

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1246 05.0009.0700

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-15-86
DATE FOR REVIEW 1-24
DATE DUE 1-29

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

Approved 1/29/86 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 1-31-86 Revisor approved 1.16.86 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR.

? Order Adopting 1.10.85 Date ?

✓ Notice of Intent to Solicit Outside Opinion SR. 7.22.85. + comments

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution
Staff Memo to Board

✓ Notice of rulemaking
✓ Sufficiency statement of positive impact on small biz

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

✓ Mailing list Certificate

✓ Publication in State Register
10.14.85 At least 30/~~20~~ days prior to ~~hearing~~/adoption
Revised 10.16.85 edition of 10/14 issue

N/A Hearing Examiner's Report

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

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness
Agency's Statement supporting Amendments to Rules as Proposed

N/A Petition for Adoption of a Rule

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

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

✓ Memo on Impact of Proposed Revisions 11.15.85.

SF-00006-03

STATE MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: THOMAS J. KALITOWSKI, Executive Director
Minnesota Pollution Control Agency

DATE: 1/31/86

ATTN: ALAN R. MITCHELL
Special Assistant Attorney General

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment and Combined Sewer Overflow Projects

The above-referenced rule has been approved as to its legality by the Attorney General on January 29, 1986.

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.

JMM:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1246

AG copy

Minnesota Pollution Control Agency

Water Quality Division

Adopted Rules Relating to Wastewater Treatment

Rules as Adopted

7075.0100 PURPOSE.

This chapter provides for the administration of the federal construction grant program, the independent state construction grant program, the state matching construction grant program, the state loan program for the construction of municipal disposal systems, and the state financial assistance program for combined sewer overflow abatement.

7075.0400 TYPES OF PROGRAMS.

Under this chapter and Minnesota Statutes, section 116.16 et seq., the agency may disburse funds from the pollution control fund for the following:

A. and B. [Unchanged.]

C. independent state grants for planning and construction of municipal disposal systems;

D. loans for the construction of municipal disposal systems; and

E. financial assistance for the abatement of combined sewer overflow.

7075.0401 SUMMARY OF CONSTRUCTION GRANTS PROGRAMS.

The following provisions apply to the municipal construction grant programs:

A. to G. [Unchanged.]

H. State financial assistance is available for design and construction of combined sewer overflow abatement projects. This assistance is awarded on a pro rata basis to qualifying municipalities separately from the priority ranking process for other construction grants.

7075.0409 MUNICIPAL PROJECT LIST.

Subpart 1. **Adoption of municipal project list.** The agency shall adopt a municipal project list each fiscal year which shall list in order of priority projects for which federal grant funds will be requested from current allotments and for which state grants will be awarded from current appropriations. The municipal project list shall also contain those projects for which state financial assistance will be available for combined sewer overflow abatement projects. The municipal project list shall also list any nonproject uses of the state's allotment of federal grant funds and of the appropriation of state grant funds, including but not limited to, training grants and costs of administration.

Subp. 2. **Requirements for placement on list.** A municipality that requests project placement on the municipal project list shall meet the following requirements:

A. to E. [Unchanged.]

F. A municipality seeking a Step 3 federal grant for combined sewer overflow abatement projects or state financial assistance for combined sewer overflow abatement projects shall not be subject to the conditions contained in items C and D. The municipality shall submit by June 1 prior to the beginning of the fiscal year for which the grant or financial assistance is sought, a list and schedule of construction projects to be initiated in the following fiscal year. If the municipality's NPDES/SDS permit provides a different date for submission of the list and schedule, the date in the permit shall take precedence.

Subp. 3. **Preparation of proposed municipal project list.** The agency shall prepare a municipal project list that lists in order of priority the municipalities that are eligible to apply for construction grants for their projects from funds allotted to the state for the current fiscal year by the federal government or appropriated into the fund for the current fiscal year.

In drafting the proposed municipal project list, the agency shall consider the following factors in the order given:

A. and B. [Unchanged.]

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C. restrictions on obligations mandated by these parts and applicable state and federal statutes, including but not limited to set asides for administration of certain types of projects, and the percentage of the cost of construction that will be paid by state and federal grants;

D. the municipalities' preference for funding sources; and

E. the amount of state financial assistance available for combined sewer overflow abatement projects.

Subp. 4. **Procedures for drafting list.** In drafting the proposed municipal project list, the agency shall list projects on the proposed list according to the following procedures:

A. to C. [Unchanged.]

D. The agency shall then list combined sewer overflow abatement projects for which state financial assistance will be awarded in the fiscal year from funds available for those kinds of projects.

E. The agency may list projects which will receive Step 1 and 2 grants and advances of allowance in such a manner as to permit funding to proceed in an orderly fashion to fully utilize all allocated and appropriated funds.

Subp. 5. **Reimbursement project list.** The agency shall prepare a reimbursement project list that lists those municipalities that are willing to proceed with projects and are willing to be reimbursed in a subsequent year conditioned upon appropriation of sufficient money for that year. No municipality may be listed on the reimbursement project list unless the municipality has requested placement on the list and has received approval of the documents listed in subpart 2, item C. The total cost of these reimbursement projects may not exceed the amount newly appropriated to the independent state grant program. Reimbursement projects must be listed in the same order of priority as they appear on the municipal needs list. A reimbursement project may appear on both the reimbursement project list and the reserve project list.

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7075.0411 PROJECT ELIGIBILITY.

Subpart 1. **Steps eligible.** Federal grants and state matching grants shall be awarded only for Step 2+3 and Step 3 projects. Advances of allowance for Step 1 and 2 projects may also be provided from federal funds. Independent state grants may be awarded for Step 1, Step 2, Step 2+3, and Step 3 projects. Financial assistance for combined sewer overflow abatement shall be awarded only for design and construction work.

Subp. 2. **General eligibility.** No project is eligible for a federal grant or a state matching grant unless it is eligible for funding under the act and applicable federal regulations. No project is eligible for an independent state grant unless it is eligible under this chapter and applicable state statutes. No municipality is eligible for state financial assistance for combined sewer overflow abatement projects unless the municipality complies with the conditions of Minnesota Statutes, section 116.162, subdivision 7.

Subp. 3. **Initiation of construction.** A municipality is not eligible for a federal grant or a state matching grant if construction on the project has been initiated prior to the award of the grant.

A municipality may be eligible for an independent state grant after initiation of construction, provided that:

A. the municipality was listed on a reimbursement project list when construction began;

B. the municipality submitted a complete grant application to the agency within 90 days after adoption or revision of the reimbursement project list; and

C. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. **Eligible costs.** The following provisions govern eligible costs:

A. The eligible cost of any project for which a grant or state financial assistance will be awarded shall be determined by the application of applicable state and federal statutes and rules.

B. In addition to other eligible costs established by state law for combined sewer overflow abatement projects, storm water conveyance facilities that are part of the most cost effective alternative for combined sewer overflow abatement shall be eligible for state financial assistance. Such facilities shall include those structures, pipes, and appurtenances from the point of entry at the catch basin to the outlet structure which are necessary to convey up to the five-year storm.

7075.0414 GRANT APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Timing and form of application.** The following provisions govern the timing and form of grant applications:

A. A municipality on the final municipal project list for other than a combined sewer overflow project shall submit a completed construction grant application to the agency within 90 days after the date on which the agency adopts that fiscal year's municipal project list.

B. A municipality on the final municipal project list for a combined sewer overflow abatement project shall submit a completed construction grant application, or a completed application for state financial assistance, whichever is being applied for, by December 1 following agency adoption of that fiscal year's municipal project list, unless a different date is provided in the municipality's NPDES/SDS permit, in which case the deadline in the permit shall take precedence.

C. The application for federal grant funds shall be on EPA's form 5700-32, as provided by the agency.

D. The application for state grant funds shall be on the form as provided by the agency.

E. The application for state financial assistance for combined sewer overflow abatement projects shall be on the form as provided by the agency.

Subp. 3. to 5. [Unchanged.]

Subp. 6. **Additional information for Step 3 grant.** A

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municipality that applies for a Step 3 grant shall, in addition to submitting the completed application form, submit the following information for agency review and approval:

A. to M. [Unchanged.]

N. For municipalities applying for Step 3 federal grants for combined sewer overflow abatement projects, the following information shall also be submitted:

(1) the scope of work outlined in the list and schedule submitted the previous June 1, or in accordance with the NPDES/SDS permit;

(2) such additional scope of work that the municipality could proceed with if any additional funds become available; and

(3) the items listed in part 7075.0409, subpart 2, item C. The plans and specifications shall be for the scope of work described in subitems (1) and (2).

Subp. 6a. **Additional information for state financial assistance for combined sewer overflow abatement.** A municipality that applies for state financial assistance for a combined sewer overflow abatement project shall submit the following information for agency review and approval:

A. the scope of work contained in the list and schedule submitted the previous June 1, or in accordance with the NPDES/SDS permit, plus such additional scope of work as may be necessary to utilize any additional funds that may become available;

B. that information required for a Step 3 grant under subpart 6, items A, F, G, I, and L; and

C. plans and specifications for the scope of work described in item A.

Subp. 7. and 8. [Unchanged.]

7075.0419 ADVANCES OF ALLOWANCE.

Subpart 1. to 3. [Unchanged.]

Subp. 3a. **Submittal and approval of facilities plan.** In order to receive a Step 2 advance, a municipality shall submit

the documents listed in part 7075.0409, subpart 2, item B. The facilities plan must be approved before the advance will be awarded.

Subp. 4. to 7. [Unchanged.]

7075.0428 GRANT AMOUNTS.

Subpart 1. **State matching grants.** For projects tendered on or after October 1, 1984, a federal grant at 55 percent or more of the eligible cost for construction of a treatment works, the agency shall award a state matching grant for up to an additional 30 percent of the eligible cost if construction of the treatment works would otherwise impose a significant financial hardship on the municipality.

Subp. 2. **Independent state grants.** The agency may award independent state grants as follows:

A. [Unchanged.]

B. The agency may award Step 2+3 and Step 3 independent state grants to municipalities to pay for 50 percent of the eligible cost of construction, or, if the agency requires and the municipality is constructing advanced treatment, 65 percent of the eligible cost of construction. If construction of a treatment works would otherwise impose a significant financial hardship on a municipality, the agency may award an independent state grant to pay for up to an additional 30 percent of the eligible cost of construction, or if the agency requires and the municipality is constructing advanced treatment, an additional 25 percent of the eligible cost of construction.

Subp. 2a. **State financial assistance for combined sewer overflow abatement projects.** The agency may award state financial assistance for combined sewer overflow abatement projects as follows:

A. The agency may award state financial assistance for design of combined sewer overflow abatement projects to municipalities in an amount determined according to the same procedures for calculating an allowance under Code of Federal

ACCORDED IN THE STATUTES

Regulations, title 40, part 35, appendix B.

B. Each fiscal year, municipalities eligible for financial assistance for combined sewer overflow abatement projects shall be awarded a proportionate share of the appropriation available for such projects in that fiscal year. The proportionate share for each eligible municipality is as follows:

(1) Minneapolis, 24.2 percent;

(2) Saint Paul, 71.6 percent;

(3) South Saint Paul, 4.2 percent.

C. By no later than March 31 each year, beginning in 1987, the agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered into construction contracts for the work~~ the city council has adopted final orders for construction if the work is to be contracted out, or issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the agency determines that a municipality has not submitted a complete financial assistance application and ~~entered into construction contracts or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For any municipality that is awarded additional funds ~~shall enter into construction contracts or~~, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds

shall be awarded to the municipality that was initially entitled to them. In the event that, for the municipality entitled to the repayment funds, the city council still has not ~~made firm commitments~~ adopted final orders for construction or the city has not issued work proceed orders to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety. FF 11

Subp. 3. **Local share.** Except as provided in part 7075.0425, in no event may a municipality that obtains a state matching grant or independent state grant be responsible for less than ten percent of the eligible cost of the project.

Subp. 4. [Unchanged.] } FF 13

7075.0433 PAYMENT OF STATE FINANCIAL ASSISTANCE FOR COMBINED SEWER OVERFLOW ABATEMENT.

The municipality may request in writing periodic payments as work on the project progresses up to 80 percent of the total amount of the financial assistance. After final inspection, the agency shall pay the remaining 20 percent after the municipality has complied with part 7075.0430, subpart 5, item C, subitems (1), (4), and (9).

REPEALER. Minnesota Rules, part 7075.0418, is repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 31 1986
Joan Anderson Growe
Secretary of State
10:11 AM

APPROVED AS TO FORM AND LEGALITY
1/29 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment and Combined Sewer Overflow Projects

ORDER ADOPTING RULES

The Minnesota Pollution Control Agency published a Notice of Intent to Adopt Rules Without a Public Hearing along with proposed amendments to the Agency's construction grant rule, Minnesota Rules Chapter 7075, in the October 14, 1985 State Register (10 State Register 884 - 890) and mailed a copy of the Notice to all persons registered with the Agency to receive notice of rulemaking proceedings. After providing all interested persons an opportunity to submit comments on the proposed amendments for a period of 30 days, and after considering the comments that were received, and determining that the above-captioned rules are needed and reasonable:

NOW, THEREFORE, IT IS HEREBY ORDERED that the proposed amendments to Minnesota Rules Chapter 7075 published at 10 State Register 884 - 890 are hereby adopted with the following changes:

1. Minnesota Rules Part 7075.0428, Subpart 2a, Item C is amended to read as follows:

> C. By no later than March 31 each year, beginning in 1987, the Agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered into construction contracts for the work~~ the city council has adopted final orders for construction if the work is to be contracted out, or the city has issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the

municipality to utilize its total pro rata share for the present fiscal year. If the Agency determines that a municipality has not submitted a complete financial assistance application and ~~entered into construction contracts or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the Agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For ~~Any~~ any municipality that is awarded additional funds ~~shall enter into construction contracts~~, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that, for the municipality entitled to the repayment funds, the city council still has not ~~made firm commitments~~ adopted final orders for construction or the city has not issued work proceed orders to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

2. The proposed revisions to Minnesota Rules Part 7075.0428, Subpart 4, Items A, B and C are deleted.

Dated this 10th day of January, 1985.

Duane A. Dahlberg
Chairman

Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA
COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment and Combined Sewer Overflow Projects

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2. The proposed revisions to Minnesota Rules Part 7075.0428, Subpart 4, Items A, B and C are deleted.

Dated this 10th day of January, 1985.

Duane A. Dahlberg
Chairman

Thomas J. Kalitowski
Executive Director

The adoption of permanent rules is authorized by Minnesota Statutes, section 256B.49.

The Minnesota Department of Human Services requires information and comments concerning the subject of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Written statements should be addressed to:

Catherine Griffin
Department of Human Services
Social Services Division
Long Term Care Management
6th Floor, 444 Lafayette Road
St. Paul, MN 55101

Oral statements of information and comment will be received over the telephone at (612) 296-2917 between the hours of 8:30 a.m. and 4:00 p.m.

All statements of information and comment shall be accepted until further notice. Any written material received by the Department of Human Services shall become a part of the rule file in the event that the rules are adopted.

Pollution Control Agency
Division of Water Quality

Outside Opinion Sought Concerning Revisions to Rules Governing Award of State and Federal Grants and Loans for Municipal Wastewater Treatment Facilities

Notice is hereby given that the Minnesota Pollution Control Agency is seeking information or opinions from sources outside the Agency in preparing to promulgate permanent rules governing the municipal wastewater treatment facilities state and federal construction grants programs.

Minnesota Rules Chapter 7075 governs the award of federal grants and state grants for the planning and construction of publicly owned wastewater treatment facilities. The rules will be revised to provide for administration of a grant and loan program for abatement of combined sewer overflows, as authorized in Minnesota Laws 1985, Ex. Sess., Chapter 14, Art. 19, Section 3. In addition, Part 7075.0428, subpart 4 will be revised to reflect the increase from 15% to 30% in the maximum supplemental grants available for a grantee experiencing financial hardship. See Minnesota Laws 1985, Ex. Sess., Chapter 14, Art. 19, Sections 5 and 6. Other rule revisions will be considered after public comments are received.

Promulgation of permanent rules is authorized by Minnesota Statutes, sections 116.16, subdivision 5, and Minnesota Laws 1985, Ex. Sess., Chapter 14, Art. 19, Section 3.

The Minnesota Pollution Control Agency requests information and comments concerning the subject of these rules. Interested or affected persons or groups may submit statements of information or comments orally or in writing.

Written statements should be addressed to:

Sharon Meyer
Division of Water Quality
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113

Oral statements of information and comment will be received over the telephone at (612) 296-7230 between the hours of 9:00 a.m. and 4:00 p.m.

All statements of information and comment shall be accepted until August 30, 1985. Any written material received by the Minnesota Pollution Control Agency shall become a part of the rule file in the event that the rules are promulgated.

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is August 13, 1985.

STATE OF MINNESOTA
COUNTY OF RAMSEY

MINNESOTA POLLUTION
CONTROL AGENCY

In the Matter of the Proposed
Revisions to Minnesota Rules,
Chapter 7075 Relating to the
Administration of Federal Grant
Funds and State Grant and Loan
Funds for Municipal Sewage Treatment
and Combined Sewer Overflow Projects

ORDER ADOPTING RULES

The Minnesota Pollution Control Agency published a Notice of Intent to Adopt Rules Without a Public Hearing along with proposed amendments to the Agency's construction grant rule, Minnesota Rules Chapter 7075, in the October 14, 1985 State Register (10 State Register 884 - 890) and mailed a copy of the Notice to all persons registered with the Agency to receive notice of rulemaking proceedings. After providing all interested persons an opportunity to submit comments on the proposed amendments for a period of 30 days, and after considering the comments that were received, and determining that the above-captioned rules are needed and reasonable:

NOW, THEREFORE, IT IS HEREBY ORDERED that the proposed amendments to Minnesota Rules Chapter 7075 published at 10 State Register 884 - 890 are hereby adopted with the following changes:

1. Minnesota Rules Part 7075.0428, Subpart 2a, Item C is amended to read as follows:

> C. By no later than March 31 each year, beginning in 1987, the Agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered into construction contracts for the work~~ the city council has adopted final orders for construction if the work is to be contracted out, or the city has issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the

municipality to utilize its total pro rata share for the present fiscal year. If the Agency determines that a municipality has not submitted a complete financial assistance application and ~~entered into construction contracts or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the Agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For ~~Any~~ any municipality that is awarded additional funds ~~shall enter into construction contracts~~, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that, for the municipality entitled to the repayment funds, the city council still has not ~~made firm commitments~~ adopted final orders for construction or the city has not issued work proceed orders to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

2. The proposed revisions to Minnesota Rules Part 7075.0428, Subpart 4, Items A, B and C are deleted.

Dated this _____ day of _____, 1985.

_____
Duane A. Dahlberg
Chairman

_____
Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075, Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency proposes to amend and adopt the above-entitled rules without a public hearing. The Executive Director has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984).

The proposed rule amendments are authorized by Minnesota Statutes, Section 115.03, Subdivision 1(c) (1984), Section 116.16 (1984) and Minnesota Laws, Ex. Sess., Chapter 14, Article 19, Section 3. The primary purpose for the proposed amendments is to provide for administration of the financial assistance program for the abatement of combined sewer overflows into the Mississippi River in the Twin Cities Metropolitan area. Other revisions include an increase in the maximum state supplemental wastewater treatment facilities grant from 15 percent to 30 percent; and a relaxation of requirements for award of reimbursement grants.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each revision to the proposed rules. Copies of the Statement of Need and Reasonableness and of the proposed rules are available and may be obtained by contacting:

Roberta Stadtler
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7376

Interested persons have 30 days, or until 4:30 p.m. on November 15, 1985 to submit comments on the proposed rules. Comments are encouraged and should be submitted to Ms. Sharon Meyer at the address stated above. The proposed rules may be modified if the data and views received by the Agency before the end of the comment period support the need for modification and if the modification does not result in a substantial change in the proposed rules.

Persons submitting comments should identify the portion of the rules addressed, the reason for the comment, and any change proposed. If, during the 30-day period for comments, 25 or more persons submit a written request for public hearing on the proposed rules, the Agency will hold a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20.

Persons submitting a request for a public hearing should submit a written request to Ms. Sharon Meyer at the address stated above. The request should state the name and address of the person requesting the hearing and persons are encouraged to identify the portion or portions of the rules to be the subject of the hearing along with the reasons for requesting the hearing and, if applicable, what changes to the rules as proposed are being proposed by the person submitting the request.

In the event that no hearing on these rules is required, and upon adoption of the rules by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be receive notice of the date of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a request to Ms. Sharon Meyer at the address previously stated. The Agency encourages persons to submit written requests, if possible.

You are hereby advised, pursuant to Minnesota Statutes, Section 14.115 (1984), "Small business considerations in rulemaking," that the proposed rules may have an impact on small businesses in Minnesota. We think that this impact will be positive. Some small construction contracts will be awarded under the financial assistance program for combined sewer overflow abatement, and small businesses will be given the opportunity to bid on some of these projects.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, Subdivision 11 (1984) as any individual:

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

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

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

Dated: September 30, 1985

THOMAS J. KALITOWSKI
Executive Director

CERTIFICATE OF BOARD'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 24th day of September, 1985, that a quorum was present at said meeting, that a majority of the Board voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

BE IT RESOLVED, that the Executive Director of the Minnesota Pollution Control Agency (MPCA) is hereby granted the authority to sign an order of the MPCA directing that the notice be given of the MPCA's intent to adopt without a public hearing, the attached amendments to Minnesota Rules Parts 7075.0100 through 7075.0433, as amended at the September 24, 1985 Board meeting, governing the award of financial assistance to municipalities for the construction of wastewater treatment and combined sewer overflow abatement facilities, 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 Minnesota Statutes, Section 14.07, Subdivision 2.

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Executive Director is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as to perform any and all acts incidental thereto, including but not limited to signing an Order and Notice of Hearing, as well as acting as the MPCA's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of October, 1985.

Thomas J. Kalitowski
Executive Director

Subscribed and sworn to before me
this 2nd day of October, 1985.

NOTARY PUBLIC

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT

MN POLLUTION CONTROL AGENCY

Office Memorandum

TO: Edward Fairbanks, Chairman
Marcia Gelpe
Russell Domino

DATE: November 19, 1985

FROM: Barry C. Schade
Director
Division of Water Quality

PHONE: 296-7202

SUBJECT: PROVISION OF SUPPLEMENTAL STATE GRANTS UNDER PROPOSED REVISIONS TO CHAPTER 7075 OF MINNESOTA RULES

On October 14, 1985, the Agency published in the State Register proposed revisions to Chapter 7075 of Minnesota Rules, which governs the award of state and federal grants for wastewater treatment facilities. The major reason for revising these rules is to provide for administration of the financial assistance program for abatement of combined sewer overflows. However, the rule revisions also include changes to the system for determining the amount of supplemental state grants that may be awarded to cities experiencing financial hardship.

In the 1985 Special Session, the Legislature raised the maximum supplemental grant from 15% to 30% and raised the maximum in combined state and federal grants available to one grantee from 75% to 90%. Therefore, Part 7075.0428, Subpart 4, Items A, B and C are proposed to be revised to provide more grantees with higher supplemental grants.

Under the proposed rules, 81.5% of the projects on the Municipal Needs List would receive some additional funding. 89.9% of the projects with populations under 10,000 would receive additional funds. Following is the proposed funding distribution:

Range of Supplemental Grants	% of Cities on Municipal Needs List that Fall Within the Range
0 to 10%	18.5%
10.1 to 20%	26.9%
20.1 to 29.9%	22.8%
30%	13.3%

Although the above distribution is in keeping with the statutory changes, the impact on the comparatively small state appropriations for FY 1985, 1986 and 1987 is substantial. Attached is a summary of the state dollars available for the three years, the estimated supplemental grants to be awarded under the proposed rule changes for the three years, and the amount left for award of independent state grants.

For Fiscal Years 1985 and 1986, the state appropriations amounted to $23,100,000. After subtracting the amounts necessary to provide the remaining state 15% matching grants, grant increases to previous state grants awarded, a reserve for future grant increases, and supplemental grants under the current rules, approximately $10,427,402 was available for award of independent state grants. The Municipal Projects Lists (MPL) for those two years were approved by the Agency Board, and all FY 1985 grants have been awarded. FY 1986 grants will be awarded as soon as the U.S. Environmental Protection Agency (EPA) approves the MPL and Congress appropriates federal funding.

The amount reserved from FY 1985 and 1986 funds for award of supplemental grants is $3,577,956. However, under the proposed rules, $7,700,756 would be required to provide all grantees on the two MPLs with their supplemental grant entitlements under the proposed rules, leaving a shortfall of $4,122,800. In addition, approximately $5,649,508 would be required to provide supplemental grants under the proposed rules to the likely federal grantees for FY 1987. The total amount needed to provide supplemental grants under the proposed rules through FY 1987 is $13,350,264, of which $3,577,956 has been reserved for this purpose, leaving $9,772,308.

Approximately $8,545,000 of the $11,100,000 FY 1987 state appropriation is expected to be available for award of supplemental grants and independent state grants. Therefore, unless the FY 1985 or 1986 MPLs are revised to rebudget more money into supplemental grants, the entire FY 1987 available funds would not cover the supplemental grant requirements. Following are some possible means of dealing with the issue.

