

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

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

Version 3
August 20, 2018

Our File No. 1221 05-0009-0700

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-30-85
DATE FOR REVIEW [illegible]
DATE DUE 11-[illegible] 14

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

Approved 11-14-85 mc Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 10.31.85 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 10.22.85 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
9.20.85 At least ~~30~~ 25 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

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

N/A Hearing Examiner's Report

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

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

N/A 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

N/A Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: DUANE DAHLBERG, Chairperson
Pollution Control Agency

DATE: 11/14/85

ATTN: PENNY TROOLIN
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT:

In the Matter of the Adoption of the Proposed Emergency Rules Governing the Abatement of Waste Tire Dumps, Minnesota Rules Parts 7035.8000 to 7035.8160 [Emergency]

The above-referenced rule has been approved as to its legality by the Attorney General on November 14, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

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

October 30, 1985

Mr. Mike Miles
Assistant Attorney General
Office of the Attorney General
Administration Building
St. Paul, MN 55155

RE: Proposed Emergency Rules Governing the Abatement of Waste Tire Dumps, Minnesota Rules Parts 7035.8000 to 7035.8160 [Emergency]

Dear Mr. Miles:

On October 22, 1985 the Minnesota Pollution Control Agency adopted emergency rules governing the abatement of waste tire dumps. Enclosed for your review are the following:

1. Emergency Rules as Adopted (original and three copies).
2. Order Adopting Emergency Rules (two copies).
3. Certificate of Agency's Resolution Adopting Emergency Rules.
4. Order for Publication and Mailing of Notice of Intent to Adopt Emergency Rules and Proposed Emergency Rules.
5. Certificate of Agency's Authorizing Resolution ordering publication of Notice of Intent and Proposed Emergency Rules.
6. Notice of Intent to Adopt Emergency Rules and Emergency Rules as Proposed (10 S.R. 687, September 23, 1985).
7. Written comments received during the comment period from Dakota County, The Minnesota Chapter of the National Solid Waste Management Association, Mr. Bernard E. Beermann, and the law firm of Briggs and Morgan.
8. Affidavit of Mailing, Notice of Intent to Adopt Emergency Rules and Emergency Rules as Proposed, as mailed, and mailing list.
9. Mailing List Certificate.
10. Findings of Fact and Conclusions.

11. Statement of Compliance with Rulemaking Procedures.

12. Affidavit Regarding Notification of Submission to Attorney General.

Please note that the emergency rules as adopted incorporate a modification suggested by the written comments referenced above, and therefore differ from the emergency rules as proposed. We have considered the modification and have determined that it does not constitute a substantial change because it merely clarifies one of the required standards during abatement.

Very truly yours,

PENNY TROOLIN
Special Assistant
Attorney General

Enclosures

PT:sc

AG copy

Pollution Control Agency

Adopted Emergency Rules Relating to Waste Tire Dump Abatement

Rules as Adopted, Emergency

7035.8000 [Emergency] SCOPE.

Parts 7035.8000 to 7035.8160 [Emergency] govern the abatement of waste tire dumps. A tire collector who owns or operates a tire dump is subject to agency abatement action under parts 7035.8000 to 7035.8160 [Emergency].

7035.8010 [Emergency] DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 7035.8000 to 7035.8160 [Emergency], the following definitions apply.

Subp. 2. **Abate or abatement.** "Abate" or "abatement" means the processing and removing of waste tires in an (agency-accepted) manner. —DOC

Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 4. **Director.** "Director" means the executive director of the Minnesota Pollution Control Agency.

Subp. 5. **100-year flood.** "100-year flood" means a flood that has a one percent chance of being equaled or exceeded in any given year.

Subp. 6. **100-year floodplain.** "100-year floodplain" means any land area that is subject to a one percent or greater chance of flooding in any given year from any source.

Subp. 7. **Operator.** "Operator" means any person responsible for the overall operation of the tire dump.

Subp. 8. **Owner.** "Owner" means any person who owns a tire dump, part of a tire dump, or the land on which the tire dump is located.

Subp. 9. **Person.** "Person" has the meaning given in Minnesota Statutes, section 116.06, subdivision 8.

Subp. 10. **Processing.** "Processing" has the meaning given

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

in Minnesota Statutes, section 115A.90, subdivision 6.

Subp. 11. Ravine. "Ravine" means any manmade or naturally occurring depression in the land area capable of allowing water to flow at or above the surface of the land.

Subp. 12. Shoreland. "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters:

A. land within 1,000 feet from the normal high water mark of a lake, pond, or flowage; and

B. land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on such a river or stream, whichever is greater.

Subp. 13. Sinkhole. "Sinkhole" means a closed depression in an area of karst topography that is formed either by solution of surficial limestone or by collapse of underlying caves.

Subp. 14. Tire. "Tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 7.

Subp. 15. Tire collector. "Tire collector" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 8.

Subp. 16. Tire dump. "Tire dump" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 9.

Subp. 17. Waste tire. "Waste tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 11.

Subp. 18. Waste tire chip. "Waste tire chip" means a small piece of a waste tire produced as a result of volume reduction techniques.

Subp. 19. Wetland. "Wetland" means any land area that can be classified as a wetland according to the publication, Classification of Wetlands and Deep Water Habitats of the United States. This publication was prepared by Lewis M. Cowardin, Virginia Carter, Francis C. Golet, and Edward T. LaRoe for the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C., Government Printing Office, 1979 and is incorporated by reference. It is not subject to frequent change.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

7035.8020 [Emergency] AVAILABILITY OF REFERENCES.

The documents referred to in parts 7035.8000 to 7035.8160 [Emergency] may be obtained by contacting the appropriate offices as listed below.

A. Classification of Wetlands and Deep Water Habitats of the United States, 1979, issued by the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20402, is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota.

B. The Standard for Storage of Rubber Tires, NFPA 231D-1980 edition, adopted by the National Fire Protection Association, San Diego, California, is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota; the Office of Public Safety, Fire Marshal Division; or any local fire department.

7035.8030 [Emergency] NOTIFICATION OF TIRE DUMP.

Within 60 days of the effective date of parts 7035.8000 to 7035.8160 [Emergency], a tire collector who owns or operates a tire dump must submit a written notification to the director. The notification must contain:

A. the address of the tire dump;

B. the name, address, and telephone number of the owner of the tire dump for which the notification is submitted;

C. if the operator of the tire dump for which the notification is submitted is different from the owner, the name, address, and telephone number of the operator;

D. an estimation of the number of tires currently located at the tire dump; and

E. a general description of the tire dump, including a topographic map or other map if a topographic map is unavailable. The map must show the tire dump and the area surrounding the tire dump for a distance of at least one-half mile in all directions of the tire dump, and all structures that are located in this area.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

7035.8040 [Emergency] REQUEST FOR ABATEMENT ACTION.

Subpart 1. **Issuance of request for abatement action.** If a tire collector is subject to agency abatement action pursuant to part 7035.8000 [Emergency], the agency may issue a request for abatement action to the tire collector responsible for the tire dump. The agency's decision whether to issue a request for abatement action shall be based upon the priorities established under subpart 2, the availability of waste tire collection funds, and the agency's administrative ability to take action.

Subp. 2. **Priorities for issuing a request for abatement action.** The agency shall issue requests for abatement action based on the criteria established in Minnesota Statutes, section 115A.912, subdivision 2. The agency shall issue requests for abatement action in the following order of priority:

A. First priority; the agency shall issue requests for abatement action to tire dumps with over one million tires. Tire dumps with over one million tires shall be ranked based on the criteria established in items B and C.

B. Second priority; the agency shall issue requests for abatement action to tire dumps posing fire hazards. For the purpose of ranking fire hazards at tire dumps, the agency shall consider the number of tires located at a tire dump as determined by the director, the size of the population affected, which includes the proximity and density of the population in relation to the tire dump, and the threat to natural resources.

C. Third priority; the agency shall issue requests for abatement action to tire dumps in densely populated areas. For the purpose of ranking these tire dumps, the agency shall consider the number of tires located at a tire dump as determined by the director, and the size of the population affected, which includes the proximity and density of the population in relation to the tire dump.

D. Fourth priority; the agency shall issue requests for abatement action to tire dumps that are not item A, B, or C priorities. For the purpose of ranking these tire dumps, the agency shall take into consideration the number of tires located

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

at a site as determined by the director and the size of the population affected which includes the proximity and density of the population in relation to the tire dump.

7035.8050 [Emergency] CONTENTS OF REQUEST FOR ABATEMENT ACTION.

Subpart 1. Contents. A request for abatement action shall be in writing, shall specify the action that must be taken, shall state the reasons for requesting the action, shall specify a time frame within which to respond to the request, and shall state the intention of the agency to take action if the requested action is not taken within the specified time.

Subp. 2. Request. The request for abatement action will request the tire collector responsible for the tire dump to pursue either option specified in items A and B within the specified time. Item A (option A) shall be an acceptable option only for tire dumps existing on the effective date of parts 7035.8000 to 7035.8160 and only for tire collectors who have notified the director in accordance with part 7035.8030 [Emergency].

A. The tire collector must voluntarily surrender to the agency all of the waste tires that constitute the tire dump by signing an agreement with the agency, in which case the agency will provide for the processing and removal of the waste tires; or

B. The tire collector must submit an abatement plan to the director within the time specified in the request for abatement action stating a proposal for cleaning up the tire dump. In the plan, the tire collector shall:

(1) specify the manner proposed for cleaning up the tire dump, including:

(a) an explanation of all of the processing techniques proposed to be used to clean up the tire dump; and

(b) a description of the equipment proposed to be used to clean up the tire dump and the manner in which each piece of equipment will be used;

(2) provide for compliance with the technical standards specified in parts 7035.8090 to 7035.8150 [Emergency]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

and describe how compliance with these standards will be achieved; and

(3) propose an incremental time frame for the removal of all waste tires constituting the tire dump with the proposed date of completion of the cleanup not to exceed five years past the date the cleanup is proposed to begin. The tire collector shall indicate the work to be completed during each time increment.

7035.8060 [Emergency] RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

A response by a tire collector to a request for abatement action must be incorporated into a stipulation agreement signed by the tire collector and the agency before it will be considered an adequate response.

7035.8070 [Emergency] INADEQUATE RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

If after a tire collector has been issued a request for abatement action the agency determines that the tire collector has failed to take the requested action within the time specified, the agency may make a determination of inadequate response. The following items constitute justification for the agency to make a determination of inadequate response:

A. the tire collector has not responded to the request for abatement action within the specified time period;

B. the tire collector submits a response which fails to meet the requirements specified in the request for abatement action;

C. the tire collector has failed to sign a stipulation agreement incorporating the response; or

D. the tire collector is in violation of, or in noncompliance with, any of the provisions of the stipulation agreement.

7035.8080 [Emergency] TIRE DUMP ABATEMENT ORDER.

When the agency makes a determination of inadequate response or revokes without reissuance an agency waste tire facility permit, the agency may issue a tire dump abatement

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

order to the responsible tire collector. A tire dump abatement order may provide for entering the property where the tire dump is located, taking tires into public custody, and arranging for their processing and removal.

7035.8090 [Emergency] STANDARDS.

Parts 7035.8090 to 7035.8140 [Emergency] are standards and provisions which govern the storage, operational, and reporting requirements a tire collector must comply with during abatement.

7035.8100 [Emergency] INDOOR STORAGE STANDARDS.

The Standard for Storage of Rubber Tires, NFPA 231D-1980 edition, governs the indoor storage of tires and is incorporated by reference into parts 7035.8090 to 7035.8140 [Emergency]. This standard was prepared by the Technical Committee on Storage of Rubber Tires and adopted by the National Fire Protection Association on November 18, 1980, in San Diego, California. It was released for publication by the Standards Council on December 18, 1980, and is not subject to frequent change.

7035.8110 [Emergency] REQUIRED STANDARDS DURING ABATEMENT.

Subpart 1. **Location standards during the first time increment.** During the first increment of an abatement plan, the tire collector must provide for the removal of all waste tires from the following areas:

A. floodplains;

B. wetlands;

C. shorelands; and

D. sinkholes and ravines.

Subp. 2. **Fire hazard standards during the first time increment.** During the first increment of an abatement plan, the tire collector shall reduce fire hazards at the tire dump by:

A. complying with the standards referenced in part 7035.8100 [Emergency], if the tire dump is located indoors; and

B. constructing fire lanes at tire dumps located outdoors in such a manner that each individual waste tire stockpile:

(1) has an area not greater than 10,000 square

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

feet;

(2) has a vertical height not greater than 20 feet; and

(3) has a minimum 50-foot fire lane between the stockpiles free of rubbish, equipment, and other materials at all times.

Subp. 3. **Additional required standards during abatement.** Any tire collector abating a tire dump must operate and maintain the tire dump in conformance with items A to E unless otherwise allowed by the agency.

A. ~~No material other than~~ Only waste tires, which ~~includes~~ include waste tire chips, may be stored in the designated tire dump area.

B. Open burning is prohibited as required in parts 7005.0700 to 7005.0750.

C. Tires, which include waste tire chips, must not be deposited in and must be prevented from entering surface or ground waters.

D. Communication facilities must be provided for emergency purposes.

E. Equipment must be provided and kept at the tire dump to control accidental fires, and arrangements must be made with the local fire protection agency to immediately acquire their services when needed.

7035.8120 [Emergency] CONSIDERATIONS DURING ABATEMENT.

Any tire collector abating a tire dump must comply with the following:

A. surface water drainage must be diverted around and away from the tire dump;

B. adequate equipment must be available for abatement of the tire dump in accordance with the abatement plan;

C. the approach road to the tire dump and the access road within the tire dump must be of all-weather construction and maintained in good condition so that they will be passable at all times for any vehicle using the roads;

D. the tire dump must be free of unwanted vegetation

APPROVED IN THE
REVISOR OF STATUTES
BY:

and other growth at all times; and

E. access to the tire dump must be controlled to prevent unauthorized use. A gate must be provided at the entrance to the tire dump and kept locked when an attendant is not on duty.

7035.8130 [Emergency] EMERGENCY PROCEDURES AND CONTINGENCY PLAN.

Subpart 1. **Emergency procedures and contingency plan manual.** The owner or operator of the tire dump must prepare and maintain a manual outlining the procedures and contingency plan that will be followed by the owner or operator in the event of an emergency at the tire dump. The emergency procedures and contingency plan must contain the provisions outlined in subparts 2 and 3.

Subp. 2. **Emergency procedures.** The manual must contain:

A. a list of names and telephone numbers of local fire and police departments to contact;

B. a list of the equipment available at the site such as fire extinguishers, communication and alarm systems, and a brief description as to when and how the equipment is to be used;

C. the procedures to be followed during the emergency, including measures that will be taken by the owner or operator to ensure that fires do not spread in the event of a fire;

D. a description of prior arrangements made with local police and fire departments; and

E. the locations of known water supplies.

Subp. 3. **Contingency plan.** The manual must contain a contingency plan to address the problem of oily run-off collection and storage in case of fire, including:

A. how and where the run-off will be confined and collected;

B. where the run-off will be stored;

C. what will be done with the run-off;

D. the equipment to implement the contingency plan; and

E. any prior arrangements with police and fire

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

departments.

