City Hall
Warren, Minnesota 56762

The Honorable Mayor
City of Waltham
City Hall
Waltham, Minnesota 55982

The Honorable Mayor
City of Warroad
City Hall
Warroad, MN 56763

The Honorable Mayor
City of Wanamingo
City Hall
Wanamingo, MN 55983

The Honorable Mayor
City of Waseca
City Hall
Waseca, MN 56093

The Honorable Mayor
City of Wanda
City Hall
Wanda, MN 56294

The Honorable Mayor
City of Watertown
City Hall
Watertown, MN 55386

The Honorable Mayor
City of Waterville
City Hall
Waterville, Minnesota 56096

The Honorable Mayor
City of Waverly
City Hall
Waverly, MN 55390

The Honorable Mayor
City of Waterville
City Hall
Waterville, MN 56096

The Honorable Mayor
City of Wayzata
City Hall
Wayzata, Minnesota 55391

The Honorable Mayor
City of Watkins
City Hall
Watkins, MN 55389

The Honorable Mayor
City of Woodland
c/o Post Office
Wayzata, MN 55391

The Honorable Mayor
City of Watson
City Hall
Watson, MN 56295

The Honorable Mayor
City of Welcome
City Hall
Welcome, Minnesota 56181

The Honorable Mayor
City of Waubun
City Hall
Waubun, Minnesota 56589

The Honorable Mayor
City of Wells
City Hall
Wells, MN 56097

The Honorable Mayor
City of Wendell
City Hall
Wendell, MN 56590

The Honorable Mayor
City of Wheaton
City Hall
Wheaton, MN 56296

The Honorable Mayor
City of West Concord
City Hall
West Concord, MN 55985

The Honorable Mayor
City of White Bear Lake
City Hall
White Bear Lake, MN 55110

The Honorable Mayor
City of West Union
City Hall
West Union, Minnesota 56389

The Honorable Mayor
City of Gem Lake
c/o Post Office
White Bear Lake, MN 55110

The Honorable Mayor
City of Westbrook
City Hall
Westbrook, Minnesota 56183

The Honorable Mayor
City of Gem Lake
3970 Scheuneman Road
White Bear, MN 55110

The Honorable Mayor
City of Whalan
City Hall
Whalan, Minnesota 55986

The Honorable Mayor
City of Wilder
City Hall
Wilder, Minnesota 56184

The Honorable Mayor
City of Willernie
City Hall
Willernie, MN 55090

The Honorable Mayor
City of Wilton
City Hall
Wilton, Minnesota 56687

The Honorable Mayor
City of Williams
City Hall
Williams, MN 56686

The Honorable Mayor
City of Windom
City Hall
Windom, Minnesota 56101

The Honorable Mayor
City of Willmar
City Hall
Willmar, MN 56201

The Honorable Mayor
City of Winger
City Hall
Winger, Minnesota 56592

The Honorable Mayor
City of Willow River
City Hall
Willow River, MN 55795

The Honorable Mayor
City of Winnebago
City Hall
Winnebago, MN 56098

The Honorable Mayor
City of Wilmont
City Hall
Wilmont, Minnesota 56185

The Honorable Mayor
City of Goodview
c/o Post Office
Winona, Minnesota 55987

The Honorable Mayor
City of Winona
City Hall
Winona, MN 55987

The Honorable Mayor
City of Winsted
City Hall
Winsted, MN 55395

The Honorable Mayor
City of Winthrop
City Hall
Winthrop, MN 55396

The Honorable Mayor
City of Winton
City Hall
Winton, MN 55796

The Honorable Mayor
City of Wolf Lake
City Hall
Wolf Lake, Minnesota 56593

The Honorable Mayor
City of Wolverton
City Hall
Wolverton, Minnesota 56594

The Honorable Mayor
City of Wood Lake
City Hall
Wood Lake, Minnesota 56297

The Honorable Mayor
City of Woodbury
City Hall
Woodbury, Minnesota 55125

The Honorable Mayor
City of Woodstock
City Hall
Woodstock, Minnesota 56186

The Honorable Mayor
City of Worthington
City Hall
Worthington, MN 56187

The Honorable Mayor
City of Wrenshall
City Hall
Wrenshall, Minnesota 55797

The Honorable Mayor
City of Wright
City Hall
Wright, Minnesota 55798

The Honorable Mayor
City of Wykoff
City Hall
Wykoff, MN 55990

The Honorable Mayor
City of Wyoming
City Hall
Wyoming, Minnesota 55092

The Honorable Mayor
City of Young America
City Hall
Young America, Minnesota 55397

The Honorable Mayor
City of Zimmerman
City Hall
Zimmerman, Minnesota 55398

The Honorable Mayor
City of Zumbro Falls
City Hall
Zumbro Falls, MN 55991

The Honorable Mayor
City of Zumbrota
City Hall
Zumbrota, MN 55992

Mr. Louis Breimhurst
Metropolitan Waste Control
Commission
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Cedar Lake Improvement District
Scott County
Ralph Hendricks, Chairman
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Knife Lake Improvement District
Kanabec County
Paul Hoppe, Chairman
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Chisago Lake Improvement District
c/o County Auditor
Chisago County Courthouse
Center City, Minnesota 55012

Little Cedar Lake Improvement District
c/o County Auditor
Stearns County Courthouse
St. Cloud, Minnesota 56301

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The Honorable Mayor City of Franklin
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Virginia, Minnesota 55792

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The Honorable Mayor City of Medina
City Hall
Medina, Minnesota 55340

The Honorable Mayor City of Sanborn
City Hall
Sanborn, Minnesota 56083

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Commissioner
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Board of Water Commissioners
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Wastewater Plant Superintendent
Litchfield, Minnesota 55355

Mr. D. Schuettpelz - WQM/2
State of Wisconsin
Department of Natural Resources
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Water Management Organization
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Mr. Alden Lind
Save Lake Superior Association
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Mr. Charles H. Sutfin
Director, Water Divison
U.S. Environmental Protection Agency
Region V
230 South Dearborn
Chicago, Illinois 60604

Mississippi River Headwaters Board
Cass County Courthouse
Walker, Minnesota 56484
ATTN: Ms. Ruth Mullins

Mr. Mike Haig
Assistant County Attorney
Itasca County Courthouse
Grand Rapids, Minnesota 55744

Mr. Dale Bryson
Deputy Director
Water Division
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Chicago, Illinois 60604

Mr. Robbi Savage
Executive Director
ASIWPCA
Hall of States, Suite 330
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Washington, D.C. 20001

Mr. Noel W. Kohl
Water Quality Coordinator
U.S. EPA Region V
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Mr. Tom Roushar
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Director, Physical Planning
Arrowhead Regional
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Rock Island Field Office
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Rock Island, Illinois 61201

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Mr. Len Hansmeyer
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Grygla, MN 56727

Hallett Construction Co
Box 90
St. Peter, MN 56082

Hallett Forge Co.
P.O. Box 6447
Duluth, MN 55806

Hanna Mining Co.
100 Erieview Plaza
Cleveland, Ohio 44114

Hanska Meats
Hanska, MN 56041

Hart Creamery Assn.
Rushford, MN 55971

Hector Construction Co.
P.O. Box 410
Caledonia, MN 55921

Henn. Co. Dept. of Public Wks.
320 Washington Ave. So.
Hopkins, MN 55343

Hiawatha Metalcraft, Inc.
3119 E. 26th St.
Minneapolis, MN 55406

Hibbing Public Utilities Comm.
19th St. & 6th Ave. E.
Hibbing, MN 55746

Hibbing Taconite Co.
P.O. Box 589
Hibbing, MN 55746

Highland Theatre
c/o Marvin Mann
760 S. Cleveland
St. Paul, MN 55116

Hillcrest Development
250 Metro Square Building
121 E. Seventh
St. Paul, MN 55101

W. Hodgman & Sons, Inc.
1100 Marcus St.
Fairmont, MN 56031

Hoerner Waldorf Corp.
2250 Wabash Ave.
St. Paul, MN 55165

Holsum Foods
919 - 14th St.
Albert Lea, MN 56007

Homecrest Industries, Inc.
Homecrest Ave.
Wadena, MN 56482

Honeymead Products Co.
720 Minneopa Road
Mankato, MN 56001

Honeywell, Inc.
2600 Ridgeway Parkway
Minneapolis, MN 55413

Honeywell, Inc.
Honeywell Plaza
Minneapolis, MN 55408

Hooleys Wholesale Meat Co.
219 Commercial Ave.
Stillwater, MN 55082

Hope Co-op Creamery Assn.
Box 17
Hope, MN 56046

G. A. Hormel & Co.
Northeast 6th Place
Austin, MN 55912

Hubbard Milling Co.
424 North Front St.
Mankato, MN 56001

H. D. Hudson Mfg. Co.
2nd & Eddy Sts.
Hastings, MN 55033

Hutchinson Utilities Comm.
225 Michigan St.
Hutchinson, MN 55350

Hyman Freightways, Inc.
P.O. Box 3393
St. Paul, MN 55165

I.S.D. 272
802 S. School Road
Eden Prairie, MN 55343

Inland Steel Mining Co.
P.O. Box 1 - Box. US.53 no.
Virginia, MN 55792

Internat'l Business Machines
One IBM Plaza
Chicago, Illinois 60611

Internat'l Paper Co.
P.O. Box 1500
So. Glens Falls, N.Y. 12801

Iowa Pork Industries
280 John E. Carroll Ave. E.
So. St. Paul, MN 55075

Iowa Beef Processors, Inc.
Dakota City, Nebraska 68731

ITT Continental Baking Co., Inc
300 11th Ave. N.W.
Rochester, MN 55901

ITT Thermotech Div.
1202 So. 5th St.
Hopkins, MN 55343

Jennie - O Foods, Inc.
100 West Depot St.
Litchfield, MN 55355

Jennie - O Foods, Inc.
123 So. 5th Ave. E.
Melrose, MN 56352

Jennie-O Foods, Inc.
2502 Willmar Ave. SW
Willmar, MN 56201

J.F. Johnson Co., Inc.
316 - 7th Ave. NW
Faseca, MN 56093

Jayne Johnson, Inc.
Route 1
LeSueur, MN 56058

Jones & Laughlin Steel Corp.
Box 941
Virginia, MN 55792

Kahlstorf Lumber Co., Inc.
Lake George, MN 56458

Kasson Speed Wash
21 W. Main
Kasson, MN 55944

Jackson Electric Dept.
504 2nd St.
Jackson, MN 56143

Jerry's Jack & Jill
216 Washburne Ave.
Paynesville, MN 56362

King-Seeley Thermos Co.
Queen Products Div.
505 Front St.
Albert Lea, MN 56007

Koopman's Readymix
722 NW 20th St.
Faribault, MN 55021

Kramer & Sons, Inc.
1000 W. 122nd St.
Burnsville, MN 55378

Kraft, Inc.
500 Peshtigo Court
Chicago, Illinois 60690

LaCrescent Ready-Mix, Inc.
1725 Gillett St.
Box 188
LaCrosse, WI 54601

Lakehead Pipeline Co.
3025 Tower Ave.
Superior Wisconsin 54880

Lakeside Co-op Creamery
Rural Route 1
Buffalo Lake, MN 55314

Koch Refining Co.
Box 43596
St. Paul, MN 55164

Landmark Development Corp.
One Appletree Square
Bloomington, MN 55420

Land O' Lakes, Inc.
614 McKinley Place
Minneapolis, MN 55413

Landy Packing Co.
1st Ave. & 16th St. So.
St. Cloud, MN 56301

Lanesboro Public Utilities
202 Parkway
Lanesboro, MN 55949

LaPorte Launderette
LaPorte, MN 56441

Lawler's, Inc.
c/o The Kahler Corp.
611 NW 6th Ave.
Rochester, MN 55901

Libby, McNeill & Libby, Inc.
1217 Third Ave. SE
Rochester, MN 55901

Libby, McNeill & Libby, Inc.
c/o Nestle Enterprises, Inc.
100 Bloomingdale Road
White Plains, N.Y. 10605

Little Rock Co-op Creamery Co.
Rural Route 2
Royalton, MN 56373

Litchfield Public Utilities
Commission
Box 521
Litchfield, MN 55355

Long Prairie Packing, Inc.
P.O. Box 126
Long Prairie, MN 56347

Lundin Quarry, Inc.
P.O. Box 286
Owatonna, MN 55060

Luverne Public Utilities
Luverne, MN 56156

Magnetic Peripherals, Inc.
7801 Computer Ave.
Minneapolis, MN 55435

Manufacturers Hanover Trust Co.
523 Marquette Ave.
Minneapolis, MN 55402

Maple Island, Inc.
2815 Blaisdell Ave.
Minneapolis, MN 55408

LaSalle Food Processing Assn.
Box 97
LaSalle, MN 56058

MAPCO, Inc.
1800 S. Baltimore
Tulsa, Oklahoma 74119

Marigold Foods
400 No. Broadway
Rochester, MN 55901

Marine Iron & Ship Building
325 Lake Ave. So
Duluth, MN 55801

Marquette Assoc.
545 Multifoods Bldg.
733 Marquette Ave.
Minneapolis, MN 55402

Marshall Municipal Utilities-
Power Plant
113 So. 4th St.
Marshall, MN 56258

Mayer Soft Water Services Co.
203 So. Front St.
St. Peter, MN 56082

Master-Mark Plastic Prod.
30 Railroad Ave.
Albany, MN 56307

McCourtney Plastics, Inc.
7309 W. 27th St.
St. Louis Park, MN 55426

McQuay Perfex, Inc.
P.O. Box 778
Faribault, MN 55021

McQuay Perfex, Inc.
13600 Industrial Park Blvd.
Plymouth, MN 55441

Meadow Brook Dairy, Inc.
65 Juntunen Road
Esko, MN 55733

Medical Arts Bldg.
c/o 625 Nicollet Partners
625 Nicollet Mall
Minneapolis, MN 55402

Meire Grove Co-op Board
Route 2
Melrose, MN 56532

Mengelkoch Co.
119 NE 14th St.
New Brighton, MN 55112

Metallurgical, Inc.
900 E. Hennepin Ave.
Minneapolis, MN 55414

Methodist Hospital
6500 Excelsior Blvd.
St. Louis Park, MN 55426

Metropolitan Sports Facilities Commission
402 Metro Square Building
St. Paul, MN 55101

Meyer Brothers Dairy, Inc.
105 E. Lake St.
Wayzata, MN 55391

Meyer Industries, Inc.
P.O. Box 114
Red Wing, MN 55066

Metro Airports Commission
Box 1700
St. Paul, MN 55111

Midland Glass Co., Inc.
P.O. Box 69
Shakopee, MN 55379

Mid-America Dairymen, Inc.
P.O. Box 1837, S.S. Station
Springfield, Missouri 65805

Midwest Electric Products,
P.O. Box 910
Mankato, MN 56001

Millerville Co-op Creamery Association
Brandon, MN 56315

Miller Waste Mills, Inc.
P.O. Box 439
Winona, MN 55987

Milroy Co-op Creamery Assn
Milroy, MN 56263

Minnetonka Molding, Inc.
Highway 12
Maple Plain, MN 55359

Minnkota Power Co-op, Inc.
P.O. Box 1318
Grand Forks, N.D. 58201

Minneapolis Electric Steel
Castings Co.
3901 University Ave. NE
Minneapolis, MN 55421

Minneapolis Grain Exchange
150 Grain Exchange Building
Minneapolis, MN 55415

Minnegasco
2 Cedar Ave.
Minneapolis, MN 55454

Minnesota Federal Building
c/o Towle Real Estate
600 - 2nd Ave. S.
Minneapolis, MN 55402

Minnesota Malting Co.
Cannon Falls, MN 55009

-M Company
.O. Box 33331
t. Paul, MN 55133

he Minnesota Mutual Life
Insurance Company
45 Cedar St.
t. Paul, MN 55101

innesota Power & Light Co.
0 W. Superior St.
uluth, MN 55802

innesota Rubber Co.
630 Wooddale Ave.
t. Louis Park, MN 55426

Minnesota Veteran's Home
Minnehaha Ave. & E. 51st St.
Minneapolis, MN 55417

Modern Craftsmen's Milk Assn.
P.O. Box 466
Watkins, MN 55389

Moorhead Public Service Dept.
Box 779
Moorhead, MN 56560

Mt. Iron Water & Light Dept.
P.O. Box 505
Mt. Iron, MN 55768

Moulded Products, Inc.
Maple Plain, MN 55359

William Mueller & Sons, Inc.
Hamburg, MN 55339

Nalpak, Inc.
333 Sibley St.
St. Pual, MN 55101

National Can Corp.
8101 W. Higgins Rd.
Chicago, Ill 60631

National Foundry Co.
1300 Water St. NE
Minneapolis, MN 55413

National Gypsum(Huron Cement)
325 Delaware Ave.
Buffalo, NY 14202

Nelson Creamery Assn.
Nelson, MN 56355

New Auburn Creamery ASsn.
New Auburn, MN 55366

New Pioneer House
11111 - 36th Ave. No.
Plymouth, MN 55441

Nodine Co-op Creamery Assn.
R.R. 1
Nodine, MN 55925

North Star Foods, Inc.
P.O. Box 587
St. Charles, MN 55972

Northern Natural Gas Co.
2223 Dodge St.
Omaha, Nebraska 68102

Northern Natural Gas
8120 Penn Ave. So.
Bloomington, MN 55431

Northern States Power Co.
414 Nicollet Mall
Minneapolis, MN 55401

Northland Canning Co.
Cokato, MN 55321

Northland Milk & Ice Cream
128 University Ave. SE
Minneapolis, MN 55414

Northwest Telephone Co.
224 S. 5th St.
Minneapolis, MN 55402

H. M. Noack & Sons
101 6th Ave. SW
Arlington, MN 55307

Northwestern Bank Building
344 NW National Bank Building
Minneapolis, MN 55402

Northwestern Bank Building
330 Northwestern Bank Building
St. Paul, MN 55101

Northwestern National Life
Insurance Company
00 Washington Ave. So.
Minneapolis, MN 55440

Northwestern Bell Telephone Co.
00 So. 5th St.
Minneapolis, MN 55402

Northwest Publications, Inc.
5 E. 4th St.
St. Paul, MN 55101

Norwesco, Inc.
Elle Plaine Division
Elle Plaine, MN 55420

Oak Grove Dairy
ion St.
rwood, MN 55368

Oak Park Co-op Creamery
Oak Park, MN 56357

Olee Creamery Assoc., Inc.
Olee, MN 56742

Olivia Canning Co.
301 N. 11th St.
Olivia, MN 56277

Olympia Brewing Co.
707 E. Minnehaha Ave.
St. Paul, MN 55106

Onan Corp.
1400 - 73rd Ave. NE
Fridley, MN 55432

Order of St. Benedict, Inc.
Collegeville, MN 56321

Ottertail Power Co.
215 So. Cascade
Fergus Falls, MN 56537

Owatonna Canning Co.
P.O. Box 447
Owatonna, MN 55060

Owatonna Municipal Public
Utilities
208 So. Walnut St.
Owatonna, MN 55060

Owatonna Mfg. Co.
Highway 45 No.
Owatonna, MN 55060

Oxford Properties
400 Baker Building
706 Second Ave.
Minneapolis, MN 55402

Oxford Properties
St. Paul Town Square
St. Paul, MN 55101

Pako Corp.-Takor Plastics
Second & Bridge
Delano, MN 55328

Palisade Co-op Creamery
Association
Palisade, MN 56469

Pearson Candy Co.
2140 W. 7th St.
St. Paul, MN 55116

W.G. Pearson, Inc.
8680 W. 158th St.
Prior Lake, MN 55372

Peavey Company
730 Sencond Ave. So.
Minneapolis, MN 55402

Phillips Petroleum Co.
1004 Phillips Building
Bartlesville, Oklahoma 74004

Pittsburgh Pacific Co.
2521 First Ave.
Hibbing, MN 55746

Plainview Milk Products Assn.
130 2nd Ave. NW
Plainview, MN 55964

Potlatch Corp.
Northwest Paper Div.
Brainerd, MN 56401

Preston Public Utilities
Commission
Preston, MN 55965

Poly Foam, Inc.
116 Pine St. So.
Lester Prairie, MN 55354

Pro-Aut Stamping, Inc.
P.O. Box 66
Waconia, MN 55387

Profile Extrusions Co.
800 E. 10th St.
Hastings, MN 55033

Prudential Ins. Co.
3701 Wayzata Blvd.
Minneapolis, MN 55440

Ruyland Feeds, Inc.
Eden Valley, MN 55329

Rahr Malting Co.
Shakopee, MN 55379

Ramey Farmer's Co-op Creamery
R.R. 3, Box 124
Foley, MN 56329

Red Owl Stors, Inc.
215 Excelsior Ave. E.
Hopkins, MN 55343

Redwood Falls Public Utilities Commission
207 E. 4th St.
Redwood Falls, MN 56283

Reynolds, Co-op Creamery Assn.
Route 2
Long Prairie, MN 56437

Rhude & Fryberger, Inc.
P.O. Box 66
Hibbing, MN 55746

Ridgeway Foods, Inc.
Ridgeway, MN 55943

Right Mink Foods, Inc.
St[illegible] Route
Detroit Lakes, MN 56501

Rindal Co-op Dairy
Route 2
Fertile, MN 56540

Robel Beef Packers, Inc.
1420 Third Ave. So.
St. Cloud, MN 56301

Robinson Rubber Products Co., Inc.
4600 Quebec Ave. No.
New Hope, MN 55428

Rochester Public Utility Dept.
P.O. Box 6057
Rochester, MN 55901

Winters Concrete Products
P.O. Box 70
Pipestone, MN 56164

Rose Co-op Creamery Assn.
Route 2
Eagle Bend, MN 56446

Round Grove Co-op Creamery
R.R. 1
Stewart, MN 55385

Royal Co-op Creamery
R.R. 3 Box 135
Pine City, MN 55063

St. Elizabeth Hospital & Nursing Home
1200 5th Grant Blvd., W.
Wabasha, MN 55981

St. Joseph's Hospital
69 W. Exchange St.
St. Paul, MN 55102

City of St. Louis Park
5[illegible] Minnetonka Blvd.
St. Louis Park, MN 55416

St. Mary's Hospital
1216 SW 2nd St.
Rochester, MN 55901

St. Paul Ammonia Products
P.O. Box 418
So. St. Paul, MN 55075

St. Paul-Ramsey Hospital
640 Jackson St.
St. Paul, MN 55101

St. Peter Creamery
119 N Front St.
St. Peter, MN 56082

St. Regis Paper Co.
100 E. Sartell St.
Sartell, MN 56377

August Schell Brewing Co.
Schell's Park
New Ulm, MN 56073

Schuler Chocolates, Inc.
1000 W. 5th St.
Winona, MN 55987

Schultz Butchering Plant
Box 296
Ceylon, MN 56121

Sieberts Royal Blue Food Store
5 W. Main St.
Madelia, MN 56062

Sheldahl, Inc.
Electrical Products Division
Hwy. 3 No.
Northfield, MN 55057

Shell Oil Co.
P.O. Box 3105
Houston, Texas 77001

J.L. Shiely Co.
1101 Snelling Ave. No.
St. Paul, MN 55108

Six-Ten Corp.
Charles Hall & Assoc., Inc.
727 Nat'l City Bank Bldg.
Minneapolis, MN 55402