1. DO NOT PROVIDE ADDITIONAL SUPPLEMENTAL GRANT FUNDS TO THE FY 1985 PROJECTS.

   We could legally do this, since the rules and statutes are moot on this point, but it could be viewed as "unfair" by the FY 1985 grantees. However, these grantees did sign supplemental grant offers containing amounts as provided under current rules, and nothing in writing indicated that they would receive more. The saving would be approximately $2,350,813, which is only a portion of the problem. In combination with one of the alternatives below, it could help. This alternative of itself would not require any revisions to the proposed rules.

2. REVISE THE FY 1985 AND 1986 MUNICIPAL PROJECT LISTS TO INCREASE THE SUPPLEMENTAL GRANT RESERVE

Because the FY 1985 funds are essentially obligated, we cannot at this point revise the FY 1985 MPL. Although none of the FY 1986 funds have yet been obligated, the staff strongly recommends against revising the FY 1986 MPL to increase the supplemental grant reserve because doing so would mean removing one or more cities from the MPL. In view of the very sensitive nature of the List and the expectations of the cities on it, especially those slated to receive independent state grants, the staff feels that this alternative is not feasible. This alternative would not require any revisions to the proposed rules.

3. UTILIZE ALL AVAILABLE FY 1987 FUNDS FOR AWARD OF SUPPLEMENTAL GRANTS

This alternative is also not recommended for essentially the same reasons as stated above. Almost all of the cities on the FY 1986 MPL that are slated to receive independent state grants will receive only partial grants. If they are to continue with their projects on schedule, they need additional state funding in FY 1987. These projects are Grand Marais, Tower-Breitung, the Minneapolis East Interceptor, Hibbing, and Chisago City-Lindstrom. The only project that would likely proceed is the Minneapolis East Interceptor. It would also mean that fewer cities meet the July 1, 1988 deadline for compliance with water quality standards. This alternative would not require any revisions to the proposed rules.

4. RESERVE A REASONABLE AMOUNT OF THE FY 1987 FUNDS FOR SUPPLEMENTAL GRANTS, PROVIDE PARTIAL SUPPLEMENTAL GRANTS TO ALL GRANTEES OR FULL SUPPLEMENTAL GRANTS TO SOME GRANTEES, AND DEFER THE REMAINDER INTO FUTURE YEARS

This would in effect transfer the responsibility to the Legislature, which may or may not provide funding sufficient to support increased supplemental grants and a reasonable number of independent state grants. It would mean interim financing by the cities for an unknown length of time, making planning difficult. The proposal could make some cities hesitate to proceed, resulting in increased enforcement effort and grants program staff time in reviewing the cities' alternatives. It would, however, provide for a reasonable number of independent state grant awards compared to supplemental grant awards. This alternative would not require any changes to the proposed rules.

5. RESERVE A REASONABLE AMOUNT OF THE FY 1987 FUNDS FOR SUPPLEMENTAL GRANTS, AND PROVIDE PRORATA SUPPLEMENTAL GRANTS TO THE LIMIT OF THE RESERVE

This proposal would provide the FY 1987 grantees with supplemental grants similar to their entitlements under current rules, but would leave the door open for providing increased supplemental grants to future grantees if the appropriations increase. The proposal would assure award of a reasonable number of independent state grants compared to the supplemental grants, and the possibility exists that, if future appropriations increase significantly, additional funds could then be provided to current grantees without committing to that now. This alternative would require revisions to the proposed rules to provide for the link between supplemental grant amounts and the size of the appropriation.

6. REVISE THE FORMULAS SO THAT FEWER SUPPLEMENTAL GRANTS FUNDS ARE UTILIZED

This may be the best solution in the long term, but time is short to accomplish this and still have rules in place quickly enough to award CSO grants. This alternative would involve withdrawing the proposed revisions to the rules governing award of supplemental grants and proceeding with the other revisions. We would then have to initiate another rulemaking procedure reasonably quickly to bring the rules into conformance with the statutes, or risk Legislative oversight action. It would be desirable from a workload standpoint to delay the revisions until the Clean Water Act is amended, at which time Chapter 7075 would require revision anyway.

7. UTILIZE THE FORMULAS AS PROPOSED, BUT PLACE A 75% CAP ON COMBINED STATE AND FEDERAL FUNDING, OR A 5% CAP PER INDICATOR OF HARDSHIP, OR BOTH

The above revisions to the proposed rules could be done quickly and presented to the Attorney General on schedule. However, the Attorney General could determine that the revisions constitute a substantial change from the rules as published. We would then have to either proceed with the rules as published or withdraw any proposed revisions to the supplemental grant rules. The attached memo gives an outline of the dollar impacts of this alternative.

Discussion

In view of the complexity of this issue and the significant impact on the public, a thorough reassessment of the formulas may be necessary. Withdrawing the proposed revisions to the supplemental grant rules would allow us to proceed with award of FY 1986 grants under current rules and would provide a few months in which to reevaluate all options. At this point, we are not very hopeful that future appropriations will increase substantially. Therefore, implementing the new formulas in the hope that cities may receive their full entitlements in the future would probably be a disservice to those cities. It may also be advisable to wait until the Clean Water Act revisions are passed by Congress. Under some of the proposed revisions, cities may be able to obtain low interest loans for their local shares, which would impact the need for supplemental grants. However, no matter what course of action we take, it is clear that the remaining cities in the grants program will have to take greater financial responsibility for their wastewater treatment than did the cities previously funded.

BCS:tmk

MINNESOTA POLLUTION CONTROL AGENCY
Division of Water Quality

Agenda Item Control Sheet

AGENDA # 12

MEETING DATE: December 17, 1985

APPEARANCE REQUESTED - YES: NO: X
SCHEDULED TIME:

PREPARED BY: Sharon C. Meyer SCM 11/22/85

DATE PREPARED: November 27, 1985
DATE MAILED : December 6, 1985

SUBJECT: Request for Adoption of Final Amendments to Chapter 7075 of Minnesota Rules Governing Award of State and Federal Grants for Wastewater Treatment Facilities

LOCATION: N/A (City) N/A (County)

TYPE OF ACTION:

Permit		Request for Hearing		New	
Stipulation		Request for Legal Action		Modification	
Contract		Variance Request		Extension	
Policy		Rulemaking	X	Revocation	
Information		Administrative Order		Other	
Consent Order		Request for Response Action			
Negative Declaration					

RECOMMENDED ACTION:

Issuance		Approval	X	No Action Needed	
Denial		Authorization			

ISSUE STATEMENT:

During the 1985 Legislative Session, the Legislature created a financial assistance program to aid the Cities of Minneapolis, St. Paul and South St. Paul in the abatement of combined sewer overflows (CSO) into the Mississippi River. Minnesota Statutes, Section 116.162, Subdivision 8 (Supp. 1985) requires the Agency to promulgate rules for the administration of that program. The Legislature also made some changes in the state independent grants program. Therefore, the Agency on September 24, 1985, authorized initiation of noncontroversial rulemaking. Amendments to Chapter 7075 of Minnesota Rules were published in the State Register on October 14, 1985, and public comments were accepted until November 15, 1985. The comments received and the information learned during the comment period support several changes in the rule amendments as proposed. The staff requests that the Agency adopt final amendments to Chapter 7075 with certain changes from what was proposed.

ATTACHMENTS:

1. Findings of Fact and Conclusions
2. Order Adopting Rules
3. Public Comments
4. Memorandum Dated November 15, 1985
5. Memorandum Dated November 19, 1985

MINNESOTA POLLUTION CONTROL AGENCY
Division of Water Quality
Grants Section

Request for Adoption of Final Amendments to
Chapter 7075 of Minnesota Rules Governing Award of
State and Federal Grants for Wastewater Treatment Facilities

December 17, 1985

ISSUE STATEMENT

During the 1985 Legislative Session, the Legislature created a financial assistance program to aid the Cities of Minneapolis, St. Paul and South St. Paul in the abatement of combined sewer overflows (CSO) into the Mississippi River. Minnesota Statutes, Section 116.162, Subdivision 8 (Supp. 1985) requires the Agency to promulgate rules for the administration of that program. The Legislature also made some changes in the state independent grants program. Therefore, the Agency on September 24, 1985, authorized initiation of noncontroversial rulemaking. Amendments to Chapter 7075 of Minnesota Rules were published in the State Register on October 14, 1985, and public comments were accepted until November 15, 1985. The comments received and the information learned during the comment period support several changes in the rule amendments as proposed. The staff requests that the Agency adopt final amendments to Chapter 7075 with certain changes from what was proposed.

I. Background:

In June, 1985, the Minnesota Legislature, during special session, passed a law creating a state financial assistance program for combined sewer overflow abatement (Minnesota Statutes, Section 116.162, Subdivisions 1 through 8) (Supp. 1985)). The Law makes the Cities of Minneapolis, St. Paul and South St. Paul eligible for a combination of state grants and loans to abate combined sewer overflow (CSO) to the Mississippi River from its confluence with the Rum River to its confluence with the St. Croix River. The financial assistance is provided to enable the three Cities to complete the abatement of combined sewer overflows in the Metropolitan Area in ten years, beginning in 1986.

Concurrent with passage of the CSO financial assistance program, the Legislature established dedicated funds for the program from revenues generated by the cigarette tax. Based on cost estimates presented by the Cities for correcting their CSO problems, $6,750,000 per year was appropriated to the CSO abatement program for the Fiscal Year 1986 - 1987 biennium. As part of the massive effort needed to solve the CSO problem in the Metropolitan Area, the Governor has requested that $8 million of the State's federal allotment from the U.S. Environmental Protection Agency (EPA) for award of wastewater treatment grants be utilized for CSO projects. The Cities are not eligible for CSO grants under the Independent State Grants Program, per Minnesota Statutes, Section 116.162, Subdivision 7 (b) (Supp. 1985).

According to Subdivision 5 of the above referenced statutes, the funding is divided among the three Cities based on the pro rata share of each City's abatement costs to the total abatement costs. The total cost on which the legislation is based is $215 million. Minneapolis' cost estimates represent 24.2% of this figure, St. Paul's 71.6%, and South St. Paul's 4.2%.

The Fiscal Year (FY) 1986 Municipal Project List, as approved by the Agency Board on August 27, 1985, lists Minneapolis, St. Paul and South St. Paul as eligible for federal grants in FY 1986 of $1,936,000, $5,728,000, and $336,000, respectively, which represent each City's pro rata share of the $8 million. Each city's pro rata share of the $6.75 million available for state financial assistance is $1,633,500 for

Minneapolis, $4,833,000 for St. Paul, and $283,500 for South St. Paul. Total state and federal funding for these Cities is: Minneapolis - $3,569,500; St. Paul - $10,561,000; and South St. Paul - $619,500.

South St. Paul's portion of the state financial assistance appropriations is to be given in the form of a grant. Minneapolis and St. Paul must repay half of all state financial assistance beginning ten years after the first payment is made.

In the same legislation discussed above, the Legislature also made changes to the Independent State Grants Program. The two major changes are: (1) The supplemental grant awarded to cities that are experiencing financial hardship has been raised from a range of 0 to 15 percent to a range of 0 to 30 percent (Minnesota Statutes, Section 116.18, Subdivisions 2a and 3a (Supp. 1985)), and the maximum allowed to one municipality in combined state and federal grants was raised from 75 percent to 90 percent. (2) The reimbursement provisions of the program have been changed such that cities can proceed with construction without grants and be reimbursed in any future year, not just the following year as the previous language provided. This means that more cities will be eligible to proceed under the reimbursement provisions (Minnesota Statutes, Section 116.18, Subdivision 3a (c)(Supp. 1985)).

The Agency Board authorized noncontroversial rulemaking on September 24, 1985. Proposed revisions to Chapter 7075, which contains the rules which provide for the award of state and federal grants for wastewater treatment facilities, were

published in the State Register on October 14, 1985. The public comment period ended on November 15, 1985. The public comments that were received are attached. In addition, a memo the staff prepared for inclusion in the record is also attached.

II. Discussion:

Based on public comments and on information gathered since publication of the proposed rules, the staff has determined that several changes to the rules as proposed are appropriate. These changes are discussed below:

A. Part 7075.0428, Subpart 2a. State Financial Assistance for Combined Sewer Overflow Abatement Projects.

Item C. The proposed language in this Item requires the cities that are contracting out the construction to sign construction contracts by March 31 each year for enough work to utilize their full pro rata shares. This was originally proposed to assure that the Agency would know if any funds would remain unutilized early enough in the construction season to redistribute these funds to cities that could use them and do the additional construction during that year. However, the Cities of St. Paul and South St. Paul submitted the attached letters dated November 14, 1985 and November 13, 1985, respectively, objecting to the March 31 deadline for award of construction contracts. Because of the time required for receiving Agency approval of plans and specifications, conducting local hearings, and proceeding through the bidding process, they have requested that Council resolutions containing final orders for sufficient construction work to utilize available funds be submitted by

March 31. Also, by May 31, Council resolutions containing final orders for sufficient construction work to utilize any reallotted funds should be submitted. The staff concurs with these recommendations and proposes the following rule language:

C. By no later than March 31 each year, beginning in 1987, the agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered into construction contracts for the work~~ the city council has adopted final orders for construction if the work is to be contracted out, or the city has issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the agency determines that a municipality has not submitted a complete financial assistance application and ~~entered into construction contracts or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For ~~Any~~ any municipality that is awarded additional funds ~~shall enter into construction contracts or~~, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

In addition, the staff recommends that the language in the second paragraph of Item C be changed to correspond with the language in paragraph 1. The language as published provides that a city is entitled to be repaid any previously forfeited funds unless the city has "not made firm commitments to utilize the funds in that fiscal year." This language should be revised to reference City Council resolutions adopting final orders for construction and the issuance of work proceed orders, as does the language in paragraph 1. The staff recommends the following language:

> Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that, for the municipality entitled to the repayment funds, the city council still has not ~~made firm commitments~~ adopted final orders for construction or the city has not issued work proceed orders to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

B. Part 7075.0428, Subpart 4. Significant Financial Hardship.

Items A, B and C. As explained in Section I, supplemental grants may now be awarded to a maximum of 30%, rather than 15%, and the maximum that may be awarded to one grantee in total federal and state grants, including supplemental grants, is 90%, rather than 75%. In the rules published in the State Register on October 14, 1985, Part 7075.0428, Subpart 4, Items A, B and C were proposed to be revised to provide grantees with higher supplemental grants. However, the impact of providing the increased grants on the comparatively small state appropriations for Fiscal Years (FY) 1985, 1986 and 1987 is substantial. The attached tables, which the staff prepared during the comment period, summarize the state dollars available for the three years, the estimated supplemental grants to be awarded under the proposed rule changes for the three years, and the amount left for award of independent state grants.

The amount reserved from FY 1985 and 1986 funds for award of supplemental grants is $3,577,956. However, under the proposed rules, $7,700,756 would be required to provide all grantees on the FY 1985 and 1986 Municipal Project Lists with their supplemental grant entitlements under the proposed rules, leaving a shortfall of $4,122,800. In addition, approximately $5,649,508 would be required to provide supplemental grants under the proposed rules to the likely federal grantees for FY 1987. The total amount needed to provide supplemental grants under the proposed rules through FY 1987 is $13,350,264, of which $3,577,956 has been reserved for this purpose, leaving a total shortfall of $9,772,308.

After subtracting a reserve for increases to grants previously awarded, approximately $8,545,000 of the $11,100,000 FY 1987 appropriation is expected to be available for award of supplemental grants and independent state grants. Therefore, all of the FY 1987 funds available after the reserve for grant increases is subtracted would not cover the supplemental grant requirements under the proposed rules. The proposed formulas were developed based on the expectation of receiving a minimum of $25 million per year from the Legislature, and possibly as much as $50 million, for the award of independent and supplemental grants. Appropriations of $11 million for FY 1985 and just over $11 million per year for FY 1986 and 1987 cannot accommodate awarding increased supplemental grants and awarding independent state grants as well. The attached memorandum dated November 19, 1985 provides further comments on this issue.

In light of the foregoing, the staff recommends withdrawing the proposed changes to the supplemental grant formulas to allow further study of this issue. Rulemaking will be initiated at a later date. In the meantime, supplemental grants will be awarded in the amounts provided under current rules, which means that most grantees will receive less than they would have under the proposed formulas, and some cities substantially less.

During the public comment period, the City of Hibbing submitted the attached letter, dated November 12, 1985, stating that they object to the low amounts to which Hibbing is entitled under the proposed formulas. Special concern was expressed about the use of the figures from the latest federal census in

calculating median household income, in view of the significant changes that have occurred in that area since 1980. Withdrawing the proposed rules will allow the staff to determine whether or not other official and objective information regarding median household income is available and could be used in conjunction with the latest federal census.

Other Comments. Other suggestions for changes in the proposed rules were received, but the staff is not recommending that these changes be made. South St. Paul requested that the deadline date for submittal of plans and specifications be changed from December 1 to December 31 to allow additional time for preparation (design). (See Part 7075.0414 Grant Applications, Subpart 2, Item B.) The staff feels this puts at risk initiation of sufficient construction to utilize all funds available during the year, given the limited construction season in Minnesota.

South St. Paul also objected to the limitation of design to a five year storm when determining funding eligibility. They prefer to design for a ten year storm. The staff recommends no change because the City is free to design for a ten year storm, and the cost difference between construction to accommodate the two storm occurrences is minimal. The five year criterion was selected after discussion and agreement among the Cities and the U. S. Environmental Protection Agency, and this Agency.

III. Conclusions:

Before grants or financial assistance may be awarded to the Cities of Minneapolis, St. Paul and South St. Paul for the abatement of combined sewer overflows into the Mississippi River, the amendments to Chapter 7075 must be finalized. After adoption by the MPCA Board, the rules will be submitted to the Attorney General for review and then published in the State Register. If adopted by the Agency Board in December, the rules should be effective in early February, which would allow sufficient time for the staff to process grant offers before the 1986 construction season begins. The staff requests that the Agency Board approve and adopt the rules as proposed with the changes outlined in this memorandum.

IV. Recommendations:

The staff recommends that the Agency Board adopt the amendments to Chapter 7075 of Minnesota Rules, as published in the State Register on October 14, 1985, with the changes indicated in this memorandum.

SUGGESTED STAFF RESOLUTION

BE IT RESOLVED, that the Minnesota Pollution Control Agency hereby approves and adopts the amendments to Minnesota Rules, Chapter 7075 as published at 10 State Register 884 - 890 (October 14, 1985) with the changes specified in the staff memorandum to the Board dated December 17, 1985, pursuant to the authority vested in the Agency by Minnesota Statutes §§ 116.16 and 115.03 (1984).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Executive Director is authorized to make any form changes in the rules that the Revisor of Statutes requires the MPCA to make in order to obtain the Revisor's Certificate as required by Minnesota Statutes § 14.07, subdivision 2 (1984).

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

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

ORDER FOR NOTICE OF INTENT TO ADOPT AMENDMENTS TO RULES WITHOUT A PUBLIC HEARING

It is hereby ordered this 2nd day of October, 1985, that Notice of Intent to Adopt Amendments to Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075, Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

AFFIDAVIT OF MAILING

State of Minnesota)
)ss.
County of Ramsey)

Margaret Frank, being first duly sworn deposes and says:

That on the 10th day of October, 1985, at the City of Roseville, County of Ramsey, State of Minnesota, she mailed the attached Notice of Hearing to those persons on the attached mailing list by depositing in the United States mail at said City of Roseville, a copy thereof, properly enveloped, with postage prepaid:

Margaret Frank
MARGARET FRANK

Subscribed and sworn to before me this 21st day of Oct, 1985.

Marianne Hilton
Notary Public
My Commission expires 9/24/91

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075, Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency proposes to amend and adopt the above-entitled rules without a public hearing. The Executive Director has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984).

The proposed rule amendments are authorized by Minnesota Statutes, Section 115.03, Subdivision 1(c) (1984), Section 116.16 (1984) and Minnesota Laws, Ex. Sess., Chapter 14, Article 19, Section 3. The primary purpose for the proposed amendments is to provide for administration of the financial assistance program for the abatement of combined sewer overflows into the Mississippi River in the Twin Cities Metropolitan area. Other revisions include an increase in the maximum state supplemental wastewater treatment facilities grant from 15 percent to 30 percent; and a relaxation of requirements for award of reimbursement grants.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each revision to the proposed rules. Copies of the Statement of Need and Reasonableness and of the proposed rules are available and may be obtained by contacting:

Roberta Stadtler
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7376

Interested persons have 30 days, or until 4:30 p.m. on November 15, 1985 to submit comments on the proposed rules. Comments are encouraged and should be submitted to Ms. Sharon Meyer at the address stated above. The proposed rules may be modified if the data and views received by the Agency before the end of the comment period support the need for modification and if the modification does not result in a substantial change in the proposed rules.

Persons submitting comments should identify the portion of the rules addressed, the reason for the comment, and any change proposed. If, during the 30-day period for comments, 25 or more persons submit a written request for public hearing on the proposed rules, the Agency will hold a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20.

Persons submitting a request for a public hearing should submit a written request to Ms. Sharon Meyer at the address stated above. The request should state the name and address of the person requesting the hearing and persons are encouraged to identify the portion or portions of the rules to be the subject of the hearing along with the reasons for requesting the hearing and, if applicable, what changes to the rules as proposed are being proposed by the person submitting the request.

In the event that no hearing on these rules is required, and upon adoption of the rules by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be receive notice of the date of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a request to Ms. Sharon Meyer at the address previously stated. The Agency encourages persons to submit written requests, if possible.