Subp. 4. **Implementation of emergency procedures and contingency plan.** The provisions of the manual must be carried out immediately when necessary to minimize the adverse effects of fires.

Subp. 5. **Notification.** The owner or operator of the tire dump must immediately notify the director in the event of a fire at the tire dump.

Subp. 6. **Report.** The owner or operator of the tire dump shall submit to the agency within two weeks of an emergency a report discussing the type of emergency and the procedures followed to minimize potential hazards to human health and the environment.

Subp. 7. **Amendment of manual.** The manual must be reviewed, and immediately amended if necessary, whenever:

A. the emergency procedures and contingency plan fail; or

B. the tire dump changes in its design, construction, operation, or maintenance, and such changes require revised emergency procedures.

Subp. 8. **Copies of emergency procedures and contingency plan manual.** A copy of the manual and all amendments to the manual must be:

A. maintained at the tire dump; and

B. submitted to the director with the abatement plan, pursuant to part 7035.8050 [Emergency], subpart 2, item B, and after modification or approval, will become a condition of any approved abatement plan.

7035.8140 [Emergency] OPERATIONAL RECORD.

Subpart 1. **Record information.** The following information must be recorded and maintained in the operating record of the tire dump by the owner or operator:

A. the approximate amount and type of waste tires currently in stockpiles at the tire dump, and the approximate tonnage of tire chips currently in stockpiles at the tire dump;

B. the approximate amount of tires coming in and

APPROVED IN THE REVISOR OF STATUTES BY:

shipped from the tire dump during the past time increment and the form in which the tires were shipped; if the tires shipped from the tire dump are in the form of tire chips, the number of tons shipped from the tire dump during the past time increment;

C. the destination of waste tires or tire-derived materials shipped from the tire dump, the projected date for shipping, and the quantity shipped;

D. a description of tire handling techniques, including any equipment used at the tire dump; and

E. summary reports and details of all incidents that required implementing the emergency procedures and contingency plan as specified in part 7035.8130 [Emergency], subpart 4.

Subp. 2. **Incremental report.** Upon completion of each time increment in the approved abatement plan incorporated into the stipulation agreement pursuant to part 7035.8060 [Emergency], the owner or operator must prepare and submit to the director within 30 days a single copy of the operational record for the preceding time increment. The report must contain:

A. the information required by subpart 1;

B. the dates covered by the report; and

C. the name of the tire collector and the address of the tire dump.

7035.8150 [Emergency] CERTIFICATION OF COMPLETION.

Upon completion of the cleanup in accordance with the contents of the stipulation agreement, the tire collector must submit a certification to the agency signed by the tire collector indicating that the cleanup of the tire dump is completed. Upon receiving the certification, the director shall inspect the area to ensure that the cleanup has been completed.

7035.8160 [Emergency] REIMBURSEMENT.

Subpart 1. **Criteria.** The agency shall reimburse a tire collector for abatement action only if all of the following criteria are met:

A. the tire collector was issued a request for abatement action by the agency and chose to abate the tire dump

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

by pursuing item B (option B) of part 7035.8050 [Emergency], subpart 2;

B. the response by a tire collector to a request for abatement action was incorporated into a stipulation agreement pursuant to part 7035.8060 [Emergency];

C. the tire dump for which reimbursement is sought was existing on the effective date of parts 7035.8000 to 7035.8160 [Emergency], and the tire collector notified the director in accordance with part 7035.8030 [Emergency]; and

D. the owner or operator is in compliance with the abatement plan incorporated into the stipulation agreement pursuant to part 7035.8060 [Emergency].

Subp. 2. **Waste tires eligible for reimbursement.** The agency shall reimburse tire collectors meeting the criteria established in subpart 1 for each ton of waste tires abated meeting all of the following criteria:

A. the waste tires in each ton must be taken from the tire dump for which the request for abatement action was issued;

B. the waste tires in each ton must be processed as defined in Minnesota Statutes, section 115A.90, subdivision 6; and

C. the usable materials produced after processing, pursuant to item B, must be given or sold to a market utilizing the materials in a manner acceptable to the agency.

Subp. 3. **Reimbursement rate.** For a tire collector seeking reimbursement, the agency shall establish a reimbursement rate of up to $10 for each ton of waste tires abated meeting the criteria established in subpart 2. The reimbursement rate will be established based on the costs to be incurred by the tire collector for processing tires at the tire dump minus the revenues to be received by the tire collector for tire-derived materials. The reimbursement rate shall be incorporated into the stipulation agreement established in part 7035.8060 [Emergency]. This reimbursement rate may be revised by amending the stipulation agreement. Such revisions shall be based on the information submitted pursuant to subparts 7 and 8 and the

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

actual reimbursement rates established pursuant to subpart 9.

Subp. 4. **End-use consideration.** A tire collector seeking reimbursement shall abate the tire dump by choosing a processing technique which provides for the best end-use of the waste tires available. In the abatement plan submitted pursuant to part 7035.8050 [Emergency], subpart 2, item B, a tire collector seeking reimbursement shall specify and discuss the reasons for choosing the proposed processing technique for cleaning up the tire dump and the consideration the tire collector will give to processing techniques that promote a better end-use for the waste tires, such as recapping.

Subp. 5. **Cost and revenue analysis.** In the abatement plan submitted pursuant to part 7035.8050 [Emergency], subpart 2, item B, a tire collector seeking reimbursement shall analyze the costs inherent to the processing techniques proposed to be used to clean up the tire dump and the revenues from the tire derived materials produced as a result of the proposed processing techniques.

Subp. 6. **Total amount of money available.** Before a tire collector commences cleanup of the tire dump, the director shall determine the total amount of money available for all reimbursement requests submitted during the cleanup of the tire dump. For the purpose of determining the total amount of money available for all reimbursement requests submitted during the cleanup of the tire dump, the director shall consider the tonnage of waste tires located at the tire dump as determined by the director and the reimbursement rate established in subpart 3, and the availability of waste tire abatement funds. The total amount of money available for reimbursement shall be incorporated into the stipulation agreement established pursuant to part 7035.8060 [Emergency].

Subp. 7. **Submittal and contents of reimbursement request.** Requests for reimbursement shall be included with the incremental report submitted to the director pursuant to part 7035.8140 [Emergency], subpart 3. A reimbursement request shall contain the following information:

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

A. the name of the tire collector and the address of the tire dump;

B. the dates covered by the reimbursement request;

C. documentation specifying the tonnage of tires processed at the tire dump over the past time increment;

D. documentation specifying the total cost to process the amount claimed in item C;

E. documentation specifying the amounts of tire-derived material shipped over the past time increment from the tire dump for which the request for abatement action was issued, and the form of the shipped tire-derived material;

F. the names and addresses of all markets utilizing the processed waste tires over the past time increment; the form of the processed waste tires and the amount supplied to each of the markets utilizing the processed waste tires; the amount of money received for the processed waste tires from each of the markets utilizing the processed waste tires; and any documentation supporting the claims of this item;

G. the amount of money the tire collector is requesting for reimbursement, specifying the data on which this amount is based;

H. documentation specifying the tonnage of tires processed, but not originating from the tire dump over the past time increment; and

I. any other documentation or data that may support the information submitted in items A to H.

Subp. 8. **Additional information.** If the director determines that the information submitted pursuant to subpart 7 is not sufficient to determine actual costs, actual revenues, and an amount to be reimbursed pursuant to subpart 9, then the director shall request additional information of the tire collector.

Subp. 9. **Amount to be reimbursed.** The director shall determine the total amount to be reimbursed to a tire collector for reimbursement requests submitted pursuant to subpart 7. The director will determine the amount to be reimbursed based on the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

actual costs incurred by the tire collector for processing waste tires from the tire dump, the actual revenues received by the tire collector for tire-derived materials, and an actual reimbursement rate based on the actual costs and actual revenues. The director will determine the actual costs and actual revenues based on the information submitted pursuant to subparts 7 and 8. The actual reimbursement rate may be less than the reimbursement rate established or revised in subpart 3. However, the actual reimbursement rate cannot exceed the reimbursement rate established or revised in subpart 3 by more than ten percent. In no event shall the actual reimbursement rate exceed $10 per ton.

Subp. 10. **Reimbursement.** Based on the priorities established in Minnesota Statutes, section 115A.912, subdivision 2, the availability of waste tire collection funds, and the director's determination of the total amount to be reimbursed pursuant to subpart 9, the agency shall partially reimburse the tire collector for the costs of abatement.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

APPROVED AS TO FORM AND LEGALITY
November 14 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 1 4 1985
Joan Anderson Growe
Secretary of State

1:53 pm

Rules as Proposed, Emergency (all new material)

7035.8000 [Emergency] SCOPE.

Parts 7035.8000 to 7035.8160 [Emergency] govern the abatement of waste tire dumps. A tire collector who owns or operates a tire dump is subject to agency abatement action under parts 7035.8000 to 7035.8160 [Emergency].

7035.8010 [Emergency] DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 7035.8000 to 7035.8160 [Emergency], the following definitions apply.

Subp. 2. **Abate or abatement.** "Abate" or "abatement" means the processing and removing of waste tires in an agency-accepted manner.

Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 4. **Director.** "Director" means the executive director of the Minnesota Pollution Control Agency.

Subp. 5. **100-year flood.** "100-year flood" means a flood that has a one percent chance of being equaled or exceeded in any given year.

Subp. 6. **100-year floodplain.** "100-year floodplain" means any land area that is subject to a one percent or greater chance of flooding in any given year from any source.

Subp. 7. **Operator.** "Operator" means any person responsible for the overall operation of the tire dump.

Subp. 8. **Owner.** "Owner" means any person who owns a tire dump, part of a tire dump, or the land on which the tire dump is located.

Subp. 9. **Person.** "Person" has the meaning given in Minnesota Statutes, section 116.06, subdivision 8.

Subp. 10. **Processing.** "Processing" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 6.

Subp. 11. **Ravine.** "Ravine" means any manmade or naturally occurring depression in the land area capable of allowing water to flow at or above the surface of the land.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 12. **Shoreland.** "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters:

A. land within 1,000 feet from the normal high water mark of a lake, pond, or flowage; and

B. land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on such a river or stream, whichever is greater.

Subp. 13. **Sinkhole.** "Sinkhole" means a closed depression in an area of karst topography that is formed either by solution of surficial limestone or by collapse of underlying caves.

Subp. 14. **Tire.** "Tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 7.

Subp. 15. **Tire collector.** "Tire collector" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 8.

Subp. 16. **Tire dump.** "Tire dump" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 9.

Subp. 17. **Waste tire.** "Waste tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 11.

Subp. 18. **Waste tire chip.** "Waste tire chip" means a small piece of a waste tire produced as a result of volume reduction techniques.

Subp. 19. **Wetland.** "Wetland" means any land area that can be classified as a wetland according to the publication, Classification of Wetlands and Deep Water Habitats of the United States. This publication was prepared by Lewis M. Cowardin, Virginia Carter, Francis C. Golet, and Edward T. LaRoe for the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C., Government Printing Office, 1979 and is incorporated by reference. It is not subject to frequent change.

7035.8020 [Emergency] AVAILABILITY OF REFERENCES.

The documents referred to in parts 7035.8000 to 7035.8160 [Emergency] may be obtained by contacting the appropriate offices as listed below.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

A. Classification of Wetlands and Deep Water Habitats of the United States, 1979, issued by the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20402, is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota.

B. The Standard for Storage of Rubber Tires, NFPA 231D-1980 edition, adopted by the National Fire Protection Association, San Diego, California, is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota; the Office of Public Safety, Fire Marshal Division; or any local fire department.

7035.8030 [Emergency] NOTIFICATION OF TIRE DUMP.

Within 60 days of the effective date of parts 7035.8000 to 7035.8160 [Emergency], a tire collector who owns or operates a tire dump must submit a written notification to the director. The notification must contain:

A. the address of the tire dump;

B. the name, address, and telephone number of the owner of the tire dump for which the notification is submitted;

C. if the operator of the tire dump for which the notification is submitted is different from the owner, the name, address, and telephone number of the operator;

D. an estimation of the number of tires currently located at the tire dump; and

E. a general description of the tire dump, including a topographic map or other map if a topographic map is unavailable. The map must show the tire dump and the area surrounding the tire dump for a distance of at least one-half mile in all directions of the tire dump, and all structures that are located in this area.

7035.8040 [Emergency] REQUEST FOR ABATEMENT ACTION.

Subpart 1. **Issuance of request for abatement action.** If a tire collector is subject to agency abatement action pursuant to part 7035.8000 [Emergency], the agency may issue a request for

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

abatement action to the tire collector responsible for the tire dump. The agency's decision whether to issue a request for abatement action shall be based upon the priorities established under subpart 2, the availability of waste tire collection funds, and the agency's administrative ability to take action.

Subp. 2. **Priorities for issuing a request for abatement action.** The agency shall issue requests for abatement action based on the criteria established in Minnesota Statutes, section 115A.912, subdivision 2. The agency shall issue requests for abatement action in the following order of priority:

A. First priority; the agency shall issue requests for abatement action to tire dumps with over one million tires. Tire dumps with over one million tires shall be ranked based on the criteria established in items B and C.

B. Second priority; the agency shall issue requests for abatement action to tire dumps posing fire hazards. For the purpose of ranking fire hazards at tire dumps, the agency shall consider the number of tires located at a tire dump as determined by the director, the size of the population affected, which includes the proximity and density of the population in relation to the tire dump, and the threat to natural resources.

C. Third priority; the agency shall issue requests for abatement action to tire dumps in densely populated areas. For the purpose of ranking these tire dumps, the agency shall consider the number of tires located at a tire dump as determined by the director, and the size of the population affected, which includes the proximity and density of the population in relation to the tire dump.

D. Fourth priority; the agency shall issue requests for abatement action to tire dumps that are not item A, B, or C priorities. For the purpose of ranking these tire dumps, the agency shall take into consideration the number of tires located at a site as determined by the director and the size of the population affected which includes the proximity and density of the population in relation to the tire dump.

7035.8050 [Emergency] CONTENTS OF REQUEST FOR ABATEMENT ACTION.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subpart 1. **Contents.** A request for abatement action shall be in writing, shall specify the action that must be taken, shall state the reasons for requesting the action, shall specify a time frame within which to respond to the request, and shall state the intention of the agency to take action if the requested action is not taken within the specified time.