SKB Products
628 Cedar Lake Road
Minneapolis, MN 55405

Sobieski Co-op Creamery Assn.
Little FAlls, MN 56345

Springfield Public Utilities Commission
14 N. Marshall Ave.
Springfield, MN 56087

Stokely Van Camp, Inc.
P.O. Box 341
Fairmont, MN 56031

Stokely Van Camp
Winnebago, MN 56098

Sunburg Co-op Creamery Assn.
Sunburg, MN 56289

Superwood Corp.
4th Ave. W. & Waterfront
Duluth, MN 55802

T.O. Plastics, Inc.
2901 E. 78th St.
Minneapolis, MN 55420

Tamroc Metals, Inc.
2735 Chesire Lane
Minneapolis, MN 55441

Tonka - Toys Div.
5300 Shoreline Blvd.
Mound, MN 55364

Swift & Co.
115 W. Jackson Blvd.
Chicago, Illinois 60604

Tri-State Land Co.
Soo Line Bldg.
105 S. 5th St.
Minneapolis, MN 55402

Twin City Barge & Towing
P.O. Box 3032
St. Paul, MN 55165

Twin City Shipyard, Inc.
1303 Red Rock Road
St. Paul, MN 55165

Two Harbors Water & Light Co.
610 Second Ave.
Two Harbors, MN 55616

Koch Refining Co.
P.O. Box 3596
St. Paul, MN 55165

Reserve Mining Co.
Silver Bay, MN 55614

S.B. Foot Tanning Co.
P.O. Box 73
Red Wing, MN 55066

Union City Mission, Inc.
3401 E. Medicine Lake Blvd.
Plymouth, MN 55441

Union Creamery Assn.
Route #3
Blooming Prairie, MN 55917

Union Oil Co. of Calif.
747 Shepard Road
St. Paul, MN 55102

Union Oil Div.: Eastern Reg.
Union Oil Co. of Calif.
200 E. Golf Road
Palatine, Illinois 60067

Unimin Corp.
Route 1, Box 119A
LeSueur, MN 56058

United Hospitals, Inc.
300 Pleasant Ave.
St. Paul, MN 55102

United Power Assn.
Elk River, MN 55102

U.S. Steel Corp.
600 Grant St.
Pittsburgh, Pennsylvania 15230

Sperry Univac Defense Systems
P.O. Box 3525
St. Paul, MN 55165

United Way of Minneapolis
404 So. Eighth St.
Minneapolis, MN 55404

Viking Chemical Co.
838 Baker Building
Minneapolis, MN 55402

Western Life Ins. Co.
P.O. Box 78
St. Paul, MN 55102

[redacted]

Virginia Public Utilities
Virginia, MN 55792

White Materials Handling Co.
130 - 9th Ave. So.
Hopkins, MN 55343

Voegel's Ice Cream Co., Inc.
211 1st Ave. NW
Faribault, MN 55021

Widboom Meat Service
RFD 2, Box 7
Slayton, MN 56172

Volkmuth Printing, Inc.
P.O. Box 1007
St. Cloud, MN 56301

Whirlpool Corp.
850 Arcade St.
St. Paul, MN 55106

Knappen Molasses Co.
2225 Childs Road
St. Paul, MN 55106

Williams Pipeline Co.
P.O. Box 3448
Tulsa, Oklahoma 74101

Hennepin Paper Co.
Little Falls, MN 56345

Wilson Foods Corp.
4545 Lincoln Blvd.
Oklahoma City, Oklahoma 73105

WCCO Bldg.
c/o Towle Real Estate
500 Second Ave. So.
Minneapolis, MN 55402

Windom Municipal Utilities
444 Ninth St.
Windom, MN 56010

Webb Publishing Co.
999 Shepard Road
St. Paul, MN 55116

City Engineer
City Building
Winona, MN 55987

Webber's Supper Club, Inc.
497 E. 7th St.
St. Paul, MN 55109

Worthington Municipal
Public Utilities
P.O. Box 111
Worthington, MN 56187

West Concord Butter &
Cheese Assn.
Box 98
West Concord, MN 55985

Young Quinlan
901 Nicollet Mall
Minneapolis, MN 55402

~~West Lynn Co-op Creamery~~
Hutchinson, MN 55350

YWCA
65 E. Kellogg Blvd.
St. Paul, MN 55101

151

51
Director
North Dakota State Health
Department
1200 Missouri Avenue
Bismarck, North Dakota 58505

52
Director
Department of Environmental Protection
Joe Foss Building
Pierre, South Dakota 57501

53
Voyageurs National Park Assn.
3255 Hennepin Avenue
Minneapolis, Minnesota 55408

54
H. B. Simpson
Bureau of Indian Affairs
15 South 5th Street
Minneapolis, Minnesota 55454

55
Minnesota Environmental Sciences
Foundation Inc.
2395 University Ave. W.
St. Paul, Minnesota 55114

56
Voyageurs National Park Headquarters
1026 3rd Street
International Falls, Minnesota 56649

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

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

NORTHERN STATES POWER CO
ATTN G V WELK MANAGER
REG COMPLIANCE AND SERV
414 NICOLLET MALL
MPLS MN 55401 1

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

HOLMES & GRAVEN
ATTN LARRY M WERTHEIM
470 PILLSBURY CENTER
MINNEAPOLIS MN 55402 1

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

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

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

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

Barbara L. Hughes P
Managing Director
St. Lung Ass'n Ramsey Cty
84 Portland Ave.
St. Paul, MN 55102 1

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

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

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

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

PETERSEN, KNUTSON
FLYNN & HETLAND
345 CEDAR BLDG.
SUITE 800
ST. PAUL, MN 55101 1

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

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

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

THE SHERWIN-WILLIAMS CO
ATTN D A COHAGAN
101 PROSPECT AVE NW
CLEVELAND OH 44115 1

CONWED
ATTN K J POWELL
444 CEDAR STREET
P O BOX 43237
ST PAUL MN 55164 1

MN RETAIL MERCHANTS ASSOC
ATTN JOHN E VAN DOORN
180 METRO SQUARE BLDG
ST PAUL MN 55101

IOWA DEPT ENVIRON QUALITY
ATTN STEVEN N WILLIAMS
HENRY A WALLACE BLDG
DES MOINES IA 50319 1

MPIRG
ATTN KENNETH PETERSON
2412 UNIVERSITY AVE SE
MPLS MN 55414 1

MPIRG
ATTN JAMES MILLER
2412 UNIVERSITY AVE SE
MPLS MN 55414 1

GEO A HORMEL & CO
ATTN KEVIN C JONES
BOX 800
AUSTIN MN 55912 1

ASHLAND PETROLEUM COMPANY
ATTN RICHARD HETLAND
P O BOX 9
ST PAUL PARK MN 55071 1

BLANDIN PAPER COMPANY
ATTN W J LICKE
115 FIRST STREET SW
GRAND RAPIDS MN 55744 1

ROBERT S BURK
4344 IDS CENTER
MINNEAPOLIS MN 55402 1

MARK DAHL
500 MISSION RD
BLOOMINGTON, MN 55420 1

PAUL DENEKA
MINNEGASCO
DR LAB & ENVIRON PRGMS
6161 GOLDEN VALLEY RD
MPLS MN 55422 1

LYNDA WEIS
RT. 2, BOX 94
HOUSTON, MN 55943
2

UNITED POWER ASSOC
ATTN REYNOLD S RAHKO
PROJECTS COORD DIVISION
ELK RIVER MN 55330 2

COMM HEALTH SERV BRD
ATTN BRUCE T ROWE
325 LAKE AVENUE S SUITE 604
DULUTH MN 55802 2

L L P O D LAW OFFICES
ATTN JOHN E DRAWZ
1100 FIRST NAT BANK BLDG
MPLS MN 55402 2

SHELDAHL
ATTN DAVID MILLER
N HWY 3
NORTHFIELD MN 55057 2

MN RAILROADS ASSOC
ATTN GORDON FORBES
303 HANOVER BLDG
480 CEDAR ST
ST PAUL MN 55101
2

Dave Kolbert, Chairman
MN COUN TROUT UNLIMITED
2675 E. River Road
Rochester, MN 55901
2

MN PETROLEUM COUNCIL
ATTN WILLIAM HADDELAND
300 NORTHERN FEDERAL BLDG
ST PAUL MN 55102 2

BOLTON & MENK INC
ATTN THOMAS A ROUSHAR
515 N FRONT ST
MANKATO MN 56001 2

TOM CASEY
CHAMBER OF COMMERCE
212 1st AVE S.W.
ROCHESTER MN 55901
2

MN MOTOR TRANSPORT ASSOC
ATTN JAMES N DENN
1821 UNIVERSITY RM 134N
ST PAUL MN 55104 2

THE PILLSBURY COMPANY
ATTN CARL A SMITH -MS3750
THE PILLSBURY CENTER
MPLS, MN 55402
2

CITY OF WINONA
ATTN ROBERT J BOLLANT
4TH & LAFAYETTE ST
WINONA MN 55987 2

STOLPESTAD, BROWN & SMITH
ATTN: GARY GANDRUD
2000 NO CENTRAL TOWER
445 MINNESOTA STREET
ST. PAUL, MN 55101
2

OLSON GUNN & SERAN LTD
ATTN WAYNE H OLSON ESQ
315 PEAVEY BLDG
730 SECOND AVE SOUTH
MPLS MN 55402 2

PAUL J HUBER LTD
1821 UNIVERSITY AVE
ST PAUL MN 55104 2

IBM CORPORATION
ATTN J P HARMON
DEPT 713/BLDG 658-D
ROCHESTER MN 55901 2

PUBLIC AFFAIRS INFORMATION
STATE REGULATORY DIV.
1024 10th ST, SUITE 300
SACRAMENTO, CA 95814
2

MS SHAILLA REGEHR
R R 1 BOX 419
STEWARTVILLE MN 55976 2

STEVEN LEBEAU
623 SO 9th ST APT 6
MPLS MN 55404
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STATE OF MINNESOTA

COUNTY OF RAMSEY

RECEIVED
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ADMINISTRATIVE
HEARINGS

CERTIFICATE

In the Matter of the Proposed
Revision of 6 MCAR §§ 4.8014 and
4.8024 and Proposed Repeal of
6 MCAR §§ 4.8015 and 4.8025,
Relating to the Standards and
Classification of Waters of
the State

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 the Agency was accurate and complete as of 9:00 a.m. on the 20th day of March, 1984.

Paul W. Hoff

March 28, 1984

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ST PAUL MN 55133 6

AL KURKI
2904 W 3RD ST
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CITY OF BROOKLYN CENTER
ATTN PATTY PAGE
6301 SHINGLE CREEK PKWY
BROOKLYN CE MN 55430
6

MOBIL OIL
ATTN PETE GATES
P O BOX 66568
AMF O'HARE IL 60666 6

ASSN OF MN COUNTIES
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555 PARK STREET
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NEENAH WI 54956
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Tom Dellenbach
Wash. Co. Community
Health Services
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ROBTSON RESEARCH & DVLP C
4730 CRITTENDEN DRIVE
LOUISVILLE KY 40233 6

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500 HOWARD ST
SAN FRANCISCO CA 94105
7

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AMOCO PIPELINE CO.
2200 S. MAIN ST.
LOMBARD IL 60148
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API INC
ATTN TERRY WOLD
2366 ROSE PLACE
ST PAUL MN 55113
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THE HEALTH CENTRAL SYSTEM
ATTN DONALD G ROBIDA
601 BROOKDALE TOWERS
2810 FIFTY SEVENTH AVE N
MPLS MN 55430
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CENEX
ATTN RALPH SCHLETTY
BOX 43089
ST PAUL MN 55164
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BOISE CASCADE CORPORATION
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ENVIRONMENTAL ENGINEER
INTERNATIONAL FALLS MN
56649
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EPA REGION V
ATTN DAVE ULLRICH
230 S DEARBORN ST
CHICAGO IL 60604
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1550 NW HWY
PARK RIDGE IL 60068
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Steve Chapman
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RICHARD L BUTLER
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BURNSVILLE MN 55337
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PICKANDS MATHER & CO
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SUITE 811-200 W SUPERIOR ST
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P O DRAWER 831
LEWISBURG W VA 24901
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PAUL WEIR CO
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E I DU PONT DE NEMOURS CO
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DANBURY CT 06810
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LEAGUE OF MINNESOTA CITIE
ATTN DON SLATER
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ST PAUL MN 55101
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CITIZENS FOR BETTER ENVIR
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127 7TH ST N
SUITE 204
MPLS MN 55403
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SUITE 200
835 STERLING AVE.
PALATINE, IL 60067

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135 STATE ST
ST PAUL MN 55107
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M & M PROTECT CONSULTANTS
ATTN WM R HOYT
1500 NORTH STAR CENTER
MPLS MN 55402
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MINNESOTA FARMERS UNION
ATTN MARK McAFEE
1717 UNIVERSITY
ST PAUL MN 55104
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MN CONSERVATION FED
DIANE KELLY
4354 HARRIET AVE SO
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SECURE OUR SOCIETY INC
ATTN LESLIE DAVIS
2124 LOWER ST DENNIS RD
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VAN HOVEN CO INC
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NATL RENDERERS ASSO INC
ATTN WILLIAM H PROKOP
2250 EAST DEVON AVE
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DAVID N. FASS
HEMATOLOGY RESEARCH
MAYO CLINIC FOUNDATION
ROCHESTER MN 55901

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6040 28TH AVE S
MPLS MN 55450
WQ

ECRDC
119 SOUTH LAKE STREET
MORA MN 55051 WQ

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WINONA MN 55987

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JOHN NORDENSEN
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1675 AIRLINE HWY
PO BOX 1572
KENNER LA 70063 WQ

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WASHINGTON DC 20045 WQ

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DIR OF PHYSICAL PLANNING
503 MORRILL HALL
MPLS MN 55455 WQ

UNION OIL COMPANY OF CA
ATTN DIANE DUNCAN
PO BOX 7600
LOS ANGELES CA 90051 WQ

BARBARA KNAPP
9508 BRUNSWICK CIRCLE
BLOOMINGTON MN 55438

ACID RAIN

DAVID MARQUETTE
MARSH & McLENNAN
1500 NORTHSTAR CENTER
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ADHESIVE & SEALANT COUNCIL
SUITE 910
1600 NORTH WILSON BLVD
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3416 UNIVERSITY AVE. S.E.
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DEPT OF ECONOMIC DVLPMT
ATTN KENT E EKLUND
480 CEDAR ST
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DEPT OF ECONOMIC DVLPMT
ATTN RICHARD C BUSKE
480 CEDAR ST
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DEPT OF ECONOMIC DVLPMT
ATTN CHARLES SCHAFFER
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555 WABASHA RM 206
ST. PAUL MN 55102

LEGISLATIVE COMM TO
REVIEW ADMIN RULES
ATTN KATHLEEN BUREK
RM 510
STATE OFFICE BLDG

MN DEPT ECONOMIC SECURITY
ATTN F JAMES RYBAK PHD
690 AM CE 150 E KELLOGG
ST PAUL MN 55101

LEGISLATIVE COMM ON
WASTE MANAGEMENT
ATTN SUE ROBERTSON
B-46
STATE CAPITOL

ATTORNEY GENERAL'S OFFICE
ANTITRUST DIVISION
2ND FLOOR FORD BLDG
117 UNIVERSITY AVE

DEPT OF AGRICULTURE
AGRONOMY SERVICES
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90 W PLATO BLVD
ST PAUL MN 55107

MEEB CENTRAL OFFICE
ATTN RAY QUINN
BOX 5 CENTENNIAL BLDG
ST PAUL MN

SENATE COUNCIL OFFICE
ATTN MARK J. HANSON
RM 480
STATE OFFICE BLDG
ST PAUL MN 55155

BRD OF ARCH ENG LAND SURV
AND LANDSCAPE ARCHITECTURE
ATTN LOWELL E TORSETH
500 METRO SQUARE
ST PAUL MN 55101

MN DEPT OF HEALTH
ATTN JAMES WITKOWSKI
717 Delaware St. SE
MPLS MN 55440

~~SCIENCE & TECH OFFICE~~
~~ATTN JOHN MALINKA~~ tiplff
~~RM 49 STATE OFFICE BLDG~~
~~ST PAUL MN 55155~~ no longer ex 515

METROPOLITAN COUNCIL
ATTN JOHN T HOEFT
300 METRO SQ BLDG
7TH ST & ROBERT ST
ST PAUL MN 55101

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ATTN JEAN DAWSON
RM B12 CAPITOL BLDG
ST PAUL MN 55155

Jack Ditmore
State Planning Agency
Environmental Division
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, Minnesota 55101

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT BY PERSONAL SERVICE

Virginia R. Halling, being first duly sworn, hereby deposes and says:

That at the City of Minneapolis, county and state aforementioned, on the 13th day of July, 1984, she did serve the REPORT OF THE ADMINISTRATIVE LAW JUDGE AND THE REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE; OAH Docket No. PCA-84-003-AK.

upon Alan R. Mitchell
Special Assistant Attorney General
MN. Pollution Control Agency
1935 West County Road B2
Roseville, MN. 55113

by personally handing to him,

said REPORTS - OAH Docket No. PCA-84-003-AK.

Virginia R. Halling
(Signature)

Subscribed and sworn to before me
this 13th day of July, 1984.

Sandra A. Haven
(Notary)

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES AUGUST 21, 1990

HG-00058-50

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
400 SUMMIT BANK BUILDING
310 FOURTH AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55415
(612) 341-7600

July 12, 1984

Alan R. Mitchell
Special Assistant Attorney General
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113

Re: In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State; OAH Docket No. PCA-84-003-AK.

Dear Mr. Mitchell:

Enclosed and served upon you ~~by mail~~, please find the Report of the Administrative Law Judge and the Report of the Chief Administrative Law Judge in the above-entitled matter. I also enclose the official record, and I am closing our file in this matter.

Yours very truly,

Allan W. Klein

ALLAN W. KLEIN
Administrative Law Judge

Telephone: 612/341-7609

AWK:vh
Encl.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

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upon

by personally handing to

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said REPORTS - OAH Docket No. PCA-84-003-AK.

Virginia R. Halling
(Signature)

Subscribed and sworn to before me
this 13th day of July, 1984.

Sandra A. Haven
(Notary)

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES AUGUST 21, 1990

HG-00058-50

PCA-84-003-AK

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State.

REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for review by the Chief Administrative Law Judge pursuant to the provisions of Minn. Stat. § 14.15, subds. 3 and 4 (1983 Supp.), which provide:

> Subd. 3. Finding of substantial change. If the [administrative law judge'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 administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge 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 administrative law judge determines that the defects have been corrected.
>
> Subd. 4. Need or reasonableness not established. If the chief administrative law judge 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 administrative law judge 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 has received 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 Administrative Law Judge hereby approves the Report of the Administrative Law Judge in all respects.

In order to correct the defects enumerated by the Administrative Law Judge, the agency shall either take the action recommended by the Administrative Law Judge 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 Administrative Law Judge, it shall, prior to submitting the rules to the Attorney General for review, submit to the Chief Administrative Law Judge 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 Administrative Law Judge 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 Administrative Law Judge, it shall also, prior to submitting the rule to the Attorney General, submit the complete record to the Chief Administrative Law Judge for a review in regard to substantial changes.

Dated: July 12, 1984.

DUANE R. HARVES
Chief Administrative Law Judge

PCA-84-003-AK

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for hearing before Allan W. Klein, Administrative Law Judge, on April 23, 1984 in Roseville. Additional hearings were held on April 24 in Rochester, April 26 in Roseville, April 30 in Marshall, May 1 in Detroit Lakes and May 2 in Duluth.

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: David Axtmann, Gerald Blaha, David Maschwitz, and Lanny Peissig. Special Assistant Attorney General Alan Mitchell 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 Administrative Law Judge for his approval. If the Chief Administrative Law Judge 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 Administrative Law Judge determines that the defects have been corrected. However, in those instances where the Chief Administrative Law Judge identifies defects which relate to the issues of need or reasonableness, the Agency may either adopt the Administrative Law Judge'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 Administrative Law Judge and makes no other changes and the Chief Administrative Law Judge 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 Agency makes changes in the rule other than those recommended by the Administrative Law Judge, then it shall submit the rule, with the complete record, to the Chief Administrative Law Judge 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 Administrative Law Judge 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 Administrative Law Judge makes the following:

Procedural Requirements

1. On February 24, 1984, the Agency filed the following documents with the Chief Administrative Law Judge:

(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 attendthe hearing and estimated length of the Agency's presentation.

2. On March 19, 1984, a Notice of Hearing and a copy of the proposed rules were published at 8 State Register 38, at page 2066.

3. On March 20 and 21, 1984, the Agency mailed the Notice of Hearing to all persons and associations who had registered their names with the Agency for the purpose of receiving such notice. In addition, the Agency mailed to the Township Chairmen named in the 1983-1984 Directory of Minnesota Township Officers, published by the Minnesota Association of Townships. The Agency also published a display advertisement in approximately 87 newspapers throughout the state. See, MPCA Ex. 12 and Ex. 60.

4. On March 29, 1984, the Agency filed the following documents with the Administrative Law Judge:

(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.

(e) The names of Agency 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 Publication as noted in Finding 3, above.

(h) All materials received following a Notice of Intent to Solicit Outside Opinion published at 8 State Register 969, dated October 24, 1983.

(i) A Petition requesting a rule 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 May 22, 1984 for the receipt of written comments and statements, the period having been extended by order of the Administrative Law Judge to 20 calendar days following the last hearing. Then, the record remained open to May 25 for the submission of Agency responses. Approximately 25 post-hearing comments were received. The Administrative Law Judge requested, and was granted, an extension of time to issue this Report pursuant to Minn. Stat. § 14.15, subd. 2 (1983 Supp.).