You are hereby advised, pursuant to Minnesota Statutes, Section 14.115 (1984), "Small business considerations in rulemaking," that the proposed rules may have an impact on small businesses in Minnesota. We think that this impact will be positive. Some small construction contracts will be awarded under the financial assistance program for combined sewer overflow abatement, and small businesses will be given the opportunity to bid on some of these projects.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, Subdivision 11 (1984) as any individual:

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

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

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

Dated: September 30, 1985

THOMAS J. KALITOWSKI
Executive Director

The Honorable Donald Fraser
Mayor, City of Minneapolis
City Hall
Minneapolis, MN 55415

The Honorable George Latimer
Mayor, City of St. Paul
City Hall
St. Paul, MN 55102

The Honorable Bruce Baumann
Mayor, City of South St. Paul
City Hall
125 Third Avenue North
South St. Paul, MN 55075

Mr. David Gaffney
Farmer Home Administration
316 North Robert Street
St. Paul, MN 55101

Mr. Sam Newman
MN Department of Energy and Economic
Development, 900 American Center Bldg.
150 East Kellogg Boulevard
St. Paul, MN 55101

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

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

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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

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

ECRDC
119 SOUTH LAKE STREET
MORA MN 55051 WQ

ENV HYDROLOGY & ENG
3416 UNIVERSITY AVE SE
MINNEAPOLIS MN 55414 W&HZ

BARBARA KNAPP
9508 BRUNSWICK CIRCLE
BLOOMINGTON MN 55438 WQ

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

METRO AIRPORTS COMM
ATTN DIR OF OPERATIONS
6040 28TH AVE S
MINNEAPOLIS MN 55450 WQ

MINNEAPOLIS AUDUBON
ATTN STEVEN BUCHANAN
4552 ALDRICH AVE S
MINNEAPOLIS MN 55409 WQ

JOHN NORDENSON
85 JEWEL LANE
PLYMOUTH MN 55447 WQ

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

UNION OIL COMPANY OF CA
ATTN DIANE DUNCAN
P O BOX 7600
LOS ANGELES CA 90051 WQ

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

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

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
ATTN FRANCINE CREME
6800 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 1

BILL BUDD
4270 JEFFERSON STREET
EXCELSIOR MN 55331 1

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

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

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2200 FIRST BANK PLACE E
MINNEAPOLIS MN 55402 2

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ATTN BECKY A COMSTOCK
2200 FIRST BANK PLACE EAST
MINNEAPOLIS MN 55402 2

DORSEY LAW FIRM
ATTN MARK KASTOR
2200 FIRST BANK PLACE E
MINNEAPOLIS MN 55402 2

DULUTH MISSABE & IRON
RANGE RAILWAY CO
210 MISSABE BLDG
DULUTH MN 55802 2

E I DU PONT DE NEMOURS CO
ATTN MARILYN MOONEY
LEGAL DEPT (D7082)
1007 MARKET STREET
WILMINGTON DE 19898 2

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

ENVIR RESEARCH GROUP
ATTN SALES & MARKETING
P O BOX 70006
135 STATE ST
ST PAUL MN 55107 2

ENVIRONMENTAL ENGINEERING
& POLLUTION CONTROL/3M
ATTN THOMAS ZOSEL
P O BOX 33331
ST PAUL MN 55133 2

ENVIRONMENTAL HEALTH
RON SPONG
DAKOTA CNTY GOV CENTER
1560 HWY 55
HASTINGS MN 55033 2

ENVIRONMENTAL TASK FORCE
1346 CONNECTICUT AVE N W
SUITE 730
WASHINGTON D C 20036 2

EPA REGION V
OFFICE OF PUBLIC AFFAIRS
230 S DEARBORN ST
CHICAGO IL 60604 2

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 3

HESSIAN, McKASY & SODERBERG
ATTN: HAROLD J. SODERBERG
4700 IDS CENTER
MPLS MN 55402 3

HOLMES & GRAVEN
ATTN LARRY M WERTHEIM
470 PILLSBURY CENTER
MINNEAPOLIS MN 55402 3

PAUL J HUBER LTD
1821 UNIVERSITY AVE
ST PAUL MN 55104 3

IBM CORPORATION
ATTN J P HARMON
DEPT 713/BLDG 658-D
ROCHESTER MN 55901 3

INDUST HEALTH ENG ASSOC INC
ATTN KNOWLTON J CAPLAN
P O BOX 9342
MINNEAPOLIS MN 55440 3

INDUSTRIAL FABRICATORS CO
P O BOX 1561
JACKSON TN 38301 3

INTERNATIONAL ECO SOCIETY
ATTN R J F KRAMER
1471 BARCLAY STREET
ST PAUL MN 55106 3

INTERSTATE POWER CO
PRESIDENT
1000 MAIN ST
DUBUQUE IA 52001 3

IOWA DEPT ENVIRON QUALITY
ATTN STEVEN N WILLIAMS
HENRY A WALLACE BLDG
DES MOINES IA 50319 3

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.
ATTN: LYNN A. BRANBERG
401 NORTH 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
402 E LAKE ST
WAYZATA MN 55391 4

Lake Superior Indus. Bureau
1408 Alworth Bldg.
Duluth, MN 55802

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
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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 4

MEEB/REEC
CAROL LANGER REG COORD
UNIVERSITY OF MN MORRIS
PE ANNEX RM 32
MORRIS MN 56267 4

MIDLAND GLASS COMPANY
DONALD F HENNEN
PLANT MANAGER
P O BOX 69
SHAKOPEE MN 55379 4

CITY OF MILTONA
ATTN KEVIN LEE CLERK
MILTONA MN 56354 4

MINNEAPOLIS TRIBUNE
ATTN BOB FRANKLIN
425 PORTLAND AVE
MINNEAPOLIS MN 55488 4

MINNEGASCO
PAUL DENEKA
DR LAB & ENVIRON PRGMS
601 W 61ST ST
MINNEAPOLIS MN 55419 4

MINNEGASCO
GEORGE MASTOR
LEGAL DIVISION
201 SOUTH 7TH STREET
MINNEAPOLIS MN 55402 4

MINNESOTA FARMERS UNION
ATTN MARK McAFEE
1717 UNIVERSITY
ST PAUL MN 55104 4

THE MINNESOTA PROJECT
ATTN LONI KEMP
2222 ELM STREET S E
MINNEAPOLIS MN 55414 4

MINNKOTA POWER COOP INC
ATTN LOREN L JOHNSON
BOX 1318
GRAND FORKS ND 58201 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 KE[illegible]
4354 HARRI[illegible] 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

REMOVE

MN RETAIL MERCHANTS ASSOC
ATTN JOHN E VAN DOORN
180 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
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STATE REGULATORY DIV
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STEWARTVILLE MN 55976 6

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NEWS EDITOR
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P O BOX 3253
MINNEAPOLIS MN 55403 6

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506 FIRST AVE N E
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RUSS POLANSKY
101 E 10TH STREET
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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

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MINNEAPOLIS MN 55406 7

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

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1790 DAYTON AVE
ST PAUL MN 55104 7

WASH CO COMMUNITY
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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

DOUG EWALD
15025 HIGHLAND TRAIL
MINNETONKA, MN 55345 7

WINTHROP, WEINSTINE & SE
SEXTON
1800 CONWED TOWER
444 CEDAR STREET
ST. PAUL, MN 55101 7

OCTOBER 1985

American Consulting Services
835 N. County Road 18
Minneapolis, MN 55427
CE

Associated Consultants
3131 Fernbrook Lane North
Suite #204
Minneapolis, MN 55441
CE

Ayres Associates
Richard V. Berggreen
700 Transfer Road
St. Paul, MN 55114
CE

Banister Engineering, Inc.
654 Montcalm Place
St. Paul, MN 55116
CE

Banner and Associates
Box 298
Brookings, SD 57006
CE

Barr Engineering Company
6800 France Avenue South
Minneapolis, MN 55435
CE

Barton-Aschman Associates, Inc
1610 South Sixth Street
Minneapolis, MN 55454
CE

Barton-Aschman Associates, Inc
820 Davis Street
Evanston, IL 60201
CE

Bennett, Ringrose, Wolsfeld,
Jarvis, Gardner, Incorporated
700 Third Street South
Minneapolis, MN 55415
CE

Black & Veatch
P.O.Box 8405
1500 Meadow Lake Parkway
Kansas City, MO 64114
CE

Brandt Engineering
2705 Woods Trail
Burnsville, MN 55337
CE

Camp Dresser & McKee, Inc.
3489 North 124th Street
Brookfield, WI 53005
CE

Braun Engineering Testing
P.O. Box 189
St. Cloud, MN 56302
CE

Milner W. Carley & Associates
400 East Germain Street
St. Cloud, MN 56301
CE

Robert O. Brown
6885 Washington Avenue South
Edina, MN 55435
CE

Archie Carter
Carter, Krueger & Assoc., Inc.
Hopkins Office Center, #257
33 10th Avenue South
Hopkins, MN 55343
CE

Burns & McDonnell
4800 East 63rd Street
P.O. Box 173
Kansas City, MO 64141
CE

Chamberlain Engineering Co.
Chippewa County Courthouse
Montevideo, MN 56265
CE

Camp Dresser & McKee
One Center Plaza
Boston, MA 02108
CE

CH2M Hill
P.O. Box 2090
Great Lakes Regional Office
Milwaukee, WI 53201
CE

Gordon R. Coffin Company, Inc.
3025 Watertown Road
Long Lake, MN 55356
CE

Donohue & Associates, Inc.
600 Larry Court
Waukesha, WI 53186
CE

Consoer, Townsend
Division of PRC Engineering
Suite 600
303 East Wacker Drive
Chicago, IL 60601
CE

Dyanmic Systems, Inc.
6975 Washington Avenue South
Minneapolis, MN 55413
CE

Dames & Moore
Attn: Mr. A. Peter Campbell
1550 N.W. Highway
Park Rapids, IL 60068
CE

Eder Associates Consulting
Engineers, P.C.
85 Forest Avenue
Box H
Locust Valley, NY 11560
CE

Dayton, Herman & Graham
930 Lumber Exchange
10 South 5th Street
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CE

EMA
Hanover Building
480 Cedar Street
St. Paul, MN 55101
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7035 Wayzata Boulevard
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Engineering-Science, Inc.
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Suite 301
Cleveland, OH 44119
CE

Environmental Engineers, Inc.
1085 South Robert
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CE

Environmental Research Group
135 State Street
P.O. Box 70006
St. Paul, MN 55107
CE

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1900 Midwest Plaza Building
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CE

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1003 East Cliff Road
Burnsville, MN 55337
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Donald L. Floan
P.O. Box 385
Exchange Building
111 North 2nd Street
East Grand Forks, MN 56721
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Forensic Engineers, Limited
6233 Brookview Avenue South
Edina, MN 55424
CE

Fowler Hanley, Inc.
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Minneapolis, MN 55403
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Harrisburg, PA 17105
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1925 Oakcrest
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Geotechnical Engineering Corp.
7373 - 147th Street West
Apple Valley, MN 55124
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CE

Hakanson, Anderson Associates
222 Monroe Street
Anoka, MN 55303
CE

Hedlund Engineering Services
7726 Morgan Avenue South
Richfield, MN 55423
CE

HEL, Incorporated
Craig Ebeling
Suite 14, Mick Office Plaza
921 4th Avenue
Worthington, MN 56187
CE

Eugene A. Hickok & Associates
545 Indian Mound
Wayzata, MN 55391
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115 North 4th Street
Minneapolis, MN 55401
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Houston Engineering
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Fargo, ND 58102
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Apple Valley, MN 55124
CE

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Bemidji, MN 56601
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Krishman Engineering
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Geologists
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Minneapolis, MN 55403
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Metropolitan Council
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Midwest Research Institute
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Los Angeles, CA 90025
CE

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P.O. Box 1569
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CE

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10524 Zion Avenue South
Bloomington, MN 55437
CE

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P.O. Box E
Prior Lake, MN 55372
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Temple Associates
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15500 Wayzata Boulevard
Wayzata, MN 55391
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3339 West St. Germain
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INTEROFFICE
Richard D. Clark, P.E.
Supervisor Engineering Unit
Section of Water Supply &
General Engineering
MDH Building
Minneapolis, MN
CGM

Amberker Association, Inc.
1865 Old Hudson Road
St. Paul, MN 55119
CGM

Mr. Dennis Healy
P.O. Box 48
Ivanhoe, MN 56142
CGM

Richard Anthony
5314 Penn Avenue South
Minneapolis, MN 55419
CGM

Adkins Association
901 Jefferson Avenue
St. Paul, MN 55101
CGM

Arrowhead Regional Development
Commission
330 South First Ave. East
Duluth, MN 55802
CGM

Ms. Myrna Ahlgren, Executive Director
North Koochiching County
Wastewater Treatment Board
Box 1223
International Falls, MN 56649
CGM

Ayres Associates
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700 Transfer Road
St. Paul, MN 55114
CGM

Mr. Ward L. Akers, P.E.
Engineering Advisor
IL Env. Protection Agency
Div. Water Pollution Control
2200 Churchill Road
Springfield, IL 62706
CGM

Mr. Brant Ball
Office of the City Clerk
City Hall
Norwood, MN 55368
CGM

Ms. Carol Lee Baudler
309 Fourth Avenue NW
Austin, MN 55912
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Washington County Courthouse
14900 - 61st Street North
Stillwater, MN 55082
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1611 Pinehurst Drive NE
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P.O. Box 1049
361 East Broad Street
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3585 North Lexington Avenue
Suite 232
Roseville, MN 55113
CGM

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P.O. 64
Park Rapids, MN 56470
CGM

Mr. Stuart Blydenburgh, P.E.
Public Wastewater Section
Box 1049, 361 E. Broad Street
Div. Wastewater Poll. Control
Ohio Env. Protection Agency
Columbus, OH 43216
CGM

Ms. Sylvia G. Bergerud
County Auditor
Otter Tail County
Otter Tail Courthouse
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1330 West Michigan Street
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2335 West Highway 36
St. Paul, MN 55113
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Land O'Lakes
P.O. Box 116
Minneapolis, MN 55440
CGM

Brauer & Associates, Inc.
7901 Flying Cloud Drive
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CGM

Braun Engineering Testing
P.O. Box 35108
Minneapolis, MN 55435
CGM

Larry Breimhurst
c/o Water Environment
Technology
307 Liberty Bank Building
Snelling at Selby
St. Paul, MN 55104
CGM

Louis J. Breimhurst
Metropolitan Waste Control
Commission
350 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101
CGM

Patrick L. Brezonik
Department of Civil
& Mineral Engineering
University of Minnesota
Minneapolis, MN 55455
CGM

Mr. Steven Broderick
Waldor Pump & Equipment Company
9700 Humboldt Avenue
Minneapolis, MN 55431
CGM

Mr. Willard Bruce, P.E., Chief
Municipal Wastewater Secretary
50 Wolf Road
Bur. of Wastewater Fac. Design
N.Y.State Dept.of Env.Conserv.
Albany, NY 12233
CGM

Mr. Archie Carter
Carter, Kruegar & Assoc., Inc.
Hopkins Office Center
Suite 257
33 - 10th Avenue South
Hopkins, MN 55343
CGM

Mr. Ronald Bunton
Metropolitan Waste Control
Commission
350 Metro Square Building
Seventh & Robert Streets
St. Paul, MN 55101
CGM

Peter Cartwright
3423 NE Maplewood Drive
Minneapolis, MN 55418
CGM

Camp Dresser & McKee
3489 North 124th Street
Brookfield, WI 53005
CGM

Cataract, Inc.
Attn: Dave Larson
2721 W. Coast Highway
Newport Beach, CA 92663
CGM

Mr. John H. Carlson, P.E.
Project Engineer
City Hall
Room 211
Duluth, MN 55802
CGM

Mr. Todd A. Cayer, Chief
Municipal Facilities Branch
U.S. Envir. Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604
CGM

Robert L. Carr Company
General Contractor
Highway 59 North
Box 409
Marshall, MN 56258
CGM

Mr. Eugene Chaiken, Chief
Municipal Planning Section
U.S. Environmental
Protection Agency
230 South Dearborn Street
Chicago, IL 60604
CGM

Mr. Robert Chapman
Representative
Crooked Lake Township
Outing, MN 56662
CGM

Clay County Courthouse
John A. Cousins
Clay Co. Highway Engineer
Moorhead, MN 56560
CGM

CH2M Hill
P.O. Box 2090
Attn: Ed Manning
Great Lakes Regional Office
Milwaukee, WI 53201
CGM

Clear Lake-Clearwater
Sewer Authority
City Hall
Clearwater, MN 55320
CGM

City Clerk-Treasurer
City of Kimball
P.O. Box 238
Kimball, MN 55353
CGM

Comstock & Davis, Inc.
1446 County Road J
Minneapolis, MN 55432
CGM

City of Kettle River
c/o Dale Riihiluoma
Public Utilities Supervisor
Kettle River, MN 55757
CGM

Congregational United Church
of Christ of Ortonville
4 SE Third Street
Ortonville, MN 56278
CGM

Clark Engineering Company
2815 Wayzata Boulevard
Minneapolis, MN 55405
CGM

Consulting Engineers Council
Suite A
5407 Excelsior Boulevard
Minneapolis, MN 55416
CGM

Consulting Engineers Diversi.
Suite 200
7200 Hemlock Lane North
Maple Grove, MN 55369
CGM

Mr. Duane A. Dahlberg, Chairman
421 Horn Avenue South
Moorhead, MN 56560
CGM

Ms. Doris Conzet
5560 Woodland Trail
Loretto, MN 55357
CGM

James E. Danielson
Mendota Heights Public Works
750 South Plaza Drive
Mendota Heights, MN 55120
CGM

Cook County Courthouse
David Zech
Cook County Highway Engineer
Grand Marais, MN 55604
CGM

Davy Engineering Co., Inc.
115 South Sixth Street
P.O. Box 2076
LaCrosse, WI 54602-2076
CGM

Cooper Engineering Company
Attn: Mike Korby
100 W. Orchard Beach Lane
Rice Lake, WI 54868
CGM

James Debenedet, P.E.
1381 Eustis Street
St. Paul, MN 55108
CGM

Mr. Merle Crow, P.E.
Michigan Dept. Nat'l. Res.
Box 30028
Water Quality Division
Mun. Fac. & Planning Branch
Lansing, MI 48909
CGM

Mr. Jim DeChaine
Suite #388, Hall of the States
444 North Capital Street
Washington,, D.C. 20001
CGM

Margie Devereaux, Director
Bureau of Water Grants
Wisconsin Department
of Natural Resources
P.O. Box 7921
Madison, WI 53707
CGM

DeWild, Grant, Reckert & Assoc
315 First Avenue
Rock Rapids, IA 51246
CGM

Mr. Russell W. Domino
23 West Road
Circle Pines, MN 55014
CGM

Donohue & Associates
7200 Hemlock Lane North
Suite 200
Maple Grove, MN 55369-5576
CGM

Donohue & Associates
4738 North 40th Street
P.O. Box 1067
Sheboygan, WI 53081
CGM

Dorsey & Whitney Library
2200 First Bank Place East
Minneapolis, MN 55402
CGM

Dover-Eyota-St. Charles Area
Sanitary District
P.O. Box 96
St. Charles, MN 55972
CGM

East Central Regional
Development Commission
119 South Lake Street
Mora, MN 55051
CGM

East Mesaba Sanitary Disposal
Authority
Virginia City Hall
Virginia, MN 55792
CGM

Michael J. Eastling
Richfield Public Works Director
6700 Portland Avenue
Richfield, MN 55423
CGM

Ecosystem Research Service
P.O. Box 17102
Minneapolis, MN 55417
CGM

Eder Associates
Consulting Engineers, P.C.
85 Forest Avenue
P.O. Box 14
Locust Valley, NY 11560
CGM

Joseph D. Edeskutz & Associates
730 Second Avenue South
Suite 835
Minneapolis, MN 55402
CGM

Ellerbe Associates, Inc.
c/o Robert Tipton Brown
One Apple Tree Square
Bloomington, MN 55420
CGM

EMA, Inc.
Mr. George Mathes
480 Cedar Street
Hanover Building-Level C
St. Paul, MN 55101
CGM

Krishna Engineering Consultants, Inc.
P.O. Box 65067
1200 - 35th Street, Suite 409
West Des Moines, IA 50265
CGM

Envirex, Inc.
Attn: Mr. Charles Hansen
2200 South Wolf Road
Des Plaines, IL 60018
CGM

Envirex, Inc.
Attn: Mr. Harlan Mueller
1901 South Prairie Avenue
P.O. Box 1067
Waukesha, WI 53187
CGM

Enviro Science
Attn: Dennis Kim
2021 East Hennepin
Minneapolis, MN 55413
CGM

Envirodyne Engineers
12161 Lackland Road
St. Louis, MO 63141
CGM

Environmental Engineering &
Pollution Control
Attn: Dave Benforado
3M Company
P.O. Box 33331
St. Paul, MN 55133
CGM

Mr. Robert Fieldsend
Town Board of Supervisors
Bass Brook Township
P.O. Box 146
Cohasset, MN 55721
CGM

Environmental Hydrology Corp.
Attn: Dan Haskett
P.O. Box 14701
3416 University Avenue SE
Minneapolis, MN 55414
CGM

Mr. Wally A. Fischer, Chairman
Green Lake Sanitary Water &
Sewer Commission, Kandiyohi Co
1118 West 11th Street
Willmar, MN 56201
CGM

Mr. William Evan Diest, Chairman
531 Dewey Street
Foley, MN 56326
CGM

Floan-Saunders, Inc.
Highway 220 N. & 17th Avenue
P.O. Box 385
East Grand Forks, MN 56721
CGM

Mr. Fred M. Evans, P.E., Env. Engineer
IA Dept. Environmental Quality
Water Quality Mgt. Division
Henry A. Wallace Building
900 East Grand
Des Moines, IA 50319
CGM

John G. Flora
Fridley Public Works Director
6431 University Avenue North
Fridley, MN 55432
CGM

Mr. Ed Fairbanks
Route 3, Box 867
Bemidji, MN 56601
CGM

Brian Freeburg
Haack Engineering
1819 Bemidji Avenue
Bemidji, MN 56601
CGM

Theordore M. Frostman, Vice President
EMCS, Inc.
315 N. 12th Street, Suite 100
P.O. Box 2116
Milwaukee, WI 53201
CGM

Glanton Engineering Company
Attn: John Glanton
15 North 16th Street
Minneapolis, MN 55403
CGM

Ms. Kathy Gaalswyk, Executive Director
Region Five
Regional Development
Commission
611 Iowa Avenue
Staples, MN 56479
CGM

Mr. Donald Grant, Chairman
Linwood Township Board
22817 Typo Creek Drive NE
Stacy, MN 55079
CGM

Mr. Brij M. Garg, P.E., Chief
Eng. & Tech. Transfer Sec.
Div. of Mun. Facility & Grants
PA Dept. of Envir. Resources
P.O. Box 2063
Harrisburg, PA 17120
CGM

Greely & Hansen
222 South Riverside Plaza
Chicago, IL 60608
CGM

Ms. Marcia R. Gelpe
William Mitchell College
of Law
875 Summit Avenue
St. Paul, MN 55105
CGM

Ms. Jan Green
10550 Old North Shore Road
Duluth, MN 55804
CGM

Willis L. Gilliard
2301 Minnehaha Avenue South
Minneapolis, MN 55404
CGM

Mr. Francis Guiney, Township Clerk
Red Rock Township
RR #5, Box 159
Austin, MN 55912
CGM

Mr. Dale Hagen, Chairman
Lakeview Township Board
Route 5
P.O. Box 167
Detroit Lakes, MN 56501
CGM

Eugene A. Hansen Associates
Route 1, Box 58A
Detroit Lakes, MN 56501
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Hansen, Thorp & Pellinen, Inc.
7565 Office Ridge Circle
Eden Prairie, MN 55344-3644
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Mr. Mervel Hanson
Water & Sewer Superintendent
City of Silver Bay
Silver Bay, MN 55614
CGM

Ms. Virginia Harris, Director
Planning, Zoning & Env. Serv.
Carver County Courthouse
P.O. Box 16
Chaska, MN 55318
CGM

Harza Engineering Company
150 South Wacker Drive
Chicago, IL 60606
CGM

Havens & Emerson, Ltd.
Bond Court Building
1300 East Ninth Street
Cleveland, OH 44114
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Headwaters Regional Development
Commission
722 - 15th Street
P.O. Box 906
Bemidji, MN 56601
CGM

Henningson, Durham &
Richardson
8404 Indian Hills Drive
Omaha, NE 68114
CGM

Henningson, Durham, and
Richardson, Inc.
300 Parkdale 1 Building
5401 Gamble Drive
Minneapolis, MN 55416
CGM

Mr. Virgil Herrick, Chairman
477 N.E. Rice Creek Terrace
Minneapolis, MN 55432
CGM

Ms. Leona Humphrey
Intercounty Community Council
Box 187
Oklee, MN 56742
CGM

Mr. Jim Hestad
Land O'Lakes
P.O. Box 116
Minneapolis, MN 55440
CGM

Larry Huntsman
Clerk-Treasurer-Administrator
City of Jasper
P.O. Box 277
Jasper, MN 56144
CGM

Dick Hinshon
Michigan Department of
Natural Resources
Steven T. Mason Building
P.O. Box 30028
Lansing, MI 48909
CGM

I & S Engineers, Inc.
329 North Broad Street
P.O. Box 1026
Mankato, MN 56001
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Howard, Needles, Tammen &
Bengendoff
6700 France Avenue South
Minneapolis, MN 55435
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Interoffice Mail:
Legislative Reference Library
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St. Paul, MN 55155
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Hubbard County Courthouse
Hubbard Co. Highway Engineer
Park Rapids, MN 56470
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Jackpine Environmental Corp.
Box 1434
Bemidji, MN 56601
CGM

Mr. Joel Jamnik
Legislative Counsel
League of Minnesota Cities
183 University Avenue East
ST. Paul, MN 55101
CGM

Mr. Dave Karras
Metro. Waste Control Commission
350 Metro Square Building
Seventh and Robert Streets
St. Paul, MN 55101
CGM

Ms. Cheryl Johnson
2342 Stinson Parkway
Minneapolis, MN 55418
CGM

KBM, Inc.
P.O. Box 1517
1604 South Washington Street
Grand Forks, ND 58201
CGM

Ms. Tari Johnson
Capsule Laboratories
840 Sibley Memorial Highway
St. Paul, MN 55118
CGM

KBM, Inc.
P.O. Box 428
1270 Nielson Avenue SE
Bemidji, MN 56601
CGM

Jones, Haugh & Smith, Inc.
515 South Washington
Albert Lea, MN 56007
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KBM, Inc.
P.O. Box 376
230 East Third Street
Redwood Falls, MN 56283
CGM

Mr. Clarence Juelich
City Clerk-Treasurer
P.O. Box 868
Wheaton, MN 56296
CGM

Mr. John Kelley, Chief
Municipal Engineering Section
U.S. Environmental
Protection Agency
230 South Dearborn Street
Chicago, IL 60604
CGM

Mr. Steve W. Kim, P.E.
Research & Evaluation Engineer
1330 W. Michigan St.
Indiana State Board of Health
Div. Water Pollution Control
Indianapolis, IN 46206
CGM

Koochiching County Board of
Commissioners
c/o Shermoen & Shermoen
318 Eighth Ave., P.O. Box 1072
International Falls, MN 56649
CGM

Kirkham-Michael & Associates
1903 South Broadway
Rochester, MN 55901
CGM

Howard A. Kuusisto
196 N. Griggs-Midway Building
1821 University Avenue West
St. Paul, MN 55104
CGM

Kirkham-Michael & Associates
P.O. Box 14129
9110 West Dodge Road
Omaha, NE 68114
CGM

Landecker & Associates
P.O. Box 120
Pequot Lakes, MN 56472
CGM

Mr. Tom Klassen, Chairman
Columbus Township Board
16318 Kettle River Boulevard
Forest Lake, MN 55025
CGM

Mr. Lee Lange
Wastewater Operator
P.O. Box 252
Lakefield, MN 56150
CGM

Kleinschmidt & Webber, Inc.
4240 West Fifth Street
Winona, MN 55987
CGM

Ms. Carol Langer, Regional Coordinator
MEEB/REEC, Univ. of Minn-Morris
PE Annex, Room 32
14th and College
Morris, MN 56267
CGM

Mr. Keith H. Langmo
Vice Chairman
618 West Crescent Lane
Litchfield, MN 55355
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Mr. Jim Leukam, City Clerk
City of Meier Grove
City Hall
Melrose, MN 56352
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Larson-Peterson & Assoc., Inc.
522 West Main
P.O. Box 150
Detroit Lakes, MN 56501
CGM

Lightowler Johnson Associates
Attn: Stevan G. Dewald, RPE
17 South 7th Street
P.O. Box 2464
Fargo, ND 58108
CGM