Subp. 2. **Request.** The request for abatement action will request the tire collector responsible for the tire dump to pursue either option specified in items A and B within the specified time. Item A (option A) shall be an acceptable option only for tire dumps existing on the effective date of parts 7035.8000 to 7035.8160 and only for tire collectors who have notified the director in accordance with part 7035.8030 [Emergency].

A. The tire collector must voluntarily surrender to the agency all of the waste tires that constitute the tire dump by signing an agreement with the agency, in which case the agency will provide for the processing and removal of the waste tires; or

B. The tire collector must submit an abatement plan to the director within the time specified in the request for abatement action stating a proposal for cleaning up the tire dump. In the plan, the tire collector shall:

(1) specify the manner proposed for cleaning up the tire dump, including:

(a) an explanation of all of the processing techniques proposed to be used to clean up the tire dump; and

(b) a description of the equipment proposed to be used to clean up the tire dump and the manner in which each piece of equipment will be used;

(2) provide for compliance with the technical standards specified in parts 7035.8090 to 7035.8150 [Emergency] and describe how compliance with these standards will be achieved; and

(3) propose an incremental time frame for the removal of all waste tires constituting the tire dump with the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

proposed date of completion of the cleanup not to exceed five years past the date the cleanup is proposed to begin. The tire collector shall indicate the work to be completed during each time increment.

7035.8060 [Emergency] RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

A response by a tire collector to a request for abatement action must be incorporated into a stipulation agreement signed by the tire collector and the agency before it will be considered an adequate response.

7035.8070 [Emergency] INADEQUATE RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

If after a tire collector has been issued a request for abatement action the agency determines that the tire collector has failed to take the requested action within the time specified, the agency may make a determination of inadequate response. The following items constitute justification for the agency to make a determination of inadequate response:

A. the tire collector has not responded to the request for abatement action within the specified time period;

B. the tire collector submits a response which fails to meet the requirements specified in the request for abatement action;

C. the tire collector has failed to sign a stipulation agreement incorporating the response; or

D. the tire collector is in violation of, or in noncompliance with, any of the provisions of the stipulation agreement.

7035.8080 [Emergency] TIRE DUMP ABATEMENT ORDER.

When the agency makes a determination of inadequate response or revokes without reissuance an agency waste tire facility permit, the agency may issue a tire dump abatement order to the responsible tire collector. A tire dump abatement order may provide for entering the property where the tire dump is located, taking tires into public custody, and arranging for their processing and removal.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

7035.8090 [Emergency] STANDARDS.

Parts 7035.8090 to 7035.8140 [Emergency] are standards and provisions which govern the storage, operational, and reporting requirements a tire collector must comply with during abatement.

7035.8100 [Emergency] INDOOR STORAGE STANDARDS.

The Standard for Storage of Rubber Tires, NFPA 231D-1980 edition, governs the indoor storage of tires and is incorporated by reference into parts 7035.8090 to 7035.8140 [Emergency]. This standard was prepared by the Technical Committee on Storage of Rubber Tires and adopted by the National Fire Protection Association on November 18, 1980, in San Diego, California. It was released for publication by the Standards Council on December 18, 1980, and is not subject to frequent change.

7035.8110 [Emergency] REQUIRED STANDARDS DURING ABATEMENT.

Subpart 1. **Location standards during the first time increment.** During the first increment of an abatement plan, the tire collector must provide for the removal of all waste tires from the following areas:

A. floodplains;

B. wetlands;

C. shorelands; and

D. sinkholes and ravines.

Subp. 2. **Fire hazard standards during the first time increment.** During the first increment of an abatement plan, the tire collector shall reduce fire hazards at the tire dump by:

A. complying with the standards referenced in part 7035.8100 [Emergency], if the tire dump is located indoors; and

B. constructing fire lanes at tire dumps located outdoors in such a manner that each individual waste tire stockpile:

(1) has an area not greater than 10,000 square feet;

(2) has a vertical height not greater than 20 feet; and

(3) has a minimum 50-foot fire lane between the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

stockpiles free of rubbish, equipment, and other materials at all times.

Subp. 3. **Additional required standards during abatement.** Any tire collector abating a tire dump must operate and maintain the tire dump in conformance with items A to E unless otherwise allowed by the agency.

A. No material other than waste tires, which includes waste tire chips, may be stored in the designated tire dump area.

B. Open burning is prohibited as required in parts 7005.0700 to 7005.0750.

C. Tires, which include waste tire chips, must not be deposited in and must be prevented from entering surface or ground waters.

D. Communication facilities must be provided for emergency purposes.

E. Equipment must be provided and kept at the tire dump to control accidental fires, and arrangements must be made with the local fire protection agency to immediately acquire their services when needed.

7035.8120 [Emergency] CONSIDERATIONS DURING ABATEMENT.

Any tire collector abating a tire dump must comply with the following:

A. surface water drainage must be diverted around and away from the tire dump;

B. adequate equipment must be available for abatement of the tire dump in accordance with the abatement plan;

C. the approach road to the tire dump and the access road within the tire dump must be of all-weather construction and maintained in good condition so that they will be passable at all times for any vehicle using the roads;

D. the tire dump must be free of unwanted vegetation and other growth at all times; and

E. access to the tire dump must be controlled to prevent unauthorized use. A gate must be provided at the entrance to the tire dump and kept locked when an attendant is not on duty.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

7035.8130 [Emergency] EMERGENCY PROCEDURES AND CONTINGENCY PLAN.

Subpart 1. **Emergency procedures and contingency plan manual.** The owner or operator of the tire dump must prepare and maintain a manual outlining the procedures and contingency plan that will be followed by the owner or operator in the event of an emergency at the tire dump. The emergency procedures and contingency plan must contain the provisions outlined in subparts 2 and 3.

Subp. 2. **Emergency procedures.** The manual must contain:

A. a list of names and telephone numbers of local fire and police departments to contact;

B. a list of the equipment available at the site such as fire extinguishers, communication and alarm systems, and a brief description as to when and how the equipment is to be used;

C. the procedures to be followed during the emergency, including measures that will be taken by the owner or operator to ensure that fires do not spread in the event of a fire;

D. a description of prior arrangements made with local police and fire departments; and

E. the locations of known water supplies.

Subp. 3. **Contingency plan.** The manual must contain a contingency plan to address the problem of oily run-off collection and storage in case of fire, including:

A. how and where the run-off will be confined and collected;

B. where the run-off will be stored;

C. what will be done with the run-off;

D. the equipment to implement the contingency plan; and

E. any prior arrangements with police and fire departments.

Subp. 4. **Implementation of emergency procedures and contingency plan.** The provisions of the manual must be carried out immediately when necessary to minimize the adverse effects of fires.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subp. 5. **Notification.** The owner or operator of the tire dump must immediately notify the director in the event of a fire at the tire dump.

Subp. 6. **Report.** The owner or operator of the tire dump shall submit to the agency within two weeks of an emergency a report discussing the type of emergency and the procedures followed to minimize potential hazards to human health and the environment.

Subp. 7. **Amendment of manual.** The manual must be reviewed, and immediately amended if necessary, whenever:

A. the emergency procedures and contingency plan fail; or

B. the tire dump changes in its design, construction, operation, or maintenance, and such changes require revised emergency procedures.

Subp. 8. **Copies of emergency procedures and contingency plan manual.** A copy of the manual and all amendments to the manual must be:

A. maintained at the tire dump; and

B. submitted to the director with the abatement plan, pursuant to part 7035.8050 [Emergency], subpart 2, item B, and after modification or approval, will become a condition of any approved abatement plan.

7035.8140 [Emergency] OPERATIONAL RECORD.

Subpart 1. **Record information.** The following information must be recorded and maintained in the operating record of the tire dump by the owner or operator:

A. the approximate amount and type of waste tires currently in stockpiles at the tire dump, and the approximate tonnage of tire chips currently in stockpiles at the tire dump;

B. the approximate amount of tires coming in and shipped from the tire dump during the past time increment and the form in which the tires were shipped; if the tires shipped from the tire dump are in the form of tire chips, the number of tons shipped from the tire dump during the past time increment;

C. the destination of waste tires or tire-derived

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

materials shipped from the tire dump, the projected date for shipping, and the quantity shipped;

D. a description of tire handling techniques, including any equipment used at the tire dump; and

E. summary reports and details of all incidents that required implementing the emergency procedures and contingency plan as specified in part 7035.8130 [Emergency], subpart 4.

Subp. 2. **Incremental report.** Upon completion of each time increment in the approved abatement plan incorporated into the stipulation agreement pursuant to part 7035.8060 [Emergency], the owner or operator must prepare and submit to the director within 30 days a single copy of the operational record for the preceding time increment. The report must contain:

A. the information required by subpart 1;

B. the dates covered by the report; and

C. the name of the tire collector and the address of the tire dump.

7035.8150 [Emergency] CERTIFICATION OF COMPLETION.

Upon completion of the cleanup in accordance with the contents of the stipulation agreement, the tire collector must submit a certification to the agency signed by the tire collector indicating that the cleanup of the tire dump is completed. Upon receiving the certification, the director shall inspect the area to ensure that the cleanup has been completed.

7035.8160 [Emergency] REIMBURSEMENT.

Subpart 1. **Criteria.** The agency shall reimburse a tire collector for abatement action only if all of the following criteria are met:

A. the tire collector was issued a request for abatement action by the agency and chose to abate the tire dump by pursuing item B (option B) of part 7035.8050 [Emergency], subpart 2;

B. the response by a tire collector to a request for abatement action was incorporated into a stipulation agreement pursuant to part 7035.8060 [Emergency];

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

C. the tire dump for which reimbursement is sought was existing on the effective date of parts 7035.8000 to 7035.8160 [Emergency], and the tire collector notified the director in accordance with part 7035.8030 [Emergency]; and

D. the owner or operator is in compliance with the abatement plan incorporated into the stipulation agreement pursuant to part 7035.8060 [Emergency].

Subp. 2. **Waste tires eligible for reimbursement.** The agency shall reimburse tire collectors meeting the criteria established in subpart 1 for each ton of waste tires abated meeting all of the following criteria:

A. the waste tires in each ton must be taken from the tire dump for which the request for abatement action was issued;

B. the waste tires in each ton must be processed as defined in Minnesota Statutes, section 115A.90, subdivision 6; and

C. the usable materials produced after processing, pursuant to item B, must be given or sold to a market utilizing the materials in a manner acceptable to the agency.

Subp. 3. **Reimbursement rate.** For a tire collector seeking reimbursement, the agency shall establish a reimbursement rate of up to $10 for each ton of waste tires abated meeting the criteria established in subpart 2. The reimbursement rate will be established based on the costs to be incurred by the tire collector for processing tires at the tire dump minus the revenues to be received by the tire collector for tire-derived materials. The reimbursement rate shall be incorporated into the stipulation agreement established in part 7035.8060 [Emergency]. This reimbursement rate may be revised by amending the stipulation agreement. Such revisions shall be based on the information submitted pursuant to subparts 7 and 8 and the actual reimbursement rates established pursuant to subpart 9.

Subp. 4. **End-use consideration.** A tire collector seeking reimbursement shall abate the tire dump by choosing a processing technique which provides for the best end-use of the waste tires available. In the abatement plan submitted pursuant to part

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

7035.8050 [Emergency], subpart 2, item B, a tire collector seeking reimbursement shall specify and discuss the reasons for choosing the proposed processing technique for cleaning up the tire dump and the consideration the tire collector will give to processing techniques that promote a better end-use for the waste tires, such as recapping.

Subp. 5. **Cost and revenue analysis.** In the abatement plan submitted pursuant to part 7035.8050 [Emergency], subpart 2, item B, a tire collector seeking reimbursement shall analyze the costs inherent to the processing techniques proposed to be used to clean up the tire dump and the revenues from the tire derived materials produced as a result of the proposed processing techniques.

Subp. 6. **Total amount of money available.** Before a tire collector commences cleanup of the tire dump, the director shall determine the total amount of money available for all reimbursement requests submitted during the cleanup of the tire dump. For the purpose of determining the total amount of money available for all reimbursement requests submitted during the cleanup of the tire dump, the director shall consider the tonnage of waste tires located at the tire dump as determined by the director and the reimbursement rate established in subpart 3, and the availability of waste tire abatement funds. The total amount of money available for reimbursement shall be incorporated into the stipulation agreement established pursuant to part 7035.8060 [Emergency].

Subp. 7. **Submittal and contents of reimbursement request.** Requests for reimbursement shall be included with the incremental report submitted to the director pursuant to part 7035.8140 [Emergency], subpart 3. A reimbursement request shall contain the following information:

A. the name of the tire collector and the address of the tire dump;

B. the dates covered by the reimbursement request;

C. documentation specifying the tonnage of tires processed at the tire dump over the past time increment;

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

D. documentation specifying the total cost to process the amount claimed in item C;

E. documentation specifying the amounts of tire-derived material shipped over the past time increment from the tire dump for which the request for abatement action was issued, and the form of the shipped tire-derived material;

F. the names and addresses of all markets utilizing the processed waste tires over the past time increment; the form of the processed waste tires and the amount supplied to each of the markets utilizing the processed waste tires; the amount of money received for the processed waste tires from each of the markets utilizing the processed waste tires; and any documentation supporting the claims of this item;

G. the amount of money the tire collector is requesting for reimbursement, specifying the data on which this amount is based;

H. documentation specifying the tonnage of tires processed, but not originating from the tire dump over the past time increment; and

I. any other documentation or data that may support the information submitted in items A to H.

Subp. 8. **Additional information.** If the director determines that the information submitted pursuant to subpart 7 is not sufficient to determine actual costs, actual revenues, and an amount to be reimbursed pursuant to subpart 9, then the director shall request additional information of the tire collector.

Subp. 9. **Amount to be reimbursed.** The director shall determine the total amount to be reimbursed to a tire collector for reimbursement requests submitted pursuant to subpart 7. The director will determine the amount to be reimbursed based on the actual costs incurred by the tire collector for processing waste tires from the tire dump, the actual revenues received by the tire collector for tire-derived materials, and an actual reimbursement rate based on the actual costs and actual revenues. The director will determine the actual costs and

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

actual revenues based on the information submitted pursuant to subparts 7 and 8. The actual reimbursement rate may be less than the reimbursement rate established or revised in subpart 3. However, the actual reimbursement rate cannot exceed the reimbursement rate established or revised in subpart 3 by more than ten percent. In no event shall the actual reimbursement rate exceed $10 per ton.

Subp. 10. **Reimbursement.** Based on the priorities established in Minnesota Statutes, section 115A.912, subdivision 2, the availability of waste tire collection funds, and the director's determination of the total amount to be reimbursed pursuant to subpart 9, the agency shall partially reimburse the tire collector for the costs of abatement.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD837

Agency: Pollution Control Agency

Division:

Agency Contact: Pat Carey 296-7231

Minnesota Rules: Parts 7035.8000 to 7035.8160 [Emergency]

Title: Proposed Rules Relating to Waste Tire Dump Abatement

Type of Rules: Emergency

Incorporations by Reference:

Rule Number:	Material Incorporated:
7035.8010, subpart 19	Classification of Wetlands and Deep Water Habitats of the United States available from Government Printing Office, Washington, D.C.