Nature and History of Proposed Rules

6. Water quality standards were first adopted in 1967, and have been revised from time to time since then. The most recent revision of the rules was completed in early 1981, following lengthy hearings in 1980.

7. The Federal Clean Water Act, as amended, 33 U.S.C. § 1251, et seq. requires the states to review and revise their water quality standards at least once every three years. 33 U.S.C. § 1313(c).

8. On December 29, 1981, the "Municipal Waste Water Treatment Construction Grant Amendments of 1981" were enacted into law. P.L. 97-117. Section 24 of the Amendments requires states to review and revise their water quality standards within three years of the date of enactment of the Amendments, which will be December 29, 1984, or face the risk of having Title II Grant Funds cut off by the Environmental Protection Agency.

9. The proposed amendments affect a number of the existing rules. However, most of the changes received no comment from the public during the rule-making proceeding. Instead, public attention focused on three areas:

(1) changes to the Agency's non-degradation policy; (2) changes to the Agency's standards for secondary treatment; and (3) classification of specific waters. For those changes not specifically discussed below, it is found that the Agency's Statement of Need and Reasonableness adequately justifies the proposed changes, and no further discussion will be given them.

Statutory Authority

10. Minn. Stat. § 115.03, subd. 1(b) and (c) authorizes the Agency to make classifications of the waters of the State and to establish and alter pollution standards for them. In addition, Minn. Stat. § 115.44 authorizes the Agency to "group the designated waters of the State into classes, and adopt classifications and standards of purity and quality therefore."

11. The Agency has ample statutory authority to make the proposed changes, and no person questioned it.

Non-degradation Policy -- Part 7050.180

12. Existing non-degradation rules 6 MCAR § 4.8014 A.8. and 4.8015 A.7., contain general statements of policy, but few specifics. They read as follows:

> "Waters which are of quality better than the established standards shall be maintained at high quality unless a determination is made by the Agency that a change is justifiable as a result of necessary economic or social development and will not preclude appropriate beneficial present and future uses of the waters. Any project or development which would constitute a source of pollution to waters of the State shall be required to provide the best practicable control technology currently available not later than July 1, 1977 and the best available technology economically achievable not later than July 1, 1983 . . . in order to maintain high water quality and keep water pollution at a minimum."

13. The Agency's proposed substitution for this standard is far more specific. It avoids broad generalizations, and instead focuses in on a limited number of specified waters by listing them, and then designates which of two levels of protection is applicable to each listed water. It provides a process for adding waters to the list, and contains certain other specified provisions.

14. Essentially, the rule sets forth certain areas where no person may allow a new or expanded discharge of any waste. These include areas such as the Boundary Waters Canoe Area Wilderness, Voyager's National Park, DNR designated scientific and natural areas, and Federal or State wild river segments.

15. Another classification restricts discharges, but does not totally prohibit them. In this "restricted discharge" classification, no person may allow a new or expanded discharge of any waste unless there is no prudent and feasible alternative to the discharge. If a new or expanded discharge is permitted, the Agency is to restrict the discharge to the extent necessary to maintain future water quality within the range of natural background water quality. This classification includes Lake Superior, portions of the Mississippi river, and Federal or State designated scenic or recreational river segments.

16. Finally, there is a category for unlisted waters which meet the test of "outstanding resource value waters". Such waters include all those listed above, as well as "other waters of the State with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant stringent protection from pollution." In this classification, the rule directs the Agency to prohibit or stringently control new or expanded discharges to the extent that such protection is necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an outstanding resource value water. However, prior to identifying and establishing these waters, the rule requires the Agency to provide an opportunity for a hearing.

17. The rule also contains definitions of "new discharge" and "expanded discharge", and "outstanding resource value waters". These drew comment at the hearing.

18. A number of persons urged the Agency to add various waters to the list of "outstanding resource value waters". Proposals for addition included waters in State parks, State recreational areas, State wilderness areas, wildlife management areas, wildlife refuges, natural landmarks, canoe and boating routes, and the Mining Protection Area adjacent to the Boundary Waters Canoe Area Wilderness. Some of these areas were recommended for addition to the "prohibited discharges" list, and others were recommended for addition to the "restricted discharges" list. Regardless of which classification was proposed, there is one common concept which decides the question of whether or not they should be added to the rule.

19. The Agency has already proposed classification and specified treatment for a number of specific waters. In the case of many of those waters, there were no specific comments received from the public. However, in the case of some of them, there were specific comments received, some of which were extensive. Indeed, the public comments received did convince the Agency to adopt some changes proposed by the public.

This proposal-notice-comment-review process has not been undertaken for the waters proposed by the public for the first time during the course of these hearings. The Agency, in its post-hearing submission, stated that it agreed that at least some of the waters proposed ought to be included under one or another of the classifications, but that it desired to expose the suggestions to the proposal-notice-comment-review process. The Agency pointed out that in 1980, the same issue arose, and at that time the Agency took the

same position. After that hearing process was over, the Agency did initiate a second proceeding to adopt some of the designations proposed by the public, and did, in fact, adopt them.

20. It is found that the Agency's proposed lists of specific waters has been justified as both needed and reasonable without any of the additions recommended by the public. Many of those additions appear, at first blush, to be appropriate for inclusion in the lists, but based even on the limited information available in this record, it would appear that some are not. It would be appropriate for the Agency to review the public proposals, and initiate another proceeding to go forward with those which are deemed meritorious. Such a procedure will also result in focussing attention on specific waters, rtaher than broad, general categories of waters. If the list is to be one of truly outstanding waters, it should be amended on a case-by-case basis.

21. The Mississippi River, from Lake Itasca to the southerly boundary of Morrison County, was proposed as an ORVW subject to the restricted discharges provisions of subp. 6 of the proposed rule. This designation drew a number of public comments, which pointed out that when the Federal Government and the State Legislature considered inclusion of this portion of the Mississippi as a wild, scenic or recreational river, only certain portions of the river ended up being designated. Both the Federal designation and the special state legislative action identified portions of the river (both agreed on the same portions) for designation. The public commentators in this proceeding urged that the same pattern of designation be followed here as well. The Agency accepted the comments, and in post-hearing response, recommended that Rule 7050.0180, subp. 2.A., be amended to read as follows:

so amended ¶3.4

> "Outstanding resource value waters" are . . . those portions of the Mississippi river from Lake Itasca to the southerly boundary of Morrison county that are included in the Mississippi Headwaters Board Comprehensive Plan dated February 12, 1981 . . .

This change has the practical effect of limiting the application of these rules to those stretches of the upper Mississippi which are included in the special State legislation.

The Examiner finds that the rule, as modified, has been demonstrated to be both needed and reasonable. The limitation is not a "substantial change".

22. Questions were also raised regarding the definition of an "expanded discharge" contained in subp. 2.C. of the proposed rule. Again, in response to public comment, the Agency has proposed a change in the rule. The Agency now proposes the definition to read:

> "'Expanded discharge' means a discharge that changes in volume, quality, location, or any other manner after the effective date of these amendments such that an increased loading of one or more pollutants results. Determining

whether an increased loading of one or more pollutants would result from the proposed change in the discharge, the Agency shall compare the loading that results from the proposed discharge with the loading allowed by the Agency at the time these rules take effect."

23. Although it was the Agency's intent that the "allowed loading" be the benchmark, that intent was not clearly indicated in the language originally proposed for the definition. The addition of the last sentence in the amended proposal does codify that intent into the rule. amended p.4

The Examiner finds that the Agency has justified the need and reasonableness for the proposed definition, as amended by the post-hearing modification.

24. Inclusion of the St. Croix River in the list of waters subject to the "restricted discharges" standard drew comments from the Metropolitan Council, the Metropolitan Waste Control Commission, and the Association of Metropolitan Municipalities. A number of problems (and proposed solutions) were raised in connection with its inclusion.

25. The St. Croix is an interstate water, receiving discharges from both Minnesota and Wisconsin. Concern was raised that strict discharge controls in Minnesota could lead to increased land development costs. These increased costs could then, allegedly, result in businesses choosing to locate in Wisconsin, rather than in Minnesota. Two commentators urged that designation of the St. Croix as a "restricted discharge" water be made contingent upon adoption of similar standards by the State of Wisconsin. The Staff opposed such a contingency, arguing that it would, in effect, delegate Minnesota's policy to a neighboring state, and have the practical impact of allowing all standards to be set by the state with the lowest common denominator. The Staff also pointed out that this portion of the St. Croix has been designated as a recreational river pursuant to the Federal Wild Scenic and Recreational Rivers Program. Finally, the Staff argued that there was no evidence to suggest that the difference in existing standards (Stillwater and Bayport, Minnesota plants having to meet a phosphorus limitation, but the Hudson, Wisconsin plant does not) has not caused a rush to develop in Wisconsin.

The Examiner finds that the Agency's proposal for the St. Croix, without a contingency, is reasonable. There is no evidence, other than speculation, to suggest that water quality standards and effluent limitations have been a factor in any location decision to date, and there are some very real practical problems in interpreting the suggested contingency clause. One of the proposals would require the Director to determine that Wisconsin's policy "is comparable" to Minnesota's.

26. The St. Croix River also provided an example for a broader comment offered by the Metropolitan Waste Control Commission. The Commission recommended that the restricted discharge language of Subp. 6 be amended by adding a second sentence which would read: "The fact that an alternative would be substantially more costly than a proposed discharge is evidence that the alternative is not 'prudent and feasible'."

The Agency's proposed language would prohibit an expanded discharge to a Federal or State designated river "unless there is no prudent and feasible alternative to the discharge." The Agency, in its Statement of Need and Reasonableness, explained that the term "prudent and feasible" appears in both the Minnesota Environmental Rights Act and the Minnesota Environmental Policy Act. With minor differences not important here, those Acts prohibit conduct which materially adversely affects the environment so long as there is a prudent and feasible alternative to such conduct. Both Acts provide that economic considerations alone shall not justify such conduct.

The cited statutes (and, by implication, the rule at issue here) do not prohibit the consideration of economic factors in determining whether a prudent and feasible alternative must be used. As both a legal and a practical matter, economic factors are considered. But they are not the only factors considered. Moreover, with particular reference to the Pollution Control Agency, the Legislature has adopted a provision which requires the Agency to give "due consideration" to economic factors in exercising all of its powers. Minn. Stat. § 116.07, subd. 6 (1982). The two existing environmental statutes, when coupled with the special statute applicable to the Agency, offer ample protection for dischargers who are concerned that this rule will prohibit the consideration of economic factors when applied to their specific situations.

27. The Commission's concern, however, goes beyond just the question of whether economics would be considered. The Commission urges that the imposition of stricter controls for the St. Croix ought to be conditioned upon a finding that an expanded discharge would materially adversely impact the water. The Commission correctly notes that such a finding is a prerequisite to imposition of the "prudent and feasible alternative" procedure of the two cited environmental statutes. The Commission is concerned that without such a prerequisite in the rule, the rule would be stricter than the two statutes.

The Agency responded by agreeing with the Commission's interpretation. It was the express intent of the Agency to propose a system which would be stricter than current law for those specific waters which are listed in the rule. There would be no need for a rule which did not alter the existing regulatory system.

The Administrative Law Judge agrees with the Commission's interpretation. He also agrees with the Agency's response. He concludes, however, that the Commission's concern overlooks the special MPCA statute regarding economics. The Agency cannot, by rule, carve out an exception to the statute. Any exceptions must be enacted by the Legislature. Therefore, when the rule is applied to the St. Croix (or any other water), it will have to be applied in a manner consistant with the statute. There is no reason to change the Agency's proposed rule to reflect the existence of the statute.

28. The Commission and the Council both raised concerns about the impact of this rule upon the Stillwater plant. Recent population estimates and planning studies suggest that the Stillwater plant may have to be upgraded beyond earlier projections. This upgrading could "trigger" an application of the rule at issue, and result in costs which, it is alleged, would be dispro-

portionate to any benefits. The appropriate time to resolve that question, however, is when an application is made for a permit. At that time, the detailed matters set forth in Mr. Moore's pre-filed testimony can be evaluated and resolved. In any such proceeding, the special MPCA statute regarding economics will prevent the unreasonable application of the rule.

29. Another water which drew comment in connection with the proposed non-degradation policy was Lake Superior. Some of the problems relating to the Western Lake Superior Sanitary District have been resolved by the Agency's adoption of the "grandfathering" definition of an "expanded discharge". However, the District's most recent proposal urges that a new subpart be added to the rule, which would require full State or Federal funding of any constructions or operating costs attributable to the rule. In other words, no local funds should be required to be spent to comply with the rule.

The Agency, in its post-hearing submission, pointed out the positive impact of the "grandfathering" change on the District, and the fact that the District has substantial capacity to accomodate population growth before it reaches its grandfathered limits. The Agency also pointed out that a relatively new provision in the rule relating to grant funds gives extra priority points to a municipality that discharges to, or adversely affects, an outstanding resource value water. See, W.P.C. 34 I.4., as published at 7 State Register 1612 (May 9, 1983).

It is difficult to find any sound theoretical basis for requiring the Agency to adopt the addition proposed by the District. Local funds are required for virtually all treatment plant projects. There is no reason to fund the additional costs which may result from this rule any differently than the costs resulting from existing rules. W.P.C. 34 contains a complex system for prioritizing projects for receipt of State and Federal grant funds. A project required by this rule would be prioritized in the same manner as a project required by any other rule of the Agency, with the exception of the priority points noted earlier. The proposal for no local funding would upset the complex balancing contained in the W.P.C. 34. There is no rational basis for the proposal.

30. The City of Grand Marais made a similar request regarding funding, but is in a different position than the District. The Grand Marais plant is already overloaded, and has exceeded its monthly permit limitations on a number of occasions in 1983. It was alleged that this is the result of a serious inflow and infiltration problem, which is currently under review. Grand Marais also suffers from financial difficulties which are different from those of the District. The city did not, however, question the advisabililty of designating Lake Superior as an outstanding resource value water. It did question, however, how it would be able to pay for additional facilities. The precise dimensions of the city's problem, and the funds that may be needed to deal with it, are more properly the subject of a permit hearing which can deal, in depth, with the particular situation. The Agency has demonstrated the reasonableness of designating Lake Superior as an outstanding resource value water.

31. Other waters proposed for inclusion in the list of ORVWs also drew comment. The Agency has proposed that the Minnesota River, from Lac qui Parle Dam to Redwood County State Aid Highway 11 be included because it has been designated by the Department of Natural Resources as part of the State's Wild, Scenic, and Recreational River System. NSP argued that it ought not to be designated as a "restricted discharge" ORVW because there is no evidence of degradation since the effective date of the existing regulatory system, and because designating it as an ORVW appears inconsistent with the non-designation of other stretches of the river. But the DNR also commented, urging that the boundaries be expanded to include an additional stretch.

Drawing lines, separating a designated portion of a river from a non-designated portion, is an imprecise art. The Agency has chosen to rely upon its evaluation of the waterway, and to vary from the DNR's designation. While arguments could certainly be made that the line between designated and non-designated stretches ought to be moved one way or the other, adoption of the Agency's proposed boundaries has been justified as one reasonable place to draw the line.

32. Both NSP and the Metropolitan Waste Control Commission supported a change proposed by the Agency. The change would affect subp. 6 (waters subject to the "restricted discharges" limitation) in order to make it consistent with the basis for designating the waters in the first place, as well as consistent with the standards applicable to other waters which might be added to the list in the future (the standards set forth in subp. 7). The Agency, in its post-hearing submission, did formally recommend the change. It is not a substantial change, and the rule would be reasonable with or without it. The Agency may make it if it chooses to.

33. Another minor change is necessitated by the change to subp. 2.A., setting the boundaries for the Mississippi River, which was discussed in an earlier Finding. The same change needs to be included in subp. 6 in order to avoid an inconsistency.

34. Subp. 7 of the proposed rule deals with unlisted ORVWs. It provides that the Agency shall prohibit or stringently control new or expanded discharges to the extent that this stringent protection is necessary "to preserve the existing high quality" . . . of the specific water. Citizens for a Better Environment proposed that the rule be amended to require the Agency to control discharges as necessary "to preserve the existing and future high quality" of the water. The comment stated that the discharge of bioaccumulative chemicals in low quantities that do not affect the current quality could, over time, adversely affect the future quality of the waters. It cited mercury and polychlorinated biphenyls (PCBs) as examples of bioaccumulative chemicals which could be a problem in the future. The Agency urged that the change not be made, because it cannot know at the time of designation or permitting what the "future" water quality will be. The Agency did state, however, that it was aware of the problems of bioaccumulation, and that discharges of known bioaccumulants would be prohibited or stringently controlled under the Agency's proposed language.

The rule is found to be reasonable without the proposed addition. Although the comment is aimed at the problem of bioaccumulation, the proposed language would require a degree of prediction on the part of dischargers, the Agency, and potentially, an Administrative Law Judge, which could be little more than speculation. Bioaccumulative substances are known by both the Agency and members of the public, and in any permit proceeding involving them, it would be logical to argue against not only the impact of their discharge upon existing water levels, but also future impacts based upon their known bioaccumulative properties. The proposed language, however, is not limited to bioaccumulative discharges, and its practical application would cause difficulties because of its breadth. Unless the Agency chooses to limit the impact of the language to certain specified chemicals, the Administrative Law Judge would have difficulties in approving its inclusion. It is not needed, at least in its present form, in order to make the Agency's proposal reasonable.

35. In summary, it is found that the Agency's proposed non-degradation policy, as modified in the above Findings, has been demonstrated to be both needed and reasonable.

Classification of State Waters -- Parts 7050.0400 - 7050.0480

36. The Vadnais Lake Area Water Management Organization (VLAWMO) commented on the classification of certain waters in the drinking water supply system for the City of St. Paul. It proposed that certain additional lakes and watercourses be classified as type 1C waters. These waters are presently classified as Class 2B and 3B. The 2B, 3B classification had applied to many other components of the St. Paul water supply prior to the amendments proposed by the Agency in this proceeding. The Agency proposed that some of these waters be classified as 1C waters. The Agency essentially drew a line at one point to separate the waters which would be reclassified to Class 1C (in order to protect the St. Paul drinking water supply) from those which would not be reclassified. The suggestion of VLAWMO is that that line be moved further to the north, to take in additional waters which drain into the City's supply and distribution system. In post-hearing comments, the Agency agreed with VLAWMO that the line ought to be moved. Neither the Agency nor VLAWMO provided any information with regard to the impact of the proposed change on dischargers or others.

For the same reasons that the Agency opposed adding additional waters to the list ORVWs, the Examiner finds that the Agency's concurrence with VLAWMO's suggestion cannot be adopted at this time. Affected persons are entitled to notice and an opportunity to comment on proposed changes. The adoption of VLAWMO's suggestion would deny them that opportunity. It would be improper to adopt this change without at least giving affected individuals the opportunity to comment on the change. While such an opportunity may not yield any comments (none were made concerning the waters which Agency did propose this time for reclassification to 1C), it would be inconsistent to make the change without the opportunity for comment. There is insufficient evidence in the record for the Examiner to conclude that change would not be a "substantial

change". Additionally, there is insufficent evidence to support either the need or reasonableness of the change. These defects may be corrected by not adopting the VLAWMO suggestion in this rulemaking proceeding.

37. The Agency proposed to reclassify two ditches near Bricelyn from their current classification of Class 2B to Class 7. The existing classification is designed to permit the propogation and maintenance of cool or warm water sport fisheries and aquatic recreation, including bathing. The proposed classification, labeled "limited resource value waters" protects no fishery, and only secondary body contact use.

38. Class 7 waters were first proposed during the 1980 hearings, and a detailed explanation of them is set forth in the Findings resulting from those hearings. Essentially, Class 7 waters are waters which the Agency believes will never attain the nationwide goal of being fishable and swimable. The reasons vary from water to water, but generally are due to natural limiting conditions or irreversible artificial modifications or impacts. By rule, the Agency established three criteria to determine whether or not a water should be classified as a Class 7 water. They are as follows:

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

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

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

The rule provides that either conditions "a" and "c", or "b" and "c" must be established before waters can be classified as Class 7. It also provides that the Agency "in cooperation and agreement with the Department of Natural Resources with respect with determination of fisheries values and potential" shall determine whether the conditions exist.

39. With regard to the ditches near Bricelyn, the Department of Natural Resources opposes the change in classification. For County Ditch 44 in Faribault County, DNR found a northern pike spawning run in April of 1984. Minnow traps, trapnets and electroshock fishing also disclosed yellow perch, green sunfish, black bullheads, and various other minnows, chubs, shiners and dace. The Department also opposed reclassification of the unnamed ditch in Faribault County proposed for reclassification by the Agency because it is tributary to County Ditch 44, and discharges into it would effect the northern pike habitat in County Ditch 44.

The Department pointed out that northern pike prefer seasonally flooded lowlands with emergent vegetation (such as terrestrial grasses, sedges or rushes) as spawning habitat. In southern Minnesota, ditch banks inundated by spring floods typically provide such habitat. In the particular area near Bricelyn, river watersheds have been heavily tiled and ditched, thereby reducing the availability of seasonally flooded lowlands. As a consequence, much of the remaining spawning refuges consist of ditches tributary to major streams. County Ditch 44 is tributary to the east branch of the Blue Earth River.

40. The Agency justifies its proposed classification based upon field observations taken in August of 1983. At that time, at roughly the same point where the DNR was to do its fish trapping in April of 1984, County Ditch 44 was approximately nine tenths of a foot deep with no flow evident. The Department observed some minnows there, but neither game fish nor rough fish. The Department crew also noted a snail on a rock, and a crayfish ecto-skeleton.

The impetus for reassessment came from the Owatonna Canning Company, which operates a seasonal facility in Bricelyn. The Company processes and cans fresh whole kernel sweet corn during a six-week season in August and September. It discharges only non-contact cooling water to a municipal storm sewer, which empties into a shallow ditch paralleling some railroad tracks. The cooling water and urban runoff then flow for approximately one half mile, where they enter a drop inlet into an underground agricultural drain tile. This half mile ditch is the "unnamed ditch" referred to earlier. It is normally dry except during periods of precipitation or when cooling water is discharged. Fish cannot even get into the ditch unless they travel all the way through the underground tile and then jump up into the drop inlet. Eventually, the cooling water and municipal storm water enter County Ditch 44, where they travel approximately five miles in an open ditch to the East Fork of the Blue Earth River. The DNR netting was done at the end of the ditch, where it empties into the river.

If the ditch were to be classified as a Class 2C water (the alternative to the Class 7 recommendation of the Agency), the canning company's consultant estimates pre-treatment of the cooling water would require an expenditure of $308,000 in capital costs, plus additional long term maintenance costs. The Agency, on the other hand, estimated the cost at $147,000 in capital, and $10,000 annually for operation and maintenance.