Mr. Thomas Leavey
829 - 22nd Avenue SE
Minneapolis, MN 55414
CGM

Mr. Robert J. Lockyear, Director
Washington Co. Planning Dept.
Washington County Courthouse
14900 - 61st Street N.
Stillwater, MN 55082
CGM

Leggette, Brashears &
Graham, Inc.
Northpark Coporate Center
1210 West County Road E
Suite A1211
St. Paul, MN 55113
CGM

Ms. Connie Lounsbury
Minnesota Association of
Townships
P.O. Box 246
St. Michael, MN 55376
CGM

Patrick Lehman
TKDA Engineering
2500 American National
Bank Building
St. Paul, MN 55101
CGM

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Lyon Co. Highway Engineer
Marshall, MN 56258
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735 North Water Street
Milwaukee, WI 53202
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110 Hanover Building
St. Paul, MN 55101
CGM

Mr. Larry Marsh, Chairman
Stuntz Township Board
P.O. Box 350
Hibbing, MN 55746
CGM

Martinez Mapping & Engineering
P.O. Box 70023
St. Paul, MN 55107
CGM

Mateffy Engineering & Assoc.
663 Old Highway 8
New Brighton, MN 55112
CGM

McCombs-Knutson Assoc., Inc.
Plymouth Creekview Office Bldg
12800 Industrial Park Blvd.
Plymouth, MN 55441
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McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55901
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Metropolitan Council
300 Metro Square Building
Seventh and Robert Streets
St. Paul, MN 55101
CGM

Meyer-Rohlin, Inc.
1111 Highway 25 North
Buffalo, MN 55313
CGM

Dennis Micko
Banner Associates, Inc.
P.O. Box 298
Brookings, SD 57006
CGM

Midstate Engineering &
Testing, Inc.
1730 Graydon Avenue
Brainerd, MN 56401
CGM

Minnesota Valley Testing
Laboratories, Inc.
Nevada, IA 50201
CGM

Mr. Michael Mikulka
Minnesota Program Manager
U.S. Environmental
Protection Agency
230 South Dearborn Street
Chicago, IL 60604
CGM

Minnesota-Wisconsin Boundary
Area Commission
619 Second Street
Hudson, WI 54016
CGM

Minnesota Arrowhead Associates
P.O. Box 204
Duluth, MN 55801
CGM

Alvin H. Moen
Alexandria City Engineer
114 Seventh Avenue
P.O. Box 369
Alexandria, MN 56308
CGM

Minnesota Department of
Natural Resources
Attn: Tom Lutgen
444 Lafayette Road
St. Paul, MN 55101
CGM

Elizabeth Morrison
Howard Dahlgren Associates
One Groveland Terrace
Minneapolis, MN 55403
CGM

Minnesota Valley Testing
Laboratories, Inc.
New Ulm, MN 56073
CGM

Morrison County Courthouse
Morrison Co. Highway Engineer
Little Falls, MN 56345
CGM

Mr. Thomas Morrow
GF Plastic Systems
2475 Village Court
Aurora, IL 60505
CGM

Mr. Arthur J. Nolan
Elk River Concrete Products
Division of the
Cretex Companies, Inc.
7575 Golden Valley Road
Minneapolis, MN 55427
CGM

Henry Mott
Houston Engineering
P.O. Box SU 5054
Fargo, ND 58105
CGM

Norman County Courthouse
TH 9 North
Norman Co. Highway Engineer
Ada, MN 56510
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Ms. Jean Benci
Councilwoman, City of Elko
City Hall
Elko, MN 55020
CGM

North St. Paul City Engineer
2526 East Seventh Avenue
North St. Paul, MN 55109
CGM

Nancy Matler, Clerk
West Lakeland Township
13228 North 20th Street
Stillwater, MN 55082
CGM

Northeastern Minnesota
Development Association
Mr. Charles Westin
800 Alworth Building
Duluth, MN 55802
CGM

Bruce A. Nelson, Executive Director
Alexandria Lake
Sanitary District
Route 7, Box 466
Alexandria, MN 56308
CGM

Northwest Regional Development
Commission
425 Woodland Avenue
Crookston, MN 56716
CGM

Noyes Engineering Service
P.O. Box 1314
Willmar, MN 56201
CGM

Orr-Schelen-Mayeron & Assoc.
Suite 238 Hennepin Square
2021 Hennepin Avenue East
Minneapolis, MN 55413
CGM

O.R. Knez
14747 - 80th Avenue N.
Maple Grove, MN 55369
CGM

Mr. Orlin Ortloff
City Engineer
City of Waseca
508 South State Street
Waseca, MN 56093
CGM

Oakland Sanitary District
c/o County Auditor
Freeborn County Courthouse
Albert Lea, MN 56007
CGM

Owen Ayres & Associates, Inc.
700 Transfer Road
St. Paul, MN 55114
CGM

DeWayne C. Olson
Consulting Engineers, Inc.
1611 Highway #10 N.E.
Minneapolis, MN 55432
CGM

Pace Laboratories, Inc.
1710 Douglas Drive North
Minneapolis, MN 55422
CGM

James Orr
Chanhassen City Engineer
7610 Laredo Drive
Chanhassen, MN 55317
CGM

Mr. E. Dale Palmer
County Auditor
Sherburn County Courthouse
County Auditor's Office
Elk River, MN 55330
CGM

Parsons Engineered
Products, Inc.
P.O. Box 189
Hopkins, MN 55343
CGM

Pfeifer & Schultz/HDR, Inc.
300 Parkdale Building 1
5401 Gamble Drive
Minneapolis, MN 55416
CGM

Mr. Gary Patterson
City Clerk/Administrator
55 East Third Street
Zumbrota, MN 55992
CGM

Pine River Sanitary District
Mr. Gary Moser, Chairman
Pine River, MN 56474
CGM

Pauley & Olsen Assoc., Ltd.
113 South Fifth Avenue
St. Cloud, MN 56301
CGM

PRC Consoer Townsend, Inc.
Attn: Mary Schramm, Librarian
Three Illinois Center
303 E. Wacker Drive
Chicago, IL 60601
CGM

PDR Engineering, Inc.
5605 Duluth Street
Minneapolis, MN 55422
CGM

Mr. Bill Price
Suburban Engineering
12203 Nicollet Avenue
Burnsville, MN 55337
CGM

Willard Peterson, P.E.
Consulting Engineer
160 West Cook Lake Road
Duluth, MN 55803
CGM

Progressive Consulting
Engineering, Inc.
6040 Earle Brown Drive
Suite 241
Minneapolis, MN 55430-2581
CGM

PSC Professional Service
Group, Inc.
835 North County Road 18
Minneapolis, MN 55441
CGM

Mr. Herbert D. Reimer
City Engineer
City of Moorhead
P.O. Box 779
Moorhead, MN 56560
CGM

Henry W. Quade
Biology Department
Mankato State University
Mankato, MN 56001
CGM

Dick Reinarz
316 North Robert Street
252 Federal Courts Building
St. Paul, MN 55101
CGM

R. L. Lorimer Associates
19 South First Street
Minneapolis, MN 55401
CGM

Mr. David Reinbolt
Suite #338, Hall of the States
444 North Capital Street
Washington, D.C. 20001
CGM

Mr. Robert Reed, P.E.
Section Chief
Water Pollution Control Program
MO Dept. of Natural Resources
2010 MO Blvd., P.O. Box 1368
Jefferson City, MO 65102
CGM

Rexnord, Inc.
EnviroEnergy Technology Center
Attn: Anthony Geinopolos
5103 W. Beloit Road
Milwaukee, WI 53214
CGM

Region Nine Regional
Development Commission
P.O. Box 3367
Mankato, MN 56001
CGM

Rhutasel & Associates, Inc.
P.O. Box D
1 Sunset Drive
Freeburg, IL 62243
CGM

Rieke-Carroll-Muller Assoc.
311 West Washington
Brainerd, MN 56401
CGM

Robert J. Roberts
P.O. Box 533
Moorhead, MN 56560
CGM

Rieke-Carroll-Muller Assoc.
217 North Third Street
P.O. Box 776
Gaylord, MN 55334
CGM

Thomas N. Rodeberg
103 Canton Avenue
Montevideo, MN 56265
CGM

Rieke-Carroll-Muller Assoc.
Box 130
Hopkins, MN 55343
CGM

Mr. Amos Roos
988 Union Street
Apartment 201
San Francisco, CA 94133
CGM

Rieke-Carroll-Muller Assoc.
24th Avenue North
P.O. Box 51
St. Cloud, MN 56301
CGM

Roseau County Courthouse
Patrick J. Hines, Acting
Roseau Co. Highway Engineer
Roseau, MN 56751
CGM

Rieke-Carroll-Muller Assoc.
P.O. Box 61
Worthington, MN 56187
CGM

RREM, Inc.
408 Board of Trade Building
301 West First Street
Duluth, MN 55802
CGM

Joe Rudberg
City of North Branch
Box 176
North Branch, MN 55056
CGM

Jack D. Salo, Inc.
Dunlap Building
15 East First Street
Duluth, MN 55802
CGM

Don E. Salzmann
Ass't. Utility Superintendent
City of Melrose
Melrose, MN 56352
CGM

Schoell & Madson, Inc.
10550 Wayzata Boulevard
Minnetonka, MN 55343-5438
CGM

Seaway Engineering Company
831 East Second Street
Duluth, MN 55805-2198
CGM

SERCO Laboratories
1931 West County Road C-2
Roseville, MN 55113
CGM

Serpent Lake Sanitary
Sewer Commission
Box 201
Deerwood, MN 56444
CGM

Peter Seto, Ph.D., P.E., Head
Municipal Sewage Unit
Pollution Control Branch
Ontario Ministry of Environ.
135 St. Clair Avenue West
Toronto, Ontario, M4V-IP5
CGM

Short-Elliott-Hendrickson,Inc.
705 Bay Street
Chippewa Falls, WI 54729
CGM

Short, Elliott, Hendrickson
& Associates
222 East Little Canada Road
St. Paul, MN 55117
CGM

Sioux Engineering, Inc.
862 - 4th Avenue
Windom, MN 56101
CGM

Spitznagel Partners, Inc.
Tade L. Gerischer
Civil Department Head
1112 West Avenue North
Sioux Falls, SD 57104
CGM

Six East Regional Development
Commission
333 West Sixth Street
Lower Level
Willmar, MN 56201
CGM

Mr. Mark Spurr
Resource Management Association
1821 University Avenue
Suite S-179
St. Paul, MN 55104
CGM

Soil Exploration Company
662 Cromwell Avenue
St. Paul, MN 55114
CGM

Stanley Consultants, Inc.
Attn: R.J. Grear
Stanley Building
Muscatine, IA 52761
CGM

Southwest Regional Development
Commission
25th and Broadway
P.O. Box 265
Slayton, MN 56172
CGM

Mr. Robert Steindorf, P.E., Ass't. Chief
Municipal Wastewater Section
Bureau of Wastewater Mgmt.
WI Dept. Natural Resources
P.O. Box 7921
Madison, WI 53707
CGM

Mr. William Spaulding
Facilities Planning Branch
U.S. Env. Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604
CGM

Mr. William M. Stevens
Rooks, Pitts, Fullagar & Poust
55 West Monroe Street
Chicago, IL 60603
CGM

Stevens County Courthouse
Box 191
Morris, MN 56267
CGM

Stewart & Walker, Inc.
324 East Second Street
P.O. Box 387
Thief River Falls, MN 56701
CGM

Stewart & Walker, Inc.
P.O. Box 634
15th Street & Bemidji Avenue
Bemidji, MN 56601
CGM

Strgar-Roscoe, Inc.
630 Twelve Oaks Center
15500 Wayzata Boulevard
Wayzata, MN 55391
CGM

Suburban Engineering
6875 Highway 65 NE
Minneapolis, MN 55432
CGM

Mr. Rao Surampalli
Iowa Dept. of Water, Air &
Waste Management
Wallace Building
Ninth and Grand
Des Moines, IA 50319
CGM

Suri Architects, Inc.
1150 Benton Way
St. Paul, MN 55112
CGM

W. J. Sutherland, Associates
3919 West 44th Street
Minneapolis, MN 55424
CGM

Mr. Kenneth Swenson
City Engineer
City of Moorhead
P.O. Box 779
Moorhead, MN 56560
CGM

Ms. Carolyn Swenson, Clerk
Oak Grove Township
Town Office Building
Cedar, MN 55011
CGM

Dan Szumski & Associates
2601 Grant Street
Berkeley, CA 94703
CGM

The Honorable Mayor
City of Backus
City Hall
Backus, MN 56435
CGM

The Honorable Jimmie Marsh
City of New Market
City Hall
New Market, MN 55054
CGM

The Honorable Mayor
City of Balaton
City Hall
Balaton, MN 56115
CGM

The Honorable Mayor
City of Aurora
City Hall
Aurora, MN 55705
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Barnesville, MN 56514
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Avoca, MN 56114
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The Honorable Mayor
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City Hall
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Bertha, MN 56437
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CGM

The Honorable Mayor
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City Hall
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Belview, MN 56214
CGM

The Honorable Mayor
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Big Fork, MN 56628
CGM

The Honorable Mayor
City of Bemidji
City Hall
Bemidji, MN 56601
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The Honorable Mayor
City of Buffalo
City Hall
Buffalo, MN 55313
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The Honorable Mayor
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City Hall
Buhl, MN 55713
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City of Cambridge
City Hall
Cambridge, MN 55008
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City Hall
Burtrum, MN 56318
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City of Canby
City Hall
Canby, MN 56220
CGM

The Honorable Mayor
City of Byron
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Byron, MN 55920
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The Honorable Mayor
City of Cannon Falls
City Hall
Cannon Falls, MN 55009
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The Honorable Mayor
City of Caledonia
City Hall
Caledonia, MN 55921
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Canton, MN 55922
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The Honorable Mayor
City of Callaway
City Hall
Callaway, MN 56521
CGM

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City Hall
Carlos, MN 56319
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The Honorable Mayor
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Cass Lake, MN 56633
CGM

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City of Chokio
City Hall
Chokio, MN 56221
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City of Ceylon
City Hall
Ceylon, MN 56121
CGM

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City Hall
Bird Island, MN 55310
CGM

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Chatfield, MN 55923
CGM

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City of Biwabik
City Hall
Biwabik, MN 55708
CGM

The Honorable Mayor
City of Chisago City
City Hall
Chisago City, MN 55013
CGM

The Honorable Mayor
City of Blackduck
City Hall
Blackduck, MN 56630
CGM

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City of Chisholm
City Hall
Chisholm, MN 55719
CGM

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City of Blooming Prairie
City Hall
Blooming Prairie, MN 55917
CGM

The Honorable Mayor
City of Blue Earth
City Hall
Blue Earth, MN 56013
CGM

The Honorable Mayor
City of Brandon
City Hall
Brandon, MN 56315
CGM

The Honorable Mayor
City of Bluffton
City Hall
Bluffton, MN 56518
CGM

The Honorable Mayor
City of Breezy Point
P.O. Route 1
Pequot Lakes, MN 56472
CGM

The Honorable Mayor
City of Bock
City Hall
Bock, MN 56313
CGM

The Honorable Mayor
City of Brook Park
City Hall
Brook Park, MN 55007
CGM

The Honorable Mayor
City of Braham
City Hall
Braham, MN 55006
CGM

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City Hall
Brooks, MN 56715
CGM

The Honorable Mayor
City of Brainerd
City Hall
Brainerd, MN 56401
CGM

The Honorable Mayor
City of Brooten
City Hall
Brooten, MN 56316
CGM

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City of Browns Valley
City Hall
Browns Valley, MN 56219
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Brownsdale, MN 55918
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City Hall
Brownsville, MN 55919
CGM

The Honorable Mayor
City of Brownton
City Hall
Brownton, MN 55312
CGM

The Honorable Mayor
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City Hall
Clarissa, MN 56440
CGM

The Honorable Mayor
City of Clearbrook
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Clearbrook, MN 56634
CGM

The Honorable Mayor
City of Cleveland
City Hall
Cleveland, MN 56017
CGM

The Honorable Mayor
City of Cokato
City Hall
Cokato, MN 55321
CGM

The Honorable Mayor
City of Cold Spring
City Hall
Cold Spring, MN 56320
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The Honorable Mayor
City of Coleraine
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The Honorable Mayor
City of Comfrey
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Comfrey, MN 56019
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The Honorable Mayor
City of Crookston
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The Honorable Mayor
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The Honorable Mayor
City of Cyrus
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The Honorable Mayor
City of Cook
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The Honorable Mayor
City of Dakota
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Easton
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Easton, MN 56025
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The Honorable Mayor
City of Elbow Lake
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The Honorable Mayor
City of Gull Lake
P.O.
Brainerd, MN 56401
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The Honorable Mayor
City of Elgin
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The Honorable Mayor
City of Echo
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Howard Lake
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The Honorable Mayor
City of Hoyt Lakes
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The Honorable Mayor
City of Hutchinson
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Hutchinson, MN 55350
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The Honorable Mayor
City of Iona
City Hall
Iona, MN 56141
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The Honorable Mayor
City of Iron Junction
P.O.
Iron, MN 55751
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The Honorable Mayor
City of Ironton
City Hall
Ironton, MN 56455
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The Honorable Mayor
City of Janesville
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Janesville, MN 56048
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The Honorable Mayor
City of Jasper
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The Honorable Mayor
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The Honorable Mayor
City of Kenyon
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The Honorable Mayor
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The Honorable Mayor
City of Kettle River
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Kinney
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The Honorable Mayor
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The Honorable Mayor
City of LaCrescent
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The Honorable Mayor
City of Lafayette
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The Honorable Mayor
City of Lake Park
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Lake Park, MN 56554
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The Honorable Mayor
City of Lake Benton
City Hall
Lake Benton, MN 56149
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The Honorable Mayor
City of Lakeshore
P.O., Route 6
Brainerd, MN 56401
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The Honorable Mayor
City of Lake City
City Hall
Lake City, MN 55041
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The Honorable Mayor
City of Lake Wilson
City Hall
Lake Wilson, MN 56151
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The Honorable Mayor
City of Lake Crystal
City Hall
Lake Crystal, MN 56055
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The Honorable Mayor
City of Lakefield
City Hall
Lakefield, MN 56150
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The Honorable Mayor
City of Lake Henry
P.O. Route 3
Paynesville, MN 56362
CGM

The Honorable Mayor
City of Leonidas
c/o Post Office
Eveleth, MN 55734
CGM

The Honorable Mayor
City of Lester Prairie
City Hall
Lester Prairie, MN 55354
CGM

The Honorable Mayor
City of Long Beach
P.O., Route 3
Glenwood, MN 56334
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The Honorable Mayor
City of LeSueur
City Hall
LeSueur, MN 56058
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The Honorable Mayor
City of Long Prairie
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Long Prairie, MN 56347
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The Honorable Mayor
City of Lewisville
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Middle River
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The Honorable Mayor
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The Honorable Mayor
City of Milaca
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Milaca, MN 56353
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The Honorable Mayor
City of McGregor
City Hall
McGregor, MN 55760
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The Honorable Mayor
City of Millerville
P.O., Route 1
Brandon, MN 56315
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The Honorable Mayor
City of Miltona
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Miltona, MN 56354
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The Honorable Mayor
City of Monticello
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Monticello, MN 55362
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The Honorable Mayor
City of Minneota
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The Honorable Mayor
City of Montrose
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The Honorable Mayor
City of Minnesota City
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The Honorable Mayor
City of Moorhead
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The Honorable Mayor
City of Minnesota Lake
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Morton
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of New Munich
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New Munich, MN 56356
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The Honorable Mayor
City of Mountain Iron
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of New York Mills
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Palisade
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The Honorable Mayor
City of Park Rapids
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The Honorable Mayor
City of Parkers Prairie
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Parkers Prairie, MN 56361
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The Honorable Mayor
City of Paynesville
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The Honorable Mayor
City of Pelican Rapids
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The Honorable Mayor
City of Pennock
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The Honorable Mayor
City of Pine River
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The Honorable Mayor
City of Pequot Lakes
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The Honorable Mayor
City of Pipestone
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The Honorable Mayor
City of Perham
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The Honorable Mayor
City of Plainview
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Pine Island
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Red Lake Falls
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The Honorable Mayor
City of Richmond
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The Honorable Mayor
City of Red Wing
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The Honorable Mayor
City of Rochester
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The Honorable Mayor
City of Redwood Falls
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Taylors Falls
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The Honorable Mayor
City of Stewartville
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The Honorable Mayor
City of Thief River Falls
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The Honorable Mayor
City of Stockton
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Underwood
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Two Harbors
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Two Harbors, MN 55616
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The Honorable Mayor
City of Verndale
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Virginia
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Waite Park
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The Honorable Mayor
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The Honorable Mayor
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The Honorable Mayor
City of Waterville
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The Honorable Mayor
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The Honorable Mayor
City of Watson
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The Honorable Mayor
City of Waverly
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The Honorable Mayor
City of Wells
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Wells, MN 56097
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The Honorable Mayor
City of Wendell
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The Honorable Mayor
City of West Concord
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West Concord, MN 55985
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The Honorable Mayor
City of Wheaton
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Wheaton, MN 56296
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The Honorable Mayor
City of Williams
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Williams, MN 56686
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The Honorable Mayor
City of Ashby
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The Honorable Mayor
City of Willmar
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Willmar, MN 56201
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The Honorable Mayor
City of Winnebago
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The Honorable Mayor
City of Winona
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The Honorable Mayor
City of Winsted
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The Honorable Mayor
City of Winthrop
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Winthrop, MN 55396
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The Honorable Mayor
City of Winton
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Winton, MN 55796
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The Honorable Mayor
City of Worthington
City Hall
Worthington, MN 56187
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The Honorable Mayor
City of Wykoff
City Hall
Wykoff, MN 55990
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The Honorable Mayor
City of Zumbro Falls
City Hall
Zumbro Falls, MN 55991
CGM

The Honorable Mayor
City of Zumbrota
City Hall
Zumbrota, MN 55992
CGM

The Honorable Mayor
City of Lynd
Box 42
Lynd, MN 56157
CGM

Toltz, King, Duvall,
Anderson & Associates, Inc.
Attn: Librarian
2500 American National
Bank Building
St. Paul, MN 55101
CGM

Toltz, King, Duvall, Anderson
& Associates, Inc.
c/o Bob Callery
2500 American Nat'l. Bank Bldg
St. Paul, MN 55101
CGM

Mr. John Tomaselli, Planning Manager
Metropolitan Waste
Control Commission
350 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101
CGM

Tyson Associates
711 West Lake Street
Minneapolis, MN 55408
CGM

Ulteig Engineering, Inc.
1404 Oak Manor Avenue South
Box 1569
Fargo, ND 58107
CGM

Upper Minnesota Valley Regional
Development Commission
323 West Schlieman Avenue
Appleton, MN 56208
CGM

Upper Mississippi River Basin
Commission
415 Hamm Building
408 St. Peter Street
St. Paul, MN 55102
CGM

Van Doren-Hazard-Stallings
3030 Harbor Lane North
Suite 223
Minneapolis, MN 55441
CGM

Vesco, Inc.
P.O. Box 160
2005 Shaughnessey Circle
Long Lake, MN 55356
CGM

Waldor Pump & Equipment Company
Attn: Matt Waldor
9700 Humboldt Avenue South
Minneapolis, MN 55431
CGM

Noel Vogen
Associates Consultants
3131 Fernbrook Lane North
Minneapolis, MN 55441
CGM

Mr. Bill Walker
Itasca Star Route
Park Rapids, MN 56470
CGM

Mr. Raymond Vyskocil, Clerk
Jackson, Louisville, Blakely
Townships, P.O. Box 458
Route 3
Shakopee, MN 55379
CGM

Robert R. Wallace & Associates, Inc.
505 East 16th Street
P.O. Box 481
The Glass School Building
Hibbing, MN 55746
CGM

Wadena County Courthouse
F. G. (Gene) Mattern
Wadena County Highway Engineer
Wadena, MN 56482
CGM

Wallace, Holland, Kastler,
Schmitz & Company
2905 South Broadway
Rochester, MN 55901
CGM

Waldor Pump & Equipment Company
Attn: Kevin McCann
9700 Humboldt Avenue South
Minneapolis, MN 55431
CGM

Tom Wallin
Illinois Environmental
Protection Agency
2200 Churchill Road
Springfield, IL 62706
CGM

Gary Warren
Consulting Engineers
Diversified
Suite 200
7200 Hemlock Lane North
Maple Grove, MN 55369
CGM

Waseca County Courthouse
Robert McPartlin
Waseca County Highway Engineer
Waseca, MN 56093
CGM

Waste Water Operator
Box 92
Callaway, MN 56521
CGM

Watermation, Inc.
1995 West County Road B-2
Roseville, MN 55113
CGM

Ms. Lois West
P.O. Box 1184
Albert Lea, MN 56007
CGM

Western Lake Superior
Sanitary District
27th Avenue West and
the Waterfront
Duluth, MN 55806
CGM

Weston
Environmental Consultants
-Designers
Weston Way
West Chester, PA 19380
CGM

Westwood Planning &
Engineering
Suite 202
7415 Wayzata Boulevard
Minneapolis, MN 55426
CGM