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948

Date: September 9, 1985

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Emergency Rules Governing the Abatement of Waste Tire Dumps, Minnesota Rules Parts 7035.8000 to 7035.8160 [Emergency]

ORDER ADOPTING RULES

Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled emergency rules was published in the State Register on Monday, September 23, 1985, and was sent by United States mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. § 14.14 (1984) on September 20, 1985. Having afforded interested and affected persons an opportunity to submit comments for 25 days after the publication date of the notice, having reviewed and considered the comments, and having determined the need for and reasonableness of the above-captioned emergency rules,

NOW, THEREFORE, IT IS ORDERED, that the proposed emergency rules identified as "Proposed Emergency Rules Governing the Abatement of Waste Tire Dumps," Minn. Rules pts. 7035.8000 to 7035.8160 [Emergency], as published in 10 State Register 687 (September 23, 1985) are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 115A.914, subd. 1 (1984), as amended by Minn. Laws 1985, First Special Session, ch. 13 § 232, with the following modification:

Proposed emergency rule part 7035.8110, subpart 3, clause A is amended to read as follows:

MR DAD

A. ~~No material other than~~ Only waste tires, which include waste tire chips, may be stored in the designated tire dump area.

Duane A Dahlberg
DUANE DAHLBERG
Chairperson

for Michael Robertson
THOMAS J. KALITOWSKI
Executive Director

Dated: 10/22, 1985

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Emergency Rules Governing Waste Tire Dump Abatement, Minnesota Rules Parts 7035.8000 to 7035.8160

ORDER FOR PUBLICATION AND MAILING OF NOTICE OF INTENT TO ADOPT EMERGENCY RULES

It is hereby ordered this 27th day of August, 1985, that Notice of Intent to Adopt Emergency Rules and the Proposed Emergency Rules in the above-entitled matter be given to all persons and associations who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

THOMAS J. KALITOWSKI
Executive Director

CERTIFICATE OF AGENCY'S AUTHORIZING RESOLUTION

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 27th day of August, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

> BE IT RESOLVED, that the Executive Director of the Minnesota Pollution Control Agency (MPCA) is hereby granted the authority to sign an order of the MPCA directing that notice be given of the MPCA's intent to adopt the attached proposed emergency rules of the MPCA governing waste tire dump abatement, Minn. Rules pts. 7035.8000 to 7035.8160, to sign the Notice thereof, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the MPCA to make in order to obtain the revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1984).

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of August, 1985.

THOMAS J. KALITOWSKI
Executive Director

State of Minnesota
Pollution Control Agency

In the Matter of the Proposed
Emergency Rules Governing the
Abatement of Waste Tire Dumps,
Minnesota Rules, Parts 7035.8000
to 7035.8160 (Emergency)

NOTICE OF INTENT TO
ADOPT EMERGENCY RULES

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt, in accordance with the provisions of Minn. Stat. §§ 14.29 to 14.36 (1984), emergency rules governing the abatement of waste tire dumps.

The proposed emergency rules, if adopted, will provide for the administration of the Agency's waste tire dump abatement program. The proposed emergency rules provide a procedure by which the Agency will take action to abate waste tire dumps in the State. Under this procedure, a tire collector responsible for an unpermitted waste tire stockpile (tire dump), which is by statute defined to be a nuisance, is subject to Agency abatement action.

Based on a tire dump's priority determined pursuant to the criteria established in Minn. Stat. § 115A.912, subd. 2 (1984), the Agency shall request a tire collector responsible for a tire dump to provide for cleanup of the tire dump. The tire collector may provide for cleanup either by signing an agreement which voluntarily surrenders to the Agency all of the waste tires in the tire dump or by submitting an abatement plan to the Agency which states a proposal for cleaning up the tire dump while complying with technical standards specified in the emergency rules. Certain tire collectors taking abatement action in response to a request for abatement action are eligible for a partial reimbursement of costs incurred in the abatement of the tire dump. If the tire collector fails to respond adequately to the Agency's request for abatement action, then the Agency may issue the tire collector a tire dump abatement order. The abatement order may include entering the property where the tire dump is located, taking the waste tires into public custody, and providing for their processing and removal.

These emergency rules are being proposed pursuant to the Agency's authority under Minn. Stat. § 115A.914, subd. 1 (1984), as amended by Minn. Laws 1985, First Special Session, ch. 13 § 232. One free copy of the proposed emergency rules is available on request from the Agency and may be obtained by contacting:

Patrick F. Carey
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road B2
Roseville, Minnesota 55113
612/296-7321

All interested parties have 25 days from the date of publication of this notice in the State Register to submit written comments to the Agency on the proposed emergency rules. With publication of this notice in the September 23, 1985 State Register, written comments must be received by the Agency no later than 4:30 p.m. on October 18, 1985. Each comment should identify the portion of the proposed emergency rules addressed by the comment, the reason for the comment, and any change that is proposed. Written comments should be submitted to Patrick F. Carey at the address stated above.

Please be advised that the proposed emergency rules may be modified as a result of the comments received. Any written material received by the Agency will become part of the record in this matter.

The proposed emergency rules, with any modifications, will be adopted by the Agency and submitted to the Attorney General for review as to form and legality after close of the comment period. Persons wishing to be informed of the date of submission of the proposed emergency rules as adopted to the Attorney General should submit a written statement of such request to Patrick F. Carey at the address previously stated. The Attorney General has 10 working days to approve or disapprove the proposed emergency rules.

The emergency rules will be effective five working days following approval of the emergency rules by the Attorney General. It is the Agency's intent to keep the emergency rules in effect for a period of 180 days, although the emergency rules may be continued in effect for an additional 180 days if the Agency publishes a separate notice of such continuation in the State Register and mails the same notice to all persons on the Agency's list to receive notice of rulemaking proceedings.

Date: 9/9/85

Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Emergency Rules Governing the
Abatement of Waste Tire Dumps,
Minnesota Rules, Parts 7035.8000
to 7035.8160 [Emergency]

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

CARL AGERBECK, being duly sworn, deposes and says:

That on the 20th day of SEPT., 1985, at the City of Roseville, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Emergency Rules by depositing in the United States mail for first class mailing at said City of Roseville, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by the Pollution Control Agency.

Subscribed and sworn to before me this
20th day of Sept, 1985.

Notary Public

NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My Commission Expires Sept 28, 1985

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Emergency Rules Governing the
Abatement of Waste Tire Dumps,
Minnesota Rules, Parts 7035.8000
to 7035.8160 [Emergency]

CERTIFICATE

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minn. Stat. § 14.14 (1984), that their names be placed on file with the Minnesota Pollution Control Agency (Agency) for the purpose of receiving notice of the proposed adoption of rules by the Agency is accurate and complete as of 3:00 p.m., this 19 day of September, 1985.

Elaine A. Zoch

Subscribed and sworn to before me this 19th day of Sept, 1985.