41. Neither the unnamed ditch nor County Ditch 44 support any recreational activities. There is no known fishing in them, nor is there any swimming, wading, or boating. In fact, for much of the recreational season, both the unnamed ditch and County Ditch 44 have insufficient flow to support such activities. Moreover, both are "significantly altered by human activity" in terms of channelization, and such channelization is essentially irreversible.

Allowing Owatonna Canning to continue to discharge its non-contact cooling water in the late summer will not adversely affect the northern pike spawning run in the spring. Between the time of the discharge and the time of the next spawning run, there is an adequate flow from spring runoff to dilute and

"flush out" any residual pollutants which may get into the cooling water. Based upon the data contained in the Agency's assessment worksheet, the Company consultant's submission, and the Department's comments, it is found that the Agency has justified the reclassification of both the unnamed ditch and County Ditch 44 to Class 7 waters.

42. Another water proposed for Class 7 designation also drew criticism from the Department of Natural Resources. It is County Ditch 12, in Waseca County. The Department sampled this ditch in April, with both a trapnet and electrofishing. The trapnet, set overnight, caught only creek chubs and white suckers. Although no Northern pike were taken, the Department believes that suitable spawning substrate is available, and it is likely that pike use the ditch. Photographs 3 and 4, attached to Public Ex. 1, were taken in April at the point where the ditch crosses County Road No. 9. This is the same point as Field Assessment Station 3 of the Agency's stream assessment worksheet (MPCA Ex. 51). The Agency's exhibit also contains a photograph of the ditch, but it is taken in August of 1983. There is a very substantial difference in the amount of water in the ditch between April and August.

Unlike the Faribault County ditch discussed above, County Ditch 12 in Waseca County carries industrial and urban discharge water on a year-round basis rather than only seasonally. A letter from the City of Waseca (Public Ex. 31) indicates that the ditch receives approximately 1.6 million gallons of non-contact cooling water daily from Waseca industries. In addition to existing uses, the City plans to divert a portion of its stormwater directly to the ditch in order to improve the game fish habitat in Loon Lake, which lies within Waseca. A significant portion of the City's stormwater runoff flows into the lake, causing adverse impact on fish spawning and rearing. The City urges that the ditch be reclassified as a Class 7 waterway, or at least that it be designated as a Class 4 or 5 stream, rather than a Class 2B waterway. The Agency point out, however, in its post-hearing comments that the stream is presently classified as a Class 2B water, as well as Class 4A, 4B and Class 5. These latter classifications would remain regardless of whether the Class 2B designation were changed to Class 7. Therefore, the "compromise" proposed by the City would not resolve the issue of whether or not the water ought to remain a Class 2B water or be redesignated as a Class 7 water.

43. Like the Fairbault ditch, there are a number of units involved in this waterway. First of all, there is an unnamed ditch. This ditch receives continuous cooling water from a printing company, as well as runoff from agricultural tiles and a highway. This unnamed ditch then flows into County Ditch 12. County Ditch 12 then flows into an unnamed creek, which ultimately flows into the LeSueur River. The Agency has proposed that the unnamed ditch and County Ditch 12 be designated as Class 7 waters, but that the unnamed creek remain as a Class 2 waterway. The reason for this distinction is that there is a change in character at approximately the County Road 9 location surveyed by both the Department and the Agency. Between the City and County Road 9, channelization is complete, land up to the stream bank is used for agricultural purposes, and flow is sustained only from the printing company's cooling water discharge. No fish or recreational uses were observed. But between County Road 9 and the LeSueur River, the channel is natural, and there is more bank vegetation available for spawning.

The distinction drawn by the Agency is a reasonable one. The natural quality of the waterway below County Road 9 ought to offer improved spawning habitat than the upper stretches, and the difference in flow between April and August illustrated by the photographs should allow for adequate dilution during the crucial spawning period. There is inadequate evidence in the record to evaluate the proposed diversion of Waseca's stormwater from Loon Lake into the ditch. It will have to be evaluated more fully if, and when, the City applies for a discharge permit to accomplish it's diversion. At that time, the Department of Natural Resources will be able to present evidence on the benefit to Loon Lake as opposed to the detriment to the lower reaches of the ditch. Therefore, it is found that the Agency's proposal to reclassify the upper portions of this waterway has been justified as both needed and reasonable.

44. The final proposal for reclassification to Class 7 comes not from the Agency, but from the City of Litchfield. The City's waste water treatment plant discharges into Jewetts Creek, and the City is concerned about its present Class 2C designation because the City requires variances from the ammonia standards. The City is concerned that if it were ever required to meet those standards, it would be "very costly". The City is also concerned about future standards which might be imposed upon it.

The creek is not used for fishing or other recreation. The treatment plant operators monitor the creek on a daily basis, both one mile upstream from the plant and one mile downstream from it. The monitoring is done around 2:00 in the afternoon, and operators report that they have never seen anybody fishing, canoeing, swimming, or even walking along the creek. They have never heard of anyone fishing there. In 1983, when the Agency assessed Jewetts Creek, Agency personnel interviewed a college student who used to fish in it near the outlet of Lake Ripley. He caught small Northerns, probably during high water, but says that he knows of no recreation on the creek now. He believes that the creek has a reputation in town as being a poor quality, weed-choked, muddy stream, and says "I wouldn't go near it." This interview took place in August of 1983. The Deparment of Natural Resources, in December of 1983, indicated that it was not aware of anyone fishing on the creek.

45. The potential for fishing, ironically, is the only reason that the stream is not classified as a Class 7 water. There is no suggetion of any other recreational opportunity. The stream has been partially channelized, but there are fish in the creek and the flow and habitat are adequate to support a fishery, at least below the waste water treatment plant. On occasion, in the warm summer months, the creek has been almost dry above the plant, and the dissolved oxygen upstream of the plant occasionally is as low as 1-3 PPM. Measurements taken in August of 1983, however, indicate dissolved oxygen levels of 5.4 and 5.5 below the plant, and 9.0 above the plant. These readings contrast with readings taken by the Agency in August of 1979, where the dissolved oxygen was in a 2.5-2.6 range. However, in April of 1980, the Department of Natural Resources measured dissolved oxygen levels ranging between 6.0 and 12.0. The Department also performed electrofishing in 1980, which captured 22 Northern Pike, 22 White Sucker, 10 Yellow Perch, 2 Bluegills, and assorted other fish. In a 1980 survey report, the Department noted that:

Each year since 1971, the conservation class from Litchfield High School has captured Northern Pike at the Lake Ripley Dam and released the fish to the lake after tagging. In 1971, 206 Northern Pike were tagged, 1972 - 16, 1973 - 29, 1974 - 10, 1975 - 30, 1979 - 24.

The Lake Ripley Dam is at the headwaters of the creek. It is unclear whether the class took the pike from above or below the dam. However, the Department believes that the fish present in the creek do migrate in from the North Fork of the Crow River, which is the outlet for the creek. The Department offered no testimony during these hearings to either oppose or support a Class 2 or a Class 7 designation for the creek.

46. Based upon the Agency's 1979 assessment, DNR's 1980 survey, and an Agency reassessment in 1983, it is concluded that Jewetts Creek should remain as a Class 2 waterway, and should not be redesignated. In post-hearing comments, the Agency presented both pros and cons for reclassification to Class 7, but concluded that Class 2C (rough fish and suitable for boating and other aquatic recreational uses where useable) would be the appropriate classification.

The Administrative Law Judge finds that the Agency's position to be reasonable. Looking at the three criteria set forth earlier, Jewetts Creek does not qualify for a Class 7 designation. Fishing is a realistic use for the creek, and the fishery deserves continued protection from the treatment plant and others.

Effluent Limitations: Secondary Treatment

47. The Department is proposing two changes to the secondary treatment effluent limitations contained in Rule 7050.210, subp. 6. The first deals with Biochemical Oxygen Demand, and the second deals with pH.

48. The existing rule provides that minimum secondary treatment effluent limitations are defined as effluent with 5-day biochemical oxygen demand of not more than 25 milligrams per liter. In the past, this has been interpreted as total BOD. Total BOD is the sum of three distinct components: carbonaceous BOD, nitrogenous BOD, and oxygen demand of certain inorganic non-nitrogenous materials (such as sulfide and iron). The last of these is relatively insignificant, and attention has always focused on the carbonaceous and nitrogenous components. The Agency has proposed, in this proceeding, to limit the requirement to only carbonaceous BOD. It would accomplish this goal by simply inserting the word "carbonaceous" in the table of effluent limitations, so that the new limitation would read: "5-day carbonaceous biochemical oxygen demand . . . 25 milligrams per liter."

49. The Agency's reason for making this change is that the old system caused some waste watertreatment plant operators to operate their facilities in what was, essentially, an environmentally unsound manner. Because they had to limit their total BOD, they would attempt to limit the nitrogenous com-

ponent by chlorination. This practice, however, has the potential of increasing the formation of chlorinated organic compounds (including some potential carcinogens), as well as resulting in larger quantities of toxic residual chlorine being discharged. These problems were particularily noticeable in newer facilities, which were built with reserve capacity over present needs. Because of the excess capacity, detention times were sufficient to develop large numbers of nitrifying bacteria, resulting in nitrogenous oxygen demand.

The Environmental Protection Agency has recognized these problems, and, on a national basis, has started the process of amending its rules to allow states to substitute the carbonaceous test for the total test. In a detailed discussion (MPCA Ex. 56, 48 Federal Register 52272, November 16, 1983), the EPA set forth many of the same justifications as did the Agency for the change.

50. Most persons who commented on this change commented favorably, but a few questioned it. Basically, they asked whether this would not be a "loosening" of the rule because only a part of the oxygen demand would be tested and measured. The Agency explained that there is a timing difference between CBOD and NBOD such that they do not occur at the same time. Also, changing to CBOD would not result in any change in water quality, because those plants which do have a significant nitrifying process (which results in ammonia discharges) are already, or will be, subject to an additional effluent limitation for ammonia. Therefore, if ammonia is a problem, it will be regulated, but separately from oxygen demand. If it is necessary to maintain water quality, the Agency will also require a lower carbonaceous effluent limitation in selected situations.

51. It is found that the proposed change, from total BOD to carbonaceous BOD, has been justified by the Agency as both needed and reasonable.

52. The second major change to the effluent limitations for secondary treatment deals with pH. The existing rule requires effluent to have a pH in the range of 6.5 to 8.5. The proposal would broaden that range so that allowable effluent pHs could be anywhere between 6.0 and 9.0.

As with the BOD change, most persons who commented on this proposal were in favor of it. However, a few persons did question it.

53. The Agency pointed out, in its Statement of Need and Reasonableness, that all it is proposing to change is the effluent limitation. It is not proposing to change the existing water quality standards for pH. All waters of the State (except Class 7 waters) must be maintained at a pH between 6.5 and 8.5. Class 7 waters must be maintained between 6.0 and 8.5. The whole purpose of effluent limitations is to attain and maintain the water quality standards. It is the Agency's position that since the standards are so close to the proposed effluent limit, the standards will not be jeopardized by a discharge that is slightly more aciditic or basic. With most water bodies, the pH is largely dependent on the natural characteristics of the watershed and not affected greatly by the pH of a point source discharger. Present limits force dischargers to spend monies to control effluent without commensurate benefits to water quality. However, if a discharger were to cause the

standard to be exceeded, more restrictive pH control of the effluent would be appropriate and could be required by the Agency. The Agency also pointed out that this proposal would make the Minnesota requirement consistent with the Federal requirement for secondary treatment, which is 6.0 to 9.0.

It is found that the Agency has justified the need and reasonableness of its proposed change.

Other Matters

54. A number of persons submitted comments, a few of them lengthy, suggesting changes to specific rules which were not proposed for change by the Agency. Some of these were submitted in advance of the hearing (Citizens for a Better Environment, for example, in Public Exhibit 48B), while others were submitted at or after the hearings. Although the Notice of Intent to Solicit Outside Opinion invited comments on any provisions of the rules (see MPCA Ex. 9), the Agency did make a policy decision regarding which matters would actually be proposed for amendment. Those matters were then contained in the Notice of Hearing. Those rules sections which the Agency decided not to amend in this proceeding are not "fair game" for change. This also includes rule sections where grammatical, typographical, or other non-substantive changes were proposed by the Agency. The submissions, nonetheless, have been reviewed by the Examiner, and will be forwarded to the Agency for consideration in future rulemaking proceedings.

55. Finally, in its post-hearing submission, the Agency has pointed out a number of typographical and omission corrections to the rules as proposed (pages 35 and 36 of the post-hearing submission). Each of these has been examined, and determined to be a legitimate typographical or non-substantive omission which ought to be corrected.

56. The Administrative Law Judge has not catalogued each and every comment. Persons involved in this proceeding, however, should be aware that each and every comment, whether written or oral, has been considered during the preparation of this Report.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

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

2. That the Agency has fulfilled the procedural requirements of Minn. Stat. §§ 14.14, subds. 1, 1a (1983 Supp.) and 14.14, subd. 2 (1982), and all other procedural requirements of law or rule.

3. That the Agency 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 (1982), 14.15, subd. 3 (1983 Supp.) and 14.50 (i)(ii)(1982), except as noted at Finding 36.

4. That the Agency 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 at Finding 36.

5. That the amendments and additions to the proposed rules which were suggested by the Agency after publication of the proposed rules in the State Register do result in a rule which is substantially different from the proposed rule as published in the State Register within the meaning of Minn. Stat. § 14.15, subd. 3 (1983 Supp.), and 9 MCAR §§ 2.110 A. and 2.111 (1980 Ed.), specifically, the proposed change noted at Finding 36.

6. That the Administrative Law Judge has suggested action to correct the defects cited in Conclusions 3, 4 and 5 as noted at Finding 36.

7. That due to Conclusions 3, 4 and 5, this Report has been submitted to the Chief Administrative Law Judge for his approval pursuant to Minn. Stat. § 14.15, subd. 3 (1983 Supp.).

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 Agency 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 Administrative Law Judge makes the following:

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted consistent with the Findings and Conclusions made above.

Dated this 12th day of July, 1984.

Allan W. Klein

ALLAN W. KLEIN
Administrative Law Judge

MEMORANDUM

Dennis R. Martenson submitted a comment (MPCA Ex. 64) which deserves some attention here. Mr. Martenson is concerned about an issue which arose during the 1980 hearings, but one which the Agency elected not to raise in this rulemaking proceeding. He correctly noted that it was, therefore, beyond the scope of this hearing, but the Administrative Law Judge urges the Agency to consider it in a future rulemaking hearing.

Essentially, Martenson suggests that a decision not to change the disinfection date which resulted from the 1980 hearings may have been an overly broad response to a narrow problem. Since this Administrative Law Judge acted as the Hearing Examiner in those hearings, he is in a position to comment on the Martenson suggestion. He believes that Martenson is correct.

Without going into all of the details, the Agency did propose that the disinfection date be changed during the 1980 hearings. However, during those hearings, a person did come forward in opposition to the proposed change. His opposition was based upon the fact that whitewater canoers and kayakers would not be protected if the Agency's proposed date change were adopted. This Administrative Law Judge agreed with him, and recommended that the date not be changed. Martenson, in his current comment, points out that protection is only warranted on a limited number of waterways of the State which are actually used for such activities, but that the result of the 1980 hearings was that the protection was extended to all waters. Martenson suggests that not only is this environmentally unsound, but is a waste of money for most of the affected dischargers.

The Agency, in responding to Martenson (MPCA Ex. 65) indicated that it would continue to review this issue. The sole purpose of raising it in this Memorandum is to encourage the Agency along those lines, because Martenson has pointed out that the 1980 hearings did result in an unintended (at least from the point of view of the Hearing Examiner) adverse impact upon dischargers and the environment. Therefore, the Administrative Law Judge urges the Agency to consider the Martenson comment in its next rulemaking proceeding so that this matter can be corrected. It should be possible to determine the few waterways which need early disinfection, so that the remainder of the state's waters can reap the benefits of a later starting date.

In addition, the Agency is urged to collaborate with the Department of Natural Resources to assure that the concerns raised in their general comments (Public Ex. 44B) are given consideration. A number of the concerns raised by the Department appear to be appropriate for adoption, but in a subsequent proceeding so as to avoid the substantial change problem.

A.W.K.

PCA-84-003-AK

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State.

ORDER OF THE
CHIEF ADMINISTRATIVE LAW JUDGE

WHEREAS, hearings were held on April 23, 24, 26, 30, and May 1 and 2, 1984, before Allan W. Klein, a Administrative Law Judge of the Office of Administrative Hearings, on the above-entitled matter in compliance with the rule-making provisions of Minn. Stat. Ch. 14; and

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

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

WHEREAS, the Minnesota Pollution Control Agency has submitted the rules to the Chief Administrative Law Judge for review pursuant to Minn. Stat. §§ 14.16, 14.51, and Minn. Rule 1400.1000, Subp. 1 and 1400.1100; 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 Minnesota Pollution Control Agency has cured the defects in the rule as required.

NOW, THEREFORE, upon receipt of this Order, the Minnesota Pollution Control Agency has the responsibility of submitting the rules adopted to the Revisor of Statutes, and to publish in the State Register and file with the Secretary of State if approved by the Revisor of Statutes.

Dated: September 7th, 1984.

Duane R. Harves

DUANE R. HARVES
Chief Administrative Law Judge

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
400 SUMMIT BANK BUILDING
310 FOURTH AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55415
(612) 341-7600

September 7, 1984

Mr. Alan R. Mitchell
Special Assistant Attorney General
Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113

Re: In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State;
OAH Docket No. PCA-84-003-AK.

Dear Mr. Mitchell:

Enclosed is the Order of the Chief Administrative Law Judge in the above-referenced matter. Also enclosed is the State Register which was included with the documents sent for our review and a highway map of Meeker County which Allan Klein believes is part of the record in this matter. We have retained the copies of the Pollution Control Agency's Order Adopting Rules and Findings of Fact and Conclusions for our records.

Yours very truly,

Duane R. Harves

DUANE R. HARVES
Chief Administrative Law Judge

Telephone: 612/341-7640

sh
Encs.

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for hearing before Allan W. Klein, Administrative Law Judge, on April 23, 1984, in Roseville, Minnesota, after proper notice was served upon all persons, associations, and other interested groups registered with the Minnesota Pollution Control Agency for that purpose. After affording all interested persons an opportunity to present written and oral data, statements and argument, after considering the Statement of Need and Reasonableness and the Report of the Administrative Law Judge and the Report of the Chief Administrative Law Judge, after considering all of the evidence adduced upon the records, files, and proceedings herein, and 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 Administrative Law Judge, as contained in his Report attached hereto, and incorporates them herein by reference, with the following changes:

1. Finding No. 15 at page 5 of the Administrative Law Judge's Report is amended by changing the third sentence to read:

If a new or expanded discharge is permitted, the Agency is to restrict the discharge to the extent necessary ~~to maintain future water quality within the range of natural background water quality~~ to preserve the existing high quality or other special characteristics that make the water an outstanding resource value water. See Finding 32.

2. Finding No. 16 at page 5 of the Administrative Law Judge's Report is amended by changing the words "Such waters" in the second sentence to read "Outstanding resource value waters."

3. Finding No. 21 at page 6 of the Administrative Law Judge's Report is amended by changing the third sentence of the first paragraph to read:

Both the Federal designation and the special state legislative action identified portions of the river for designation (both agreed on the same portions as a result of Federal approval of the Headwaters Board plan).

~~for designation.~~

4. Finding No. 22 at pages 6 and 7 of the Administrative Law Judge's Report is amended by changing the second sentence of the definition of "expanded discharge" to read:

In determining whether an increased loading of one or more pollutants would result from the proposed change in the discharge, the Agency shall compare the loading that ~~results~~ would result from the proposed discharge with the loading allowed by the the Agency at the time these rules take effect."

p.4

5. Finding No. 25 at page 7 of the Administrative Law Judge's Report is amended to delete the word "not" in the last line of the first paragraph.

6. Finding No. 27 at page 8 of the Administrative Law Judge's Report is amended to insert the statutory citation, Minn. Stat. § 116.07, subd. 6 (1982), at the end of the second sentence in the third paragraph.

7. Finding No. 31 at page 10 of the Administrative Law Judge's Report is amended by changing the last sentence of the first paragraph to read:

> But the DNR also commented, urging that the boundaries be expanded to include an additional stretch, the River Bend reach from Franklin to Le Sueur.

8. Finding No. 31 at page 10 of the Administrative Law Judge's Report is amended by changing the second sentence of the second paragraph to read:

> The Agency has chosen to rely upon its evaluation of the waterway, and ~~to vary from the DNR's designation~~ : 1) to not adopt the DNR's recommendation to expand the Outstanding Resource Value water segment to include the Project River Bend segments; and 2) to reject the NSP proposal to exclude the Minnesota River entirely.

9. Finding No. 32 at page 10 of the Administrative Law Judge's Report is amended to add the following:

> The Agency has determined that it is preferable to amend subpart 6 to make it consistent with subpart 7. The next to the last sentence of subpart 6, then, should read:

If a new or expanded discharge to these waters is permitted, the agency shall restrict the discharge ~~as to duration, volume, and loading to the extent necessary to maintain future water quality within the range of natural background.~~ to the extent necessary to preserve the existing high quality, or to preserve the wilderness, scientific, recreational, or other special characteristics that make the water an outstanding resource value water.

10. Finding No. 34, second paragraph, third sentence, at page 11 of the Administrative Law Judge's Report is amended as follows:

The problem of ~~B~~bioaccumulative substances ~~are known~~ is recognized by both the Agency and members of the public, and in any permit proceeding involving them, it would be logical to argue against not only the impact of their discharge upon existing water levels, but also future impacts based upon their known bioaccumulative properties.

11. Finding No. 36 at page 11 of the Administrative Law Judge's Report is amended by deleting the second paragraph in its entirety and by replacing the last two sentences of the first paragraph with the following:

The Agency intends to solicit additional public comment on classifying these additional waters as 1C before making a final determination on the appropriateness of the 1C classification for these waters.

12. Finding No. 40 at page 13 of the Administrative Law Judge's Report is amended to change the word "Department" in the last two sentences to the word "Agency."

13. Finding No. 47 at page 16 of the Administrative Law Judge's Report is amended to change the word "Department" to the word "Agency."

14. Finding No. 50 at page 17 of the Administrative Law Judge's Report is amended to change the third sentence to read:

The Agency explained that there is generally a timing difference between CBOD and NBOD such that they do not ~~occur at the same time~~ individually exert their maximum impact on dissolved oxygen at the same location in the river.