Widseth, Smith, Nolting
& Associates, Inc.
1244 North Nokomis
Alexandria, MN 56308
CGM

Widseth, Smith, Nolting
& Associates, Inc.
401 Golf Course Drive
P.O. Box 765
Brainerd, MN 56401
CGM

Widseth, Smith, Nolting
& Associates, Inc.
216 South Main Street
Crookston, MN 56716
CGM

Wood, Grover Associates, Inc.
1306 West County Road F
St. Paul, MN 55112
CGM

Williams-O'Brien Associates
45 South Ninth Street
Minneapolis, MN 55402
CGM

Yaggy Associates, Inc.
717 Third Avenue SE
Rochester, MN 55901
CGM

Williamson-Kotsmith, Inc.
Sidney P. Williamson
3339 West St. Germain
St. Cloud, MN 56301
CGM

Yellow Medicine Co. Courthouse
Don Paulson
County Highway Engineer
Granite Falls, MN 56241
CGM

Wisconsin DNR
Director-Bureau of Water Grants
P.O. Box 7921
Madison, WI 53707
CGM

Mr. Rick Zdanowicz, Chief
Municipal Engineering, Unit 1
U.S. Envir. Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604
CGM

Mr. Jack Witt, Supervisor
Helena Township
Route 1, P.O. Box 136
Jordan, MN 55352
CGM

Zenk Engineering, Inc.
P.O. Box 689
Old Highway 65 North
Albert Lea, MN 56007
CGM

Louis Zitnay
Department 713
Environmental Eng. & Services
Highway 52 & NW 37th Street
Rochester, MN 55901
CGM

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Bass Brook Township
Itasca County Courthouse
Grand Rapids, MN 55744
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Cedar Lake and Helena Townships
Scott County Courthouse
Shakopee, MN 55379
MUN

Crooked Lake Twsp-Outing Area
Cass County Courthouse
Walker, MN 56484
MUN

Crow Wing County
Serpent Lake Sanitary District
Crow Wing County Courthouse
Deerwood, MN 56444
MUN

Dunn and Scrambler Townships
Ottertail County Courthouse
Fergus Falls, MN 56537
MUN

Fairview Township
Cass County Courthouse
Walker, MN 56484
MUN

Greenway Township
Chairman
Marble, MN 55764
MUN

Jack Bittle
City Engineer
12001 Jefferson Highway
Champlin, MN 55316
MUN

Jackson, Louisville & Blakely Twps.
Scott County Courthouse
Shakopee, MN 55379
MUN

Lakeview Township
Becker County Courthouse
Detroit Lakes, MN 56501
MUN

Lance Delfino, Chairman
19920 Crocus St. N.W.
Anoka, MN 55303
MUN

The Honorable Mayor
City of Afton
3033 St. Croix Trail South
Afton, MN 55001
MUN

Little Elk River
Sherburn County Courthouse
Elk River, MN 55330
MUN

The Honorable Mayor
City of Andover
1685 Crosstown Blvd N.W.
Andover, MN 55303
MUN

May Township
15101 Riverside Ave. N.
Marine-on-St. Croix, MN 55047
MUN

The Honorable Mayor
City of Aldrich
City Hall
Aldrich, MN 56434
MUN

New Scandia Township
Chairman
Scandia, MN 55073
MUN

The Honorable Mayor
City of Alvarado
City Hall
Alvarado, MN 56710
MUN

The Honorable Mayor
City of Ada
City Hall
Ada, MN 56510
MUN

The Honorable Mayor
City of Anoka
2015 - 1st Avenue North
Anoka, MN 55303
MUN

The Honorable Mayor
City of Apple Valley
14200 Cedar Avenue
Apple Valley, MN 55124
MUN

The Honorable Mayor
City of Avon
City Hall
Avon, MN 56310
MUN

The Honorable Mayor
City of Arden Hills
1450 West Highway 96
Arden Hills, MN 55112
MUN

The Honorable Mayor
City of Babbitt
City Hall
Babbitt, MN 55706
MUN

The Honorable Mayor
City of Askov
P.O. Box 245
Askov, MN 55704
MUN

The Honorable Mayor
City of Bagley
City Hall
Bagley, MN 56621
MUN

The Honorable Mayor
City of Atwater
City Hall
Atwater, MN 56209
MUN

The Honorable Mayor
City of Barrett
City Hall
Barrett, MN 56311
MUN

The Honorable Mayor
City of Audubon
City Hall
Audubon, MN 56511
MUN

The Honorable Mayor
City of Baxter
P.O. Box 2626
Baxter, MN 56401
MUN

The Honorable Mayor
City of Ashby
City Hall
Ashby, MN 56309
MUNCGM

The Honorable Mayor
City of Balaton
City Hall
Balaton, MN 56115
MUNCGM

The Honorable Mayor
City of Aurora
16 West 2nd Ave. North
Aurora, MN 55705
MUNCGM

The Honorable Mayor
City of Barnesville
City Hall
Barnesville, MN 56514
MUNCGM

The Honorable Mayor
City of Austin
500 - 4th Ave. N.E.
Austin, MN 55912
MUNCGM

The Honorable Mayor
City of Barnum
City Hall
Barnum, MN 55707
MUNCGM

The Honorable Mayor
City of Avoca
City Hall
Avoca, MN 56114
MUNCGM

The Honorable Mayor
City of Barry
City Hall
Barry, MN 56210
MUNCGM

The Honorable Mayor
City of Backus
City Hall
Backus, MN 56435
MUNCGM

The Honorable Mayor
City of Battle Lake
City Hall
Battle Lake, MN 56515
MUNCGM

The Honorable Mayor
City of Beaver Bay
City Hall
Beaver Bay, MN 55601
MUNCGM

The Honorable Mayor
City of Bertha
City Hall
Bertha, MN 56437
MUNCGM

The Honorable Mayor
City of Belgrade
City Hall
Belgrade, MN 56312
MUNCGM

The Honorable Mayor
City of Big Fork
City Hall
Big Fork, MN 56628
MUNCGM

The Honorable Mayor
City of Belview
City Hall
Belview, MN 56214
MUNCGM

The Honorable Mayor
City of Bird Island
City Hall
Bird Island, MN 55310
MUNCGM

The Honorable Mayor
City of Bemidji
401 Minnesota Ave.
Bemidji, MN 56601
MUNCGM

The Honorable Mayor
City of Biwabik
City Hall
Biwabik, MN 55708
MUNCGM

The Honorable Mayor
City of Benson
1411 Pacific Ave.
Benson, MN 56215
MUNCGM

The Honorable Mayor
City of Blackduck
City Hall
Blackduck, MN 56630
MUNCGM

The Honorable Mayor
City of Bayport
3rd St. and 2nd Ave. N.
Bayport, MN 55003
MUN

The Honorable Mayor
City of Belle Plaine
420 East Main
Belle Plaine, MN 56011
MUN

The Honorable Mayor
City of Beaver Creek
City Hall
Beaver Creek, MN 56116
MUN

The Honorable Mayor
City of Bellingham
City Hall
Bellingham, MN 56212
MUN

The Honorable Mayor
City of Becker
City Hall
Becker, MN 55308
MUN

The Honorable Mayor
City of Beltrami
City Hall
Beltrami, MN 56517
MUN

The Honorable Mayor
City of Bejou
City Hall
Bejou, MN 56516
MUN

The Honorable Mayor
City of Bena
City Hall
Bena, MN 56626
MUN

The Honorable Mayor
City of Bellechester
P.O. Rt. 1
Goodhue, MN 55027
MUN

The Honorable Mayor
City of Bethel
City Hall
Bethel, MN 55005
MUN

The Honorable Mayor
City of Blooming Prairie
City Hall
Blooming Prairie, MN 55917
MUNCGM

The Honorable Mayor
City of Brainerd
501 Laurel Street
Brainerd, MN 56401
MUNCGM

The Honorable Mayor
City of Blue Earth
125 West 6th
Blue Earth, MN 56013
MUNCGM

The Honorable Mayor
City of Brandon
City Hall
Brandon, MN 56315
MUNCGM

The Honorable Mayor
City of Bluffton
City Hall
Bluffton, MN 56518
MUNCGM

The Honorable Mayor
City of Brook Park
City Hall
Brook Park, MN 55007
MUNCGM

The Honorable Mayor
City of Bock
City Hall
Bock, MN 56313
MUNCGM

The Honorable Mayor
City of Brooks
City Hall
Brooks, MN 56715
MUNCGM

The Honorable Mayor
City of Braham
City Hall
Braham, MN 55006
MUNCGM

The Honorable Mayor
City of Brooten
Box 81
Brooten, MN 56316
MUNCGM

The Honorable Mayor
City of Bigelow
City Hall
Bigelow, MN 56117
MUN

The Honorable Mayor
City of Blaine
9150 Central Ave. N.E.
Blaine, MN 55434
MUN

The Honorable Mayor
City of Big Falls
City Hall
Big Falls, MN 56627
MUN

The Honorable Mayor
City of Blomkest
City Hall
Blomkest, MN 56216
MUN

The Honorable Mayor
City of Bingham Lake
City Hall
Bingham Lake, MN 56118
MUN

The Honorable Mayor
City of Bloomington
2215 West Old Shakopee Road
Bloomington, MN 55431
MUN

The Honorable Mayor
City of Birchwood
207 Birchwood Avenue
Birchwood, MN 55110
MUN

The Honorable Mayor
City of Bovey
City Hall
Bovey, MN 55709
MUN

The Honorable Mayor
City of Biscay
c/o Post Office
Glencoe, MN 55336
MUN

The Honorable Mayor
City of Bowlus
City Hall
Bowlus, MN 56314
MUN

The Honorable Mayor
City of Boyd
City Hall
Boyd, MN 56218
MUN

The Honorable Mayor
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430
MUN

The Honorable Mayor
City of Boy River
City Hall
Boy River, MN 56632
MUN

The Honorable Mayor
City of Bruno
City Hall
Bruno, MN 55712
MUN

The Honorable Mayor
City of Breckenridge
420 Nebraska Avenue
Breckenridge, MN 56520
MUN

The Honorable Mayor
City of Buckman
City Hall
Buckman, MN 56317
MUN

The Honorable Mayor
City of Brewster
City Hall
Brewster, MN 56119
MUN

The Honorable Mayor
City of Buffalo Lake
City Hall
Buffalo Lake, MN 55314
MUN

The Honorable Mayor
City of Bricelyn
City Hall
Bricelyn, MN 56014
MUN

The Honorable Mayor
City of Burnsville
1313 East Highway 13
Burnsville, MN 55337
MUN

The Honorable Mayor
City of Browns Valley
City Hall
Browns Valley, MN 56219
MUNCGM

The Honorable Mayor
City of Burtrum
City Hall
Burtrum, MN 56318
MUNCGM

The Honorable Mayor
City of Brownsville
City Hall
Brownsville, MN 55919
MUNCGM

The Honorable Mayor
City of Byron
City Hall
Byron, MN 55920
MUNCGM

The Honorable Mayor
City of Brownton
City Hall
Brownton, MN 55312
MUNCGM

The Honorable Mayor
City of Caledonia
231 East Main Street
Caledonia, MN 55921
MUNCGM

The Honorable Mayor
City of Buffalo
212 Central Avenue
Buffalo, MN 55313
MUNCGM

The Honorable Mayor
City of Callaway
City Hall
Callaway, MN 56521
MUNCGM

The Honorable Mayor
City of Buhl
City Hall
Buhl, MN 55713
MUNCGM

The Honorable Mayor
City of Calumet
City Hall
Calumet, MN 55716
MUNCGM

The Honorable Mayor
City of Campbell
City Hall
Campbell, MN 56522
MUN

The Honorable Mayor
City of Centerville
City Hall
Centerville, MN 55038
MUN

The Honorable Mayor
City of Carlton
City Hall
Carlton, MN 55718
MUN

The Honorable Mayor
City of Chanhassen
690 Coulter Drive
Chanhassen, MN 55317
MUN

The Honorable Mayor
City of Carver
City Hall
Carver, MN 55315
MUN

The Honorable Mayor
City of Chaska
205 E. 4th St. - P.O. Box 116
Chaska, MN 55318
MUN

The Honorable Mayor
City of Cedar Mills
Rt. 3
Hutchinson, MN 55350
MUN

The Honorable Mayor
City of Chickamaw Beach
City Hall, c/o Post Office
Pine River, MN 56474
MUN

The Honorable Mayor
City of Center City
City Hall
Center City, MN 55012
MUN

The Honorable Mayor
City of Circle Pines
9201 North Lexington Avenue
Circle Pines, MN 55014
MUN

The Honorable Mayor
City of Cambridge
139 East 1st
Cambridge, MN 55008
MUNCGM

The Honorable Mayor
City of Cass Lake
214 Cedar Avenue N.W.
Cass Lake, MN 56633
MUNCGM

The Honorable Mayor
City of Canby
110 Oscar Avenue North
Canby, MN 56220
MUNCGM

The Honorable Mayor
City of Ceylon
City Hall
Ceylon, MN 56121
MUNCGM

The Honorable Mayor
City of Cannon Falls
306 West Mill Street
Cannon Falls, MN 55009
MUNCGM

The Honorable Mayor
City of Chatfield
21 S.E. 2nd Street
Chatfield, MN 55923
MUNCGM

The Honorable Mayor
City of Canton
City Hall
Canton, MN 55922
MUNCGM

The Honorable Mayor
City of Chisago City
Box 356, 29246 Old Towne Road
Chisago City, MN 55013
MUNCGM

The Honorable Mayor
City of Carlos
City Hall
Carlos, MN 56319
MUNCGM

The Honorable Mayor
City of Chisholm
City Hall
Chisholm, MN 55719
MUNCGM

The Honorable Mayor
City of Chokio
City Hall
Chokio, MN 56221
MUNCGM

The Honorable Mayor
City of Cold Spring
27 Red River South
Cold Spring, MN 56320
MUNCGM

The Honorable Mayor
City of Clarissa
Box 396
Clarissa, MN 56440
MUNCGM

The Honorable Mayor
City of Comfrey
City Hall
Comfrey, MN 56019
MUNCGM

The Honorable Mayor
City of Clearbrook
City Hall
Clearbrook, MN 56634
MUNCGM

The Honorable Mayor
City of Conger
City Hall
Conger, MN 56020
MUNCGM

The Honorable Mayor
City of Cleveland
City Hall
Cleveland, MN 56017
MUNCGM

The Honorable Mayor
City of Cook
City Hall
Cook, MN 55723
MUNCGM

The Honorable Mayor
City of Cokato
255 Broadway Ave. So., Box 298
Cokato, MN 55321
MUNCGM

The Honorable Mayor
City of Cottonwood
City Hall
Cottonwood, MN 56229
MUNCGM

The Honorable Mayor
City of Clara City
215 - 1st Street N.W.
Clara City, MN 56222
MUN

The Honorable Mayor
City of Clearwater
P.O Box 171
Clearwater, MN 55320
MUN

The Honorable Mayor
City of Claremont
City Hall
Claremont, MN 55924
MUN

The Honorable Mayor
City of Clements
City Hall
Clements, MN 56224
MUN

The Honorable Mayor
City of Clarkfield
City Hall
Clarkfield, MN 56223
MUN

The Honorable Mayor
City of Climax
City Hall
Climax, MN 56523
MUN

The Honorable Mayor
City of Clarks Grove
City Hall
Clarks Grove, MN 56016
MUN

The Honorable Mayor
City of Clinton
City Hall
Clinton, MN 56225
MUN

The Honorable Mayor
City of Clear Lake
City Hall
Clear Lake, MN 55319
MUN

The Honorable Mayor
City of Clitherall
City Hall
Clitherall, MN 56524
MUN

The Honorable Mayor
City of Clontarf
City Hall
Clontarf, MN 56226
MUN

The Honorable Mayor
City of Columbia Heights
590 - 40th Ave. N.E.
Columbia Heights, MN 55421
MUN

The Honorable Mayor
City of Cloquet
508 Cloquet Avenue
Cloquet, MN 55720
MUN

The Honorable Mayor
City of Coon Rapids
1313 Coon Rapids Blvd.
Coon Rapids, MN 55433
MUN

The Honorable Mayor
City of Coates
City Hall, c/o Post Office
Rosemount, MN 55068
MUN

The Honorable Mayor
City of Corcoran
9525 Cain Road
Corcoran, MN 55340
MUN

The Honorable Mayor
City of Cobden
Rt. 3
Sleepy Eye, MN 56085
MUN

The Honorable Mayor
City of Correll
City Hall
Correll, MN 56227
MUN

The Honorable Mayor
City of Cologne
City Hall
Cologne, MN 55322
MUN

The Honorable Mayor
City of Cosmos
City Hall
Cosmos, MN 56228
MUN

The Honorable Mayor
City of Cottage Grove
7516 - 80th Street South
Cottage Grove, MN 55016
MUN

The Honorable Mayor
City of Currie
City Hall
Currie, MN 56123
MUN

The Honorable Mayor
City of Courtland
City Hall
Courtland, MN 56021
MUN

The Honorable Mayor
City of Cuyuna
c/o P.O. Star Rt. 1
Deerwood, MN 56444
MUN

The Honorable Mayor
City of Crosby
City Hall
Crosby, MN 56441
MUN

The Honorable Mayor
City of Beardsley
City Hall
Beardsley, MN 56211
MUN

The Honorable Mayor
City of Crosslake
City Hall
Crosslake, MN 56442
MUN

The Honorable Mayor
City of Danube
City Hall
Danube, MN 56230
MUN

The Honorable Mayor
City of Crystal
4141 Douglas Drive North
Crystal, MN 55422
MUN

The Honorable Mayor
City of Darfur
City Hall
Darfur, MN 56022
MUN

The Honorable Mayor
City of Cromwell
City Hall
Cromwell, MN 55726
MUNCGM

The Honorable Mayor
City of Danvers
City Hall
Danvers, MN 56231
MUNCGM

The Honorable Mayor
City of Crookston
City Hall
Crookston, MN 56716
MUNCGM

The Honorable Mayor
City of Dassel
460 - 3rd Street
Dassel, MN 55325
MUNCGM

The Honorable Mayor
City of Cyrus
City Hall
Cyrus, MN 56323
MUNCGM

The Honorable Mayor
City of Deer Creek
City Hall
Deer Creek, MN 56527
MUNCGM

The Honorable Mayor
City of Dakota
City Hall
Dakota, MN 55925
MUNCGM

The Honorable Mayor
City of Deer River
City Hall
Deer River, MN 56636
MUNCGM

The Honorable Mayor
City of Dalton
City Hall
Dalton, MN 56324
MUNCGM

The Honorable Mayor
City of DeGraff
City Hall
DeGraff, MN 56233
MUNCGM

The Honorable Mayor
City of Darwin
City Hall
Darwin, MN 55324
MUN

The Honorable Mayor
City of Dawson
City Hall
Dawson, MN 56232
MUN

The Honorable Mayor
City of Dayton
16471 South Diamond Lake Road
Dayton, MN 55327
MUN

The Honorable Mayor
City of Deephaven
20225 Cottagewood Road
Deephaven, MN 55331
MUN

The Honorable Mayor
City of Deerwood
City Hall
Deerwood, MN 56444
MUN

The Honorable Mayor
City of Delhi
City Hall
Delhi, MN 56234
MUN

The Honorable Mayor
City of Dellwood
38 Evergreen Road
White Bear Lake, MN 55110
MUN

The Honorable Mayor
City of Denham
City Hall
Denham, MN 55728
MUN

The Honorable Mayor
City of Dent
City Hall
Dent, MN 56528
MUN

The Honorable Mayor
City of Detroit Lakes
1025 Roosevelt Ave., Box 647
Detroit Lakes, MN 56501
MUN

The Honorable Mayor
City of Delano
P.O. Box 108, 205 Bridge Ave. East
Delano, MN 55328
MUNCGM

The Honorable Mayor
City of Dundas
City Hall
Dundas, MN 55019
MUNCGM

The Honorable Mayor
City of Delavan
City Hall
Delavan, MN 56023
MUNCGM

The Honorable Mayor
City of Eagle Lake
City Hall
Eagle Lake, MN 56024
MUNCGM

The Honorable Mayor
City of Dennison
City Hall
Dennison, MN 55018
MUNCGM

The Honorable Mayor
City of Easton
City Hall
Easton, MN 56025
MUNCGM

The Honorable Mayor
City of Donnelly
City Hall
Donnelly, MN 56235
MUNCGM

The Honorable Mayor
City of Echo
City Hall
Echo, MN 56237
MUNCGM

The Honorable Mayor
City of Dover
City Hall
Dover, MN 55929
MUNCGM

The Honorable Mayor
City of Eden Valley
City Hall
Eden Valley, MN 55329
MUNCGM

The Honorable Mayor
City of Dexter
City Hall
Dexter, MN 55926
MUN

The Honorable Mayor
City of Dovray
City Hall
Dovray, MN 56125
MUN

The Honorable Mayor
City of Dilworth
107 Center Avenue East
Dilworth, MN 56529
MUN

The Honorable Mayor
City of Duluth
5th Avenue W. and 1st Street
Duluth, MN 55802
MUN

The Honorable Mayor
City of Dodge Center
23 West Main
Dodge Center, MN 55927
MUN

The Honorable Mayor
City of Dumont
City Hall
Dumont, MN 56236
MUN

The Honorable Mayor
City of Donaldson
City Hall
Donaldson, MN 56720
MUN

The Honorable Mayor
City of Dundee
City Hall
Dundee, MN 56126
MUN

The Honorable Mayor
City of Doran
City Hall
Doran, MN 56530
MUN

The Honorable Mayor
City of Dunnell
City Hall
Dunnell, MN 56127
MUN

The Honorable Mayor
City of Eagan
3830 Pilot Knob Road
Eagan, MN 55122
MUN

The Honorable Mayor
City of Eden Prairie
8950 Eden Prairie Road
Eden Prairie, MN 55344
MUN

The Honorable Mayor
City of Eagle Bend
City Hall
Eagle Bend, MN 55446
MUN

The Honorable Mayor
City of Edgerton
City Hall
Edgerton, MN 56128
MUN

The Honorable Mayor
City of East Bethel
2241 - 221st Avenue N.E.
Cedar, MN 55011
MUN

The Honorable Mayor
City of Edina
4801 West 50th Street
Edina, MN 55424
MUN

The Honorable Mayor
City of East Grand Forks
City Hall
East Grand Forks, MN 56721
MUN

The Honorable Mayor
City of Effie
City Hall
Effie, MN 56639
MUN

The Honorable Mayor
City of East Gull Lake
City Hall, c/o Post Office
Brainerd, MN 56401
MUN

The Honorable Mayor
City of Eitzen
City Hall
Eitzen, MN 55931
MUN

The Honorable Mayor
City of Elbow Lake
City Hall
Elbow Lake, MN 56531
MUNCGM

The Honorable Mayor
City of Ely
209 East Chapman Street
Ely, MN 55731
MUNCGM

The Honorable Mayor
City of Elgin
City Hall
Elgin, MN 55932
MUNCGM

The Honorable Mayor
City of Emmons
City Hall
Emmons, MN 56029
MUNCGM

The Honorable Mayor
City of Elizabeth
City Hall
Elizabeth, MN 56533
MUNCGM

The Honorable Mayor
City of Erhard
City Hall
Erhard, MN 56534
MUNCGM

The Honorable Mayor
City of Elk River
505 U.P.A. Drive
Elk River, MN 55330
MUNCGM

The Honorable Mayor
City of Erskine
City Hall
Erskine, MN 56535
MUNCGM

The Honorable Mayor
City of Ellsworth
City Hall
Ellsworth, MN 56129
MUNCGM

The Honorable Mayor
City of Evansville
City Hall
Evansville, MN 56326
MUNCGM

The Honorable Mayor
City of Eveleth
City Hall
Eveleth, MN 55734
MUNCGM

The Honorable Mayor
City of Fertile
City Hall
Fertile, MN 56540
MUNCGM

The Honorable Mayor
City of Leonidas
c/o Post Office
Eveleth, MN 55734
MUNCGM

The Honorable Mayor
City of Floodwood
City Hall
Floodwood, MN 55736
MUNCGM

The Honorable Mayor
City of Eyota
City Hall
Eyota, MN 55934
MUNCGM

The Honorable Mayor
City of Foley
261 - 4th Avenue
Foley, MN 56329
MUNCGM

The Honorable Mayor
City of Faribault
208 N.W. 1st Avenue
Faribault, MN 55021
MUNCGM

The Honorable Mayor
City of Foreston
City Hall
Foreston, MN 56330
MUNCGM

The Honorable Mayor
City of Fergus Falls
112 Washington Avenue West
Fergus Falls, MN 56537
MUNCGM

The Honorable Mayor
City of Fosston
City Hall
Fosston, MN 56542
MUNCGM

The Honorable Mayor
City of Fountain
City Hall
Fountain, MN 55935
MUNCGM

The Honorable Mayor
City of Georgetown
City Hall
Georgetown, MN 56546
MUNCGM

The Honorable Mayor
City of Frazee
City Hall
Frazee, MN 56544
MUNCGM

The Honorable Mayor
City of Gilbert
City Hall
Gilbert, MN 55741
MUNCGM

The Honorable Mayor
City of Garfield
City Hall
Garfield, MN 56332
MUNCGM

The Honorable Mayor
City of Glencoe
804 East Eleventh Street
Glencoe, MN 55336
MUNCGM