Maryanne Gibbons
Notary Public

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

ADHESIVE & SEALANT COUNCIL
SUITE 515
1500 NORTH WILSON BLVD
ARLINGTON VA 22209 1

AM INSURANCE ASSOC
ATTN FRED McGARVEY
230 W MONROE ST
CHICAGO IL 60606 1

AM LUNG ASSN RAMSEY COUNTY
BARBARA L HUGHES MNG DIR
614 PORTLAND AVE
ST PAUL MN 55102 1

AMERICAN CRYSTAL SUGAR
ATTN W W BARR MGR ENV CONTR
101 N THIRD ST
MOORHEAD MN 56560 1

AMOCO PIPELINE CO
C W BERGSTROM DIV CHIEF ENG
2200 S MAIN ST
LOMBARD IL 60148 1

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

API INC
ATTN TERRY WOLD
2366 ROSE PLACE
ST PAUL MN 55113 1

ASHLAND PETROLEUM COMPANY
ATTN RICHARD HETLAND
P O BOX 9
ST PAUL PARK MN 55071 1

ASSN OF MN COUNTIES
SUITE 300
555 PARK STREET
ST PAUL MN 55103 1

BADGER SAFE ENERGY ALLI
BOX 68
DURAND WI 54736 1

BARR ENGINEERING CO
TTN FRANCINE CREME
3800 FRANCE AVE SO
MINNEAPOLIS MN 55435 1

BENDIX
ENVIR & PROCESS INST DIV
P O DRAWER 831
LEWISBURG W VA 24901 1

BRUCE E BENSON
ZONING OFFICER
COURTHOUSE
CARLTON MN 55718 1

BIO-CLEAN INC
RUSS LOWTHIAN
7900 XERXES AVE S
SUITE 902
BLOOMINGTON MN 55431 1

BLACK & VEATCH/MICHIGAN
ATTN ENVIRONMENTAL SPECIAL
200 RENAISSANCE CE #1220
DETROIT MI 48243 1

BLANDIN PAPER COMPANY
ATTN W J LICKE
115 FIRST STREET S W
GRAND RAPIDS MN 55744 1

BLANDIN WOOD PRODUCTS CO
ATTN CURT R FIRMAN
WAFERBOARD PLANT SITE BOX N
GRAND RAPIDS MN 55744 1

BOISE CASCADE CORPORATION
ATTN MR RUSS SUMMER
ENVIRONMENTAL ENGINEER
INT'L FALLS MN 56649 1

BOLTON & MENK INC
ATTN THOMAS A ROUSHAR
515 N FRONT ST
MANKATO MN 56001 1

BROEKER HARTFELDT HEDGES &
GRANT ATTORNEY AT LAW
ATTN JOHN M BROEKER
2850 METRO DRIVE SUITE 800
MINNEAPOLIS MN 55420 1

CITY OF BROOKLYN CENTER
ATTN PATTY PAGE
6301 SHINGLE CREEK PKWY
BROOKLYN CE MN 55430

BILL BUDD
4270 JEFFERSON STREET
EXCELSIOR MN 55331

ROBERT S BURK
4344 IDS CENTER
MINNEAPOLIS MN 55402 1

BURLINGTON NORTHERN RLRD CO
9401 INDIAN CREEK PKWY
P O BOX 29136
OVERLAND PARK, KS 66201 1

BURLINGTON NORTHERN
LAW DEPARTMENT
176 EAST FIFTH STREET
ST PAUL MN 55101 1

CALC
ATTN PAM BARBOUR
122 W FRANKLIN AVE RM 302
MINNEAPOLIS MN 55404 1

CENEX
ATTN RALPH SCHLETTY
BOX 43089
ST PAUL MN 55164 1

DAVID CERA
2010 JERSEY AVE SO
ST LOUIS PARK MN 55426 1

CHAMPION INT'L CORP
KATHLEEN M BENNETT
DR OF REG AFFAIRS
ONE CHAMPION PLAZA
STAMFORD CN 06921 1

CHEMLAWN CORPORATION
MARK W BELICZKY E P
MGR REG & LEG AFFAIRS
8275 NORTH HIGH ST
COLUMBUS OH 43085 1

CITIZENS FOR BETTER ENVIR
ATTN LEALLAN ESTREM
SUITE #201
1515 E LAKE ST
MINNEAPOLIS MN 55407 2

COLOR-AD PACKAGING INC
ATTN MICHAEL S KECKEISEN
3600 ALABAMA AVE
MINNEAPOLIS MN 55146 2

COMM HEALTH SERV BRD
ATTN BRUCE T ROWE
325 LAKE AVENUE S SUITE 604
DULUTH MN 55802 2

CONSULTING ENGINEERS DIV
SUITE 200
7200 HEMLOCK LANE N
MAPLE GROVE MN 55369 2

CONWED CORP PATENT COR
CYNTHIA L WEBER
444 CEDAR ST
P O BOX 64237
ST PAUL MN 55164 2

COOPERATIVE POWER ASSOC
ATTN WILLIAM KAUL
14615 LONE OAK ROAD
EDEN PRAIRIE MN 55344 2

COOPERATIVE POWER ASSOC
ATTN SCOTT SCHULER
14615 LONE OAK ROAD
EDEN PRAIRIE MN 55344 2

CORNELIUS CO
JERRY DIRKS
1 CORNELIUS PLACE
HIGHWAY 10 W
ANOKA MN 55303 2

DONALD B CRASSWELLER
LAW OFFICES
1000 ALWORTH BUILDING
DULUTH MN 55802 2

D H G & G ATTORNEYS AT LAW
ATTN JOHN HERMAN
TEN SOUTH FIFTH ST
SUITE 930
MINNEAPOLIS MN 55401 2

MARK DAHL
500 MISSION RD
BLOOMINGTON MN 55420 2

DAIRYLAND POWER COOP
ATTN THOMAS A STEELE
P O BOX 817
2615 EAST AVENUE S
LA CROSSE WI 54601 2

DAKOTA COUNTY ATTORNEY
ROBERT F CAROLAN
1560 HIGHWAY 55
HASTINGS MN 55033 2

DAMES & MOORE
ATTN LARRY ANNEN
1550 NW HWY
PARK RIDGE IL 60068 2

DAMES & MOORE
ATTN GEORGE NICHOLAS
1550 NW HWY
PARK RIDGE IL 60068 2

DAVID BRASLAU ASSOCIATES
1313 5TH STREET S E #322
MINNEAPOLIS MN 55414 2

TOM LEHMAN
SUITE #388
HALL OF THE STATES
444 NORTH CAPITOL STREET
WASHINGTON D C 20001 2

DELANEY THOMPSON & SOLUM
ATTN ERIC W INGVALDSON
700 GALAXY BLDG
330 SECOND AVE SO
MINNEAPOLIS MN 55401 2

DEPT OF ARMY
JOHN AULBACH II 2 LT MSC
U S ARMY ENV HYGIENE AGENCY
FITZSIMONS ARMY MED CENTER
AURORA CO 80045 2

DORSEY & WHITNEY LIBRARY
2200 FIRST BANK PLACE E
MINNEAPOLIS MN 55402 2

DORSEY & WHITNEY
ATTN BECKY A COMSTOCK
2200 FIRST BANK PLACE EAST
MINNEAPOLIS MN 55402

DORSEY LAW FIRM
ATTN MARK KASTOR
2200 FIRST BANK PLACE E
MINNEAPOLIS MN 55402

DULUTH MISSABE & IRON
RANGE RAILWAY CO
210 MISSABE BLDG
DULUTH MN 55802

E I DU PONT DE NEMOURS CO
ATTN MARILYN MOONEY
LEGAL DEPT (D7082)
1007 MARKET STREET
WILMINGTON DE 19898

ENVIR ENG & POLLUTION
CONTROL/3M 21-2W-06
DAVID M BENFORADO P E
P O BOX 33331
ST PAUL MN 55133

ENVIR RESEARCH GROUP
ATTN SALES & MARKETING
P O BOX 70006
135 STATE ST
ST PAUL MN 55107

ENVIRONMENTAL ENGINEERING
& POLLUTION CONTROL/3M
ATTN THOMAS ZOSEL
P O BOX 33331
ST PAUL MN 55133

ENVIRONMENTAL HEALTH
RON SPONG
DAKOTA CNTY GOV CENTER
1560 HWY 55
HASTINGS MN 55033

ENVIRONMENTAL TASK FORCE
1346 CONNECTICUT AVE N W
SUITE 730
WASHINGTON D C 20036

EPA REGION V
OFFICE OF PUBLIC AFFAIRS
230 S DEARBORN ST
CHICAGO IL 60604

EPA REGION V
ATTN DAVE ULLRICH
230 S DEARBORN ST
CHICAGO IL 60604 3

M NEAL ERDAHL
14900 61ST ST N
STILLWATER MN 55082 3

ERN-NORTH CENTRAL INC
ATTN SUSAN HOGLUND
SUITE 200 835 STERLING AVE
PALATINE IL 60067 3

JACQUELYNE FARM
385 W CO RD B2
ROSEVILLE MN 55113 3

FINANCE & COMMERCE
THE DAILY BUSINESS NEWS
615 SOUTH 7TH STREET
MINNEAPOLIS MN 55415 3

FMC CORP
NORTHERN ORDINANCE DIV
DOUGLAS HILDRE
4800 E RIVER ROAD
MINNEAPOLIS MN 55421 3

FRC/ENVIRONMENTAL SERVICE
500 ATWATER STREET
ST PAUL MN 55117 3

CONRAD M FREDIN
ATTORNEY AT LAW
811 FIRST NAT BANK BLDG
DULUTH MN 55802 3

FRUNDT FRUNDT & JOHNSON
117 WEST 5TH STREET
BLUE EARTH MN 56013 3

GENERAL MILLS INC
ATTN DONALD J THIMSEN
P O BOX 1113
MINNEAPOLIS MN 55440 3

GEO A HORMEL & CO
ATTN KEVIN C JONES
BOX 800
AUSTIN MN 55912 3

GNB INC
EVERETT MILTON
P O BOX 64100
ST PAUL MN 55164-0100 3

GOULD INC
PORTABLE BATTERY DIVISION
ATTN DOUGLAS ROBAHM
931 VANDALIA ST
ST PAUL MN 55114 3

D E GRAMMER
4410 E 4TH AVE
HIBBING MN 55746 3

HAMLINE U LAW SCHOOL
PUBLIC INTEREST CLINIC
ATTN BARBARA JOHNSON
ST PAUL MN 55104 3

HAMLINE U SCHOOL OF LAW
PUBLIC INTEREST AD
ADVOCACY CLINIC
ST PAUL MN 55104 3

ELLSWORTH HARPOLE
727 15TH AVE S E #41
MINNEAPOLIS MN 55414 3

J WILLIAM HAUN P E
SUITE 343
13911 RUDGEDALE DR
MINNETONKA MN 55343 3

HEALTH & SOCIAL SERVICES
ATTN ROBERT HUTCHISON
COURTHOUSE 4TH FLOOR
ANOKA MN 55303 3

MICHAEL HENNEN
4608 ALDRICH AVE S
MINNEAPOLIS MN 55409 3

HENNINGSON DURHAM & RICH
ATTN DALE MCMICHAEL
300 PARKDALE 1 BLDG
5401 GAMBLE DRIVE
MINNEAPOLIS MN 55416

HESSIAN, McKASY &
SODERBERG
ATTN: HAROLD J. SODERBE
4700 IDS CENTER
MPLS MN 55402

HOLMES & GRAVEN
ATTN LARRY M WERTHEIM
470 PILLSBURY CENTER
MINNEAPOLIS MN 55402

PAUL J HUBER LTD
1821 UNIVERSITY AVE
ST PAUL MN 55104

IBM CORPORATION
ATTN J P HARMON
DEPT 713/BLDG 658-D
ROCHESTER MN 55901

INDUST HEALTH ENG ASSOC INC
ATTN KNOWLTON J CAPLAN
P O BOX 9342
MINNEAPOLIS MN 55440

INDUSTRIAL FABRICATORS CO
P O BOX 1561
JACKSON TN 38301

INTERNATIONAL ECO SOCIETY
ATTN R J F KRAMER
1471 BARCLAY STREET
ST PAUL MN 55106

INTERSTATE POWER CO
PRESIDENT
1000 MAIN ST
DUBUQUE IA 52001

IOWA DEPT ENVIRON QUALITY
ATTN STEVEN N WILLIAMS
HENRY A WALLACE BLDG
DES MOINES IA 50319

ISAAK WALTON LEAGUE
ERICA SITZ
6521 154TH LANE N W
ANOKA MN 55303 4

ISAAK WALTON LEAGUE
RUTH SAARI
5412 FRANCE AVE SO APT H
EDINA MN 55410 4

THE IZAAK WALTON LEAGUE
OF AMERICA
3255 HENNEPIN AVE S #109
MINNEAPOLIS MN 55408 4

JONES HAUGH & SMITH INC
515 SOUTH WASHINGTON
ALBERT LEA MN 56007 4

KFIL RADIO
ATTN ERNIE HAIN
P O BOX 377
PRESTON MN 55965 4

KIMBERLY-CLARK CORP
EILEEN McDONALD
401 N LAKE STREET
NEENAH WI 54956 4

KOPPERS COMPANY INC
ATTN JORDAN M DERN
1201 KOPPERS BLDG
PITTSBURGH PA 15219 4

KSTP AM RADIO
ATTN J B ECKERT
3415 UNIVERSITY AVE
ST PAUL MN 55114 4

AL KURKI
2904 W 3RD ST
DULUTH MN 55806 4

L L P O D LAW OFFICES
ATTN JOHN E DRAWZ
1100 FIRST NAT BANK BLDG
MINNEAPOLIS MN 55402 4

LAKE MINNETONKA CONS DIST
'02 E LAKE ST
WAYZATA MN 55391 4

LAKE SUPERIOR
INDUSTRIAL BUREAU
828 FIRST NATIONAL BANK
DULUTH MN 55802 4

LAND O LAKES
ATTN JAMES A BOSCH
4001 LEXINGTON AVE N
ARDEN HILLS MN 55112 4

LEAGUE OF MINNESOTA CITIES
ATTN DON SLATER
183 UNIVERSITY AVE EAST
ST PAUL MN 55101 4

STEVEN LEBEAU
623 S 9TH ST APT 6
MINNEAPOLIS MN 55404 4

LIBRARY MINISTRY OF ENV
PARLIAMENT BLDG
VICTORIA BRITISH CO
V8V1X4 CANADA 4

LITTON INDUSTRIES
ATTN NATALIE GAULL
P O BOX 9461
MINNEAPOLIS MN 55420 4

ROBERT LOCKYEAR
14900 61ST ST N
STILLWATER MN 55082 4

M & M PROTECT CONSULTANTS
ATTN WM R HOYT
1500 NORTH STAR CENTER
MINNEAPOLIS MN 55402 4

MAC ARTHUR CO
2400 WYCLIFF STREET
ST PAUL MN 55114 4

MAYO CLINIC FOUNDATION
DAVID N FASS
HEMATOLOGY RESEARCH
ROCHESTER MN 55901

MEEB/REEC
CAROL LANGER REG COORD
UNIVERSITY OF MN MORRIS
PE ANNEX RM 32
MORRIS MN 56267

MIDLAND GLASS COMPANY
DONALD F HENNEN
PLANT MANAGER
P O BOX 69
SHAKOPEE MN 55379

CITY OF MILTONA
ATTN KEVIN LEE CLERK
MILTONA MN 56354

MINNEAPOLIS TRIBUNE
ATTN BOB FRANKLIN
425 PORTLAND AVE
MINNEAPOLIS MN 55488

MINNEGASCO
PAUL DENEKA
DR LAB & ENVIRON PRGMS
601 W 61ST ST
MINNEAPOLIS MN 55419

MINNEGASCO
GEORGE MASTOR
LEGAL DIVISION
201 SOUTH 7TH STREET
MINNEAPOLIS MN 55402

MINNESOTA FARMERS UNION
ATTN MARK McAFEE
1717 UNIVERSITY
ST PAUL MN 55104

THE MINNESOTA PROJECT
ATTN LONI KEMP
2222 ELM STREET S E
MINNEAPOLIS MN 55414

MINNKOTA POWER COOP INC
ATTN LOREN L JOHNSON
BOX 1318
GRAND FORKS ND 58201 4

KIMBERLY-CLARK CORP
ATTN: LYNN A. BRANBERG
401 NORTH LAKE STREET
NEENAH, WI 54956 4

MN AGRI GROWTH COUNCIL
8030 CEDAR AVE S
SUITE 213
BLOOMINGTON MN 55420 5

MN ASSOC HEALTH CARE FAC
ATTN RICK CARTER
2850 METRO DRIVE SUITE 429
MINNEAPOLIS MN 55420 5

MN CHAPTER OF ABC
ATTN DONALD E MONTGOMERY
6300 WALKER ST SUITE 109
MINNEAPOLIS MN 55416 5

MN CONSERVATION FED
DIANE KELLY
4354 HARRIET AVE S
MINNEAPOLIS MN 55409 5

MN COUN TROUT UNLIMITED
DAVE KOLBERT CHAIRMAN
2675 E RIVER ROAD
ROCHESTER MN 55901 5

MN ENV QUALITY BOARD
GREG LARSON
550 CEDAR STREET
ST PAUL MN 55101 5

MN MOTOR TRANSPORT ASSOC
ATTN JAMES N DENN
1821 UNIVERSITY RM 134N
ST PAUL MN 55104 5

MN MULTI HOUSING ASSOC
ATTN JOHN G HORNER
3100 W LAKE ST
MINNEAPOLIS MN 55416 5

MN NEWSPAPER ASSOC
845 6TH ST SUITE 400
MINNEAPOLIS MN 55402 5

MN RAILROADS ASSOC
ATTN GORDON FORBES
303 HANOVER BLDG
480 CEDAR ST
ST PAUL MN 55101 5

MN RETAIL MERCHANTS ASSOC
ATTN JOHN E VAN DOORN
780 METRO SQUARE BLDG
ST PAUL MN 55101 5

MOBIL OIL
ATTN PETE GATES
P O BOX 66568
AMF O'HARE IL 60666 5

MOSS FLAHERTY CLARKSON &
FLETCHER LAW OFFICES
1200 PILLSBURY CTR
200 S 6TH ST
MINNEAPOLIS MN 55402 5

MOTORCYCLE INDUSTRY COUNCIL
1235 JEFFERSON DAVIS HWY
SUITE 1410
ARLINGTON VA 22202 5

MPIRG
ATTN JAMES MILLER
2412 UNIVERSITY AVE S E
MINNEAPOLIS MN 55414 5

MPIRG
ATTN KENNETH PETERSON
2412 UNIVERSITY AVE S E
MINNEAPOLIS MN 55414 5

NAT'L SOLID WASTE MGMT ASSN
MARY AYDE
4649 BLOOMINGTON AVE S
MINNEAPOLIS MN 55407 5

NAT'L RENDERERS ASSOC INC
ATTN WILLIAM H PROKOP
2250 EAST DEVON AVE
DES PLAINES IL 60018 5

NCASI
ATTN REID MINER
CENTRAL LAKE ST REG CE
WESTERN MICHIGAN UNIV
KALAMAZOO MI 49008 5

NE IMPROVEMENT COUN
KAREN VARIAN
722 36½ AVE N E
MINNEAPOLIS MN 55418 5

NORTH STAR STEEL CO
ATTN R A GARVEY
1678 RED ROCK RD
P O BOX 43189
ST PAUL MN 55164 5

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

NORTHERN STATES POWER CO