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

CONCLUSIONS

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

2. That the Agency has fulfilled the procedural requirements of Minn. Stat. §§ 14.14, subds. 1 and 1a (Supp. 1983), and subd. 2 (1982), and all other procedural requirements of law or rule.

3. That the Agency 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 (1982), 14.15, subd. 3 (1983 Supp.) and 14.50 (i) and (ii) (1982).

4. That the Agency 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).

5. That the amendments to the proposed rules that have been made since publication of the proposed rules in the State

Register do not result in rules that 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 Minn. Rules Parts 1400.1000 and 1400.1100.

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

Dated this 28th day of August, 1984

MINNESOTA POLLUTION CONTROL AGENCY

Cynthia C Jepsen

CYNTHIA C. JEPSEN
Chairperson

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING
RULE AMENDMENTS AND
REPEALING RULES

I, Thomas J. Kalitowski, do hereby certify that I am the Executive Director 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 28th day of August, 1984, that a quorum was present at said meeting, that a majority of the Board voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

BE IT HEREBY RESOLVED, that the Minnesota Pollution Control Agency approves and adopts the amendments to 6 MCAR §§ 4.8014 and 4.8024 (Minnesota Rules Chapter 7050) published at 8 State Register 2068-2105 with the changes specified in the attached Order Adopting Rules, and repeals 6 MCAR §§ 4.8015 and 4.8025 (Minnesota Rules Chapter 7055), pursuant to the authority vested in the Agency by Minnesota Statutes §§ 116.16 and 115.03 (1982).

BE IT FURTHER RESOLVED, that the Agency adopts the attached Findings of Fact and Conclusions and Order Adopting Rules with an additional amendment to Finding No. 34 of the Administrative Law Judge's Report and that the Chairperson and Executive Director are hereby authorized to execute these documents.

BE IT FURTHER RESOLVED, that the Executive Director shall submit the amended rule to the Attorney General and take such other further action as is necessary to promulgate the rule as amended and is authorized to make any form changes in the rule the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's Certificate as required by Minnesota Statutes § 14.08 (1982).

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of September, 1984.

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

Subscribed and sworn to before me
this 10th day of September, 1984.

Maryanne Gibbons

NOTARY PUBLIC

MARYANNE GIBBONS
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 Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

STATEMENT OF NEED AND REASONABLENESS

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STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revision of 6 MCAR §§ 4.8014 and 4.8024 and Proposed Repeal of 6 MCAR §§ 4.8015 and 4.8025, Relating to the Standards and Classification of Waters of the State

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

6 MCAR §§ 4.8014, 4.8015, 4.8024, and 4.8025 are the rules of the Minnesota Pollution Control Agency (hereinafter "Agency") that establish water quality standards and classifications and that classify all the waters in Minnesota. Generally, 6 MCAR §§ 4.8014 and 4.8024 establish standards and classify all the intrastate waters in the state and 6 MCAR § 4.8015 and 4.8025 establish standards and classify all the interstate waters in the state. The standards and classifications are essentially identical for both intrastate and interstate waters.

Minnesota's water quality rules form the foundation for the State's water quality management process. These rules define the goals for all water bodies consistent with the goal of the Clean Water Act to provide fishable-swimmable waters whenever attainable. Standards are established to protect other beneficial uses as well, such as water for drinking and industrial and agricultural use. Standards provide a measuring stick against which the Agency can assess the quality of the waters and the Agency's progress in cleaning up problem areas.

Water quality standards form the regulatory basis for water quality based treatment controls when technology based effluent limitations are not adequate to protect the receiving stream.

The subjects of this hearing are the proposed amendment of 6 MCAR §§ 4.8014 and 4.8024 and the proposed repeal of 6 MCAR §§ 4.8015 and 4.8025. (These rules are commonly referred to as WPC 14, 15, 24, and 25, and often in this Statement the rules will be referred to by their WPC numbers.) The amendments being proposed would eliminate the distinction between intrastate and interstate waters, change the use classification of certain waters, revise the nondegradation provision, change the five-day biochemical oxygen demand (BOD_5) effluent limitation from total BOD_5 to carbonaceous BOD_5, change the pH effluent limitation range from 6.5-8.5 to 6.0-9.0, and accomplish a number of minor changes and corrections.

The Agency's statutory authority to adopt water quality standards and classifications and to classify waters of the state is found in Minn. Stat. § 115.03, particularly subdivisions 1(b) and 1(c) of that statute, which authorize the Agency to make classifications of the waters of the state and to establish pollution standards, and Minn. Stat. § 115.44, which authorizes the Agency to "group the designated waters of the state into classes, and adopt classifications and standards of purity and quality therefor."

On January 24, 1984, the Minnesota Pollution Control Agency Board authorized a public hearing on proposed amendments to

6 MCAR §§ 4.8014 and 4.8024 and on the proposed repeal of 6 MCAR §§ 4.8015 and 4.8025. The hearing begins on April 23, 1984, and will be conducted by Hearing Examiner Allan Klein.

The State Revisor's Office is presently in the process of revising the existing MCAR system of rule codification. Under the new system, which will be called Minnesota Rules, all state rules will be codified under an eight digit numbering system. Under the new numbering system, 6 MCAR §§ 4.8014 and 4.8024 (intrastate waters) will be codified as Minnesota Rules Chapter 7050 and 6 MCAR §§ 4.8015 and 4.8025 (interstate waters) will be codified as Minnesota Rules Chapter 7055. Since 6 MCAR §§ 4.8015 and 4.8025 are proposed to be repealed, there will be no Minnesota Rules Chapter 7055 if the repeal takes place. Exhibit 15 compares the old numbering system with the new system. For this hearing the rules and the proposed amendments have been published in the State Register under the new numbering system, i.e., as Minnesota Rules Chapter 7050, because the new codification is scheduled to be in effect by the time these amendments are promulgated.

This statement contains the Agency's affirmative presentation of facts on the need for and reasonableness of the proposed amendments. The reasonableness of the major topic areas, specifically nondegradation, the classification changes, effluent limitation changes, and the elimination of the distinction between intra and interstate waters, are discussed separately. Other changes are discussed in the order they appear in the rules.

II. NEED FOR AMENDMENTS

The Agency has administered the water quality program under the existing rules since 1981 and many requirements have been in effect for a much longer period of time than that. The water quality standards were first adopted in 1967. It is unavoidable that periodically the rules have to be changed to reflect the present state of affairs. Technology changes, knowledge is gained, programs become obsolete, and all these indicate that rule revisions are needed.

For example, there no longer is any reason to maintain a distinction between intrastate and interstate waters. Also, present thinking is that carbonaceous BOD_5 is a better indicator of effluent quality with respect to organic matter than total BOD_5. Further, new information has been gathered on trout waters and waters that may fit the Class 7 category. In some cases, the Agency learns from its experience that certain provisions of its rules should be clarified. Here, revision of the nondegradation policy will be helpful.

The Clean Water Act requires the states to review and revise their water quality standards at least once every three years. 33 U.S.C. § 1313(c). Congress recognized that a periodic review of water quality standards was adviseable. The Agency last adopted amendments to its water quality rules in early 1981 so another review of the rules is appropriate.

On December 29, 1981, the "Municipal Wastewater Treatment Construction Grant Amendments of 1981" were enacted into law. P.L. 97-117 (Exhibit 17). Section 24 of the Amendments requires states to review and revise their water quality standards within three years of the date of enactment of the amendments, which will be December 29, 1984, or face the risk of having Title II grant funds cut off by EPA. Title II grant funds are federal monies for the construction of municipal wastewater treatment projects, so the sanction could be a severe one for states that fail to meet the deadline.

In an effort to meet the federal requirement, the Agency has over the past year or more, been reviewing its water quality standards, and for the reasons explained in this Statement, determined that the proposed revisions are warranted. In determining what revisions to propose, the Agency solicited outside opinion with a notice in the State Register to such effect on October 24, 1983. Exhibit 9. The public was asked to submit its views on proposed revisions to state water quality standards by December 2, 1983. Only one comment was received, that of Citizens for a Better Environment. Exhibit 10 The Metropolitan Waste Control Commission submitted comments on January 9, 1984. See Exhibit 11. The Agency accommodated the MWCC on one of the changes it proposed, recognized that some of the Commission's suggestions were already a part of this hearing, but determined that other more major requests by the Commission were not amendments the Agency would propose at this time.

On March 6, 1984, in response to a formal rulemaking petition from the MWCC, the MPCA Board passed a resolution declining to go to rulemaking on the MWCC's requests and more clearly specifying the scope of this hearing. A copy of the Board's March 6 resolution is in the record as Exhibit 14.

The EPA has not adopted any regulations or guidelines on just how states must solicit public opinion on proposed revisions to state water quality standards. The process followed here is similar to how Minnesota has reviewed its water quality standards in past years, with EPA approval. The MPCA staff has not received any objections from EPA on the procedures employed here. Moreover, water quality standard revision is a dynamic process. It is ongoing at all times. Just because a particular provision is not up for revision at this time does not mean that it can not be considered at a later time in another rulemaking hearing, or in another forum.

The Agency has determined the revisions to its rules that it thinks are needed at this time. These revisions will satisfy the federal requirement when they are submitted before December 29, 1984. In the section that follows the Agency discusses its reasons for proposing these revisions.

III. REASONABLENESS OF THE AMENDMENTS

This section describes the Agency's reasons for suggesting the changes in the rules the Agency is proposing to make. The major proposed changes in the rules -- nondegradation, reclassification of some waters, changes in certain effluent

limitations, elimination of intrastate/interstate distinction -- are discussed under major headings below, and then other more minor changes are discussed in the order they appear in the rules.

One general note should be mentioned here. While 6 MCAR § 4.8024 is shown in the State Register as being repealed and Minn. Rules Parts 7050.0400-7050.0480 are shown as all new material, the rule is not being changed as significantly as the repeal language might indicate. Most of 6 MCAR § 4.8024 is simply being recodified in Chapter 7050. It was easier to publish the new rule in the State Register with the new codification system as an entirely new rule. But most of the classification of state waters remains the same. Those changes in classification that are being proposed are discussed separately below.

Some formatting and editorial changes are the result of changes made by the Revisor's Office. In addition, some typographical errors in the current rules have been corrected.

A. Nondegradation Policy -- Part 7050.0180

1. Part 7050.0180 Subpart 1 -- Policy.

The Agency first adopted a nondegradation policy in 1973. See WPC 14 A.8. and WPC 15 A.8. That policy was based, as it was in other states with similar provisions in their water quality rules, on a federal nondegradation policy issued by Secretary of the Interior Stewart Udall in 1968. The federal policy is quoted below:

> Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality. These and other waters of a State will not be lowered in quality unless and until it has been affirmatively demonstrated to the State water pollution control agency and the Department of the Interior that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in, such water. This will require that any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology, and, since these are also Federal standards, these water treatment requirements will be developed cooperatively.

Exhibit 18 at p. 1. The nondegradation guidance established by EPA, 40 C.F.R. 35.1550(e) (1982), also follows the Udall declaration with the important addition of a statement on the protection of outstanding National resource waters.

The nondegradation policy provides that with high quality waters, it is not enough to just meet water quality standards; the high, natural quality of the water must be protected. The maintenance of water quality standards, non-point source controls, effluent limitations, and other discharge requirements still remains the primary means of protecting beneficial uses of surface waters in general. But there are waters for which this level of protection is not enough.

The Agency has administered a nondegradation policy for more than ten years now. The difficulties experienced with the policy are two: (1) identifying waters that are of such special or unique quality that their natural state must be protected; and (2) establishing restrictions on discharges to these waters such

that their quality is protected. The changes in the nondegradation policy proposed here are intended to address these two issues.

On November 8, 1983, the EPA promulgated a new water quality standards regulation that included new guidance on development of an antidegradation (same as nondegradation) policy by the states. 48 Fed. Reg. 51400-51413 (Exhibit 16). The new regulation will be codified as 40 C.F.R. § 131.12. The new federal regulation retains the language relating to special protection of outstanding National resource waters. 40 C.F.R. § 131.12(a)(3). Outstanding National Resource waters are defined as waters "such as waters of National and State Parks and wildlife refuges and waters of exceptional recreational or ecological significance". 40 C.F.R. § 131.12. This language was also in the old federal regulation on nondegradation. 40 C.F.R. § 35.1550(e)(2) (1982).

The Agency's proposed new nondegradation provision is in harmony with the new federal regulation. Subpart 1 merely describes the State's nondegradation policy. The following subparts more specifically implement the policy.

2. Part 7050.0180 Subpart 2 -- Definitions

There are three terms defined in this Subpart -- "outstanding resource value waters", "new discharge", and "expanded discharge" -- which are important for use in the substantive provisions of the rule. We discuss each below.

a. 7050.0180 Subpart 2A -- Outstanding Resource Value Waters

At the outset in discussing the definition of "outstanding resource value waters," it should be mentioned that the Agency just recently adopted a definition for Outstanding Resource Value Waters in 6 MCAR § 4.8034, the state's construction grant rule. All the waters included in the construction grant rule definition are included in this definition, but the definition here also includes additional waters. Although the definitions are different, the Agency does not anticipate any difficulties in administering the two rules. And it is preferable to use the phrase "outstanding resource value waters" in the nondegradation provisions of this rule, even though it is already used in WPC 34, because that is the phrase used by EPA in its nondegradation regulations. 40 C.F.R. § 131.12.

The Agency has defined outstanding resource value waters to include the following:

1. Waters in the Boundary Waters Canoe Area Wilderness
2. Waters in Voyageur's National Park
3. Waters in Department of Natural Resources (MDNR) Scientific and Natural Areas
4. State or Federal Wild, Scenic, or Recreational River Segments
5. Mississippi River from Lake Itasca to the southerly Boundary of Morrison County
6. Lake Superior
7. Unlisted Waters of Special Quality

The reason(s) for including each of these waters or groups of waters will be briefly discussed.

WATERS WITHIN THE BOUNDARY WATERS CANOE AREA WILDERNESS

The Boundary Waters Canoe Area Wilderness (BWCAW) is a one million acre forest wilderness area within the Superior National Forest. Public law 95-495 protects and maintains the area for public enjoyment (Exhibit 20). Wilderness is by definition an area that is affected primarily by the forces of nature without permanent intrusion by man. Any lingering evidence of human presence detracts from the "wilderness" quality that people seek in the BWCAW. Even the campers in the Superior National Forest auto campgrounds (outside the BWCAW) interviewed in 1968 by U.S. Forest Service staff listed wilderness and peace and quiet, and lack of crowdedness as their second and third most important reasons (fishing was first) for camping in the Superior National Forest. Exhibit 21.

Much of the surface water in the BWCAW is not only pristine because of the lack of human development but is of very high quality because of the geology of the area. The glacial till soil is very thin or absent in many areas exposing a bedrock very resistent to weathering. Thus, the watersheds contribute only small quantities of dissolved materials and nutrients to the area's lakes and streams. Because maintenance of these waters in their natural, and usually very high quality, condition is vital to the wilderness characteristics, the waters in the BWCAW are being designated as outstanding resource value waters.

The borders of the BWCAW bisect some lakes. In general, if half or more of a border lake is inside the BWCAW, it is

designated an outstanding resource value water and is specifically listed in Part 7050.0470. The current BWCAW boundaries are shown in Exhibit 19.

WATERS WITHIN VOYAGEUR'S NATIONAL PARK

Voyageur's National Park is located northwest of the BWCAW along the U.S.-Canada border east of International Falls. The Park encompasses 219,400 acres; 80,182 acres (36.5%) of which is water. The landscape of the Park is similar to the BWCAW, i.e., miles of rock-shored interconnecting waterways and deep coniferous forests. The site is along the historic route of the voyageurs. Park development will be primitive in nature to maintain the fragile resources in this natural state. As with the BWCAW the waters in this national resource are only minimally impacted by man and are of a general high quality. The waters should be maintained in their natural condition because they are a major part of what gives the Park its national significance. Therefore, the waters within Voyageur's National Park are proposed outstanding resource value waters. See Exhibit 22.

Waters within National parks and wilderness areas are exactly the kind of waters that EPA would consider to be outstanding national resource value waters. 40 C.F.R. § 131.12. Therefore, that is an additional reason to include waters within Voyageur's National Park and the Boundary Waters are outstanding resource value waters for state purposes.

WATERS WITHIN DNR SCIENTIFIC AND NATURAL AREAS

In 1969 the legislature authorized the Minnesota Department of Natural Resources to acquire lands suitable for designation as

scientific and natural areas. Minn. Laws 1969, ch. 470. Minn. Stat. § 84.033 (1982). Scientific and natural areas (SNAs) are those areas that possess exceptional scientific or educational value with respect to various natural features. See Minn. Stat. § 86A.05, subd. 5(a) and (b) (1982). To be designated each site must possess outstanding natural features of statewide significance such as unusual landforms, rare and endangered plant and animal communities, or other features of scientific and educational value. Exhibit 23. Most SNAs are only a few hundred acres in size and many consist of tracks of virgin prairie or forests with no surface waters. The DNR is to manage these areas to preserve, perpetuate, and protect from unnatural influences the scientific and educational resources within them. Minn. Stat. § 86A.05, subd. 5(c) (1982).

The DNR has designated a number of scientific and natural areas, but only those that include or border significant surface waters that are an integral part of the area being preserved are listed in the rule. The restriction on discharges would apply in all scientific and natural areas but since some of these areas do not have significant water areas, the Agency did not think it was necessary to list them in the rule. The areas that are listed as outstanding resource value waters in Subpart 4 of Part 7050.0180 are listed below, with a citation to an exhibit that explains further about the area.

1. Boot Lake, Anoka County, Exhibit 24.

2. Kettle River in section 15, 22, 24, T 41 N, R 20, Pine County, Exhibit 25.

3. Pennington Bog, Beltrami County, Exhibit 26.

4. Purvis Lake-Ober Foundation, St. Louis County, Exhibit 27.

5. Waters within the borders of Itasca Wilderness Sanctuary, Clearwater County, Exhibit 28.

6. Iron Spring Bog, Clearwater County, Exhibit 29.

7. Wolsfeld Woods, Hennepin County, Exhibit 30.

8. Green Water Lake, Becker County, Exhibit 31.

We point out here that while the waters in some of these scientific and natural areas may not be of high quality in the traditional sense, they deserve nondegradation protection because it is the preservation of the waters' natural quality that is important. If the quality of the water were to be altered from its natural condition, the area could lose much of its scientific and educational value.

WILD, SCENIC, AND RECREATIONAL RIVERS

Both the federal and state governments have passed legislation to protect the character of certain outstanding rivers. The federal law was passed in 1968 and provides for the institution of a national wild and scenic rivers system. P.L. 90-542, 16 U.S.C. §§ 1271-1287.

The Minnesota legislature enacted the Wild and Scenic Rivers Act in 1973. Minn. Laws 1973, ch. 271. Minn. Stat. §§ 104.31-104.40 (1982). The purpose of this legislation is to preserve and protect certain Minnesota rivers and their adjacent lands because they possess "outstanding, scenic, recreational, natural, historical, scientific and similar values". The Act further directs all state and other governmental units to further

the purpose of this Act and the management plans adopted by the Commissioner of the MDNR. Minn. Stat. § 104.35 (1982). The Act established three categories of rivers: wild, scenic, and recreational, and provides criteria for each category. Wild rivers are those "that exist in a free-flowing state, with excellent water quality and with adjacent lands that are essentially primitive." Minn. Stat. § 104.33, subd. 2a (1982). Scenic rivers are defined as rivers "that exist in a free-flowing state and with adjacent lands that are largely undeveloped." Minn. Stat. § 104.33, subd. 2(b) (1982). Recreational rivers are defined as rivers "that may have undergone some impoundment or diversion in the past and may have adjacent lands that are considerably developed but that are still capable of being managed so as to further the purposes of the [Act]." Minn. Stat. § 104.33, subd. 2(c) (1982). Also see Exhibit 32.

The only Minnesota river to have received designation under the federal statute is the St. Croix River. In 1968 Congress designated the St. Croix River north of Taylors Falls as a National Scenic Riverway and in 1972 the lower St. Croix from near O'Brien State Park to its mouth was designated as a recreational river segment. The St. Croix is well known as a canoeing and kayaking river. Its upper reaches offer a near wilderness canoeing experience with little evidence of man's presence, and the reach between Taylors Falls and Stillwater offers ideal family canoeing and boating. The stretch from Stillwater to Hastings is a very popular recreational water. The water quality of the St. Croix is generally excellent. Because of its National recognition as an outstanding recreational

resource, the St. Croix is a proposed outstanding resource value water. The St. Croix is specifically listed as a scenic and recreational river in Subpart 6 of the rule.

To date two river segments have been designated as "wild" under the state statute. These are the Kettle River from the dam in Sandstone to its confluence with the St. Croix River, and the Rum River between lakes Ogechie and Onamia. These segments are proposed to be designated as outstanding resource value waters and are specifically listed in Subpart 4 of the rule.

The Agency has also proposed to identify in the rule the rivers that have been designated by the State as scenic or recreational rivers. There are presently six of these, and they are identified in Subpart 6B-6G of the rule. These six rivers or river segments are:

1. Cannon River -- from northern city limits of Faribault to its confluence with the Mississippi River
2. North Fork of the Crow River -- from Lake Koronis outlet to Meeker -- Wright county line
3. Kettle River -- from north Pine County line to dam at Sandstone
4. Minnesota River -- from Lac qui Parle dam to Redwood County state aid highway 11
5. Mississippi River -- from county state aid highway 7 Bridge in St. Cloud to northwestern city limits of Anoka
6. Rum River -- from state highway 27 bridge in Onamia to Madison and Rice Streets in Anoka

These segments have been selected for such designation by the DNR through a process that includes public input from any interested or affected party. The Agency proposes to designate these rivers or river segments as outstanding resource value

waters in recognition of their inclusion in the wild and scenic rivers program and to further the purposes of the Wild and Scenic Rivers Act.

LAKE SUPERIOR

Lake Superior is unique among the Lawrencian Great Lakes. The fact that it is at the headwaters of the St. Lawrence watershed and its shores are sparcely populated have resulted in the lake remaining in its original oligotrophic (nutrient poor) condition. However, in spite of its large size, Lake Superior is more vulnerable to anthropogenic pollution than most lakes. The water in Lake Superior has a very long retention time; it would take about 180 years to completely replace the water currently in the lake basin. For comparison, Lake Huron has a retention time of 22 years. More significant, however, is that about 400 years would be needed to replace or remove 90 percent of a dissolved substance from the lake. Thus, once contaminated, the lake will remain contaminated for a very long time. Exhibit 33.