The Honorable Mayor
City of Garvin
City Hall
Garvin, MN 56132
MUNCGM

The Honorable Mayor
City of Glenwood
137 East Minnesota
Glenwood, MN 56334
MUNCGM

The Honorable Mayor
City of Gary
City Hall
Gary, MN 56545
MUNCGM

The Honorable Mayor
City of Long Beach
P.O., Route 3
Glenwood, MN 56334
MUNCGM

The Honorable Mayor
City of Glyndon
City Hall
Glyndon, MN 56547
MUNCGM

The Honorable Mayor
City of Granite Falls
885 Prentice
Granite Falls, MN 56241
MUNCGM

The Honorable Mayor
City of Gonvick
City Hall
Gonvick, MN 56644
MUNCGM

The Honorable Mayor
City of Green Isle
City Hall
Green Isle, MN 55338
MUNCGM

The Honorable Mayor
City of Goodhue
City Hall
Goodhue, MN 55027
MUNCGM

The Honorable Mayor
City of Grove City
210 Atlantic Avenue West
Grove City, MN 56243
MUNCGM

The Honorable Mayor
City of Grand Marais
City Hall
Grand Marais, MN 55604
MUNCGM

The Honorable Mayor
City of Hackensack
City Hall
Hackensack, MN 56452
MUNCGM

The Honorable Mayor
City of Grand Meadow
P.O. Box 38
Grand Meadow, MN 55936
MUNCGM

The Honorable Mayor
City of Hancock
650 - 6th St., P.O. Box 68
Hancock, MN 56244
MUNCGM

The Honorable Mayor
City of Hanska
City Hall
Hanska, MN 56041
MUNCGM

The Honorable Mayor
City of Hector
City Hall
Hector, MN 55342
MUNCGM

The Honorable Mayor
City of Harmony
City Hall
Harmony, MN 55939
MUNCGM

The Honorable Mayor
City of Henning
City Hall
Henning, MN 56551
MUNCGM

The Honorable Mayor
City of Hatfield
City Hall
Hatfield, MN 56135
MUNCGM

The Honorable Mayor
City of Hermantown
3161 Maple Grove Road
Hermantown, MN 55811
MUNCGM

The Honorable Mayor
City of Hayfield
City Hall
Hayfield, MN 55940
MUNCGM

The Honorable Mayor
City of Hibbing
East 21st St. and 4th Ave. E.
Hibbing, MN 55746
MUNCGM

The Honorable Mayor
City of Hayward
City Hall
Hayward, MN 56043
MUNCGM

The Honorable Mayor
City of Hill City
City Hall
Hill City, MN 55748
MUNCGM

The Honorable Mayor
City of Hills
City Hall
Hills, MN 56138
MUNCGM

The Honorable Mayor
City of Holloway
City Hall
Holloway, MN 56249
MUNCGM

The Honorable Mayor
City of Hinckley
106 - 1st Street S.E.
Hinckley, MN 55037
MUNCGM

The Honorable Mayor
City of Howard Lake
City Hall
Howard Lake, MN 55349
MUNCGM

The Honorable Mayor
City of Hoffman
City Hall
Hoffman, MN 56339
MUNCGM

The Honorable Mayor
City of Hoyt Lakes
City Hall
Hoyt Lakes, MN 55750
MUNCGM

The Honorable Mayor
City of Hokah
P.O. Box 311
Hokah, MN 55941
MUNCGM

The Honorable Mayor
City of Hutchinson
37 Washington Ave. West
Hutchinson, MN 55350
MUNCGM

The Honorable Mayor
City of Holland
City Hall
Holland, MN 56139
MUNCGM

The Honorable Mayor
City of Iona
City Hall
Iona, MN 56141
MUNCGM

The Honorable Mayor
City of Iron Junction
City Hall c/o Post Office
Iron, MN 55751
MUNCGM

The Honorable Mayor
City of Ironton
City Hall
Ironton, MN 56455
MUNCGM

The Honorable Mayor
City of Janesville
City Hall
Janesville, MN 56048
MUNCGM

The Honorable Mayor
City of Jasper
City Hall
Jasper, MN 56144
MUNCGM

The Honorable Mayor
City of Kandiyohi
City Hall
Kandiyohi, MN 56251
MUNCGM

The Honorable Mayor
City of Kasson
122 West Main
Kasson, MN 55944
MUNCGM

The Honorable Mayor
City of Keewatin
City Hall
Keewatin, MN 55753
MUNCGM

The Honorable Mayor
City of Kenneth
City Hall
Kenneth, MN 56147
MUNCGM

The Honorable Mayor
City of Kensington
City Hall
Kensington, MN 56343
MUNCGM

The Honorable Mayor
City of Kenyon
713A - 2nd Street
Kenyon, MN 55946
MUNCGM

The Honorable Mayor
City of Kettle River
City Hall
Kettle River, MN 55757
MUNCGM

The Honorable Mayor
City of Kilkenny
City Hall
Kilkenny, MN 56052
MUNCGM

The Honorable Mayor
City of Kinney
City Hall
Kinney, MN 55758
MUNCGM

The Honorable Mayor
City of LaCrescent
City Hall
LaCrescent, MN 55947
MUNCGM

The Honorable Mayor
City of Lafayette
City Hall
Lafayette, MN 56054
MUNCGM

The Honorable Mayor
City of Lake Benton
City Hall
Lake Benton, MN 56149
MUNCGM

The Honorable Mayor
City of Lake City
205 West Center Street
Lake City, MN 55041
MUNCGM

The Honorable Mayor
City of Lake Crystal
City Hall
Lake Crystal, MN 56055
MUNCGM

The Honorable Mayor
City of Lake Park
City Hall
Lake Park, MN 56554
MUNCGM

The Honorable Mayor
City of Lake Wilson
City Hall
Lake Wilson, MN 56151
MUNCGM

The Honorable Mayor
City of Lakefield
City Hall
Lakefield, MN 56150
MUNCGM

The Honorable Mayor
City of Little Falls
100 - 7th Avenue N.E.
Little Falls, MN 56345
MUNCGM

The Honorable Mayor
City of Lester Prairie
City Hall
Lester Prairie, MN 55354
MUNCGM

The Honorable Mayor
City of Long Prairie
239 Central Avenue
Long Prairie, MN 56347
MUNCGM

The Honorable Mayor
City of LeSueur
203 South 2nd Street
LeSueur, MN 56058
MUNCGM

The Honorable Mayor
City of Longville
City Hall
Longville, MN 56655
MUNCGM

The Honorable Mayor
City of Lewisville
City Hall
Lewisville, MN 56060
MUNCGM

The Honorable Mayor
City of Loretto
City Hall
Loretto, MN 55357
MUNCGM

The Honorable Mayor
City of Lindstrom
City Hall
Lindstrom, MN 55045
MUNCGM

The Honorable Mayor
City of Lowry
City Hall
Lowry, MN 56349
MUNCGM

The Honorable Mayor
City of Luverne
203 East Main
Luverne, MN 56156
MUNCGM

The Honorable Mayor
City of Madison Lake
City Hall
Madison Lake, MN 56063
MUNCGM

The Honorable Mayor
City of Lyle
City Hall
Lyle, MN 55953
MUNCGM

The Honorable Mayor
City of Mahnomen
City Hall
Mahnomen, MN 56557
MUNCGM

The Honorable Mayor
City of Lynd
City Hall
Lynd, MN 56157
MUNCGM

The Honorable Mayor
City of Mankato
202 East Jackson, Box 3368
Mankato, MN 56001
MUNCGM

The Honorable Mayor
City of Mabel
City Hall
Mabel, MN 55954
MUNCGM

The Honorable Mayor
City of Mantorville
P.O. Box 188
Mantorville, MN 55955
MUNCGM

The Honorable Mayor
City of Madison
City Hall
Madison, MN 56256
MUNCGM

The Honorable Mayor
City of Maple Lake
City Hall
Maple Lake, MN 55358
MUNCGM

The Honorable Mayor
City of Marble
City Hall
Marble, MN 55764
MUNCGM

The Honorable Mayor
City of Meadowlands
City Hall
Meadowlands, MN 55765
MUNCGM

The Honorable Mayor
City of Marietta
City Hall
Marietta, MN 56257
MUNCGM

The Honorable Mayor
City of Menahga
City Hall
Menahga, MN 56464
MUNCGM

The Honorable Mayor
City of Maynard
City Hall
Maynard, MN 56260
MUNCGM

The Honorable Mayor
City of Middle River
City Hall
Middle River, MN 56737
MUNCGM

The Honorable Mayor
City of Mazeppa
City Hall
Mazeppa, MN 55956
MUNCGM

The Honorable Mayor
City of Milaca
145 South Central
Milaca, MN 56353
MUNCGM

The Honorable Mayor
City of McGregor
City Hall
McGregor, MN 55760
MUNCGM

The Honorable Mayor
City of Miltona
City Hall
Miltona, MN 56354
MUNCGM

The Honorable Mayor
City of Minneota
City Hall
Minneota, MN 56264
MUNCGM

The Honorable Mayor
City of Montrose
City Hall
Montrose, MN 55363
MUNCGM

The Honorable Mayor
City of Minnesota City
City Hall
Minnesota City, MN 55959
MUNCGM

The Honorable Mayor
City of Moorhead
City Hall
Moorhead, MN 56560
MUNCGM

The Honorable Mayor
City of Minnesota Lake
City Hall
Minnesota Lake, MN 56068
MUNCGM

The Honorable Mayor
City of Moose Lake
205 Elm Avenue
Moose Lake, MN 55767
MUNCGM

The Honorable Mayor
City of Montgomery
201 Ash Ave., P.O. Box 78
Montgomery, MN 56069
MUNCGM

The Honorable Mayor
City of Morgan
City Hall
Morgan, MN 56266
MUNCGM

The Honorable Mayor
City of Monticello
250 East Broadway, P.O. Box 83A
Monticello, MN 55362
MUNCGM

The Honorable Mayor
City of Morris
609 Oregon Avenue
Morris, MN 56267
MUNCGM

The Honorable Mayor
City of Morton
City Hall
Morton, MN 56270
MUNCGM

The Honorable Mayor
City of Nelson
City Hall
Nelson, MN 56355
MUNCGM

The Honorable Mayor
City of Motley
City Hall
Motley, MN 56466
MUNCGM

The Honorable Mayor
City of New Munich
City Hall
New Munich, MN 56356
MUNCGM

The Honorable Mayor
City of Mountain Iron
City Hall
Mountain Iron, MN 55768
MUNCGM

The Honorable Mayor
City of New Prague
118 Central Ave. North
New Prague, MN 56071
MUNCGM

The Honorable Mayor
City of Murdock
City Hall
Murdock, MN 56271
MUNCGM

The Honorable Mayor
City of New Richland
City Hall
New Richland, MN 56072
MUNCGM

The Honorable Mayor
City of Nashwauk
City Hall
Nashwauk, MN 55769
MUNCGM

The Honorable Mayor
City of New Ulm
100 North Broadway
New Ulm, MN 56073
MUNCGM

The Honorable Mayor
City of New York Mills
City Hall
New York Mills, MN 56567
MUNCGM

The Honorable Mayor
City of Oklee
City Hall
Oklee, MN 56742
MUNCGM

The Honorable Mayor
City of Nisswa
City Hall
Nisswa, MN 56468
MUNCGM

The Honorable Mayor
City of Olivia
1009 West Lincoln Ave.
Olivia, MN 56277
MUNCGM

The Honorable Mayor
City of Northfield
801 Washington Street
Northfield, MN 55057
MUNCGM

The Honorable Mayor
City of Onamia
City Hall
Onamia, MN 56359
MUNCGM

The Honorable Mayor
City of Odessa
City Hall
Odessa, MN 56276
MUNCGM

The Honorable Mayor
City of Oronoco
City Hall
Oronoco, MN 55960
MUNCGM

The Honorable Mayor
City of Ogilvie
City Hall
Ogilvie, MN 56358
MUNCGM

The Honorable Mayor
City of Orr
City Hall
Orr, MN 55771
MUNCGM

The Honorable Mayor
City of Ortonville
315 Madson
Ortonville, MN 56278
MUNCGM

The Honorable Mayor
City of Park Rapids
City Hall
Park Rapids, MN 56470
MUNCGM

The Honorable Mayor
City of Osakis
14 Nokomis Street East
Osakis, MN 56360
MUNCGM

The Honorable Mayor
City of Parkers Prairie
City Hall
Parkers Prairie, MN 56361
MUNCGM

The Honorable Mayor
City of Ostrander
City Hall
Ostrander, MN 55961
MUNCGM

The Honorable Mayor
City of Lake Henry
P.O. Route 3
Paynesville, MN 56362
MUNCGM

The Honorable Mayor
City of Owatonna
C. Admin. Bldg 540 W. Hills Circle
Owatonna, MN 55060
MUNCGM

The Honorable Mayor
City of Paynesville
221 Washburne
Paynesville, MN 56362
MUNCGM

The Honorable Mayor
City of Palisade
City Hall
Palisade, MN 56469
MUNCGM

The Honorable Mayor
City of Pelican Rapids
City Hall
Pelican Rapids, MN 56572
MUNCGM

The Honorable Mayor
City of Pennock
City Hall
Pennock, MN 56279
MUNCGM

The Honorable Mayor
City of Pine Island
Box 1000
Pine Island, MN 55963
MUNCGM

The Honorable Mayor
City of Breezy Point
P.O. Route 1
Pequot Lakes, MN 56472
MUNCGM

The Honorable Mayor
City of Pine River
City Hall
Pine River, MN 56474
MUNCGM

The Honorable Mayor
City of Pequot Lakes
City Hall
Pequot Lakes, MN 56472
MUNCGM

The Honorable Mayor
City of Pipestone
119 - 2nd St. N.W.
Pipestone, MN 56164
MUNCGM

The Honorable Mayor
City of Perham
138 West Main
Perham, MN 56573
MUNCGM

The Honorable Mayor
City of Plainview
Box 606
Plainview, MN 55964
MUNCGM

The Honorable Mayor
City of Pillager
City Hall
Pillager, MN 56473
MUNCGM

The Honorable Mayor
City of Plummer
City Hall
Plummer, MN 56748
MUNCGM

The Honorable Mayor
City of Preston
City Hall
Preston, MN 55965
MUNCGM

The Honorable Mayor
City of Princeton
206 South LaGrande Avenue
Princeton, MN 55371
MUNCGM

The Honorable Mayor
City of Quamba
City Hall
Quamba, MN 55064
MUNCGM

The Honorable Mayor
City of Red Lake Falls
City Hall
Red Lake Falls, MN 56750
MUNCGM

The Honorable Mayor
City of Red Wing
Box 34
Red Wing, MN 55066
MUNCGM

The Honorable Mayor
City of Redwood Falls
333 South Washington Street
Redwood Falls, MN 56283
MUNCGM

The Honorable Mayor
City of Remer
City Hall
Remer, MN 56672
MUNCGM

The Honorable Mayor
City of Renville
329 North Main
Renville, MN 56284
MUNCGM

The Honorable Mayor
City of Richmond
City Hall
Richmond, MN 56368
MUNCGM

The Honorable Mayor
City of Rochester
City Hall
Rochester, MN 55901
MUNCGM

The Honorable Mayor
City of Rockford
6031 Main Street
Rockford, MN 55373
MUNCGM

The Honorable Mayor
City of Russell
City Hall
Russell, MN 56169
MUNCGM

The Honorable Mayor
City of Rothsay
City Hall
Rothsay, MN 56579
MUNCGM

The Honorable Mayor
City of Sabin
City Hall
Sabin, MN 56580
MUNCGM

The Honorable Mayor
City of Round Lake
City Hall
Round Lake, MN 56167
MUNCGM

The Honorable Mayor
City of Sacred Heart
City Hall
Sacred Heart, MN 56285
MUNCGM

The Honorable Mayor
City of Royalton
City Hall
Royalton, MN 56373
MUNCGM

The Honorable Mayor
City of Sandstone
City Hall
Sandstone, MN 55072
MUNCGM

The Honorable Mayor
City of Rushford
City Hall
Rushford, MN 55971
MUNCGM

The Honorable Mayor
City of Sartell
310-2nd St. South-P.O. Box 140
Sartell, MN 56377
MUNCGM

The Honorable Mayor
City of Shafer
City Hall
Shafer, MN 55074
MUNCGM

The Honorable Mayor
City of Sherburn
21 East 1st Street
Sherburn, MN 56171
MUNCGM

The Honorable Mayor
City of Shevlin
City Hall
Shevlin, MN 56676
MUNCGM

The Honorable Mayor
City of Silver Bay
City Hall
Silver Bay, MN 55614
MUNCGM

The Honorable Mayor
City of Silver Lake
City Hall
Silver Lake, MN 55381
MUNCGM

The Honorable Mayor
City of Sleepy Eye
108 Main Street West
Sleepy Eye, MN 56085
MUNCGM

The Honorable Mayor
City of Spicer
City Hall
Spicer, MN 56288
MUNCGM

The Honorable Mayor
City of Spring Grove
City Hall
Spring Grove, MN 55974
MUNCGM

The Honorable Mayor
City of Spring Valley
112 West Courtland
Spring Valley, MN 55975
MUNCGM

The Honorable Mayor
City of Springfield
Two East Central Street
Springfield, MN 56087
MUNCGM

The Honorable Mayor
City of St. Charles
1242 Whitewater
St. Charles, MN 55972
MUNCGM

The Honorable Mayor
City of St. Peter
227 South Front
St. Peter, MN 56082
MUNCGM

The Honorable Mayor
City of St. Cloud
City Hall
St. Cloud, MN 56301
MUNCGM

The Honorable Mayor
City of St. Stephen
City Hall
St. Stephen, MN 56375
MUNCGM

The Honorable Mayor
City of St. James
124 Armstrong Blvd. So.-P.O. Box 70
St. James, MN 56081
MUNCGM

The Honorable Mayor
City of Stacy
P.O. Box 106
Stacy, MN 55079
MUNCGM

The Honorable Mayor
City of St. Joseph
City Hall
St. Joseph, MN 56374
MUNCGM

The Honorable Mayor
City of Staples
City Hall
Staples, MN 56479
MUNCGM

The Honorable Mayor
City of St. Michael
City Hall
St. Michael, MN 55376
MUNCGM

The Honorable Mayor
City of Starbuck
City Hall
Starbuck, MN 56381
MUNCGM

The Honorable Mayor
City of Steen
City Hall
Steen, MN 56173
MUNCGM

The Honorable Mayor
City of Taunton
City Hall
Taunton, MN 56291
MUNCGM

The Honorable Mayor
City of Stewart
City Hall
Stewart, MN 55385
MUNCGM

The Honorable Mayor
City of Taylors Falls
City Hall
Taylors Falls, MN 55084
MUNCGM

The Honorable Mayor
City of Stewartville
417 South Main Street
Stewartville, MN 55976
MUNCGM

The Honorable Mayor
City of Thief River Falls
City Hall
Thief River Falls, MN 56701
MUNCGM

The Honorable Mayor
City of Stockton
City Hall
Stockton, MN 55988
MUNCGM

The Honorable Mayor
City of Tintah
City Hall
Tintah, MN 56582
MUNCGM

The Honorable Mayor
City of Storden
City Hall
Storden, MN 56174
MUNCGM

The Honorable Mayor
City of Tower
City Hall
Tower, MN 55790
MUNCGM

The Honorable Mayor
City of Trimont
City Hall
Trimont, MN 56176
MUNCGM

The Honorable Mayor
City of Ulen
City Hall
Ulen, MN 56585
MUNCGM

The Honorable Mayor
City of Trommald
P.O. Rt. 3
Crosby, MN 56441
MUNCGM

The Honorable Mayor
City of Underwood
City Hall
Underwood, MN 56586
MUNCGM

The Honorable Mayor
City of Truman
City Hall
Truman, MN 56088
MUNCGM

The Honorable Mayor
City of Vergas
City Hall
Vergas, MN 56587
MUNCGM

The Honorable Mayor
City of Two Harbors
610 - 2nd Avenue
Two Harbors, MN 55616
MUNCGM

The Honorable Mayor
City of Verndale
City Hall
Verndale, MN 56481
MUNCGM

The Honorable Mayor
City of Tyler
City Hall
Tyler, MN 56178
MUNCGM

The Honorable Mayor
City of Vesta
City Hall
Vesta, MN 56292
MUNCGM

The Honorable Mayor
City of Virginia
City Hall
Virginia, MN 55792
MUNCGM

The Honorable Mayor
City of Waite Park
253 No. 5th Ave., P.O. Box 339
Waite Park, MN 56387
MUNCGM

The Honorable Mayor
City of Wabasha
City Hall
Wabasha, MN 55981
MUNCGM

The Honorable Mayor
City of Waldorf
City Hall
Waldorf, MN 56091
MUNCGM

The Honorable Mayor
City of Wabasso
City Hall
Wabasso, MN 56293
MUNCGM

The Honorable Mayor
City of Walnut Grove
City Hall
Walnut Grove, MN 56180
MUNCGM

The Honorable Mayor
City of Wadena
City Hall
Wadena, MN 56482
MUNCGM

The Honorable Mayor
City of Wanamingo
City Hall
Wanamingo, MN 55983
MUNCGM

The Honorable Mayor
City of Wahkon
City Hall
Wahkon, MN 56386
MUNCGM

The Honorable Mayor
City of Wanda
City Hall
Wanda, MN 56294
MUNCGM

The Honorable Mayor
City of Warroad
City Hall
Warroad, MN 56763
MUNCGM

The Honorable Mayor
City of Waseca
508 South State Street
Waseca, MN 56093
MUNCGM

The Honorable Mayor
City of Waterville
201 - 3rd Street South
Waterville, MN 56096
MUNCGM

The Honorable Mayor
City of Watkins
City Hall
Watkins, MN 55389
MUNCGM

The Honorable Mayor
City of Watson
City Hall
Watson, MN 56295
MUNCGM

The Honorable Mayor
City of Waverly
City Hall
Waverly, MN 55390
MUNCGM

The Honorable Mayor
City of Wells
125 South Broadway
Wells, MN 56097
MUNCGM

The Honorable Mayor
City of Wendell
City Hall
Wendell, MN 56590
MUNCGM

The Honorable Mayor
City of West Concord
City Hall
West Concord, MN 55985
MUNCGM

The Honorable Mayor
City of Wheaton
City Hall
Wheaton, MN 56296
MUNCGM

The Honorable Mayor
City of Williams
City Hall
Williams, MN 56686
MUNCGM

The Honorable Mayor
City of Winthrop
City Hall
Winthrop, MN 55396
MUNCGM

The Honorable Mayor
City of Willmar
333 S.W. 6th Street
Willmar, MN 56201
MUNCGM

The Honorable Mayor
City of Winton
City Hall
Winton, MN 55796
MUNCGM

The Honorable Mayor
City of Winnebago
City Hall
Winnebago, MN 56098
MUNCGM

The Honorable Mayor
City of Worthington
303 - 9th St., P.O. Box 279
Worthington, MN 56187
MUNCGM

The Honorable Mayor
City of Winona
207 Lafayette Street
Winona, MN 55987
MUNCGM

The Honorable Mayor
City of Wykoff
City Hall
Wykoff, MN 55990
MUNCGM

The Honorable Mayor
City of Winsted
City Hall
Winsted, MN 55395
MUNCGM

The Honorable Mayor
City of Zumbro Falls
City Hall
Zumbro Falls, MN 55991
MUNCGM

The Honorable Mayor
City of Zumbrota
City Hall
Zumbrota, MN 55992
MUNCGM

The Honorable Mayor
City of Hillman
City Hall
Hillman, MN 56338
MUN

The Honorable Mayor
City of Kimball
City Hall
Kimball, MN 55353
MUNCGM

The Honorable Mayor
City of Hilltop
4555 Jackson St. N.E.
Hilltop, MN 55421
MUN

The Honorable Mayor
City of Elba
City Hall
Elba, MN 55910
MUN

The Honorable Mayor
City of Hitterdal
City Hall
Hitterdal, MN 56552
MUN

The Honorable Mayor
City of Elko
City Hall
Elko, MN 55020
MUN

The Honorable Mayor
City of Holdingford
City Hall
Holdingford, MN 56340
MUN

The Honorable Mayor
City of Hewitt
City Hall
Hewitt, MN 56453
MUN

The Honorable Mayor
City of Hollandale
City Hall
Hollandale, MN MUN

The Honorable Mayor
City of Holt
City Hall
Holt, MN 56738
MUN

The Honorable Mayor
City of Ihlen
City Hall
Ihlen, MN 56140
MUN

The Honorable Mayor
City of Hopkins
1010 South 1st Street
Hopkins, MN 55343
MUN

The Honorable Mayor
City of Independence
City Hall, c/o Post Office
Maple Plain, MN 55359
MUN

The Honorable Mayor
City of Houston
105 West Maple
Houston, MN 55943
MUN

The Honorable Mayor
City of International Falls
P.O. Box 392
International Falls, MN 56649
MUN

The Honorable Mayor
City of Hugo
5524 Upper 146 Street
Hugo, MN 55038
MUN

The Honorable Mayor
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55075
MUN