ATTN G V WELK MGR
REG COMPL & SERV
414 NICOLLET MALL
MINNEAPOLIS MN 55401

OFFICE OF ADMIN HEARINGS
ATTN SAM RUHLE
400 SUMMIT BANK BLDG
310 S FOURTH AVE
MINNEAPOLIS MN 55415

OGLEBAY NORTON CO
HENRY CHISHOLM
P O BOX 6508
CLEVELAND OHIO 44101

OLSON GUNN & SERAN LTD
ATTN WAYNE H OLSON
315 PEAVEY BLDG
730 SECOND AVE S
MINNEAPOLIS MN 55402

PAUL WEIR CO
ATTN MARY VACULA
20 NORTH WACKER DR
CHICAGO IL 60606 5

PERRY GRUBB ASSOC INC
ATTN CHARLES R SINGER
771 HARDING ST N E
MINNEAPOLIS MN 55413 5

PETERSEN KNUTSON FLYNN
& HETLAND
345 CEDAR BLDG
SUITE 800
ST PAUL MN 55101 5

PHILLIPS LEGIS SERVICES
459 RICE ST
ST PAUL MN 55103 5

PICKANDS MATHER & CO
ATTN THOMAS W HAYES
SUITE 811-200 W SUPERIOR ST
DULUTH MN 55802 6

PICKANDS MATHER & CO
ATTN CHUCK HOFFMAN
SUITE 811-200 W SUPERIOR ST
DULUTH MN 55802 6

PICKANDS MATHER & CO
ATTN T J MANTHEY
1100 SUPERIOR AVE N E
CLEVELAND OH 44114 6

THE PILLSBURY COMPANY
ATTN MAHLON SCHNEIDER
MS 3726
THE PILLSBURY CENTER
MPLS MN 55402 6

THE PILLSBURY COMPANY
ATTN CARL A SMITH - MS3750
THE PILLSBURY CENTER
MINNEAPOLIS MN 55402 6

THOMAS M POLT
ATTORNEY AT LAW
MCCARTHY BLDG
EYOTA MN 55934 6

POPHAM HAIK LAW FIRM
ATTN G ROBERT JOHNSON
4344 IDS CENTER
MINNEAPOLIS MN 55402 6

POTLATCH CORPORATION
ATTN ARCHIE D CHELSETH
BOX 510
CLOQUET MN 55720 6

PUBLIC AFFAIRS INFORMATION
STATE REGULATORY DIV
1024 10TH ST SUITE 300
SACRAMENTO CA 95814 6

PULP & PAPER
ATTN PAULA IRONS
500 HOWARD ST
SAN FRANCISCO CA 94105 6

R C CONSULTANTS OF ANOKA
JAMES D WOLVERTON P E
10666 UNIVERSITY AVE N W
COON RAPIDS MN 55433 6

RAMSEY CO ENVIR HEALTH
ATTN DOUGLAS WOOD
1910 W CO RD B
ROSEVILLE MN 55113 6

SHAILIA REGEHR
R R 1 BOX 419
STEWARTVILLE MN 55976 6

REGION NINE DEVELP COMM
ATTN LYNNETTE RENNEKE WIEST
410 S 5TH ST P O BOX 3367
MANKATO MN 56001 6

NEWS EDITOR
REGISTER-MIRROR
P O BOX 3253
MINNEAPOLIS MN 55403 6

RELIANCE UNIVERSAL INC
ATTN PAUL H WALKER
ROBTSON RESEARCH & DVLP CE
4730 CRITTENDEN DR
LOUISVILLE KY 40209 6

RICE COUNTY PLANNING OFF
610 N W 20TH ST
P O BOX 40
FARIBAULT MN 55021 6

HEDIA RIEKE
2100 28TH AVE S
MINNEAPOLIS MN 55406 6

ROBT J PUGLEASA CO INC
ATTN GENE A BROWN
61 BEDFORD ST S E
MINNEAPOLIS MN 55414 6

CHAMBER OF COMMERCE
TOM CASEY
212 1ST AVE S W
ROCHESTER MN 55901 6

ROCHESTER PUBLIC UTILITIES
ATTN JOSEPH HENSEL
506 FIRST AVE N E
BOX 6057
ROCHESTER MN 55901

ROOSEVELT JR HIGH
MARK GUGISBERG
650 N E MAIN ST
BLAINE MN 55434

SARGENT & LUNDY ENGINEERS
55 EAST MONROE ST
CHICAGO IL 60603

A B SCHAEFER JR
14900 61ST ST N
STILLWATER MN 55082

FOREST SEYMOUR
4537 33RD AVE S
MINNEAPOLIS MN 55406

SF&A REPORTING SERVICES
KRIS ANNE MONTEITH
1101 15TH ST N W
WASHINGTON D C 20005

SHELDAHL
ATTN DAVID MILLER
N HWY 3
NORTHFIELD MN 55057

SHELL ENGINEERING & ASSOC
1804 VANDIVER DR
P O BOX 548
COLUMBIA MO 65205

THE SHERWIN-WILLIAMS CO
ATTN D A COHAGAN
101 PROSPECT AVE N W
CLEVELAND OH 44115

SIERRA CLUB-PROJ ENV
NELSON FRENCH
BOYD PLACE SUITE N
2929 4TH AVE S
MINNEAPOLIS MN 55408 6

BETTY SIMS
2149 GOODRICH AVE
ST PAUL MN 55105 7

ST PAUL FIRE DEPT
RUSS POLANSKY
101 E 10TH STREET
ST PAUL MN 55101 7

ST PAUL PUBLIC HEALTH
ATTN DR PAUL J COX
555 CEDAR ST
ST PAUL MN 55101 7

STEARNS COUNTY PLAN DEPT
ATTN KENNETH HOPKE
BOX 604
ST CLOUD MN 56301 7

EDWIN E STERLING
3920 39TH AVE S
MINNEAPOLIS MN 55406 7

STOLPESTAD BROWN & SMITH
ATTN GARY GANDRUD
2000 N CENTRAL TOWER
445 MINNESOTA ST
ST PAUL MN 55101 7

TECH SALES CO
ATTN DON REGER
311 WEST 44TH STREET
MINNEAPOLIS MN 55409 7

TENNECO INC
ATTN B J WHITLEY CEP
1100 MILAM BLDG
HOUSTON TX 77001 7

THERMO-KING
R SCHOENBORN CORP LIB
314 W 90TH ST
MINNEAPOLIS MN 55420 7

U OF M
CINDY A McCOMAS
ROOM W-163 BOYNTON
410 CHURCH ST S E
MINNEAPOLIS MN 55455 7

U OF M PHYSICAL PLANT DEPT
ATTN ROBERT SILVAGNI
200 SHOPS BLDG
319 15TH AVE S E
MINNEAPOLIS MN 55455 7

U OF M
ATTN ROBERT SNYDER
248 CLASSROOM OFFICE BLDG
1994 BUFORD AVE
ST PAUL MN 55108 7

UNION CARBIDE CORP
ATTN C E VAN DYK
OLD RIDGEBURY RD
DANBURY CT 06810 7

UNITED POWER ASSOC
ATTN REYNOLD S RAHKO
PROJECTS COORD DIV
ELK RIVER MN 55330 7

UNITED POWER ASSOC
ATTN DAN MCCONNON
ENV & LAND DIV
ELK RIVER MN 55330 7

VAN HOVEN CO INC
ATTN ED VAN HOVEN JR
BOX 56
SO ST PAUL MN 55075 7

RON WALLACE
1790 DAYTON AVE
ST PAUL MN 55104 7

WASH CO COMMUNITY
HEALTH SERVICES
ATTN TOM DELLENBACH
2000 INDUSTRIAL BLVD
STILLWATER MN 55082 7

B J WHITLEY JR
1100 MILAM BLDG
P O BOX 2511
HOUSTON TX 77001 7

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

CITY OF WINONA
ATTN ROBERT J BOLLANT
4TH & LAFAYETTE ST
WINONA MN 55987 7

WINTHROP, WEINSTINE &
SEXTON
1800 CONWED TOWER
44 CEDAR ST
ST. PAUL, MN 55101 7

DOUG EWALD
15025 HIGHLAND TRAIL
MINNETONKA, MN 55345 7

DEPT OF AGRICULTURE
AGRONOMY SERVICES
ATTN GARY BRAUN
90 W PLATO BLVD
ST PAUL MN 55107

BRD OF ARCH ENG LAND SURV
AND LANDSCAPE ARCHITECTURE
ATTN LOWELL E TORSETH
500 METRO SQUARE
ST PAUL MN 55101

ATTORNEY GENERAL'S OFFICE
ANTITRUST DIVISION
2ND FLOOR FORD BLDG
117 UNIVERSITY AVE

MN DEPT ECONOMIC SECURITY
ATTN F JAMES RYBAK PHD
690 AM CE 150 E KELLOGG
ST PAUL MN 55101

DEPT OF EDUCATION
ATTN FREDRICK M CHRISTIANSEN
RM 911 CAPITOL SQ BLDG
ST PAUL MN 55101

DEPT OF ENERGY & ECONOMIC
DVLPMT
ATTN MARK DAYTON
480 CEDAR ST
ST PAUL MN 55101

DEPT OF ENERGY & ECONOMIC
DVLPMT
ATTN CHARLES SCHAFFER
480 CEDAR ST
ST PAUL MN 55101

MN DEPT OF HEALTH
ATTN JAMES WITKOWSKI
717 DELAWARE ST SE
MPLS MN 55440

MN DNR
JOHN OSTROWSKI SAFETY DIR
SOUTH SERVICE CENTER
1200 WARNER ROAD
ST PAUL MN 55106

LEGISLATIVE COMM ON
WASTE MANAGEMENT
ATTN SUE ROBERTSON
B-46
STATE CAPITOL

LEGISLATIVE COMM TO
REVIEW ADMIN RULES
ATTN MARYANNE V HRUBY
ROOM 55
STATE OFFICE BLDG

MEEB CENTRAL OFFICE
ATTN RAY QUINN
BOX 5 CENTENNIAL BLDG
ST PAUL MN

METROPOLITAN COUNCIL
ATTN JOHN T HOEFT
300 METRO SQ BLDG
7TH ST & ROBERT ST
ST PAUL MN 55101

MN DOT DIRECTOR, ENV SERV
704 TRANSPORTATION BLDG
JOHN IRELAND BLVD
ST PAUL MN 55155

STATE PLANNING AGENCY
ATTN JACK DITMORE
ENV DIV 100 CAPITOL SQ BLDG
550 CEDAR ST
ST PAUL MN 55101

PRESS/MN GOVT REPORT
ATTN JEAN DAWSON
RM B12 CAPITOL BLDG
ST PAUL MN 55155

SENATE COUNCIL OFFICE
ATTN MARK J. HANSON
RM 480
STATE OFFICE BLDG
ST PAUL MN 55155

WATER RESOURCES BOARD
FIRST FLOOR
500 LAFAYETTE ROAD
ST PAUL MN 55146

MPCA HEARING NOTIFICATION MAILING LIST INTER OFFICE

MARY AYEDE
1201 N BIRCHLAKE BLVD
WHITE BEAR LK MN 55110 SHW

AL BALDUS
CENEX
BOX 43089
ST PAUL MN 55164 SHW

CHEMFIX INC
ATTN H HUDSON BUZBEE
1675 AIRLINE HWY
P O BOX 1572
KENNER LA 70063 SHW

BILL CLAUSEN
4511 PILLSBURY AVE
MINNEAPOLIS MN 55400 SHW

JAMES CORBETT
703 S 10TH ST
MINNEAPOLIS MN 55404 SHW

RICHARD O'HARA
DNR
P O BOX 7921
MADISON WI 53707 SHW

ECRDC
119 SOUTH LAKE STREET
MORA MN 55051 SHW

ENV HYDROLOGY & ENG
3416 UNIVERSITY AVE S E
MINNEAPOLIS MN 55414 SHW

ENVIR HYDROLOGY CORP
P O BOX 14701 UNIVER STATION
3036 UNIV AVE SE
MINNEAPOLIS MN 55414 SHW

CHAIRMAN OF FAIRMONT AREA
CHAMBER OF COMMERCE
99 DOWNTOWN PLAZA
FAIRMONT MN 56031 SHW

E C MILTON MGR
NB BATTERIES INC
rAC ENGRNG METALS DIV
803 BERRY STREET
ST PAUL MN 55114 SHW

BETSY KIMBALL
LEGAL ASSISTANT
GOODWIN, PROCTER & HOAR
28 STATE STREET
BOSTON MA 02109 SHW

EDITOR
HAZARDOUS MATERIALS
P O BOX 535
CAMBRIDGE MA 02238 SHW

JIM JASKA
HONEYWELL INC-DEFENSE
SYS DIV MN 11-1734
600 2ND ST NE
HOPKINS MN 55343 SHW

ERIKA SITZ
IZAAK WALTON LEAGUE
6521 154TH LANE N W
RAMSEY MN 55303 SHW

RUTH JOHNSON
129 RIVERVIEW BLVD
INT'L FALLS MN 56649 SHW

DR BOB KOOB
1219 4TH AVE S
MOORHEAD MN 56560 SHW

DR WARREN LAWSON
5133 MIRROR LAKES DR
EDINA MN 55436 SHW

LEGGETTE BRASHEARS & GRAHAM INC
NORTHPARK CORPORATE CENTER
1210 W COUNTY ROAD E SUITE A1211
ST PAUL MN 55112 SHW

DAVID E HANSING P E
BRUCE A LIESCH ASSOC
3131 FERNBROOK LANE
MINNEAPOLIS MN 55441 SHW

ROBERT LOCKYEAR
PLANNING COORDINATOR
14900 61ST ST N
STILLWATER MN 55082 SH

BARBARA LUKERMAN
2211 FOLWELL ST
ST PAUL MN 55103 SH

DAVID MARQUETTE
MARSH & McLENNAN
1500 NORTHSTAR CENTER
MINNEAPOLIS MN 55402 SH

McCOY & ASSOCIATES
ATTN JANET MacNEIL
13131 W CEDAR DR
LAKEWOOD CO 80228 SH

MIDWESTERN GAS TRANS CO
ATTN MICHAEL CATT
P O BOX 2511
HOUSTON TX 77001 SH

KEVIN PROESHOLDT
MN AUDUBON COUNCIL
SUITE O BOYD PLACE
2929 4TH AVE S
MINNEAPOLIS MN 55404 SH

VIRGINIA GREENMAN
MN HOSPITAL ASSOC
2221 UNIVERSITY AVE SE
MINNEAPOLIS MN 55414 SH

DON PATERICK
MN TAXPAYERS ASSOC
480 CEDAR AVE
ST PAUL MN 55101 SH

GAIL SUCHMAN
MPIRG
2412 UNIVERSITY AVE SE
MINNEAPOLIS MN 55414 SH

JOHN KEARNEY
N AMER WATER OFFICE
1519 A EAST FRANKLIN AVE
MINNEAPOLIS MN 55404 SH

PORTAGE SANITARY LANDFILL
AUTHORITY
CRANE LAKE MN 55725 SHW

DOUG PROEHL
R F D 2
WINTHROP MN 55396 SHW

DONALD BURGER
501 -22nd Ave. N.E.
MPLS., MN 55418
SHW

PHIL DUFF
RED WING REP EAGLE
P O BOX 15
RED WING MN 55066 SHW

TOM REES
22300 PENN AVENUE
LAKEVILLE MN 55044 SHW

A B SCHAEFER JR
CHAIRMAN WASHINGTON CO
BOARD OF COMMISSIONERS
14900 61ST ST NO
STILLWATER MN 55082 SHW

PHIL KLEIN
TWIN CITIES ASSN OF
METAL FINISHERS
2222 PILLSBURY AVE SO
MINNEAPOLIS MN 55404 SHW&WQ

UNIVERSITY OF MN
ATTN LASZLO FULOP
DIR OF PHYSICAL PLANNING
503 MORRILL HALL
MINNEAPOLIS MN 55455 SHW

GREGORY WERSAL
7841 WAYZATA BLVD
MINNEAPOLIS MN 55426 SHW

WINONA DAILY NEWS
ATTN DON STUART
401 N FRANKLIN
WINONA MN 55987 SHW

WRIGHT CHEMICAL CO
ATTN PATRICK REILLY
10740 RIVERVIEW PLACE
COON RAPIDS MN 55433 SHW

E. Step No. 4: The percentage that the applicant must share in the cost of treatment is based on the applicant's SCH adjusted income level and on the number of members in the household. This percentage is calculated according to the SCH cost-sharing schedule which must be updated annually to reflect any change in the state median income. The SCH cost-sharing schedule is incorporated by reference. It is subject to frequent change. The SCH cost-sharing schedule shall be published annually in the *State Register* no later than 30 days prior to the effective date of the schedule. It is available at the Ford Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

Subp. 4. to 6. [Unchanged.]

4705.0900 LIMITATIONS ON AUTHORIZATION OF REIMBURSEMENT FOR TREATMENT SERVICE(S).

SCH shall authorize reimbursement to a service provider only for treatment that is part of the treatment plan for an individual's handicapping condition. SCH shall not authorize reimbursement for the treatment of conditions determined by SCH to be primarily cosmetic in nature. SCH shall not authorize reimbursement for costs of equipment such as hospital beds or wheelchairs unless no other resource is available. Within any 12-month period, SCH shall pay no more than $10,000 for the care of an individual. SCH shall not authorize reimbursement for treatment service(s) not associated with an individual's eligible condition. An exception shall be made and ~~routine care shall be authorized by the SCH medical director when, as the result of the eligible condition, it is more probable than not that a life-threatening situation or irrevocable damage or injury might occur during what otherwise would be routine care~~ treatment services not associated with an individual's eligible condition shall be authorized, subject to the $10,000 per 12-month period limit, when the SCH medical director has determined that medical conditions exist which, if left untreated, could have a deleterious impact upon the applicant's health status.