Lake Superior is well known for its cool temperatures and generally excellent water quality. It is important to preserve this outstanding water resource in its present condition. Also, Minnesota has an obligation as one of the stewards of this large but fragile headwater lake not to degrade its waters for "downstream" users. This is consistent with the goals of the United States-Canada International Joint Commission for the Great Lakes. The Commission has recommended that "the governments

adopt as policy for Lake Huron and Lake Superior the philosophy of nondegradation proposed by the Commission" (Exhibit 33).

PORTION OF MISSISSIPPI RIVER

In 1981 the Minnesota legislature enacted legislation that established an eight county board to prepare, adopt, and implement a comprehensive land use plan for the Mississippi River headwaters. Minn. Laws 1981, ch. 246. Minn. Stat. ch. 114B (1982). In the Act the legislature found that "the Mississippi River from its outlet at Lake Itasca, Clearwater County, to the southerly boundary of Morrison County, Minnesota, possesses outstanding and unique natural, scientific, historical, recreational and cultural values deserving of protection and enhancement." Minn. Stat. § 114B.01(a) (1982). In this respect this legislation is similar in its intent to the Wild and Scenic Rivers Act except that the management plan is implemented by an eight county board rather than by the state. In fact, the Mississippi River Headwaters Act says that if any of the eight counties fail to comply with the terms of the Act, then the portion of the river in that county will be designated a wild, scenic, or recreational river under Minn. Stat. § 104.35, sub. 4 (1982). Minn. Laws 1981, ch. 246, § 8. The reach of the Mississippi River covered by this Act, the outlet of Lake Itasca to the southerly border of Morrison County, is a reach of about 420 river miles. Because the purpose and goals of the legislation covering this reach of river are similar to those of the Wild, Scenic, and Recreational Rivers Act, and because of the provisions of Section 8 of the Act, the Agency proposes this reach as an outstanding resource value water.

UNLISTED WATERS OF SPECIAL QUALITY

Minnesota is fortunate to have many high quality waters including many lakes and streams that provide excellent recreational opportunities. It would be impossible to evaluate all waters of the state as part of this rulemaking process to determine all those that possess outstanding resource value. But by including in the rule a general definition of the phrase "outstanding resource value waters", other waters that are at a later time determined to possess the characteristics of an outstanding resource value water, can still be afforded the extra protection such waters deserve. We discuss below under Subpart 7 of the rule, the procedure whereby such additional waters can be classified outstanding resource value waters.

b. Part 7050.0180 Subpart 2B -- New Discharge

The definition proposed for "new discharge" is self-explanatory. It is important to include this definition to clarify that discharges into outstanding resource value waters that are ongoing on the day this new nondegradation policy takes effect will be grandfathered in and will be permitted to continue.

c. Part 7050.0180 Subpart 2C -- Expanded Discharge

This definition, also, is self-explanatory. It is important to identify what an expanded discharge is because of the restrictions placed on expanded discharges to outstanding resource value waters. The definition clarifies that a discharge that changes in some way but results in a reduced loading of pollutants, is

not an expanded discharge. The Agency does not want to discourage reduced loadings of pollutants so this language is included.

3. Part 7050.0180 Subpart 3 -- Prohibited Discharges

Subpart 3 starts the substantive provisions of the state's nondegradation policy. What this subpart provides is that new and expanded discharges to certain outstanding resource value waters are absolutely prohibited. The Agency has determined that it is good public policy to declare that discharges of sewage or other wastes to certain waters of this state will not be allowed. Those waters are waters within the Boundary Waters Canoe Area Wilderness, waters within Voyageurs National Park, waters within DNR designated scientific and natural areas, and federal or state wild rivers, which presently include a stretch of the Kettle River and a stretch of the Rum River. We have already described in our discussion under Subpart 2 the pristine character of these areas and waters that merit this strict protection.

4. Part 7050.0180 Subpart 6 -- Restricted Discharges

Subpart 6 recognizes that for other identified outstanding resource value waters -- Lake Superior, the Mississippi River from Lake Itasca to the southerly border of Morrison County, and scenic and recreational rivers -- new or expanded discharges will be prohibited unless there is no feasible and prudent alternative to the discharge. If there is no feasible and prudent alternative, the discharge will be permitted but it will be restricted to protect the natural water quality of the receiving water to the extent possible.

The term "feasible and prudent" is one that is well known in environmental statutes. The phrase appears in both the Minnesota Environmental Rights Act, Minn. Stat. § 116B.09, subd. 2 (1982), and in the Minnesota Environmental Policy Act, Minn. Stat. § 116D.04, subd. 6 (1982).

The Metropolitan Waste Control Commission has requested that the following language be added to Subpart 6: "The fact that an alternative would be substantially more costly than a proposed discharge is evidence that the alternative is not prudent and feasible." Exhibit 11 at p. 4. The Commission is concerned that Subpart 6 of the rule will restrict expanded discharges from its Bayport and Stillwater treatment plants to the St. Croix River.

The Agency does not intend to include the Commission's suggested sentence in the rule. Costs will be a factor in evaluating alternatives to expanded discharges to the St. Croix River and other specified outstanding resource value waters, but costs are only one of many factors to be considered. Putting the Commission's language in the rule would elevate the cost factor above other important factors. Costs are not to be balanced against other factors. Protection of the outstanding resource value water will be of prime importance and it is only in unique and exceptional circumstances will a new or expanded discharge be allowed. The courts have already made that clear.

In Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402 (1971), a case involving the construction of a highway through a parkland, the U.S. Supreme Court directly rejected the argument

that a "feasible and prudent" test required a balancing of a wide range of competing interests. The Supreme Court said:

> But no such wide-ranging endeavor was intended. It is obvious that in most cases considerations of cost, directness of route, and community disruption will indicate that parkland should be used for highway construction whenever possible
> . . .
>
> Congress clearly did not intend that cost and disruption of the community were to be ignored by the Secretary. But the very existence of the statutes indicates that protection of parkland was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost of community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that alternative routes present unique problems.

401 U.S. at 411.

The Minnesota Supreme Court has specifically adopted the Overton Park language. In County of Freeborn v. Bryson, 243 N.W.2d. 316 (1976), the Minnesota Court said:

> The purpose and language of the Federal statute and our [Minnesota Environmental Rights] Act are substantially the same. Therefore, we follow the decision of the United States Supreme Court and give our statute a similar construction. [Citation omitted.]
>
> As here applied, this construction means that, in the absence of unusual or extraordinary factors, the trial court must enjoin environmentally destructive conduct if a feasible and prudent alternative is shown.

243 N.W. 2d at 321.

Moreover, both the Minnesota Environmental Policy Act and the Minnesota Environmental Rights Act provide that "economic considerations alone will not justify [pollution, impairment, or destruction of the State's natural resources.]." Minn. Stat. §§ 116D.04, subd. 6 and 116B.09, subd. 2 (1982).

Therefore, the Agency declines to include the Commission's suggested language in the rule. It is only in those situations where there are unusual or extraordinary factors will a discharge to Lake Superior, the upper reaches of the Mississippi, and scenic and recreational rivers be permitted.

5. Part 7050.0180 Subpart 7 -- Unlisted Outstanding Resource Value Waters

Minnesota is fortunate to have many high quality waters including many lakes and streams that provide excellent recreational opportunities. Some of these waters meet the criteria in the general definition of outstanding resource value water in Subpart 2 but are not listed by name in the rule. It would be impossible as part of this rulemaking hearing to conduct an investigation of every water in the State to determine if it is an outstanding resource value water. But as these waters are evaluated in the future, because a new discharge is proposed, or because it comes to the Agency's attention for some other reason, this Subpart 7 recognizes that the Agency will afford such waters the protection of nondegradation policy.

Discharges to newly identified outstanding resource value waters will be restricted, and prohibited if necessary, to preserve the high quality of the water and its other characteristics that make it of outstanding resource value. It is impossible to know whether and under what conditions a discharge will be permitted, when the water hasn't even been identified yet, but as is discussed under Subpart 8 below, there will be an opportunity for a public hearing before these

decisions are made. When considering a possible discharge to these waters, factors such as the types of pollutants to be discharged, the physical and biological characteristics of the receiving water, the range of natural background concentrations of the pollutants (if any), and the amount of dilution provided by the receiving water will be assessed. Ultimately the Agency and the affected parties (in a public hearing if necessary) must determine if a discharge and the resulting measured increment of degredation or change in water quality would adversely affect the reasons the particular water was designated an outstanding resource value water.

6. Part 7050.0180 Subpart 8 -- Public Hearing

This subpart is a procedural rule. It provides a mechanism for identifying and establishing additional outstanding resource value waters, for determining the existence or lack of feasible and prudent alternatives, and for determining effluent limits and other restrictions on new and expanded discharges that are permitted to outstanding resource value waters.

The mechanism to be used in making these decisions is the opportunity for a public hearing. Persons affected by Agency decisions regarding discharges to outstanding resource value waters will be afforded an opportunity for a public hearing. If a hearing is held, it could be a rulemaking hearing -- to amend the rule -- or a contested hearing -- to determine whether a permit should be granted, for example.

Subpart 7 is included in the rule to clarify that persons will have an opportunity to be heard on these important questions before the Agency reaches a decision.

7. Part 7050.0180 Subpart 9 -- Impact from Upstream Discharges

A discharge to a water that is not an outstanding resource value water could still have an impact on a downstream outstanding resource value water. For example, a discharge to a stream that runs into the Boundary Waters could have an impact on the quality of that water or other waters within the BWCAW. This provision of the rule is intended to provide that the Agency will evaluate the impact of a new or expanded discharge to a water that flows into a downstream outstanding resource value water. The discharge is not prohibited, but the Agency may restrict the discharge if necessary to assure that the quality of the downstream outstanding resource value water is not deteriorated.

8. Part 7050.0180 Subpart 10 -- Thermal Discharges

This subpart tracks the provision in the federal regulation that the antidegradation policy shall be consistent with section 316 of the Clean Water Act where water quality may be impaired by a thermal discharge. 40 C.F.R. § 131.12(a)(4). Section 316 relates to the setting of effluent limits to restrict the temperature of certain discharges. Subpart 10 of this rule clarifies that temperature restrictions for discharges to outstanding resource value waters will be set under Section 316 and not under the nondegradation provisions in 7050.0180. The Agency agrees with EPA that if a discharge is to be permitted to

an outstanding resource value water, that the provisions of Section 316 are adequate to address the question of temperature restriction.

9. Impact of Nondegradation Policy

The above discussion describes what the language in Part 7050.0180 means. This discussion addresses the issue of what the impact of the nondegradation policy will be.

There presently are no direct discharges to any of the waters listed in Subpart 3 to which new and expanded discharges are prohibited, although Sandstone discharges to a small creek just a short distance from the Kettle River which has been designated a wild river. It is impossible to estimate what the economic impacts of this provision will be because there is no way of knowing at this time who might propose a discharge to a prohibited water, or what the discharge might be, or what the increased costs of alternatives to the discharge would be. Since there are no existing discharges to any of these waters, and these waters have been afforded protection and special designation by federal and state governments, it is entirely possible that no discharges will be proposed to these waters. The adoption of this nondegradation policy and provisions is further notice that these waters have special characteristics that are to be preserved.

There are a number of municipalities and industries that discharge to Lake Superior and the upper reaches of the Mississippi River and to the scenic and recreational rivers

specified in Subpart 6. These municipalities and industries are listed in Exhibits 35 and 36 respectively. There are also a few municipalities that discharge to tributaries of some of these outstanding resource value waters. These are the municipalities listed in Exhibit 35 as having an indirect impact on an outstanding natural resource value water.

It is important to emphasize that all these existing discharges will be grandfathered in, and nothing in this nondegradation policy will require these municipalities and industries to improve, or move, or change in any way, their existing discharges. Also, it is the Agency's intent under the definition of "expanded discharge" to grandfather in these existing discharges at their design loadings, not just at their actual loadings. The design loading is determined by multiplying the design flow times the effluent limitations for biochemical oxygen demand and total suspended solids (30-day average) and for any other parameter restricted in the discharger's permit. These loadings are based on design plant flows that will accommodate projected population growth and possible industrial expansion to about the year 2000. The current loadings from many municipal discharges are considerably below their design loading levels because the 20-year design life of wastewater treatment plants allows for growth. This gives the communities considerable time to plan for treatment options if and when design loadings are exceeded.

Loadings from industrial dischargers will be grandfathered in as well. Industrial loadings will be determined from the

discharge flows and permitted effluent limitations in the respective National Pollutant Discharge Elimination System (NPDES) Permits in effect when these rule amendments are promulgated.

The Agency does not believe that grandfathering in these communities up to their design limits will jeopardize the quality or unique characteristics of the outstanding resource value water even if the discharge should increase up to design limits. The flows from many of the communities listed in Exhibit 35 are quite small compared to the flow of the river. The same is true with the industrial discharges, and moreover, the industrial discharges are for the most part noncontact cooling water and runoff.

It is difficult to estimate costs that could be incurred if one of these communities or industries in Exhibits 35 and 36 were to expand its discharge beyond its grandfathered in design limits. The costs are difficult to estimate because it is unknown whether the discharger would have to implement a feasible and prudent alternative to discharging to the outstanding resource value water, nor do we know what that alternative would be.

One method to estimate costs, however, is to assume that the discharger would attempt to avoid falling under the definition of "expanded discharge" by reducing the loading of pollutants in the new discharge. If loading is maintained below the grandfathered level, the discharge would not be an "expanded discharge" by definition, and the discharge could be permitted without the need to evaluate alternatives under Subpart 6.

The Agency has developed three hypothetical examples to illustrate how costs might be incurred in the future when additional treatment is needed to maintain loadings below the grandfathered in amount. The communities of Duluth (WLSSD), Sandstone, and Faribault are used in these examples. It should be noted that all three of these communities discharge upstream of the proposed outstanding resource value water. For these examples it is assumed that the discharges are large enough in volume relative to the available dilution of the receiving stream to impact the outstanding resource value water if loading increased above the grandfathered amount. Under Part 7050.0180, Subpart 9, their discharges would have to be restricted to protect the downstream outstanding resource value water.

DULUTH (WLSSD)

The Western Lake Superior Sanitary District (WLSSD) treatment facility in Duluth discharges to the lower St. Louis River which flows into Lake Superior, an outstanding resource value water. The design flow for the system is 43 million gallons per day (MGD). Their present standard is 25 mg/l BOD_5, 30 mg/l Total Suspended Solids (TSS), and 1 mg/l phosphorus. The monitoring reports for the first 10 months of 1982 indicate that the treatment plant is meeting approximately 6 mg/l of BOD_5 and 5 mg/l of TSS. Their overall phosphorus effluent is averaging approximately 0.84 mg/l.

Using a standard phosphorus level of 1 mg/l at a design flow of 43 MGD would result in a loading of 358.6 lbs/day (43 MGD x 8.34 x 1 mg/l). (The 8.34 is a conversion factor to convert to pounds per day.) Assume a new industry moves into Duluth with high hydraulic flow and average organic loading bringing the hydraulic flow up to 47.5 MGD. This would result in a phosphorus loading of 396.2 lbs/day (47.5 x 8.34 x 1). In an effort to maintain a required phosphorus loading of 358.6 lbs/day of phosphorus, the concentration would have to be reduced to 0.9 mg/l (358.6/396.2 x 1 mg/l). No evaluation is made of the BOD and TSS since WLSSD's present discharge is far below the required 25/30 respectively.

In evaluating this cost increase the following assumptions were made:

1. The present plant is capable of meeting its standards without any major plant revisions with the exception of providing additional alum for more effective phosphorus removal.

2. The infiltration and/or inflow problem with the existing plant will still remain controllable without any major upsets to the plant.

3. It is noted that at present the plant is providing something less than 1 mg/l phosphorus without using alum. It is assumed that this is due to the nature of the industrial contributions. For ease in cost calculations this is not used as a consideration. The additional phosphorus removal cost is calculated by estimating the need for additional alum and the additional Operation and Maintenance costs between a 43 MGD versus 47.5 MGD system.

Using the EPA "Innovative and Alternative Technology Assessment Manual" dated February, 1980, Exhibit 37, estimates can be made of the increased costs of treatment. Using the EPA

Manual, and revising the September, 1976 costs in the manual to December, 1983, and increasing capital costs by 66% based on the Engineering News Record Construction Cost Index, and increasing operating and maintenance costs by 75% based on the EPA OMR Index, all to reflect more recent costs, the cost to WLSSD to remove more phosphorus is shown in the following table. It is noted that the capital cost index was only used for Faribault and the O&M index was used for both Duluth and Faribault.

DULUTH (WLSSD)

Based on Present Plant Size of 43 MGD followed by Increased Flow to 47.5 MGD.

Annual O&M Costs		43 MGD	47.5 MGD
(1A Manual Pg. 5.1.1.)	Labor	$ 52,000	$ 60,000
	Chemicals	$800,000	$ 980,000
	Materials	$ 8,000	$ 10,000
	Power	$ 10,000	$ 12,000
	Sub total	$870,000	$1,062,000
			-$ 870,000
			$ 192,000
Inflation Index 9/76 to 12/83			1.75
		TOTAL	$ 336,000

Phosphorus effluent reports for many communities in the state using alum indicate that the average result is somewhat below the 1 mg/l standard. Therefore it appears that the estimated costs may be on the high side.

SANDSTONE

Sandstone discharges to a small creek tributary to the Kettle River reach that is a state designated wild river segment. The year 2000 design flow for Sandstone is .334 MGD and the city's existing 1983 average flows according to monitoring reports is

.279 MGD. Sandstone's BOD_5 loading is 69.6 lbs/day (0.334 MGD x 25 mg/l x 8.34). The TSS is 83.6 lbs/day (0.334 MGD x 30 mg/l x 8.34).

It is assumed a new industry moves into Sandstone with normal domestic organic loading and .154 MGD hydraulic flow. This results in a total flow of .154 + .279 = .433 MGD and in a BOD_5 loading to the Kettle River, after secondary treatment, of 90.3 lbs/day (0.433 x 25 x 8.34). This would exceed the fixed limitation by 20.7 lbs/day BOD_5.

In order to handle the additional flow above the capacity of the existing plant, the city could propose to build an addition to the stabilization pond. The cost of additional pond capacity is not a cost that can be attributed to the nondegradation policy since this change would be necessary just to meet the water quality standards with the additional flow. But we can assume that additional treatment with alum addition could be needed to meet the more restrictive effluent limits (69.6/90.3 x 25 mg/l = 19.3 mg/l BOD_5). A bigger pond to provide longer detention time was not considered a possible treatment technique because longer detention time could also increase solids content from increased algae growth.

In order to add the alum to the pond the city would have to buy a boat and motor and provide other facilities. The Agency projects that the costs to Sandstone in the hypothetical above would be about $120,000 in capital costs and about $5,600 in annual O&M costs. A table similar to the one for Duluth is shown in Exhibit 38. The costs used were taken from bids and estimates received from an

active project of comparable size. The costs were recent and therefore no Inflation Index was used.

Also, a review of the 1976-1977 Minnesota Stabilization Pond Discharge Summary indicates that 76% of stabilization pond discharges throughout the state (202 out of 265) for those two years were below 15 mg/l BOD_5. Based on this information it would be expected that the use of alum would be needed very seldom if at all. Thus, the projected costs are likely to be higher than actual costs.

FARIBAULT

Faribault discharges to the Straight River just above the confluence with the Cannon River. Under summer conditions of available dilution from both rivers, Faribault is on the border of needing an effluent limitation for total ammonia to maintain the 0.04 mg/l un-ionized ammonia standard downstream. Their summer total ammonia effluent limitation would be 7 mg/l under design conditions. Their present total ammonia is unknown because their effluent is not monitored for total ammonia. Before any non-degradation ammonia limitations can be imposed, a study will be required. For the sake of illustration, however, the following assumptions are made for the Faribault hypothetical.

Summer effluent total ammonia concentration at design capacity averages 7 mg/l resulting in a loading of 193 lbs/day (7 mg/l x 3.3 MGD x 8.34). An industry with a high strength ammonia waste moves into Faribault but plant flow increases to just 3.1 MGD. (3.1 MGD was used in this alternative to indicate the

possibility of exceeding the discharge limitation without reaching the design flow.) While plant flow remains below design, the effluent ammonia now averages 11 mg/l in the summer. Based on this, their new loading of 284 lbs/day (11 mg/l x 3.1 MGD x 8.34) exceeds their established limit of 193 lbs/day. Faribault must now reduce their ammonia to their summer ammonia limitation of 7 mg/l to maintain their loading limit of 193 lbs/day ammonia.

In evaluating possible costs for this change the addition of second stage nitrification with clarification was used. The total cost identified cannot be totally related to nondegradation requirements because achievement of the water quality standard would also require upgrading of the treatment facility.

The costs to Faribault for the increased discharge are projected to be $1,500,000 in capital costs and $70,000 in annual O&M. See Exhibit 38.

The Agency did not attempt to project any costs for hypothetical cases involving any of the industrial dischargers. Many of the industrial discharges contain only heat as a pollutant and cooling water discharges will be restricted under Section 316 of the Clean Water Act, as Subpart 10 of the rule provides.

There is another economic impact associated with adoption of the nondegradation policy which is even harder to quantify. That is the impact on Minnesota's tourist economy through the protection of these outstanding resource value waters, most of which have outstanding recreational value. But we do know that tourism is big business in Minnesota. Tourists spend three

billion dollars or more each year in Minnesota. A good portion of all tourism is involved with outdoor recreation and much of that involves fishing, boating, and swimming in Minnesota lakes. The Agency so found in the APC 1 air quality hearings. Minnesota Pollution Control Agency, Findings of Fact and Conclusions, Finding 319, PCA-81-003-HK, October 27, 1982.

While it cannot be quantified, it seems reasonable to assume that maintaining the State's highest quality and highly used recreational waters in their present condition is important to maintaining Minnesota as an important water oriented tourist attraction. It is nearly impossible to assess or even estimate any potential economic gains from the proposed nondegradation provision. But we can say that preserving and protecting the upper Mississippi, and Lake Superior, and the waters in the BWCA and in Voyageurs National Park, and the St. Croix River, is important to the Minnesota economy and to Minnesotans.

The Agency believes that it is reasonable to adopt a protective nondegradation policy like the one that Agency has proposed and described here.