The Honorable Mayor
City of Humboldt
City Hall
Humboldt, MN 56731
MUN

The Honorable Mayor
City of Isanti
City Hall
Isanti, MN 55040
MUN

The Honorable Mayor
City of Island View
c/o Post Office
International Falls, MN 56649
MUN

The Honorable Mayor
City of Isle
City Hall
Isle, MN 56342
MUN

The Honorable Mayor
City of Ivanhoe
City Hall
Ivanhoe, MN 56142
MUN

The Honorable Mayor
City of Jackson
504 - 2nd Street
Jackson, MN 56143
MUN

The Honorable Mayor
City of Jeffers
City Hall
Jeffers, MN 56145
MUN

The Honorable Mayor
City of Jenkins
City Hall
Jenkins, MN 56456
MUN

The Honorable Mayor
City of Johnson
City Hall
Johnson, MN 56250
MUN

The Honorable Mayor
City of Jordan
210 East 1st Street
Jordan, MN 55352
MUN

The Honorable Mayor
City of Karlstad
City Hall
Karlstad, MN 56732
MUN

The Honorable Mayor
City of Kasota
City Hall
Kasota, MN 56050
MUN

The Honorable Mayor
City of Kelliher
City Hall
Kelliher, MN 56650
MUN

The Honorable Mayor
City of Kiester
City Hall
Kiester, MN 56051
MUN

The Honorable Mayor
City of Kellogg
City Hall
Kellogg, MN 55945
MUN

The Honorable Mayor
City of Kinbrae
City Hall
Kinbrae, MN 56126
MUN

The Honorable Mayor
City of Kennedy
City Hall
Kennedy, MN 56733
MUN

The Honorable Mayor
City of Kinney
City Hall
Kinney, MN 55758
MUN

The Honorable Mayor
City of Kerkhoven
City Hall
Kerkhoven, MN 56252
MUN

The Honorable Mayor
City of Lake Bronson
City Hall
Lake Bronson, MN 56734
MUN

The Honorable Mayor
City of Kerrick
City Hall
Kerrick, MN 55756
MUN

The Honorable Mayor
City of Lake Elmo
3880 Laverne Ave.
Lake Elmo, MN 55042
MUN

The Honorable Mayor
City of Lakeland
City Hall
Lakeland, MN 55043
MUN

The Honorable Mayor
City of Lamberton
City Hall
Lamberton, MN 56152
MUN

The Honorable Mayor
City of Lakeland Shores
Rt. 1
Lakeland, MN 55043
MUN

The Honorable Mayor
City of Lancaster
City Hall
Lancaster, MN 56735
MUN

The Honorable Mayor
City of Lake Lillian
City Hall
Lake Lillian, MN 56253
MUN

The Honorable Mayor
City of Branch
P.O. Box O
North Branch, MN 55056
MUN

The Honorable Mayor
City of Lake St. Croix Beach
City Hall
Lakeland, MN 55043
MUN

The Honorable Mayor
City of Badger
City Hall
Badger, MN 56714
MUN

The Honorable Mayor
City of Lakeville
8747 - 208th Street
Lakeville, MN 55044
MUN

The Honorable Mayor
City of Baudette
City Hall
Baudette, MN 56623
MUN

The Honorable Mayor
City of Brookston
City Hall
Brookston, MN 55711
MUN

The Honorable Mayor
City of Chandler
City Hall
Chandler, MN 56122
MUN

The Honorable Mayor
City of Browerville
City Hall
Browerville, MN 56438
MUN

The Honorable Mayor
City of Comstock
City Hall
Comstock, MN 56525
MUN

The Honorable Mayor
City of Brownsdale
City Hall
Brownsdale, MN 55918
MUN

The Honorable Mayor
City of Elkton
City Hall
Elkton, MN 55933
MUN

The Honorable Mayor
City of Brooklyn Park
5800 - 85th Avenue North
Brooklyn Park, MN 55443
MUN

The Honorable Mayor
City of Ellendale
City Hall
Ellendale, MN 56026
MUN

The Honorable Mayor
City of Butterfield
City Hall
Butterfield, MN 56120
MUN

The Honorable Mayor
City of Elmdale
c/o Post Office
Bowlus, MN 56314
MUN

The Honorable Mayor
City of Elmore
City Hall
Elmore, MN 56027
MUN

The Honorable Mayor
City of Elrosa
City Hall
Elrosa, MN 56027
MUN

The Honorable Mayor
City of Elysian
City Hall
Elysian, MN 56028
MUN

The Honorable Mayor
City of Emily
City Hall
Emily, MN 56447
MUN

The Honorable Mayor
City of Evan
City Hall
Evan, MN 56238
MUN

The Honorable Mayor
City of Excelsior
339 3rd Street
Excelsior, MN 55331
MUN

The Honorable Mayor
City of Fairfax
City Hall
Fairfax, MN 55332
MUN

The Honorable Mayor
City of Fairmont
117 East First Street
Fairmont, MN 56031
MUN

The Honorable Mayor
City of Falcon Heights
2077 West Larpenteur Ave.
St. Paul, MN 55113
MUN

The Honorable Mayor
City of Farmington
325 Oak Street
Farmington, MN 55024
MUN

The Honorable Mayor
City of Farwell
City Hall
Farwell, MN 56327
MUN

The Honorable Mayor
City of Fisher
City Hall
Fisher, MN 56723
MUN

The Honorable Mayor
City of Federal Dam
City Hall
Federal Dam, MN 56641
MUN

The Honorable Mayor
City of Florence
City Hall
Florence, MN 56130
MUN

The Honorable Mayor
City of Felton
City Hall
Felton, MN 56536
MUN

The Honorable Mayor
City of Forada
c/o Post Office
Alexandria, MN 56308
MUN

The Honorable Mayor
City of Fifty Lakes
City Hall
Fifty Lakes, MN 56448
MUN

The Honorable Mayor
City of Forest Lake
220 North Lake Street
Forest Lake, MN 55025
MUN

The Honorable Mayor
City of Finlayson
City Hall
Finlayson, MN 55735
MUN

The Honorable Mayor
City of Fort Ripley
City Hall
Fort Ripley, MN 56449
MUN

The Honorable Mayor
City of Foxhome
City Hall
Foxhome, MN 56543
MUN

The Honorable Mayor
City of Frost
City Hall
Frost, MN 56033
MUN

The Honorable Mayor
City of Franklin
Box 326
Franklin, MN 55333
MUN

The Honorable Mayor
City of Fulda
City Hall
Fulda, MN 56131
MUN

The Honorable Mayor
City of Freeborn
City Hall
Freeborn, MN 56032
MUN

The Honorable Mayor
City of Funkley
c/o Post Office
Blackduck, MN 56630
MUN

The Honorable Mayor
City of Freeport
City Hall
Freeport, MN 56331
MUN

The Honorable Mayor
City of Garrison
City Hall
Garrison, MN 56450
MUN

The Honorable Mayor
City of Fridley
6431 University Ave. N.E.
Fridley, MN 55432
MUN

The Honorable Mayor
City of Gem Lake
3970 Scheuneman Road
White Bear Lake, MN 55110
MUN

The Honorable Mayor
City of Geneva
City Hall
Geneva, MN 56035
MUN

The Honorable Mayor
City of Glenville
City Hall
Glenville, MN 56036
MUN

The Honorable Mayor
City of Genola
City Hall
Genola, MN 56365
MUN

The Honorable Mayor
City of Golden Valley
7800 Golden Valley Road
Golden Valley, MN 55427
MUN

The Honorable Mayor
City of Ghent
City Hall
Ghent, MN 56239
MUN

The Honorable Mayor
City of Good Thunder
City Hall
Good Thunder, MN 56037
MUN

The Honorable Mayor
City of Gibbon
City Hall
Gibbon, MN 55335
MUN

The Honorable Mayor
City of Goodview
c/o Post Office
Winona, MN 55987
MUN

The Honorable Mayor
City of Gilman
City Hall
Gilman, MN 56333
MUN

The Honorable Mayor
City of Graceville
City Hall
Graceville, MN 56240
MUN

The Honorable Mayor
City of Granada
City Hall
Granada, MN 56039
MUN

The Honorable Mayor
City of Greenwood
City Hall
Greenwood, MN 55331
MUN

The Honorable Mayor
City of Grand Rapids
City Hall
Grand Rapids, MN 55744
MUN

The Honorable Mayor
City of Grey Eagle
City Hall
Grey Eagle, MN 56336
MUN

The Honorable Mayor
City of Grasston
City Hall
Grasston, MN 55030
MUN

The Honorable Mayor
City of Grygla
City Hall
Grygla, MN 56727
MUN

The Honorable Mayor
City of Greenfield
5560 Woodland Trail
Loretto, MN 55357
MUN

The Honorable Mayor
City of Gully
City Hall
Gully, MN 56646
MUN

The Honorable Mayor
City of Greenwald
City Hall
Greenwald, MN 56335
MUN

The Honorable Mayor
City of Hadley
City Hall
Hadley, MN 56133
MUN

The Honorable Mayor
City of Hallock
City Hall
Hallock, MN 56728
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The Honorable Mayor
City of Hammond
City Hall
Hammond, MN 55938
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The Honorable Mayor
City of Halma
City Hall
Halma, MN 56729
MUN

The Honorable Mayor
City of Hampton
City Hall
Hampton, MN 55031
MUN

The Honorable Mayor
City of Halstad
City Hall
Halstad, MN 56548
MUN

The Honorable Mayor
City of Hanley Falls
City Hall
Hanley Falls, MN 56245
MUN

The Honorable Mayor
City of Hamburg
City Hall
Hamburg, MN 55339
MUN

The Honorable Mayor
City of Hanover
City Hall
Hanover, MN 55341
MUN

The Honorable Mayor
City of Ham Lake
15544 Central Ave. N.E.
Ham Lake, MN 55303
MUN

The Honorable Mayor
City of Harding
c/o Post Office
Pierz, MN 56364
MUN

The Honorable Mayor
City of Hardwick
City Hall
Hardwick, MN 56134
MUN

The Honorable Mayor
City of Hazel Run
City Hall
Hazel Run, MN 56247
MUN

The Honorable Mayor
City of Harris
City Hall
Harris, MN 55032
MUN

The Honorable Mayor
City of Heidleberg
c/o Post Office
New Praque, MN 56071
MUN

The Honorable Mayor
City of Hartland
City Hall
Hartland, MN 56042
MUN

The Honorable Mayor
City of Henderson
600 Main St., P.O. Box 433
Henderson, MN 56044
MUN

The Honorable Mayor
City of Hastings
100 Sibley Street
Hastings, MN 55033
MUN

The Honorable Mayor
City of Hendricks
City Hall
Hendricks, MN 56136
MUN

The Honorable Mayor
City of Hawley
City Hall
Hawley, MN 56549
MUN

The Honorable Mayor
City of Henriette
City Hall
Henriette, MN 55036
MUN

The Honorable Mayor
City of Herman
City Hall
Herman, MN 56248
MUN

The Honorable Mayor
City of Heron Lake
City Hall
Heron Lake, MN 56137
MUN

The Honorable Mayor
City of Kent
City Hall
Kent, MN 56553
MUN

The Honorable Mayor
City of Kingston
c/o Post Office
Dassel, MN 55325
MUN

The Honorable Mayor
City of Lake Shore
P.O. Rt. 6
Brainerd, MN 56401
MUN

The Honorable Mayor
City of Landfall Village
26 Garden Glen
St. Paul, MN 55119
MUN

The Honorable Mayor
City of Lanesboro
City Hall
Lanesboro, MN 55949
MUN

The Honorable Mayor
City of La Prairie
c/o Post Office
Grand Rapids, MN 55744
MUN

The Honorable Mayor
City of La Porte
City Hall
La Porte, MN 56461
MUN

The Honorable Mayor
City of La Salle
City Hall
La Salle, MN 56056
MUN

The Honorable Mayor
City of Lastrup
City Hall
Lastrup, MN 56344
MUN

The Honorable Mayor
City of Le Roy
City Hall
Le Roy, MN 55951
MUN

The Honorable Mayor
City of Lauderdale
1891 Walnut Street
St. Paul, MN 55113
MUN

The Honorable Mayor
City of Lewiston
City Hall
Lewiston, MN 55952
MUN

The Honorable Mayor
City of Le Center
City Hall
Le Center, MN 56057
MUN

The Honorable Mayor
City of Lexington
3803 Restwood Road
Lexington, MN 55112
MUN

The Honorable Mayor
City of Lengby
City Hall
Lengby, MN 56651
MUN

The Honorable Mayor
City of Lilydale
855 Sibley Memorial Highway
Lilydale, MN 55118
MUN

The Honorable Mayor
City of Leonard
City Hall
Leonard, MN 56652
MUN

The Honorable Mayor
City of Lino Lakes
1189 Main Street
Lino Lakes, MN 55014
MUN

The Honorable Mayor
City of Lismore
City Hall
Lismore, MN 56155
MUN

The Honorable Mayor
City of Lonsdale
City Hall
Lonsdale, MN 55046
MUN

The Honorable Mayor
City of Litchfield
126 Marshall Avenue North
Litchfield, MN 55355
MUN

The Honorable Mayor
City of Louisburg
City Hall
Louisburg, MN 56254
MUN

The Honorable Mayor
City of Little Canada
515 Little Canada Road
St. Paul, MN 55117
MUN

The Honorable Mayor
City of Lucan
City Hall
Lucan, MN 56255
MUN

The Honorable Mayor
City of Little Fork
City Hall
Little Fork, MN 56653
MUN

The Honorable Mayor
City of McGrath
City Hall
McGrath, MN 56350
MUN

The Honorable Mayor
City of Long Beach
P.O. Rt. 3
Glenwood, MN 56334
MUN

The Honorable Mayor
City of McIntosh
240 Cleveland Ave. S.W.
McIntosh, MN 56556
MUN

The Honorable Mayor
City of McKinley
City Hall
McKinley, MN 55761
MUN

The Honorable Mayor
City of Mapleton
City Hall
Mapleton, MN 56065
MUN

The Honorable Mayor
City of Madelia
City Hall
Madelia, MN 56062
MUN

The Honorable Mayor
City of Mapleview
c/o Post Office
Austin, MN 55912
MUN

The Honorable Mayor
City of Magnolia
City Hall
Magnolia, MN 56158
MUN

The Honorable Mayor
City of Maplewood
1380 Frost Avenue
Maplewood, MN 55109
MUN

The Honorable Mayor
City of Maple Grove
9401 Fernbrook Lane
Maple Grove, MN 55369
MUN

The Honorable Mayor
City of Mahtomedi
600 Stillwater Road
Mahtomedi, MN 55115
MUN

The Honorable Mayor
City of Maple Plain
City Hall
Maple Plain, MN 55359
MUN

The Honorable Mayor
City of Manchester
City Hall
Manchester, MN 56064
MUN

The Honorable Mayor
City of Manhattan Beach
City Hall
Manhattan Beach, MN 56463
MUN

The Honorable Mayor
City of Medicine Lake
10609 South Shore Drive
Minneapolis, MN 55441
MUN

The Honorable Mayor
City of Marine-on-St. Croix
City Hall
Marine-on-St. Croix, MN 55047
MUN

The Honorable Mayor
City of Medina
2052 County Road 24
Hamel, MN 55340
MUN

The Honorable Mayor
City of Marshall
344 West Main Street
Marshall, MN 56258
MUN

The Honorable Mayor
City of Meire Grove
c/o Post Office
Melrose, MN 56352
MUN

The Honorable Mayor
City of Mayer
City Hall
Mayer, MN 55360
MUN

The Honorable Mayor
City of Melrose
225 East 1st Street North
Melrose, MN 56352
MUN

The Honorable Mayor
City of Medford
City Hall
Medford, MN 55049
MUN

The Honorable Mayor
City of Mendota
City Hall
Mendota, MN 55150
MUN

The Honorable Mayor
City of Mendota Heights
750 South Plaza Drive
St. Paul, MN 55120
MUN

The Honorable Mayor
City of Milan
City Hall
Milan, MN 56262
MUN

The Honorable Mayor
City of Mentor
City Hall
Mentor, MN 56736
MUN

The Honorable Mayor
City of Millerville
P.O. Rt. 1
Brandon, MN 56315
MUN

The Honorable Mayor
City of Miesville
City Hall
Cannon Falls, MN 55009
MUN

The Honorable Mayor
City of Millville
City Hall
Millville, MN 55957
MUN

The Honorable Mayor
City of Minneapolis
City Hall
Minneapolis, MN 55415
MUN

The Honorable Mayor
City of Milroy
City Hall
Milroy, MN 56263
MUN

The Honorable Mayor
City of Minneiska
City Hall
Minneiska, MN 55958
MUN

The Honorable Mayor
City of Minnetonka
City Hall
Minnetonka, MN 55343
MUN

The Honorable Mayor
City of Minnetonka Beach
City Hall
Minnetonka Beach, MN 55361
MUN

The Honorable Mayor
City of Morristown
City Hall
Morristown, MN 55052
MUN

The Honorable Mayor
City of Minnetrista
7701 County Road 110 West
Minnetrista, MN 55264
MUN

The Honorable Mayor
City of Mound
5341 Maywood Road
Mound, MN 55364
MUN

The Honorable Mayor
City of Mizpah
City Hall
Mizpah, MN 56660
MUN

The Honorable Mayor
City of Moundsview
City Hall c/o Post Office
St. Paul, MN 55112
MUN

The Honorable Mayor
City of Montevideo
103 Canton Ave., Box 676
Montevideo, MN 56265
MUN

The Honorable Mayor
City of Mountain Lake
City Hall
Mountain Lake, MN 56159
MUN

The Honorable Mayor
City of Mora
117 S.E. Railroad Ave.
Mora, MN 55051
MUN

The Honorable Mayor
City of Myrtle
City Hall
Myrtle, MN 56070
MUN

The Honorable Mayor
City of Nashua
City Hall
Nashua, MN 56565
MUN

The Honorable Mayor
City of Newport
596 - 7th Avenue
Newport, MN 55055
MUN

The Honorable Mayor
City of Nassau
City Hall
Nassau, MN 56272
MUN

The Honorable Mayor
City of New Brighton
803 - 5th Ave. N.W.
New Brighton, MN 55112
MUN

The Honorable Mayor
City of Nerstrand
City Hall
Nerstrand, MN 55053
MUN

The Honorable Mayor
City of Newfolden
City Hall
Newfolden, MN 56738
MUN

The Honorable Mayor
City of Nevis
City Hall
Nevis, MN 56467
MUN

The Honorable Mayor
City of New Germany
City Hall
New Germany, MN 55367
MUN

The Honorable Mayor
City of New Auburn
City Hall
New Auburn, MN 55366
MUN

The Honorable Mayor
City of New Hope
4401 Xylon Ave. North
New Hope, MN 55428
MUN

The Honorable Mayor
City of New London
20 - 1st Ave. S.W.
New London, MN 56273
MUN

The Honorable Mayor
City of Nimrod
City Hall
Nimrod, MN 56478
MUN

The Honorable Mayor
City of New Market
City Hall
New Market, MN 55054
MUN

The Honorable Mayor
City of Norcross
City Hall
Norcross, MN 56274
MUN

The Honorable Mayor
City of New Trier
City Hall
New Trier, MN 55031
MUN

The Honorable Mayor
City of North Branch
City Hall
North Branch, MN 55056
MUN

The Honorable Mayor
City of Nicollet
City Hall
Nicollet, MN 56074
MUN

The Honorable Mayor
City of Odin
City Hall
Odin, MN 56160
MUN

The Honorable Mayor
City of Nielsville
City Hall
Nielsville, MN 56568
MUN

The Honorable Mayor
City of Ogema
City Hall
Ogema, MN 56569
MUN

The Honorable Mayor
City of Okabena
City Hall
Okabena, MN 56161
MUN

The Honorable Mayor
City of Northrop
City Hall
Northrop, MN 56075
MUN

The Honorable Mayor
City of North Mankato
1001 Belgrade Ave., P.O. Box 2055
North Mankato, MN 56001
MUN

The Honorable Mayor
City of North St. Paul
2526 East 7th Ave.
North St. Paul, MN 55109
MUN

The Honorable Mayor
City of North Oaks
One Pleasant Lake Road
St. Paul, MN 55110
MUN

The Honorable Mayor
City of Norwood
City Hall
Norwood, MN 55368
MUN

The Honorable Mayor
City of Northome
City Hall
Northome, MN 56661
MUN

The Honorable Mayor
City of Oakdale
1584 Hadley Ave. North
St. Paul, MN 55119
MUN

The Honorable Mayor
City of North Redwood
City Hall
North Redwood, MN 56275
MUN

The Honorable Mayor
City of Oak Park Heights
14168 - 57th Street North
Stillwater, MN 55082
MUN

The Honorable Mayor
City of Ormsby
City Hall
Ormsby, MN 56162
MUN

The Honorable Mayor
City of Orono
Box 66
Crystal Bay, MN 55323
MUN

The Honorable Mayor
City of Oslo
City Hall
Oslo, MN 56744
MUN

The Honorable Mayor
City of Osseo
415 Central, Box 287
Osseo, MN 55369
MUN

The Honorable Mayor
City of Ottertail
City Hall
Ottertail, MN 56571
MUN

The Honorable Mayor
City of Pease
City Hall
Pease, MN 56363
MUN

The Honorable Mayor
City of Pemberton
City Hall
Pemberton, MN 56078
MUN

The Honorable Mayor
City of Perley
City Hall
Perley, MN 56574
MUN

The Honorable Mayor
City of Peterson
City Hall
Peterson, MN 55962
MUN

The Honorable Mayor
City of Pierz
City Hall
Pierz, MN 56364
MUN

The Honorable Mayor
City of Pine City
City Hall Municipal Building
Pine City, MN 55063
MUN

The Honorable Mayor
City of Pine Springs
c/o Post Office
North St. Paul, MN 55109
MUN

The Honorable Mayor
City of Plato
City Hall
Plato, MN 55370
MUN

The Honorable Mayor
City of Prinsburg
City Hall
Prinsburg, MN 56281
MUN

The Honorable Mayor
City of Pleasant Lake
P.O. Rt. 4
St. Cloud, MN 56301
MUN

The Honorable Mayor
City of Prior Lake
4629 Dakota S.E. - P.O. Box 359
Prior Lake, MN 55372
MUN

The Honorable Mayor
City of Plymouth
3400 Plymouth Building
Plymouth, MN 55447
MUN

The Honorable Mayor
City of Racine
City Hall
Racine, MN 55967
MUN

The Honorable Mayor
City of Porter
City Hall
Porter, MN 56280
MUN

The Honorable Mayor
City of Ramsey
c/o Post Office
Anoka, MN 55303
MUN

The Honorable Mayor
City of Proctor
City Hall
Proctor, MN 55810
MUN

The Honorable Mayor
City of Richfield
6700 Portland Ave.
Richfield, MN 55423
MUN

The Honorable Mayor
City of Randall
City Hall
Randall, MN 56475
MUN

The Honorable Mayor
City of Revere
City Hall
Revere, MN 56166
MUN

The Honorable Mayor
City of Randolph
City Hall
Randolph, MN 55065
MUN

The Honorable Mayor
City of Rice
City Hall
Rice, MN 56367
MUN

The Honorable Mayor
City of Ranier
City Hall
Ranier, MN 56668
MUN

The Honorable Mayor
City of Shoreview
4665 North Victoria Street
St. Paul, MN 55112
MUN

The Honorable Mayor
City of Raymond
City Hall
Raymond, MN 56282
MUN

The Honorable Mayor
City of Shorewood
5755 County Club Road
Shorewood, MN 55331
MUN

The Honorable Mayor
City of Shakopee
129 East 1st Ave.
Shakopee, MN 55379
MUN

The Honorable Mayor
City of Shelly
City Hall
Shelly, MN 56581
MUN

The Honorable Mayor
City of Skyline
P.O. Box 424
Mankato, MN 56001-0368
MUN

The Honorable Mayor
City of Slayton
2451 Broadway
Slayton, MN 56172
MUN

The Honorable Mayor
City of Spring Hall
c/o Post Office
Melrose, MN 56352
MUN

The Honorable Mayor
City of Spring Lake Park
c/o Post Office
Minneapolis, MN 55432
MUN

The Honorable Mayor
City of Sobieski
c/o Post Office
Little Falls, MN 56345
MUN

The Honorable Mayor
City of Solway
City Hall
Solway, MN 56678
MUN

The Honorable Mayor
City of South Haven
City Hall
South Haven, MN 55382
MUN

The Honorable Mayor
City of S. International Falls
City Hall
S. International Falls, MN 56679
MUN

The Honorable Mayor
City of South St. Paul
125 - 3rd Avenue North
South St. Paul, MN 55075
MUN

The Honorable Mayor
City of Taopi
City Hall
Taopi, MN 55977
MUN

The Honorable Mayor
City of Squaw Lake
City Hall
Squaw Lake, MN 56681
MUN

The Honorable Mayor
City of Stillwater
216 North 4th Street
Stillwater, MN 55082
MUN

The Honorable Mayor
City of Spring Park
4349 Warren, Box 452
Spring Park, MN 55384
MUN