SCH shall not authorize reimbursement for treatment services for individuals 21 years of age or over with hemophilia except as specified in part 4705.1000.

4705.1400 RESPONSIBILITIES BETWEEN SCH AND SERVICE PROVIDERS.

Subpart 1. [Unchanged.]

Subp. 2. **Payment of service providers.** SCH shall pay service providers at the same rates for medical, dental, and hospital care up to the maximum allowable charges as set forth in the most current Medical Assistance Rates Schedule ~~(revised September 7, 1978)~~ established by the Minnesota Department of ~~Public Welfare (title XIX)~~ Human Services pursuant to its authority found in parts 9500.0750 to 9500.1080. A copy of the most current Medical Assistance Rates Schedule is incorporated by reference, and is available at the Ford Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. It is subject to frequent change. In instances where there are not established rates, SCH shall reimburse service providers at rates based upon the following criteria:

A. complexity of service;

B. time involved in completing the service;

C. training and skills of the service provider; and

D. reasonableness of fees in the context of the community.

SCH is the payer of last resort. SCH reimbursement of treatment costs to service providers shall be made only after arrangements have been made by the service provider to collect third-party and cost-sharing payments.

Subp. 3. to 6. [Unchanged.]

REPEALER. Minnesota Rules, part 4705.0600, subpart 3, item D; and 4705.1600 are repealed.

Pollution Control Agency

Proposed Emergency Rules Relating to Waste Tire Dump Abatement

Notice of Intent to Adopt Emergency Rules

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt, in accordance with the provisions of Minn. Stat. §§ 14.29 to 14.36 (1984), emergency rules governing the abatement of waste tire dumps.

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.

The proposed emergency rules, if adopted, will provide for the administration of the Agency's waste tire dump abatement program. The proposed emergency rules provide a procedure by which the Agency will take action to abate waste tire dumps in the State. These emergency rules are being proposed pursuant to the Agency's authority under Minn. Stat. § 115A.914, subd. 1 (1984), as amended by Minn. Laws 1985, First Special Session, ch. 13 § 232. The proposed emergency rules are published below. One free copy of the proposed emergency rules is available on request from the Agency and may be obtained by contacting:

Patrick F. Carey
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road B2
Roseville, Minnesota 55113
612/296-7321

All interested parties have 25 days from the date of publication of this notice in the *State Register* to submit written comments to the Agency on the proposed emergency rules. With publication of this notice in the September 23, 1985 *State Register*, written comments must be received by the Agency no later than 4:30 p.m. on October 18, 1985. Each comment should identify the portion of the proposed emergency rules addressed by the comment, the reason for the comment, and any change that is proposed. Written comments should be submitted to Patrick F. Carey at the address stated above.

Please be advised that the proposed emergency rules may be modified as a result of the comments received. Any written material received by the Agency will become part of the record in this matter.

The proposed emergency rules, with any modifications, will be adopted by the Agency and submitted to the Attorney General for review as to form and legality after close of the comment period. Persons wishing to be informed of the date of submission of the proposed emergency rules as adopted to the Attorney General should submit a written statement of such request to Patrick F. Carey at the address previously stated. The Attorney General has 10 working days to approve or disapprove the proposed emergency rules.

The emergency rules will be effective five working days following approval of the emergency rules by the Attorney General. It is the Agency's intent to keep the emergency rules in effect for a period of 180 days, although the emergency rules may be continued in effect for an additional 180 days if the Agency publishes a separate notice of such continuation in the *State Register* and mails the same notice to all persons on the Agency's list to receive notice of rulemaking proceedings.

September 9, 1985

Michael Robertson
for
Thomas J. Kalitowski
Executive Director

Rules as Proposed, Emergency (all new material)

7035.8000 [Emergency] SCOPE.

Parts 7035.8000 to 7035.8160 [Emergency] govern the abatement of waste tire dumps. A tire collector who owns or operates a tire dump is subject to agency abatement action under parts 7035.8000 to 7035.8160 [Emergency].

7035.8010 [Emergency] DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 7035.8000 to 7035.8160 [Emergency], the following definitions apply.

Subp. 2. **Abate or abatement.** "Abate" or "abatement" means the processing and removing of waste tires in an agency-accepted manner.

Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 4. **Director.** "Director" means the executive director of the Minnesota Pollution Control Agency.

Subp. 5. **100-year flood.** "100-year flood" means a flood that has a one percent chance of being equaled or exceeded in any given year.

Subp. 6. **100-year floodplain.** "100-year floodplain" means any land area that is subject to a one percent or greater chance of flooding in any given year from any source.

Subp. 7. **Operator.** "Operator" means any person responsible for the overall operation of the tire dump.

Subp. 8. **Owner.** "Owner" means any person who owns a tire dump, part of a tire dump, or the land on which the tire dump is located.

Subp. 9. **Person.** "Person" has the meaning given in Minnesota Statutes, section 116.06, subdivision 8.

Subp. 10. **Processing.** "Processing" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 6.

Subp. 11. **Ravine.** "Ravine" means any manmade or naturally occurring depression in the land area capable of allowing water to flow at or above the surface of the land.

Subp. 12. **Shoreland.** "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters:

A. land within 1,000 feet from the normal high water mark of a lake, pond, or flowage; and

B. land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on such a river or stream, whichever is greater.

Subp. 13. **Sinkhole.** "Sinkhole" means a closed depression in an area of karst topography that is formed either by solution of surficial limestone or by collapse of underlying caves.

Subp. 14. **Tire.** "Tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 7.

Subp. 15. **Tire collector.** "Tire collector" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 8.

Subp. 16. **Tire dump.** "Tire dump" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 9.

Subp. 17. **Waste tire.** "Waste tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 11.

Subp. 18. **Waste tire chip.** "Waste tire chip" means a small piece of a waste tire produced as a result of volume reduction techniques.

Subp. 19. **Wetland.** "Wetland" means any land area that can be classified as a wetland according to the publication, Classification of Wetlands and Deep Water Habitats of the United States. This publication was prepared by Lewis M. Cowardin, Virginia Carter, Francis C. Golet, and Edward T. LaRoe for the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C., Government Printing Office, 1979 and is incorporated by reference. It is not subject to frequent change.

7035.8020 [Emergency] AVAILABILITY OF REFERENCES.

The documents referred to in parts 7035.8000 to 7035.8160 [Emergency] may be obtained by contacting the appropriate offices as listed below.

A. Classification of Wetlands and Deep Water Habitats of the United States, 1979, issued by the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20402, is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota.

B. The Standard for Storage of Rubber Tires, NFPA 231D-1980 edition, adopted by the National Fire Protection Association, San Diego, California, is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota; the Office of Public Safety, Fire Marshal Division; or any local fire department.

7035.8030 [Emergency] NOTIFICATION OF TIRE DUMP.

Within 60 days of the effective date of parts 7035.8000 to 7035.8160 [Emergency], a tire collector who owns or operates a tire dump must submit a written notification to the director. The notification must contain:

A. the address of the tire dump;

B. the name, address, and telephone number of the owner of the tire dump for which the notification is submitted;

C. if the operator of the tire dump for which the notification is submitted is different from the owner, the name, address, and telephone number of the operator;

D. an estimation of the number of tires currently located at the tire dump; and

E. a general description of the tire dump, including a topographic map or other map if a topographic map is unavailable. The map must show the tire dump and the area surrounding the tire dump for a distance of at least one-half mile in all directions of the tire dump, and all structures that are located in this area.

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.

7035.8040 [Emergency] REQUEST FOR ABATEMENT ACTION.

Subpart 1. **Issuance of request for abatement action.** If a tire collector is subject to agency abatement action pursuant to part 7035.8000 [Emergency], the agency may issue a request for abatement action to the tire collector responsible for the tire dump. The agency's decision whether to issue a request for abatement action shall be based upon the priorities established under subpart 2, the availability of waste tire collection funds, and the agency's administrative ability to take action.

Subp. 2. **Priorities for issuing a request for abatement action.** The agency shall issue requests for abatement action based on the criteria established in Minnesota Statutes, section 115A.912, subdivision 2. The agency shall issue requests for abatement action in the following order of priority:

A. First priority; the agency shall issue requests for abatement action to tire dumps with over one million tires. Tire dumps with over one million tires shall be ranked based on the criteria established in items B and C.

B. Second priority; the agency shall issue requests for abatement action to tire dumps posing fire hazards. For the purpose of ranking fire hazards at tire dumps, the agency shall consider the number of tires located at a tire dump as determined by the director, the size of the population affected, which includes the proximity and density of the population in relation to the tire dump, and the threat to natural resources.

C. Third priority; the agency shall issue requests for abatement action to tire dumps in densely populated areas. For the purpose of ranking these tire dumps, the agency shall consider the number of tires located at a tire dump as determined by the director, and the size of the population affected, which includes the proximity and density of the population in relation to the tire dump.

D. Fourth priority; the agency shall issue requests for abatement action to tire dumps that are not item A, B, or C priorities. For the purpose of ranking these tire dumps, the agency shall take into consideration the number of tires located at a site as determined by the director and the size of the population affected which includes the proximity and density of the population in relation to the tire dump.

7035.8050 [Emergency] CONTENTS OF REQUEST FOR ABATEMENT ACTION.

Subpart 1. **Contents.** A request for abatement action shall be in writing, shall specify the action that must be taken, shall state the reasons for requesting the action, shall specify a time frame within which to respond to the request, and shall state the intention of the agency to take action if the requested action is not taken within the specified time.

Subp. 2. **Request.** The request for abatement action will request the tire collector responsible for the tire dump to pursue either option specified in items A and B within the specified time. Item A (option A) shall be an acceptable option only for tire dumps existing on the effective date of parts 7035.8000 to 7035.8160 and only for tire collectors who have notified the director in accordance with part 7035.8030 [Emergency].

A. The tire collector must voluntarily surrender to the agency all of the waste tires that constitute the tire dump by signing an agreement with the agency, in which case the agency will provide for the processing and removal of the waste tires; or

B. The tire collector must submit an abatement plan to the director within the time specified in the request for abatement action stating a proposal for cleaning up the tire dump. In the plan, the tire collector shall:

(1) specify the manner proposed for cleaning up the tire dump, including:

(a) an explanation of all of the processing techniques proposed to be used to clean up the tire dump; and

(b) a description of the equipment proposed to be used to clean up the tire dump and the manner in which each piece of equipment will be used;

(2) provide for compliance with the technical standards specified in parts 7035.8090 to 7035.8150 [Emergency] and describe how compliance with these standards will be achieved; and

(3) propose an incremental time frame for the removal of all waste tires constituting the tire dump with the proposed date of completion of the cleanup not to exceed five years past the date of cleanup is proposed to begin. The tire collector shall indicate the work to be completed during each time increment.

7035.8060 [Emergency] RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

A response by a tire collector to a request for abatement action must be incorporated into a stipulation agreement signed by the tire collector and the agency before it will be considered an adequate response.

7035.8070 [Emergency] INADEQUATE RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

If after a tire collector has been issued a request for abatement action the agency determines that the tire collector has failed to take the requested action within the time specified, the agency may make a determination of inadequate response. The following items constitute justification for the agency to make a determination of inadequate response:

A. the tire collector has not responded to the request for abatement action within the specified time period;

B. the tire collector submits a response which fails to meet the requirements specified in the request for abatement action;

C. the tire collector has failed to sign a stipulation agreement incorporating the response; or

D. the tire collector is in violation of, or in noncompliance with, any of the provisions of the stipulation agreement.

7035.8080 [Emergency] TIRE DUMP ABATEMENT ORDER.

When the agency makes a determination of inadequate response or revokes without reissuance an agency waste tire facility permit, the agency may issue a tire dump abatement order to the responsible tire collector. A tire dump abatement order may provide for entering the property where the tire dump is located, taking tires into public custody, and arranging for their processing and removal.

7035.8090 [Emergency] STANDARDS.

Parts 7035.8090 to 7035.9140 [Emergency] are standards and provisions which govern the storage, operational, and reporting requirements a tire collector must comply with during abatement.

7035.8100 [Emergency] INDOOR STORAGE STANDARDS.

The Standard for Storage of Rubber Tires, NFPA 231D-1980 edition, governs the indoor storage of tires and is incorporated by reference into parts 7035.8090 to 7035.8140 [Emergency]. This standard was prepared by the Technical Committee on Storage of Rubber Tires and adopted by the National Fire Protection Association on November 18, 1980, in San Diego, California. It was released for publication by the Standards Council on December 18, 1980, and is not subject to frequent change.

7035.8110 [Emergency] REQUIRED STANDARDS DURING ABATEMENT.

Subpart 1. **Location standards during the first time increment.** During the first increment of an abatement plan, the tire collector must provide for the removal of all waste tires from the following areas:

A. floodplains;

B. wetlands;

C. shorelands; and

D. sinkholes and ravines.

Subp. 2. **Fire hazard standards during the first time increment.** During the first increment of an abatement plan, the tire collector shall reduce fire hazards at the tire dump by:

A. complying with the standards referenced in part 7035.8100 [Emergency], if the tire dump is located indoors; and

B. constructing fire lanes at tire dumps located outdoors in such a manner that each individual waste tire stockpile:

(1) has an area not greater than 10,000 square feet;

(2) has a vertical height not greater than 20 feet; and

(3) has a minimum 50-foot fire lane between the stockpiles free of rubbish, equipment, and other materials at all times.

Subp. 3. **Additional required standards during abatement.** Any tire collector abating a tire dump must operate and maintain the tire dump in conformance with items A to E unless otherwise allowed by the agency.

A. No material other than waste tires, which includes waste tire chips, may be stored in the designated tire dump area.

B. Open burning is prohibited as required in parts 7005.0700 to 7005.0750.

C. Tires, which include waste tire chips, must not be deposited in and must be prevented from entering surface or ground waters.

D. Communication facilities must be provided for emergency purposes.

E. Equipment must be provided and kept at the tire dump to control accidental fires, and arrangements must be made with the local fire protection agency to immediately acquire their services when needed.

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.

7035.8120 [Emergency] CONSIDERATIONS DURING ABATEMENT.

Any tire collector abating a tire dump must comply with the following:

A. surface water drainage must be diverted around and away from the tire dump;

B. adequate equipment must be available for abatement of the tire dump in accordance with the abatement plan;

C. the approach road to the tire dump and the access road within the tire dump must be of all-weather construction and maintained in good condition so that they will be passable at all times for any vehicle using the roads;

D. the tire dump must be free of unwanted vegetation and other growth at all times; and

E. access to the tire dump must be controlled to prevent unauthorized use. A gate must be provided at the entrance to the tire dump and kept locked when an attendant is not on duty.