B. Classification of State Waters -- Parts 7050.0400-7050.0480

1. General Discussion

The designated uses of a water body along with the water quality criteria necessary to protect for these uses are the component elements that comprise this State's water quality standards. All waters defined as waters of the State of

Minnesota under Minn. Stat. § 115.01, subd. 9 (1982) have been assigned one or more of the following water use classifications.

1. Domestic Consumption

   Class 1A -- Suitable for use without treatment.

   1B -- Suitable for use after approved disinfection.

   1C -- Suitable for use after treatment.

   1D -- Suitable for use after treatment as required of Class 1C plus additional pre, post, or intermediate stage treatment.

2. Fisheries and Recreation

   Class 2A -- Cold or warm water sport or commercial fishes and suitable for aquatic recreation of all kinds.

   2B -- Cool or warm water sport or commercial fishes and suitable for aquatic recreation of all kinds.

   2C -- Rough fish and suitable for boating and other aquatic recreational uses where usable.

3. Industrial Consumption

   Class 3A -- Suitable for most industrial purposes except food processing without treatment.

   3B -- Suitable for general industrial purposes except food processing with only a moderate degree of treatment.

   3C -- Suitable for industrial cooling and materials transport.

4. Agriculture and Wildlife

   Class 4A -- Suitable for irrigation without significant damage or adverse effects upon crops or vegetation.

   4B -- Suitable for use by livestock and wildlife without inhibition or injurious effects.

5. Aesthetics and Navigation

6. Other uses

7. Limited resources value waters -- waters for which fishing and swimming are not attainable uses. These waters are protected for aesthetic qualities, secondary body contact use and ground water recharge for use as a potable water supply.

Before turning to a discussion of the specific classifications being proposed for amendment, a brief explanation of some of the general language in Parts 7050.0400-7050.0460, that replaces the language in 6 MCAR §§ 4.8024 A.-E. and 4.8025 A.-E., is in order.

2. Part 7050.0400 -- Purpose

This Part merely indicates that all surface waters within the state or bordering the state are classified in these rules. This language is new but, of course, all waters are already classified under 6 MCAR §§ 4.8024 and 4.8025. A discussion of why the distinction between intrastate waters and interstate waters is being abolished is discussed later.

3. Part 7050.0410 -- Listed Waters

This Part indicates that all waters of the state listed in Part 7050.0470, in addition to any classifications that may be assigned specifically to a water in Part 7050.0470, are also 3C, 4A, 4B, 5, and 6 class waters.

All interstate and intrastate waters are already classified in these classes by 6 MCAR §§ 4.8024B or 4.8025B so this language does not really change anything.

4. Part 7050.0430 -- Unlisted Waters

Many waters of the state are not specifically listed in Part 7050.0470. These waters will now be classified by Part 7050.0430

rather than by specific designation. These unlisted waters are classified by this Part 7050.0430 as 2B, 3B, 4A, 4B, 5 and 6 class waters. While this change is largely nonsubstantive, it does give this unlisted waters provision, Part 7050.0430, added importance because the vast majority of the waters of the state will be unlisted. Persons familiar with 6 MCAR §§ 4.8024 and 4.8025 and used to finding a given 2B water specifically listed therein will in the future not find these waters listed in Part 7050.0470.

There are two types of waters that will undergo classification changes because of Part 7050.0430. These are: 1) waters which are presently specifically named as Class 2B waters but which do not have a Class 3 use class specified; and 2) unlisted interstate waters. We discuss each of these changes in turn below.

In the existing intrastate rule, a water specifically named as a 2B water but which does not have a specific Class 3 use classification is assigned a Class 3C pursuant to 6 MCAR § 4.8024 B. Similarly, an interstate water specifically named as a 2B water but without a specific class 3 use class is assigned a Class 3C pursuant to 6 MCAR § 4.8025 B. There are 518 waters so classified in the existing rules. This new Part 7050.0430 will now also add a 3B classification to these waters. Since most waters of the state are presently assigned a Class 2B fisheries and Recreational use and a Class 3B Industrial Consumption use classification, and since it is the position of the MPCA that all waters of the state should be suitable for at least general industrial purposes, unless precluded by site specific

conditions, it is reasonable to assign these waters the Class 3B use classification specified in Part 7050.0430.

Presently all unlisted intrastate waters receive a 2B, 2C, 3B, 3C, 4A, 4B, 5, and 6 classification, pursuant to 6 MCAR § 4.8024 B. Interstate waters, on the other hand, that are not listed in WPC 25, receive only a 2C, 3C, 4A, 4B, 5, and 6 classification, pursuant to 6 MCAR § 4.8025 B. The use classifications noted for unlisted waters in Part 7050.0430 in effect constitutes an across the broad reclassification of these unlisted interstate waters, to classify them as 2B, 3B waters. However, this is a minor change because all major waters which form or cross the interstate boundaries were identified and assigned specific use classifications. Thus, the general classification provision for unlisted interstate waters in 6 MCAR § 4.8025 B generally only pertains to unnamed ditches crossing the State borders. Since all unlisted intrastate waters, including unlisted unnamed ditches, referenced in the present intrastate use classification rule are classed Class 2B, 3B, it seems appropriate to assign these same use classes to all unlisted waters in the merged rule since the only definable distinction between the intra and interstate waters as a generalized group is the fact that some do flow across the State's borders. There are no anticipated impacts to either municipal or industrial discharges as a result of the reclassification of these waters.

5. Part 7050.0440 - Other Classifications Superseded

This Part is intended to make specific that any other classifications of waters of the state are superseded by the adoption of these classifications. This would include classifications found in the old rules such as WPC-1.

6. Part 7050.0450 - Multi-Classifications

This Part makes clear that all the water quality standards for each different class that a water falls into, apply to the water, and that if the standards for a particular parameter differ between classes, the more stringent shall apply.

7. Part 7050.0460 - Waters Specifically Classified

This Part is just a preamble to the actual listing of the waters and describes what the various symbols in the listing mean.

8. Trout Waters

The waters presently classified Class 2A (waters suitable for the propagation and maintenance of warm or cold water sport or commercial fishes) were based primarily on previous MDNR Commissioner's Orders that designated Minnesota's trout streams and trout lakes. A need exists to update the list of Class 2A waters to reflect the current list of streams and lakes being managed for stream trout. To do this, the water use classification rule as proposed cites the latest MDNR Commissioner's Orders that designate trout streams and stream trout lakes Order Nos. 2089 and 2086 respectively. Exhibits 41 and 42. The waters included in these orders will not be

specifically named in the rule, but will be assigned the following use classifications: 1B, 2A, 3B, 3C, 4A, 4B, 5, 6 in accordance with part 7050.0420.

In addition to the lakes that appear in MDNR Commissioner's Order No. 2086, the MDNR maintains a list of lakes which are either currently or may potentially be managed as lake trout lakes. This list is Exhibit 43. It is proposed that the same water use classifications noted above also be assigned to these lakes listed in Exhibit 43. These lakes are specifically listed in the proposed rule part 7050.0470.

For the purpose of clarification, it should be noted that lakes throughout the state are assigned specific management classifications by the MDNR. These management classifications describe the most important species or combination of species on which management efforts are directed. For lakes with a trout management classification, management strategies specific to the trout species of interest are implemented. For example, lakes with a trout management classification which are managed for stream trout species, (such as rainbows, brooks, and browns) are generally small, cold, well-oxygenated lakes with no inlet and outlet. These lakes are usually treated with fish toxicants prior to stocking with the appropriate trout species and they are then subsequently managed only for trout. These are the designated trout lakes listed on Commissioner's Order No. 2086. There are other lakes in Minnesota with well-oxygenated, cold, hypolimnetic waters which can support trout in their depths in

addition to supporting warmwater species such as walleye, bass, or panfish in their shallower areas. These "two-story" condition lakes are those most generally selected for lake trout introduction and management. Lakes exhibiting these conditions and which are or appear to be suitable for lake trout management are listed in Exhibit 43 and are specifically named in Part 7050.0470 of the proposed rule.

Updating the list of Class 2A waters to correspond to those waters currently being managed by the MDNR as trout waters is a resonable proposal. Reasonable too, is the proposal to assign this use classification to lakes which have been identified by the MDNR as having the potential for lake trout management. Although not presently assigned a lake trout management classification, these lakes do have the necessary characteristics which can enable them to be managed as such and therefore warrant the same protection.

Copies of the Commissioner's Orders will be supplied upon request by the MPCA.

9. Class 2C Waters Reclassified as Class 2B

The MPCA is proposing classification changes for eight watercourses which would change their present fisheries and recreational use classification from Class 2C (rough fish) to a Class 2B (cool or warm water sport or commercial fishes) use class. These watercourses and the reaches proposed for Class 2B reclassification are as follows:

1. Ada Creek - entire length in the Boundary Waters Canoe Area Wilderness.

2. Boy River - outlet of Ten Mile Lake to Leech Lake.
3. Cedar River - Austin to the Iowa border.
4. Des Moines River, West Fork - Outlet of Lake Yankton to the Iowa border.
5. Red Eye River - Outlet of Wolf Lake to the Leaf River.
6. St. Louis River - Cloquet to Clough Island.
7. Yellow Medicine River - from the mouth of the North Fork Yellow Medicine River to its confluence with the Minnesota River.
8. Red River of the North-Breckenridge to the Canadian border.

The reasons for reclassifying each of these waters will be briefly discussed:

ADA CREEK

Ada Creek is a short watercourse located in the Lake Superior drainage basin of the Boundary Waters Canoe Area Wilderness. This creek connects Ada Lake with Sawbill Lake. Survey data collected on Ada Lake in 1975 indicated the presence of white suckers and northern pike. Sawbill Lake has a walleye-centrarchid management classification. So although there is no specific fisheries data on the creek itself, it is reasonable to assume that northern pike are present in this watercourse since it is a connecting link between these two lakes. The proposed reclassification of this creek was discussed with the MDNR Grand Marais Area Fisheries manager who stated that this assumption was valid and that the reclassification of this creek to a Class 2B is justified.

BOY RIVER

The Boy River originates as the outlet of Ten Mile Lake and flows through a series of several lakes before emptying into Leech Lake in Cass County. There is little fisheries information on the Boy River, but because it interconnects with several lakes, it probably provides habitat for northern pike and walleyes especially in the spring. The Boy River is occasionally used for fishing and canoeing according to the MDNR Area Fisheries Manager in Walker. This river is proposed for reclassification from 2C to 2B because of the probable presence of game fish, its use for fishing, and because it flows through or into several important recreational lakes (Pleasant, Big Deep, Woman, Boy, and Leech Lakes).

CEDAR RIVER

The Cedar River from Austin to the Iowa Border is proposed to be changed from Class 2C to Class 2B. The Austin wastewater treatment plant has undergone recent improvement to its facilities and is currently meeting secondary effluent limitations. Austin will be required to meet an ammonia limitiation by 1988. The Cedar River was recently surveyed by the MDNR Area Fisheries staff from Lanesboro. The survey shows that the Cedar River is heavily fished near Austin and sustains good gamefish populations below Austin. The Area Fisheries Manager indicates that the Cedar River provides better fishing than many rivers in the area around Austin, and that canoeing and fishing are encouraged in the reach below Austin by a private campground on the river.

DES MOINES RIVER, WEST FORK

The West Fork of the Des Moines River is a MDNR designated canoeing and boating river. The most popular reach for canoeing, from Windom to Jackson, provides several campgrounds and Kilen Woods State Park. This river was surveyed by the MDNR in 1977 (Exhibit 52). They reported the presence of several game fish species and considerable fishing pressure. The Agency proposes to change the classification to 2B because of the known presence of game fish and because of its designation as a canoeing and boating river.

RED EYE RIVER

The Red Eye River is a tributary of the Leaf River which is in turn a tributary of the Crow Wing River. The Red Eye River orginates in northeastern Ottertail County but most of it flows through Wadena County. The MDNR Area Fisheries Manager in Brainerd indicated that game fish would be expected in the Red Eye River (northern pike and walleyes) especially in the spring.

ST. LOUIS RIVER

The St. Louis River from Cloquet to Clough Island in Spirit Lake flows through one of the most spectacular valleys in Minnesota. This valley, in spite of the presence of many dams, offers visitors to Jay Cook State Park a panorama of jagged rocks, water falls, and rapids. Fishing in this reach of the river has suffered in the past from pollution. In 1978 the Regional Western Lake Superior Sanitary District (WLSSD) plant in Duluth went into operation. This plant treats wastewater from

Cloquet's wood products industry in addition to domestic wastewater from Cloquet and Duluth. Within a few years of this plants start-up, reports of vastly improved fishing in the St. Louis River below Cloquet began to appear in local newspapers. Because the new WLSSD plant has led to the improvement of the quality of this reach of the river and because of the return of recreational fishing, the Agency proposes to reclassify this reach of the St. Louis River to Class 2B.

YELLOW MEDICINE RIVER

The Yellow Medicine River from the Minnesota border to its confluence with the North Fork of the Yellow Medicine River is classified 2B in WPC 24. From this point to its confluence with the Minnesota River the Yellow Medicine is classified 2C in WPC 25. A preliminary survey by MDNR Regional staff revealed a channel catfish fishery in the Yellow Medicine River especially near the mouth. Thus, the Agency is proposing to reclassify the Yellow Medicine River below the confluence with the North Fork to Class 2B to correct the inconsistency between the current WPC 24 and 25 classifications and because of the presence of game fish.

RED RIVER OF THE NORTH

The Agency proposes to reclassify the Red River of the North from 2C to 2B. Recent fisheries surveys by MDNR staff have shown the Red River to contain "unusually high numbers of walleye and channel catfish" in the reach between Breckenridge and Kent (Exhibit 53). Electrofishing by Dr. John Peterka of North Dakota State University in the Red River in the Fargo area also showed

the presence of several game fish species including northern pike, channel catfish, walleyes, and panfish (Exhibit 53). The City of Moorhead and the sugar beet industries have upgraded their treatment systems in recent years resulting in better water quality in the Red River.

The North Dakota Department of Health has adopted water quality standards and classifications for their surface waters (Exhibit 54). In the North Dakota classification scheme their Class I streams are protected for the same uses as Minnesota's 2B streams (fisheries and recreation). North Dakota has classified the Red River as a Class I stream. The proposed change will make Minnesota's classification consistent with North Dakota's and it will recognize the presence of game fish, and the improved quality of the Red River.

In summary, these reclassifications are reasonable based on additional fisheries and recreational data and information that has been gathered since these waters were previously classified in 1973. Improvements or removal of wastewater point source loadings to segments on the Cedar, Red River of the North and St. Louis rivers have resulted in improved instream water quality that has contributed to their greater value as a fishery resource. Fishery information provided by the MDNR on the Boy River, West Fork Des Moines River, Red Eye River, and the Yellow Medicine River indicates the presence of game fish in these rivers. These data, coupled with the recreation potential of

whole body contact use afforded by these rivers, serve to justify the Class 2B reclassification. The MDNR is in support of these proposed classification changes (Exhibit 55).

There will be no impact on any current discharger from these reclassifications. The 2B and 2C water quality standards are nearly identical. The standards that impact most municipal dischargers - dissolved oxygen, un-ionized ammonia, and total residual chlorine - are the same. The water quality standards for maximum temperature, oil, and phenols are more stringent for Class 2B waters than for Class 2C waters, but no impact on current discharges is expected because of this change.

10. Reclassification of St. Paul Chain of Lakes to Drinking Water Classification

The present water supply for the City of St. Paul comes from the Mississippi River at Fridley and from a chain of lakes and their watersheds which are located from 4.5 to 20 miles north of the city. The present use classification of the Mississippi River at the point of withdrawal is 1C, 2B, 3B. The present use classification for the lakes in the chain is 2B, 3B based on the general classification provision listed in Part 7050.0320 (6 MCAR § 4.8024B). In Part 7050.0470 of the rule as proposed, the waters in the lake chain will be classified as Class 1C, 2B, 3B (Exhibit 44 lists these lakes). The assignment of the Class 1C domestic consumption use classification to these waters is a reasonable proposal in that their present use as drinking water will be more properly recognized and protected.

11. Class 7 Limited Resource Value Use Reclassifications

The identified needs leading to the establishment of the Class 7 Limited Resource Value use classification in 1981 remain the same and are applicable to the waters proposed for reclassification. That is, certain waters of the State will not attain the water quality goal of being fishable and swimmable (Class 2A, 2B, or 2C under Minnesota's classification scheme). These uses are essentially precluded in these waters due to natural limiting conditions or irreversible person-induced impacts or modifications. To continue designating these waters as being capable of meeting this goal is not only unrealistic but it diverts funds away from needed projects discharging to waters where these goals are attainable.

The waters included in the Class 7 use classification include surface waters of the State which are of limited value as a water resource and where water quantities are intermittent or less than one cubic feet per second at the once in ten year, seven day low flow. These waters will be protected so as to allow secondary body contact use, to preserve the ground water for use as a potable water supply and to protect aesthetic qualities of the water. Discharges to Class 7 waters are regulated so that downstream recreational waters are protected for their designated uses.

In conjunction with those factors listed in Minn. Stat. § 115.44, subds. 2 and subd. 3 (1982), the MPCA in cooperation and agreement with the MDNR with respect to determination of fisheries values and potential, determines the extent to which

the waters of the State demonstrate the Class 7 criteria conditions in 6 MCAR §§ 4.8014 B.7. and 4.8015 B.7. (now Minn. Rule Part 7050.0200 subpart 7), which are set forth below:

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

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

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

Conditions "a" and "c" or "b" and "c" must be established by the MPCA water assessment procedure before a water can be classified as limited resource value.

The Agency assessed ten watercourses for potential reclassification as Class 7 Limited Resource Value Waters. These ten watercourses, and the ones proposed for reclassification to Class7, are shown in the table below.

Existing or Potential Discharger	Assessed Watercourse	Present Use Classification	MPCA Recommended Use Classification
Boise Cascade (Int'l Falls)	Moonlight Creek	2B	No change (Class 2B)
Grove City	Unnamed Creek	2B	Class 7
	Grove Creek	2B	No change (Class 2B)
Litchfield	Jewett Creek	2C	No change (Class 2C)

Owatonna Canning Co. (Bricelyn)	Unnamed ditch	2B	Class 7
	County Ditch No. 44	2B	Class 7
Steen	Unnamed ditch	2B	Class 7
Virginia	Manganika Creek	2B	Class 7
Waseca	County Ditch No. 12	2B	Class 7
	Unnamed ditch	2B	Class 7

Based on: 1) information gathered during the field assessments; 2) comments provided by local residents living near the assessed watercourses; and 3) comments from the MDNR Area Fisheries managers, seven of the 10 waters listed above which were assessed for reclassification are recommended for Class 7 reclassification. Moonlight Creek at International Falls was assessed as a result of a request from Mr. Russell Summer, Midwest Regional Environmental Engineer, Boise Cascade Corporation. Jewitts Creek at Litchfield was reassessed in response to a request from Mr. Charles DeWolf, Litchfield Wastewater Treatment Superintendent. Information gathered in conjunction with these water assessments indicate existing or potential fisheries and recreational uses for both these waters. Therefore, they are not being proposed for reclassification as Class 7 waters.

The water assessments performed on the waters proposed for reclassification (Exhibits 45-51) serve to document that segments of these waters do meet the criteria established for Class 7 waters. These criteria are not really a separate test for limited recreational opportunities but instead are the factors that lead to the conclusion that these opportunities are limited. Therefore, based on the conclusions drawn from the evaluation of

the assessment data, and the MDNR and public comments, it is reasonable to propose that the waters meeting the Class 7 criteria be reclassified as Class 7 Limited Resource Value waters.

Fisheries biologists from the Waterville MDNR Area Fisheries Office have indicated to the MPCA that additional survey work will be performed on County Ditch No. 44 near Bricelyn and the unnamed ditch and County Ditch No. 12 near Waseca. They plan to present their survey findings prior to the close of the hearing record for this proposed rule. Information gathered during these surveys may result in a reconsideration of the proposed reclassification of these ditches.

12. Impact of Proposed Class 7 Classifications

The proposed reclassification of these waters will mean that three dischargers - the communities of Grove City and Virginia, and Owatonna Canning Company of Bricelyn - will save on treatment costs. The Agency has estimated these cost savings to be $427,000 in capital costs and $39,000 annual O&M for Grove City, $2,007,000 in capital costs and $82,000 annual O&M for Virginia, and $147,000 in capital costs and $10,000 O&M annually for Owatonna Canning Company. See Exhibit 39.

If the receiving streams for the two communities and industry remain Class 2B these dischargers would have effluent limitations of 5 mg/l BOD_5, 30 mg/l total suspended solids (TSS) and 1 mg/l total ammonia (summer). With the proposed Class 7

designation, their effluent limitations will be 15 mg/l BOD_5 and 30 mg/l TSS and there will be no ammonia limitation. Evaluation of the 1983 monitoring reports indicates that the Grove City and Virginia systems are meeting the 15 mg/l BOD_5, 30 mg/l TSS and therefore would not need revisions to their present treatment plants if the standards revisions were approved. Owatonna Canning Company at Bricelyn would also be able to meet 15 mg/l BOD_5 and 30 mg/l TSS effluent limitations. In addition, Virginia has a 1 mg/l total phosphorus limitation, but this is so regardless of the classification of Manganika Creek.

The one industry affected by the reclassification, Owatonna Canning Company at Bricelyn, discharges can cooling water and would also have a temperature restriction change from 90°F to 104°F.

The City of Steen is presently proposing a pond system with a controlled discharge. Their existing system consists of septic tanks discharging to an unacceptable tile line. Controlled limitations of 25 mg/l BOD_5 and 30 mg/l TSS and therefore this system will not be affected by the Limited Resource Value classification change.

The City of Waseca discharges to receiving waters other than those being proposed for reclassification. There are no permitted discharges to County Ditch No. 12 and the unnamed ditch near Waseca, and therefore the reclassification will have no cost impacts on any dischargers.

As with the hypothetical future costs estimated due to the nondegradation proposal, the cost estimation methods used in these estimates were taken from the EPA "Innovative and

Alternative Technology Assessment Manual" dated February, 1980, with costs revised by fourth quarter of December, 1983 (Exhibit 37). The prices in the February 1980 manual were increased by 66% based on the Engineering News Record Construction Cost Index. Operating Maintenance Costs were increased by 75% based on the EPA OMR Index.

In calculating the costs of ammonia removal, it was assumed that two stage biological treatment would be a selected unit process for cities with ammonia effluent limitations of less than 10 mg/l. Two stage biological wastewater treatment (first stage for carbonaceous removal, second stage for nitrogenous removal) has the advantage of greater reliability and efficiency compared to single stage biological treatment designed for nitrification. It is true that lower cost methods of treatment such as single stage with filtration and revised plant operation may meet the 5 mg/l $CBOD_5$ and 30 mg/l TSS standards. However, the ability to consistently meet this standard with these alternatives is more doubtful.