7035.8130 [Emergency] EMERGENCY PROCEDURES AND CONTINGENCY PLAN.

Subpart 1. **Emergency procedures and contingency plan manual.** The owner or operator of the tire dump must prepare and maintain a manual outlining the procedures and contingency plan that will be followed by the owner or operator in the event of an emergency at the tire dump. The emergency procedures and contingency plan must contain the provisions outlined in subparts 2 and 3.

Subp. 2. **Emergency procedures.** The manual must contain:

A. a list of names and telephone numbers of local fire and police departments to contact;

B. a list of the equipment available at the site such as fire extinguishers, communication and alarm systems, and a brief description as to when and how the equipment is to be used;

C. the procedures to be followed during the emergency, including measures that will be taken by the owner or operator to ensure that fires do not spread in the event of a fire;

D. a description of prior arrangements made with local police and fire departments; and

E. the locations of known water supplies.

Subp. 3. **Contingency plan.** The manual must contain a contingency plan to address the problem of oily run-off collection and storage in case of fire, including:

A. how and where the run-off will be confined and collected;

B. where the run-off will be stored;

C. what will be done with the run-off;

D. the equipment to implement the contingency plan; and

E. any prior arrangements with police and fire departments.

Subp. 4. **Implementation of emergency procedures and contingency plan.** The provisions of the manual must be carried out immediately when necessary to minimize the adverse effects of fires.

Subp. 5. **Notification.** The owner or operator of the tire dump must immediately notify the director in the event of a fire at the tire dump.

Subp. 6. **Report.** The owner or operator of the tire dump shall submit to the agency within two weeks of an emergency a report discussing the type of emergency and the procedures followed to minimize potential hazards to human health and the environment.

Subp. 7. **Amendment of manual.** The manual must be reviewed, and immediately amended if necessary, whenever:

A. the emergency procedures and contingency plan fail; or

B. the tire dump changes in its design, construction, operation, or maintenance, and such changes require revised emergency procedures.

Subp. 8. **Copies of emergency procedures and contingency plan manual.** A copy of the manual and all amendments to the manual must be:

A. maintained at the tire dump; and

B. submitted to the director with the abatement plan, pursuant to part 7035.8050 [Emergency], subpart 2, item B, and after modification or approval, will become a condition of any approved abatement plan.

7035.8140 [Emergency] OPERATIONAL RECORD.

Subpart 1. **Record information.** The following information must be recorded and maintained in the operating record of the tire dump by the owner or operator:

A. the approximate amount and type of waste tires currently in stockpiles at the tire dump, and the approximate tonnage of tire chips currently in stockpiles at the tire dump;

B. the approximate amount of tires coming in and shipped from the tire dump during the past time increment and the form in which the tires were shipped; if the tires shipped from the tire dump are in the form of tire chips, the number of tons shipped from the tire dump during the past time increment;

C. the destination of waste tires or tire-derived materials shipped from the tire dump, the projected date for shipping, and the quantity shipped;

D. a description of tire handling techniques, including any equipment used at the tire dump; and

E. summary reports and details of all incidents that required implementing the emergency procedures and contingency plan as specified in part 7035.8130 [Emergency], subpart 4.

Subp. 2. **Incremental report.** Upon completion of each time increment in the approved abatement plan incorporated into the stipulation agreement pursuant to part 7035.8060 [Emergency], the owner or operator must prepare and submit to the director within 30 days a single copy of the operational record for the preceding time increment. The report must contain:

A. the information required by subpart 1;

B. the dates covered by the report; and

C. the name of the tire collector and the address of the tire dump.

7035.8150 [Emergency] CERTIFICATION OF COMPLETION.

Upon completion of the cleanup in accordance with the contents of the stipulation agreement, the tire collector must submit a certification to the agency signed by the tire collector indicating that the cleanup of the tire dump is completed. Upon receiving the certification, the director shall inspect the area to ensure that the cleanup has been completed.

7035.8160 [Emergency] REIMBURSEMENT.

Subpart 1. **Criteria.** The agency shall reimburse a tire collector for abatement action only if all of the following criteria are met:

A. the tire collector was issued a request for abatement action by the agency and chose to abate the tire dump by pursuing item B (option B) of part 7035.8050 [Emergency], subpart 2;

B. the response by a tire collector to a request for abatement action was incorporated into a stipulation agreement pursuant to part 7035.8060 [Emergency];

C. the tire dump for which reimbursement is sought was existing on the effective date of parts 7035.8000 to 7035.8160 [Emergency], and the tire collector notified the director in accordance with part 7035.8030 [Emergency]; and

D. the owner or operator is in compliance with the abatement plan incorporated into the stipulation agreement pursuant to part 7035.8060 [Emergency].

Subp. 2. **Waste tires eligible for reimbursement.** The agency shall reimburse tire collectors meeting the criteria established in subpart 1 for each ton of waste tires abated meeting all of the following criteria:

A. the waste tires in each ton must be taken from the tire dump for which the request for abatement action was issued;

B. the waste tires in each ton must be processed as defined in Minnesota Statutes, section 115A.90, subdivision 6; and

C. the usable materials produced after processing, pursuant to item B, must be given or sold to a market utilizing the materials in a manner acceptable to the agency.

Subp. 3. **Reimbursement rate.** For a tire collector seeking reimbursement, the agency shall establish a reimbursement rate of up to $10 for each ton of waste tires abated meeting the criteria established in subpart 2. The reimbursement rate will be established based on the costs to be incurred by the tire collector for processing tires at the tire dump minus the revenues to be received by the tire collector for tire-derived materials. The reimbursement rate shall be incorporated into the stipulation agreement established in part

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.

7035.8060 [Emergency]. This reimbursement rate may be revised by amending the stipulation agreement. Such revisions shall be based on the information submitted pursuant to subparts 7 and 8 and the actual reimbursement rates established pursuant to subpart 9.

Subp. 4. **End-use consideration.** A tire collector seeking reimbursement shall abate the tire dump by choosing a processing technique which provides for the best end-use of the waste tires available. In the abatement plan submitted pursuant to part 7035.8050 [Emergency], subpart 2, item B, a tire collector seeking reimbursement shall specify and discuss the reasons for choosing the proposed processing technique for cleaning up the tire dump and the consideration the tire collector will give to processing techniques that promote a better end-use for the waste tires, such as recapping.

Subp. 5. **Cost and revenue analysis.** In the abatement plan submitted pursuant to part 7035.8050 [Emergency], subpart 2, item B, a tire collector seeking reimbursement shall analyze the costs inherent to the processing techniques proposed to be used to clean up the tire dump and the revenues from the tire derived materials produced as a result of the proposed processing techniques.

Subp. 6. **Total amount of money available.** Before a tire collector commences cleanup of the tire dump, the director shall determine the total amount of money available for all reimbursement requests submitted during the cleanup of the tire dump. For the purpose of determining the total amount of money available for all reimbursement requests submitted during the cleanup of the tire dump, the director shall consider the tonnage of waste tires located at the tire dump as determined by the director and the reimbursement rate established in subpart 3, and the availability of waste tire abatement funds. The total amount of money available for reimbursement shall be incorporated into the stipulation agreement established pursuant to part 7035.8060 [Emergency].

Subp. 7. **Submittal and contents of reimbursement request.** Requests for reimbursement shall be included with the incremental report submitted to the director pursuant to part 7035.8140 [Emergency], subpart 3. A reimbursement request shall contain the following information:

A. the name of the tire collector and the address of the tire dump;

B. the dates covered by the reimbursement request;

C. documentation specifying the tonnage of tires processed at the tire dump over the past time increment;

D. documentation specifying the total cost to process the amount claimed in item C;

E. documentation specifying the amounts of tire-derived material shipped over the past time increment from the tire dump for which the request for abatement action was issued, and the form of the shipped tire-derived material;

F. the names and addresses of all markets utilizing the processed waste tires over the past time increment; the form of the processed waste tires and the amount supplied to each of the markets utilizing the processed waste tires; the amount of money received for the processed waste tires from each of the markets utilizing the processed waste tires; and any documentation supporting the claims of this item;

G. the amount of money the tire collector is requesting for reimbursement, specifying the data on which this amount is based;

H. documentation specifying the tonnage of tires processed, but not originating from the tire dump over the past time increment; and

I. any other documentation or data that may support the information submitted in items A to H.

Subp. 8. **Additional information.** If the director determines that the information submitted pursuant to subpart 7 is not sufficient to determine actual costs, actual revenues, and an amount to be reimbursed pursuant to subpart 9, then the director shall request additional information of the tire collector.

Subp. 9. **Amount to be reimbursed.** The director shall determine the total amount to be reimbursed to a tire collector for reimbursement requests submitted pursuant to subpart 7. The director will determine the amount to be reimbursed based on the actual costs incurred by the tire collector for processing waste tires from the tire dump, the actual revenues received by the tire collector for tire-derived materials, and an actual reimbursement rate based on the actual costs and actual revenues. The director will determine the actual costs and actual revenues based on the information submitted pursuant to subparts 7 and 8. The actual reimbursement rate may be less than the reimbursement rate established or revised in subpart 3. However, the actual reimbursement rate cannot exceed the reimbursement rate established or revised in subpart 3 by more than ten percent. In no event shall the actual reimbursement rate exceed $10 per ton.

Subp. 10. **Reimbursement.** Based on the priorities established in Minnesota Statutes, section 115A.912, subdivision 2, the availability of waste tire collection funds, and the director's determination of the total amount to be reimbursed pursuant to subpart 9, the agency shall partially reimburse the tire collector for the costs of abatement.

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Emergency Rules Governing the Abatement of Waste Tire Dumps, Minnesota Rules Parts 7035.8000 to 7035.8160 [Emergency]

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 22nd day of October, 1985. Having afforded all interested persons the opportunity to present written and oral data, statements and arguments to the Agency, in accordance with statutory requirements regarding the adoption of emergency rules, having considered the written comments submitted to the Agency, and having considered all of the evidence adduced upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby adopts the following Findings of Fact and Conclusions.

FINDINGS OF FACT

1. The Agency has the authority to adopt emergency rules governing the abatement of waste tire dumps pursuant to Minn. Stat. § 115A.914, subd. 1 (1984), as amended by Minn. Laws 1985, First Special Session, ch. 13 § 232.

2. On August 27, 1985, the Order for Publication and Mailing of Notice of Intent to Adopt Emergency Rules, authorizing publication and mailing of the proposed emergency rules, was executed by the Executive Director of the Agency pursuant to the authority granted to him by resolution on August 27, 1985.

3. The Agency published its notice of intent to adopt the above-captioned emergency rules, together with the proposed emergency rules, in the State Register on September 23, 1985 (10 S.R. 687).

4. On September 20, 1985, the Agency gave the same notice by United States mail to all persons having registered their names with the Agency pursuant to Minn. Stat. § 14.14 (1984).

5. The Agency's Notice of Intent to Adopt Emergency Rules afforded all interested persons 25 days to submit data and views on the proposed emergency rules. The notice was in all respects in compliance with the requirements of Minn. Stat. § 14.30 (1984).

6. The 25-day comment period, as set out in the notice, expired on October 18, 1985.

7. Written comments were received during the comment period from the Minnesota Chapter of the National Solid Wastes Management Association, Dakota County, the law office of Briggs and Morgan, and Mr. Bernard Beermann.

8. The Agency has reviewed the comments received on the proposed emergency rules and, based on those comments, makes the following modification to part 7035.8110, subpart 3, to clarify the required standards during abatement:

A. ~~No material other than~~ Only waste tires, which include waste tire chips, may be stored in the designated tire dump area.

The Agency has not received any additional comments suggesting changes to the proposed rules which warrant modification of the proposed emergency rules.

CONCLUSIONS

1. The Minnesota Pollution Control Agency duly acquired and has jurisdiction over this matter.

2. The Agency has statutory authority to adopt the proposed emergency rules.

3. The Agency published and served due, timely and adequate notice of its intent to adopt the proposed emergency rules.

4. The Agency has complied with all relevant substantive and procedural requirements of the Minnesota statutes and rules.

5. The modification to the proposed emergency rules is supported by the data and views submitted to the Agency.

MINNESOTA POLLUTION CONTROL AGENCY

Duane A Dahlberg

DUANE DAHLBERG
Chairperson

Michael Robertson

for THOMAS J. KALITOWSKI
Executive Director

Dated: 10/22, 1985

CERTIFICATE OF AGENCY'S RESOLUTION ADOPTING EMERGENCY RULES

I, Duane Dahlberg, do hereby certify that I am a member and the Chairperson of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 22nd day of October, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

> BE IT RESOLVED, that the Minnesota Pollution Control Agency hereby approves and adopts Minn. Rules pts. 7035.8000 to 7035.8160 [Emergency], Waste Tire Dump Abatement Emergency Rules, as attached, pursuant to the authority vested in the Agency by Minn. Stat. § 115A.914, subd. 1 (1984), as amended by Minn. Laws 1985, First Special Session, ch. 13 § 232.
>
> BE IT FURTHER RESOLVED, that prior to publishing the emergency rules as adopted in the State Register, the Executive Director is authorized to make any form changes in the emergency rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.07, subd. 2 (1984).
>
> BE IT FURTHER RESOLVED, that the Agency adopts the attached Findings of Fact and Conclusions and Order Adopting Emergency Rules.
>
> BE IT FURTHER RESOLVED, that the Chairperson and the Executive Director are hereby authorized to execute the above-named documents.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of October, 1985.

Duane A. Dahlberg
Duane Dahlberg
Chairperson

Attest by one other Agency member

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of the Proposed Emergency Rules Governing the Abatement of Waste Tire Dumps, Minnesota Rules Parts 7035.8000 to 7035.8160 [Emergency]	)))))	STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Penny Troolin, do hereby declare that I have examined the proposed emergency rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed.

Penny Troolin

PENNY TROOLIN
Special Assistant
Attorney General

Dated: October 30, 1985

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Adoption of the Proposed Emergency Rules Governing the Abatement of Waste Tire Dumps, Minnesota Rules Parts 7035.8000 to 7035.8160 [Emergency]	)))))	AFFIDAVIT REGARDING NOTIFICATION OF SUBMISSION TO ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Patrick F. Carey, being duly sworn on oath deposes and says:

1. That he is the person named in the Notice of Intent to Adopt Emergency Rules as published in the State Register (10 S.R. 687, September 23, 1985) and as mailed to interested persons on September 20, 1985, as the person to receive requests for notification on the date the Agency submits the above-entitled emergency rules to the Attorney General for review.

2. That no person requested to be notified of the date the Agency submits the emergency rules to the Attorney General for review.

PATRICK F. CAREY

Subscribed and sworn to before me
this 30th day of Oct, 1985

Notary Public
MARYANNE GIBBONS
Notary Public, Ramsey County, Mn.
My commission expires Sept. 24, 1991