A summary of the cost savings are shown in the following table.

Estimated Cost Savings Resulting from
Propose Classification Changes to Limited
Resource Value Waters

Community/Industry Affected	Cost Savings (1983 dollars) Capital	Operation & Maintenance
Steen	None	None
Grove City	427,000	39,000
Virginia	2,007,000	82,000
Owatonna Canning Co. at Bricelyn	147,000	10,000

C. Effluent Limitations

1. Carbonaceous Biochemical Oxygen Demand

Currently, most wastewater treatment plants in Minnesota are monitored and regulated by an analytical test referred to as five day biochemical oxygen demand or simply BOD_5. A BOD analysis is a laboratory test intended to measure the organic matter in wastewater which can be decomposed and utilized for food by living organisms such as bacteria. For wastewater, the test is usually run for a five day period thereby accounting for the subscript five.

The conventional analytical procedure measures the oxygen required for the biochemical degradation of organic, thereby by definition carbonaceous, material and the oxygen used to oxidize inorganic (noncarbonaceous) materials such as sulfide and iron. Furthermore, the conventional BOD test may measure the oxygen used to oxidize reduced forms of nitrogen such as ammonia unless the exertion of this nitrogenous demand is prevented by an inhibitor. Thus, the conventional BOD_5 test may reflect the summation of three distinct components:

1. Carbonaceous BOD_5 ($CBOD_5$)
2. Oxygen demand of certain inorganic non-nitrogenous materials, and
3. Nitrogenous BOD_5 ($NBOD_5$).

Since typical municipal wastewater effluents do not contain relatively large loadings of readily oxidizable inorganic materials, that component will be eliminated from further discussion.

That leaves two distinct components of total BOD_5-$CBOD_5$ and $NBOD_5$. It is proposed in this rule revision to clarify the intent that only the carbonaceous component of BOD_5 need be measured in this analysis. Heretofore, accepted analytical procedures did not allow differentiation of these two distinct components and as a result regulatory compliance was interpreted as total BOD_5. However, a reliable and proven analytical procedure has now been developed to inhibit nitrification in the BOD test.

The need for adopting a $CBOD_5$ test has become particularly acute since many municipal treatment plants have now been upgraded or expanded in Minnesota. Some of these upgraded treatment facilities with secondary treatment consistently produce an effluent containing more than 30 mg/l total BOD_5. The apparent reason for this high level of BOD_5 at many newer facilities is that sufficient numbers of nitrifying organisms are present in their effluents to allow nitrification in the 5 day BOD test. Newer secondary treatment facilities often provide for reserve capacity and thus are more likely to have detention times sufficient to develop large numbers of nitrifying bacteria. The following table provides a hypothetical example of the impact of nitrification in the BOD_5 test.

Hypothetical Example Showing
Effluent Characteristics*
(all values in milligrams per liter)

	Percent Design Flow	Nitrifer Population in Sample	$CBOD_5$	Ammonia	BOD_5
Plant A	100	Insignificant	25	18	30
Plant B	80	Moderate	25	18	35
Plant C	50	Very Large	10	10	45

* Source: Federal Register/Volume 48, No. 222 dated November 16, 1983, page 52276. Exhibit 56.

This "problem" of not meeting permit requirements due to nitrification in the BOD_5 bottle has prompted certain permittees to restrict nitrification within the treatment system by means of disinfection (chlorination). This practice is environmentally objectionable due to the potential increased formation of chlorinated organic compounds (including some potential carcinogens) and the larger quantities of toxic residual chlorine discharged to the receiving stream. Also, the suppression of nitrification in the treatment plant means more ammonia will be discharged to the receiving stream.

The U.S. Environmental Protection Agency (EPA) has also recognized the need for this change and has proposed the adoption of $CBOD_5$ effluent limitations in the Federal Register dated November 16, 1983. (Exhibit 56).

The use of $CBOD_5$ rather than total BOD_5 will allow regulatory agencies and wastewater treatment operators to determine the specific performance of a facility without regard to the irregularities caused by nitrogenous BOD being exerted in the BOD bottle in the first five days. Plant performance will

also be much more comparable between different facilities, thereby providing more equitable compliance requirements.

Traditionally, secondary treatment plants have been designed to remove CBOD rather than total BOD. Therefore, by adopting $CBOD_5$ effluent limitations, secondary treatment plants will be monitored with respect to their design parameter, CBOD, and not by a test that may include significant levels of NBOD.

With the use of $CBOD_5$ plant operators will no longer have an incentive to discourage inplant nitrification. As a result, the effluents of such facilities may actually improve due to lower ammonia levels and the reduced use of potentially harmful chlorine.

In those cases where nitrification may be a major cause of dissolved oxygen depletion downstream or if ammonia (N) water quality standards are being violated, the treatment facility can still be regulated by limiting its discharge of ammonia. It is more reasonable and effective to control NBOD and ammonia (N) loadings directly rather than by controlling both CBOD and NBOD in terms of total BOD.

The present BOD_5 secondary treatment standard is 25 milligrams per liter. 6 MCAR § 4.8014 C.6. and now Minnesota Rule Part 7050.0210 subpart 6. The Agency is not proposing to change that standard even though it will now be carbonaceous BOD_5 rather than total BOD_5 that will be monitored and tested for. The 25 mg/l standard is consistent with the $CBOD_5$ standard begin

proposed by the EPA in the Federal Register dated November 16, 1983 (Exhibit 56). The Agency believes a 25 mg/l standard is reasonable, even with a switch to a carbonaceous standard, and is not proposing to change it.

In summary, the impact of this change should be the following:

1. No change in the design of secondary treatment plants.
2. No additional costs.
3. A possible reduction in the use of chlorine resulting in a corresponding reduction in the formation of chlorinated organic compounds.
4. A possible improvement in the level of compliance with $CBOD_5$ effluent limitations.
5. Reduced discharge of ammonia at those facilities which may currently be inhibiting inplant nitrification.
6. Improved water quality below those facilities which increase inplant nitrification and/or reduce chlorination.

2. pH Range

Currently all dischargers in the State are assigned a pH effluent limitation of 6.5-8.5. See 6 MCAR §§ 4.8014 C.6. and 4.8015 C.6. (now Part 7050.0210, Subpart 6). This means that the pH of the effluent from a treatment plant must be between 6.5 and 8.5. The Metropolitan Waste Control Commission requested in its January 9, 1984, comments (Exhibit 11) that the Agency amend its rule to a pH range of 6.0-9.0. The Agency has determined that it would be appropriate to do this and has proposed to amend its pH effluent limitation to 6.0-9.0.

One reason for doing this is to make the Minnesota requirement consistent with the federal requirement for secondary treatment, which is a pH standard of 6.0-9.0. 40 C.F.R. § 133.102(c) (1982).

Another reason for expanding the pH range is that the proposed expansion will not jeopardize compliance with the pH water quality standard for the receiving water. All water classifications have a pH requirement that must be maintained in the water in order to protect it for the specified use. The use classifications and the corresponding pH water quality standards are listed below.

Use Classification	pH Water Quality Standard
Domestic Consumption (Class 1)	None Specified
Fisheries and Recreation (Class 2A)	6.5 - 8.5
Fisheries and Recreation (Class 2B and 2C)	6.5 - 9.0
Industrial Consumption (Class 3A)	6.5 - 8.5
Industrial Consumption (Class 3B and 3C)	6.0 - 9.0
Agriculture and Wildlife (Class 4A)	6.0 - 8.5
Agriculture and Wildlife (Class 4B)	6.0 - 9.0
Navigation and Aesthetics (Class 5)	6.0 - 9.0
Other Uses (Class 6)	None Specified
Limited Resource Value (Class 7)	6.0 - 9.0

Because all waters of the state have multiple use classifications, however, the applicable pH water quality standard for all waters (except Class 7 waters) is 6.5-8.5 (6.0-8.5 for Class 7 waters). Since the water quality standard

is so close to the proposed effluent limit, a half a part on either end of the range, the water quality standard will not be jeopardized by a discharge that is slightly more acidic or basic than the standard. With most water bodies, the pH is largely dependent on the natural characteristics of the watershed and not affected greatly by the pH of a point source discharger. Of course, if a point source discharger were to cause the standard to be exceeded, more restrictive pH control of the effluent would be required.

There may be a few dischargers who are presently adjusting the pH of their effluents chemically who will no longer be required to do that. If so, these dischargers would realize a cost savings. There are no additional costs, in any event, that dischargers will incur as a result of this change.

D. Merger of Interstate and Intrastate Rules

Minnesota currently has two nearly identical sets of water quality standards and water use classifications; one for intrastate waters (WPC 14 and WPC 24) and one for interstate waters (WPC 15 and WPC 25). The Agency is proposing to merge WPC 14 and 15 into one rule and merge WPC 24 and 25 into one rule. WPC 15 and 25 will be repealed and, because WPC 24 is being completely rewritten, the current WPC 24 is also proposed to be repealed. This merger is largely a nonsubstantive change, but one that will make the rules considerably shorter and easier for all to use.

The present separation of inter and intrastate waters stems from the Federal Water Quality Act of 1965 which only authorized the states to establish standards for interstate waters. The federal authority did not extend to intrastate waters until the Clean Water Act (P.L. 92-500) was passed in 1972. See 33 U.S.C. § 1313. Minnesota promulgated interstate standards in April of 1967. In March of 1973 the interstate rules were updated and nearly identical intrastate rules were promulgated at the same time. The dual sets of rules have been carried along ever since.

A merger of the rules dealing with inter and intrastate waters will be to the advantage of all users of the water quality rules. Confusion over the dichotomy between inter and intrastate waters will be eliminated. The rules covering all waters of the state will be about half the length they are now. Other Agency rules will not be adversely impacted by the repeal of the interstate rules WPC 15 and 25.

There are a couple of changes that have to be made in the rules to coincide with the elimination of the distinction between intrastate and interstate rules. One change, of course, is to eliminate the phrases "intrastate waters" and "interstate waters" and replace them with simply "waters of the state." This has been done in several places in Part 7050. See e.g. Part 7050.0200. Similarly, there is no reason to define "interstate waters" and "intrastate waters" so those phrases are deleted from the definition section in Part 7050.0130. A definition of "waters of the state" is all that is required, and the rule

incorporates the statutory definition from Minn. Stat. § 115.01, subd. 9 (1982).

Another change has to do with the dissolved oxygen standard for the Mississippi River from the outlet of the Metro plant to Lock and Dam No. 2 at Hastings. During the last round of hearings in 1980, a separate dissolved oxygen standard was adopted for this stretch of the Mississippi River. Since the Mississippi is an interstate water, this standard was shown in WPC 15 (6 MCAR § 4.8015 D.2.B. and D.2.C. (footnote ****). Since interstate waters are now in Chapter 7050, and this special dissolved oxygen standard still applies to that stretch of the Mississippi, the footnote from WPC 15 had to be moved into Chapter 7050. There are no changes in the language but the footnote is now found in Part 7050.0220, Subparts 2B and 2C, footnote *.

There is one substantive change in the water quality standards that the Agency is proposing as part of the merger of the intrastate and interstate rules. That change is the deletion of weekly average temperature restrictions for each month of the year for the Mississippi River, which are found in 6 MCAR § 4.8015 D.2.B. and D.2.C. (footnote *).

These special temperature restrictions for the Mississippi River came out of a joint state and federal conference on Mississippi River temperature standards held in St. Louis in 1971. The Agency has determined now, however, that these special temperature restrictions, applicable to only the one river, are no longer necessary. The underlying temperature standard, which

is no more than 5°F above the natural temperature, as a monthly mean of the daily maximum, applicable to all Class 2B and 2C rivers in the state, which includes the vast majority of all rivers, is adequate to protect game and rough fish in the Mississippi.

The Agency made a comparison of the two standards -- a 5°F above natural standard and the weekly average standard -- to determine which standard would be controlling in restricting heat additions from point sources discharging to the Mississippi River. The comparison was made by collecting temperature data from four continuous monitoring stations in the Metro area and performing the following computation with the data.

1. The monthly mean of the daily maximum temperatures was listed for each month for the years 1981 and 1982.

2. Five degrees Fahrenheit was added to each monthly mean to simulate the standard.

3. The monthly mean value plus 5°F was compared to the weekly mean temperature standard for the same month.

The results of this comparison show that of the 48 data points for 1981 (4 stations for 12 months), 38 of the results show that the general standard of 5°F above natural as a monthly average was more restrictive than the special temperature restriction imposed for each particular month. In 1982, in all but two of the months, the 5°F increment standard was more restrictive.

We understand that the special standard is measured as a weekly average while the general standard is measured as a monthly average. If this difference does bias the above

comparison, it would tend to make the special weekly average standards more stringent. Even with a weekly average tending to give more importance to the standard, the data show the 5°F above natural standard to be controlling most of the time.

Currently, there are four industries that have weekly average temperature restrictions imposed on their discharges to the Mississippi River. The four are:

1. Northern States Power Company
   Highbridge Generating Plant, St. Paul
   Permit No. MN 0000884, expires 12/31/84

2. Northern States Power Company
   Red Wing Generating Plant, Red Wing
   Permit No. MN 0000850, expires 4/30/87

3. Blandin Paper Company
   Grand Rapids
   Permit No. MN 0000345, expires 9/30/86

4. Minnesota Power and Light Company
   Clay Boswell Generating Plant
   Permit No. MN 0001007, being reissued,
   will expire 12/31/87

These permits all contain monthly mean and daily maximum temperature limitations that will control the heated discharges if the weekly mean standards are deleted. The elimination of these standards should not affect the discharges listed above. The Agency does not anticipate that elimination of the special standards for the Mississippi River will cost any of these dischargers any money, but nor will it save them any. These discharges have a history of meeting their temperature limitations and deletion of the standard will not result in an increase in heat being discharged. If the standards are deleted, the permittees would be notified that the weekly mean standards

in their permits would not be enforced and the standards could be deleted the next time the permit is issued.

There is one final point to clarify about the merger of the two rules and the elimination of the distinction between intrastate and interstate waters. Presently, the intrastate waters are organized in WPC 24 under 39 different drainage basins. The boundary deliniations of these basins are based on Bulletin No. 10, Hydrologic Atlas of Minnesota, produced by the Minnesota Department of Conservation. Waters specifically named in WPC 25, on the other hand, are organized by 10 major drainage basins.

In the proposed rule, waters specifically named are organized into nine major drainage basins. The watershed boundaries of these major drainage basins and the basin map accompanying the proposed rule, part 7050.0480, correspond to the boundaries established by the MDNR, Office of Planning and Research, Water Policy Planning Program as part of the Minnesota Watershed Mapping Project. Exhibit 40. This mapping project was initiated through a Legislative Commission on Minnesota Resources (LCMR) mandate which assigned the MDNR the responsibility of determining the complete and standard deliniation of watershed boundaries for the state and preparing an appropriate map for official use. Since the major drainage basin boundaries defined as a result of this mapping project are considered the official state watershed deliniations, it is reasonable to pattern the organization of the proposed water use classification rule using these same boundaries. This reorganization will not only make the geographical grouping of the classified waters consistent and

compatible to other water information systems, it will, with the aid of the accompanying basin map, make the rule easier to access by both frequent and occasional users interested in the assigned use classifications.

E. Other Proposed Changes

The Agency is proposing a number of nonsubstantive changes to the rules that will update, clarify, and correct the rules. These changes are described below in the order they appear in the rules.

In addition to the changes initiated by the Agency, the Revisor's Office has made some nonsubstantive changes so that the rules will conform to their formatting and editorial style to which all administrative rules must now conform. The changes made by the Revisor's Office are not discussed in this statement.

1. Change in the Title for Part 7050.0110 - 7050.0220.

It is proposed to shorten the title of this rule (WPC 14) to "Standards for the Protection of the Quality and Purity of the Waters of the State". This is a relatively short title that reflects the content of the rule without attempting to list out the major elements of the rule in the title as the current title does.

Unfortunately, the title got deleted in the revision of the rule that was sent to the State Register, and thus no title appears in the State Register publication of the rule. Nonetheless, the Agency does intend to include the above title when the rule is finally adopted.

2. Deletion of Statutory References

Both WPC 14 and WPC 15 repeat a number of the statutes at the beginning of the rule. These quotations are unnecessary and are proposed to be deleted.

3. Reworded Scope -- Part 7050.0110

WPC 14A.1. and WPC15A.1. contain a general provision called "Scope." The provision is intended to describe what is contained in the rule. The proposed scope provides a more explicit and accurate description of the contents of the rule. The clause that preserves any other more stringent water quality or effluent limitations is retained in the proposed scope language.

4. Deletion of Severability Section

WPC 14A.2 and WPC 15A.2 are severability provisions that are proposed to be deleted. The rules are severable without a specific provision saying so. Deletion of the section helps to shorten the rule.

5. Deletion of Unclassified Waters Section -- Part 7050.0160

WPC 14 A.6 provides for those intrastate waters that have not been classified. Since all waters are now classified under the new rules, this provision has no application and is proposed to be deleted.

6. Change in Title of Use Classification -- Parts 7050.0200(5) and 7050.0220(5)

The Class 5 classification is presently called Navigation and Waste Disposal. The Agency proposes to change the use

classification name to Aesthetic Enjoyment and Navigation. Waste disposal as a use of waters of the state has negative connotations in the context of beneficial uses such as drinking water, swimming, and fishing. In fact, the new U.S. EPA Water Quality Standards Regulation says "In no case shall a State adopt waste transport or waste assimilation as a designated use for any waters of the United States." 48 Fed. Reg. 51406, Exhibit 16. 40 C.F.R. § 131.10(a). Therefore the Agency proposes to change use classification 5 from Navigation and Waste Disposal to Aesthetic Enjoyment and Navigation. The name change more accurately reflects the uses described for Class 5 waters in Part 7050.0220.

7. Change to Calendar Month and Calendar Week -- Part 7050.0210, Subpart 6

The Agency proposes to change the manner in which compliance with the 30-day and 7-day effluent limitations for BOD_5 and Total Suspended Solids are determined. See Part 7050.0210, Subpart 6. It is proposed to change "30 consecutive days" to "any calendar month" and "7 consecutive days" to "any calendar week." This will make the rule consistent with the federal regulations. See 48 Fed. Reg. 14171. Exhibit 57.

Compliance with 30-day permit limitations is determined on a calendar basis now by the Agency because, administratively, it is vastly less complex than determining compliance on a 30 consecutive day basis. Thus, this change is being proposed to comply with the federal regulation and bring the rule into

agreement with the compliance methods actually in practice. This change will have no impact on any currently permitted discharger.

8. Addition of "Arithmetic Mean" Statement -- Part 7050.0210, Subparts 8 and 16

The statement "arithmetic mean of all samples taken during any calendar month" is being added to the 5-day carbonaceous BOD_5 effluent limitation in part 7050.0210, subparts 8 and 16. This or similar statements appear with the other BOD_5 effluent limitations that are in other parts of the rule. See discussion above. The statement defines how compliance with the limitation is to be determined. It is reasonable to define compliance determination for all BOD_5 effluent limitations the same way.

9. Spelling Out of "Hexavalent" -- Part 7050.0220, Subpart 1D

The word "hexavalent" that is a part of the drinking water standard for hexavalent chromium in part 7050.0220 was spelled out in the list of Class 1.A. standards but written in symbol (+6) form in the Class 1.D. standards. The Agency proposes to spell out hexavalent in the 1.D. standards to make the two listings consistent. The hexavalent chromium standard of 0.05 mg/l is not being changed.

IV. CONCLUSION

This document, together with the Agency's exhibits, constitutes the Agency's Statement of Need and Reasonableness for

the amendments proposed to WPC 14 and 24 and for the repeal of WPC 15 and 25. The Agency believes that it has made a presentation establishing the need for and reasonableness of the amendments and proposed repeal.

Respectfully submitted,

for Jay M. Heffern

SANDRA S. GARDEBRING
Executive Director
Minnesota Pollution
Control Agency

Dated: March 29, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed
Revision of 6 MCAR §§ 4.8014
and 4.8024 and Proposed Repeal
of 6 MCAR §§ 4.8015 and 4.8025,
Relating to the Standards and
Classification of Waters
of the State

CERTIFICATE OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Alan R. Mitchell, Special Assistant Attorney General, do hereby declare that I have examined the rule amendments and all related documents in this matter, and that, based on my examination and my personal familiarity with applicable rulemaking procedures, do certify that the applicable requirements of the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Alan R. Mitchell

ALAN R. MITCHELL
Special Assistant
Attorney General

Dated: September 11, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

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of the State

AFFIDAVIT OF MAILING
NOTICE OF SUBMISSION
TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Alan R. Mitchell, being first duly sworn, deposes and says:

That on the 11th day of September 11, 1984, in the City of Roseville, County of Ramsey, he served the attached Notice of Submission to Attorney General of Amendments to Water Quality Rules on those named on the attached mailing list, which includes those persons who indicated on the Rule Hearing Register that they wanted to receive this Notice, by depositing in the United States mail at said City of Roseville, a copy thereof, properly enveloped, with postage prepaid.

Alan R. Mitchell

ALAN R. MITCHELL

Subscribed and sworn to
before me this 11th day
of September, 1984.

Carol T. Groppoli

Notary Public

CAROL T. GROPPOLI
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Jun.23, 1987

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

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NOTICE OF SUBMISSION TO ATTORNEY GENERAL OF AMENDMENTS TO WATER QUALITY RULES

PLEASE TAKE NOTICE that the above-captioned rule amendments were acted upon by the Minnesota Pollution Control Agency at its Board meeting on August 28, 1984, and have been submitted to the Office of Attorney General for review as to form and legality as of this date.

Pursuant to Minnesota Rules Part 2000.0700, the Attorney General will not approve the rule amendments for at least ten calendar days from September 11, 1984, to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. Persons desiring to comment on the legality of the above-captioned rule amendments should direct their comments to the Office of Attorney General, 204 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, telephone (612) 297-3493. 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. Comments should be mailed to Dave Maschwitz, Minnesota Pollution Control Agency, Division of Water Quality, Monitoring and Analysis Section, 1935 W. County Road B-2, Roseville, Minnesota 55113, telephone (612) 296-7252.

If you are interested in determining the changes the Agency made in the proposed rules from what was published in the State Register, or have other questions about the amendments, please contact Mr. Maschwitz at the MPCA offices in Roseville.

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

Dated: September 11, 1984

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STATE OF MINNESOTA

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