The Honorable Mayor
City of Stranquist
City Hall
Stranquist, MN 56758
MUN

The Honorable Mayor
City of Stephen
City Hall
Stephen, MN 56757
MUN

The Honorable Mayor
City of Sturgeon Lake
City Hall
Sturgeon Lake, MN 55783
MUN

The Honorable Mayor
City of Tamarack
City Hall
Tamarack, MN 55787
MUN

The Honorable Mayor
City of Sunburg
City Hall
Sunburg, MN 56289
MUN

The Honorable Mayor
City of Sunfish Lake
c/o Post Office
St. Paul, MN 55118
MUN

The Honorable Mayor
City of Rogers
City Hall
Rogers, MN 55374
MUN

The Honorable Mayor
City of Swanville
City Hall
Swanville, MN 56382
MUN

The Honorable Mayor
City of St. Paul Park
City Hall
St. Paul Park, MN 55071
MUN

The Honorable Mayor
City of Taconite
City Hall
Taconite, MN 55786
MUN

The Honorable Mayor
City of St. Rosa
P.O. Rt. 2
Freeport, MN 56331
MUN

The Honorable Mayor
City of Rock Creek
City Hall
Rock Creek, MN 55067
MUN

The Honorable Mayor
City of St. Vincent
City Hall
St. Vincent, MN 56755
MUN

The Honorable Mayor
City of Rockville
City Hall
Rockville, MN 56369
MUN

The Honorable Mayor
City of Rush City
City Hall
Rush City, MN 55069
MUN

The Honorable Mayor
City of Rushford Village
City Hall
Rushord Village, MN 55971
MUN

The Honorable Mayor
City of Rutledge
City Hall
Rutledge, MN 55778
MUN

The Honorable Mayor
City of Sargeant
City Hall
Sargeant, MN 55973
MUN

The Honorable Mayor
City of Savage
12305 Quentin Ave. South
Savage, MN 55378
MUN

The Honorable Mayor
City of Sauk Centre
City Hall
Sauk Centre, MN 56378
MUN

The Honorable Mayor
City of Scanlon
c/o Post Office
Cloquet, MN 55720
MUN

The Honorable Mayor
City of Sauk Rapids
104 North Benton Drive
Sauk Rapids, MN 56379
MUN

The Honorable Mayor
City of Seaforth
City Hall
Seaforth, MN 56287
MUN

The Honorable Mayor
City of Ruthton
City Hall
Ruthton, MN 56170
MUN

The Honorable Mayor
City of Sebeka
City Hall
Sebeka, MN 56477
MUN

The Honorable Mayor
City of Sedan
City Hall
Sedan, MN 56380
MUN

The Honorable Mayor
City of St. Hilaire
City Hall
St. Hilaire, MN 56754
MUN

The Honorable Mayor
City of St. Anthony
c/o Post Office
Minneapolis, MN 55418
MUN

The Honorable Mayor
City of St. Leo
City Hall
St. Leo, MN 56286
MUN

The Honorable Mayor
City of St. Anthony
R.R. #2
Albany, MN 56307
MUN

The Honorable Mayor
City of St. Louis Park
5005 Minnetonka Blvd.
St. Louis Park, MN 55416
MUN

The Honorable Mayor
City of St. Clair
City Hall
St. Clair, MN 56080
MUN

The Honorable Mayor
City of St. Martin
City Hall
St. Martin, MN 56376
MUN

The Honorable Mayor
City of St. Francis
3913 - 233rd Ave. N.W.
St. Francis, MN 55070
MUN

The Honorable Mayor
City of St. Mary's Point
P.O. Box 846
Lakeland, MN 55043
MUN

The Honorable Mayor
City of St. Paul
City Hall
St. Paul, MN 55102
MUN

The Honorable Mayor
City of Ronneby
P.O. Rt. 4
Foley, MN 56329
MUN

The Honorable Mayor
City of Richville
City Hall
Richville, MN 56576
MUN

The Honorable Mayor
City of Roosevelt
City Hall
Roosevelt, MN 56673
MUN

The Honorable Mayor
City of Riverton
c/o Post Office
Ironton, MN 56455
MUN

The Honorable Mayor
City of Roscoe
City Hall
Roscoe, MN 56311
MUN

The Honorable Mayor
City of Robbinsdale
4221 Lake Road
Robbinsdale, MN 55422
MUN

The Honorable Mayor
City of Roseau
100 - 2nd Ave. N.E.
Roseau, MN 56751
MUN

The Honorable Mayor
City of Rollingstone
City Hall
Rollingstone, MN 55969
MUN

The Honorable Mayor
City of Rose Creek
City Hall
Rose Creek, MN 55970
MUN

The Honorable Mayor
City of Rosemont
1367 - 145th St. East
Rosemont, MN 55068
MUN

The Honorable Mayor
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113
MUN

The Honorable Mayor
City of Rushmore
City Hall
Rushmore, MN 56168
MUN

The Honorable Mayor
City of Tenney
City Hall
Tenney, MN 56582
MUN

The Honorable Mayor
City of Tenstrike
City Hall
Tenstrike, MN 56683
MUN

The Honorable Mayor
City of Thomson
c/o Post Office
Carlton, MN 55718
MUN

The Honorable Mayor
City of Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331
MUN

The Honorable Mayor
City of Tracy
City Hall
Tracy, MN 56175
MUN

The Honorable Mayor
City of Trail
City Hall
Trail, MN 56684
MUN

The Honorable Mayor
City of Trosky
City Hall
Trosky, MN 56177
MUN

The Honorable Mayor
City of Turtle River
P.O. Rt. 6
Bemidji, MN 56601
MUN

The Honorable Mayor
City of Vadnais Heights
687 East County Road F
St. Paul, MN 55110
MUN

The Honorable Mayor
City of Twin Lakes
City Hall
Twin Lakes, MN 56089
MUN

The Honorable Mayor
City of Vermillion
City Hall
Vermillion, MN 55085
MUN

The Honorable Mayor
City of Twin Valley
City Hall
Twin Valley, MN 56584
MUN

The Honorable Mayor
City of Vernon Center
City Hall
Vernon Center, MN 56090
MUN

The Honorable Mayor
City of Urbank
c/o Post Office
Parkers Prairie, MN 56361
MUN

The Honorable Mayor
City of Victoria
7951 Rose
Victoria, MN 55386
MUN

The Honorable Mayor
City of Utica
City Hall
Utica, MN 55979
MUN

The Honorable Mayor
City of Viking
City Hall
Viking, MN 56760
MUN

The Honorable Mayor
City of Villard
City Hall
Villard, MN 56385
MUN

The Honorable Mayor
City of Waltham
City Hall
Waltham, MN 55982
MUN

The Honorable Mayor
City of Vining
City Hall
Vining, MN 56588
MUN

The Honorable Mayor
City of Warba
City Hall
Warba, MN 55793
MUN

The Honorable Mayor
City of Waconia
109 South Elm
Waconia, MN 55387
MUN

The Honorable Mayor
City of Warren
126 West Johnson
Warren, MN 56762
MUN

The Honorable Mayor
City of Walker
City Hall
Walker, MN 56484
MUN

The Honorable Mayor
City of Waubun
City Hall
Waubun, MN 56589
MUN

The Honorable Mayor
City of Walters
City Hall
Walters, MN 56092
MUN

The Honorable Mayor
City of Wayzata
600 Rice Street
Wayzata, MN 55391
MUN

The Honorable Mayor
City of Welcome
City Hall
Welcome, MN 56181
MUN

The Honorable Mayor
City of Whalan
City Hall
Whalan, MN 55986
MUN

The Honorable Mayor
City of Westbrook
City Hall
Westbrook, MN 56183
MUN

The Honorable Mayor
City of White Bear Lake
4820 Cook Avenue
White Bear Lake, MN 55110
MUN

The Honorable Mayor
City of Westport
c/o Post Office
Villard, MN 56385
MUN

The Honorable Mayor
City of Wilder
City Hall
Wilder, MN 56184
MUN

The Honorable Mayor
City of West St. Paul
1616 Humboldt Avenue
West St. Paul, MN 55118
MUN

The Honorable Mayor
City of Willernie
111 Wildwood Road
Willernie, MN 55090
MUN

The Honorable Mayor
City of West Union
City Hall
West Union, MN 56389
MUN

The Honorable Mayor
City of Willow River
City Hall
Willow River, MN 55795
MUN

The Honorable Mayor
City of Wilmont
City Hall
Wilmont, MN 56185
MUN

The Honorable Mayor
City of Wolverton
City Hall
Wolverton, MN 56594
MUN

The Honorable Mayor
City of Wilton
City Hall
Wilton, MN 56687
MUN

The Honorable Mayor
City of Woodbury
2100 Radio Drive
Woodbury, MN 55125
MUN

The Honorable Mayor
City of Windom
444 - 9th Street
Windom, MN 56101
MUN

The Honorable Mayor
City of Wood Lake
City Hall
Wood Lake, MN 56297
MUN

The Honorable Mayor
City of Winger
City Hall
Winger, MN 56592
MUN

The Honorable Mayor
City of Woodland
Box 656
Wayzata, MN 55391
MUN

The Honorable Mayor
City of Wolf Lake
City Hall
Wolf Lake, MN 56593
MUN

The Honorable Mayor
City of Woodstock
City Hall
Woodstock, MN 56186
MUN

The Honorable Mayor
City of Wresnshall
City Hall
Wrenshall, MN 55797
MUN

The Honorable Mayor
City of Zimmerman
City Hall
Zimmerman, MN 55398
MUN

The Honorable Mayor
City of Wright
City Hall
Wright, MN 55798
MUN

The Honorable Mayor
City of Borup
City Hall
Borup, MN 56519
MUN

The Honorable Mayor
City of Wyoming
City Hall
Wyoming, MN 55092
MUN

The Honorable Mayor
City of Greenbush
City Hall
Greenbush, MN 56726
MUN

The Honorable Mayor
City of Young America
City Hall
Young Amercia, MN 55397
MUN

The Honorable Mayor
City of Hendrum
City Hall
Hendrum, MN 56550
MUN

The Honorable Mayor
City of Zemple
c/o Post Office
Deer River, MN 56636
MUN

The Honorable Mayor
City of Long Lake
City Hall
Long Lake, MN 55356
MUN

The Honorable Mayor
City of Regal
Rt. 2
Regal, MN 56366
MUN

The Honorable Mayor
City of Coleraine
302 Roosevelt Ave.
Coleraine, MN 55722
MUNCGM

The Honorable Mayor
City of Strathcona
City Hall
Strathcona, MN 56759
MUN

The Honorable Mayor
City of Gaylord
428 Main Ave., P.O. Box 124
Gaylord, MN 55334
MUNGGM

The Honorable Mayor
City of Upsala
Box 321
Upsala, MN 56384
MUN

The Honorable Mayor
City of Goodridge
City Hall
Goodridge, MN 56725
MUNCGM

The Honorable Mayor
City of Watertown
City Hall
Watertown, MN 55386
MUN

The Honorable Mayor
City of Adrian
P.O. Box 187
Adrian, MN 56110
MUN

The Honorable Mayor
City of St. Bonifacius
City Hall
St. Bonifacius, MN 55375
MUN

The Honorable Mayor
City of Aitkin
109 - 1st Ave. N.W.
Aitkin, MN 56431
MUN

The Honorable Mayor
City of Albert Lea
221 East Clark Street
Albert Lea, MN 56007
MUN

The Honorable Mayor
City of Amboy
City Hall
Amboy, MN 56010
MUN

The Honorable Mayor
City of Alden
174 North Broadway
Alden, MN 56009
MUN

The Honorable Mayor
City of Annandale
City Hall
Annandale, MN 55302
MUN

The Honorable Mayor
City of Alexandria
114-7th Ave. W.-P.O. Box 369
Alexandria, MN 56308
MUN

The Honorable Mayor
City of Appleton
City Hall
Appleton, MN 56208
MUN

The Honorable Mayor
City of Miesville
c/o Post Office
Cannon Falls, MN 55009
MUN

The Honorable Mayor
City of Arco
City Hall
Arco, MN 56113
MUN

The Honorable Mayor
City of Franklin
c/o Post Office
Virginia, MN 55792
MUN

The Honorable Mayor
City of Argyle
City Hall
Argyle, MN 56713
MUN

The Honorable Mayor
City of Arlington
City Hall
Arlington, MN 55307
MUN

The Honorable Mayor
City of Akeley
City Hall
Akeley, MN 56433
MUN

The Honorable Mayor
City of Big Lake
City Hall
Big Lake, MN 55309
MUN

The Honorable Mayor
City of Albany
City Hall
Albany, MN 56307
MUN

The Honorable Mayor
City of Flensburg
City Hall
Flensburg, MN 56328
MUN

The Honorable Mayor
City of Alberta
City Hall
Alberta, MN 56207
MUN

The Honorable Mayor
City of Champlin
City Hall
Champlin, MN 55316
MUN

The Honorable Mayor
City of Albertville
City Hall
Albertville, MN 55301
MUN

The Honorable Mayor
City of Adams
City Hall
Adams, MN 55909
MUN

The Honorable Mayor
City of Alpha
City Hall
Alpha, MN 56111
MUN

The Honorable Mayor
City of Altura
City Hall
Altura, MN 55910
MUN

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075, Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

MAILING LIST CERTIFICATE

I hereby certify that those persons, associations and interested groups on the list attached are those who have requested, pursuant to Minn. Stat. § 14.14 (1984), that their names be placed on file with and maintained by the Minnesota Pollution Control Agency for the purpose of receiving notice of rule hearings by this Agency and that the attached list is accurate and complete as of the 8th day of October, 1985.

Paul W. Hoff

PAUL HOFF
Public Information Director
Minnesota Pollution Control

Subscribed and sworn to before me this 8 day of October, 1985

Mary Ann Hammer

Notary Public

MARY ANN HAMMER
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Dec. 11, 1985

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

ATTN H HUDSON BUZBEE
1675 AIRLINE HWY
P O BOX 1572
KENNER LA 70063 WQ

ECRDC
119 SOUTH LAKE STREET
MORA MN 55051 WQ

ENV HYDROLOGY & ENG
3416 UNIVERSITY AVE SE
MINNEAPOLIS MN 55414 W&HZ

BARBARA KNAPP
9508 BRUNSWICK CIRCLE
BLOOMINGTON MN 55438 WQ

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

METRO AIRPORTS COMM
ATTN DIR OF OPERATIONS
6040 28TH AVE S
MINNEAPOLIS MN 55450 WQ

MINNEAPOLIS AUDUBON
ATTN STEVEN BUCHANAN
4552 ALDRICH AVE S
MINNEAPOLIS MN 55409 WQ

JOHN NORDENSON
85 JEWEL LANE
PLYMOUTH MN 55447 WQ

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

UNION OIL COMPANY OF CA
ATTN DIANE DUNCAN
P O BOX 7600
LOS ANGELES CA 90051 WQ

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

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

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

ATTN FRANCINE CREME
6800 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

ATTN PATTY PAGE
6301 SHINGLE CREEK PKWY
BROOKLYN CE MN 55430 1

BILL BUDD
4270 JEFFERSON STREET
EXCELSIOR MN 55331 1

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

ATTN LEALLAN ESTREM
SUITE #201
1515 E LAKE ST
MINNEAPOLIS MN 55407 2

500 MISSION RD
BLOOMINGTON MN 55420 2

ATTN BECKY A COMSTOCK
2200 FIRST BANK PLACE EAST
MINNEAPOLIS MN 55402 2

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

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

DORSEY LAW FIRM
ATTN MARK KASTOR
2200 FIRST BANK PLACE E
MINNEAPOLIS MN 55402 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTN DALE MCMICHAEL
300 PARKDALE 1 BLDG
5401 GAMBLE DRIVE
MINNEAPOLIS MN 55416 3

HESSIAN, McKASY &
SODERBERG
ATTN: HAROLD J. SODERBER
4700 IDS CENTER
MPLS MN 55402 3

HOLMES & GRAVEN
ATTN LARRY M WERTHEIM
470 PILLSBURY CENTER
MINNEAPOLIS MN 55402 3

PAUL J HUBER LTD
1821 UNIVERSITY AVE
ST PAUL MN 55104 3

IBM CORPORATION
ATTN J P HARMON
DEPT 713/BLDG 658-D
ROCHESTER MN 55901 3

INDUST HEALTH ENG ASSOC INC
ATTN KNOWLTON J CAPLAN
P O BOX 9342
MINNEAPOLIS MN 55440 3

INDUSTRIAL FABRICATORS CO
P O BOX 1561
JACKSON TN 38301 3

INTERNATIONAL ECO SOCIETY
ATTN R J F KRAMER
1471 BARCLAY STREET
ST PAUL MN 55106 3

INTERSTATE POWER CO
PRESIDENT
1000 MAIN ST
DUBUQUE IA 52001 3

IOWA DEPT ENVIRON QUALITY
ATTN STEVEN N WILLIAMS
HENRY A WALLACE BLDG
DES MOINES IA 50319 3

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.
ATTN: LYNN A. BRANBERG
401 NORTH LAKE STREET
NEENAH, WI 54956 4

PPERS COMPANY INC
TN 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

402 E LAKE ST
WAYZATA MN 55391 4

Lake Superior Indus. Bureau
1408 Alworth Bldg.
Duluth, MN 55802

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

DAVID N FASS
HEMATOLOGY RESEARCH
ROCHESTER MN 55901 4

MEEB/REEC
CAROL LANGER REG COORD
UNIVERSITY OF MN MORRIS
PE ANNEX RM 32
MORRIS MN 56267 4

MIDLAND GLASS COMPANY
DONALD F HENNEN
PLANT MANAGER
P O BOX 69
SHAKOPEE MN 55379 4

CITY OF MILTONA
ATTN KEVIN LEE CLERK
MILTONA MN 56354 4

MINNEAPOLIS TRIBUNE
ATTN BOB FRANKLIN
425 PORTLAND AVE
MINNEAPOLIS MN 55488 4

MINNEGASCO
PAUL DENEKA
DR LAB & ENVIRON PRGMS
601 W 61ST ST
MINNEAPOLIS MN 55419 4

MINNEGASCO
GEORGE MASTOR
LEGAL DIVISION
201 SOUTH 7TH STREET
MINNEAPOLIS MN 55402 4

MINNESOTA FARMERS UNION
ATTN MARK McAFEE
1717 UNIVERSITY
ST PAUL MN 55104 4

THE MINNESOTA PROJECT
ATTN LONI KEMP
2222 ELM STREET S E
MINNEAPOLIS MN 55414 4

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

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
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303 HANOVER BLDG
480 CEDAR ST
ST PAUL MN 55101 5

ATTN JOHN E VAN DOORN
180 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

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
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730 SECOND AVE S
MINNEAPOLIS MN 55402

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CHICAGO IL 60606

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771 HARDING ST N E
MINNEAPOLIS MN 55413

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

PHILLIPS LEGIS SERVICES
459 RICE ST
ST PAUL MN 55103

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

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

ATTN JOSEPH HENSEL
506 FIRST AVE N E
BOX 6057
ROCHESTER MN 55901 6

ROOSEVELT JR HIGH
MARK GUGISBERG
650 N E MAIN ST
BLAINE MN 55434 6

SARGENT & LUNDY ENGINEERS
55 EAST MONROE ST
CHICAGO IL 60603 6

A B SCHAEFER JR
14900 61ST ST N
STILLWATER MN 55082 6

FOREST SEYMOUR
4537 33RD AVE S
MINNEAPOLIS MN 55406 6

SF&A REPORTING SERVICES
KRIS ANNE MONTEITH
1101 15TH ST N W
WASHINGTON D C 20005 6

SHELDAHL
ATTN DAVID MILLER
N HWY 3
NORTHFIELD MN 55057 6

SHELL ENGINEERING & ASSOC
1804 VANDIVER DR
P O BOX 548
COLUMBIA MO 65205 6

THE SHERWIN-WILLIAMS CO
ATTN D A COHAGAN
101 PROSPECT AVE N W
CLEVELAND OH 44115 6

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

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

NNECO 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

ATTN ROBERT SILVAGNI
200 SHOPS BLDG
319 15TH AVE S E
MINNEAPOLIS MN 55455 7

U OF M
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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

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

DOUG EWALD
15025 HIGHLAND TRAIL
MINNETONKA, MN 55345 7

WINTHROP, WEINSTINE & SE
SEXTON
1800 CONWED TOWER
444 CEDAR STREET
ST. PAUL, MN 55101 7

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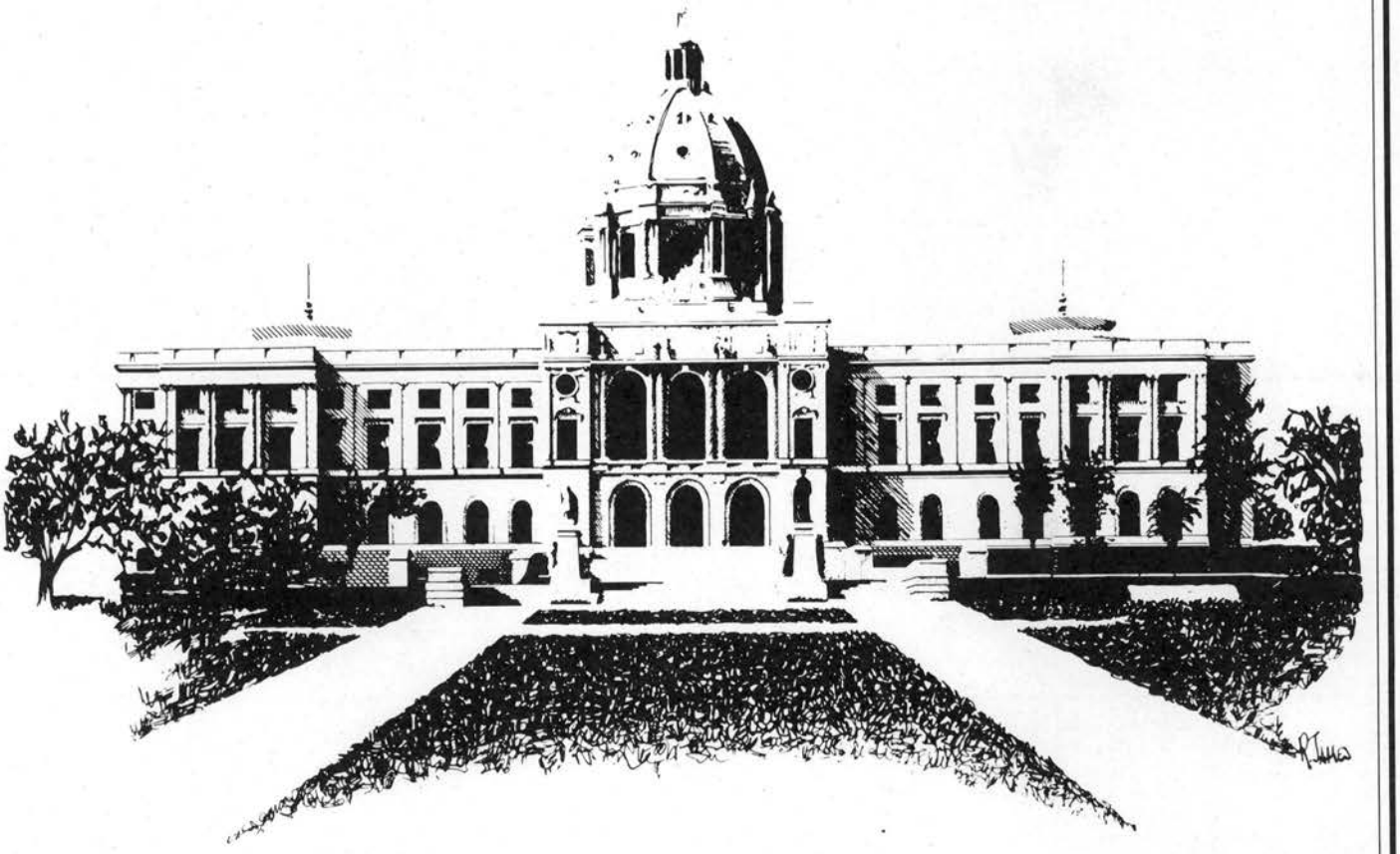

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STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 10		
17	Monday October 7	Monday October 14	Monday October 21
18	Monday October 14	Monday October 21	Monday October 28
19	Monday October 21	Monday October 28	Monday November 4
20	Monday October 28	Monday November 4	Monday November 11

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

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

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

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

Rudy Perpich
Governor

Sandra J. Hale
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Marsha Storck
Editor

Robin PanLener, Paul Hoffman,
Ruth Werness
Editorial Staff

Debbie Kobold
Circulation Manager

Bonnie Karels
Support Staff

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NOTICE

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

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

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Issues 14-25, inclusive
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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Labor and Industry

Proposed Rules Relating to Occupational Professions, Boiler Operations, Fees

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Department of Labor and Industry, Code of Enforcement Division, proposes to adopt the above-captioned amendments to Minn. Rules, parts 5225.0200, 5225.0300 and 5225.8600 without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1984).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed amendments. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

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.

A public hearing will not be held unless 20 percent or more of the persons who are required to pay fees under the proposed amendments submit written requests for a public hearing on the proposed amendments within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Steve Keefe
Commissioner, Department of Labor and Industry
5th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

Authority for the adoption of these amendments is contained in Minn. Stat. § 183.545 (1984). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments, identifies the data and information relied upon to support the proposed amendments and assesses the impact of the proposed amendments on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address.

The fees may affect small business slightly, as the fees are increased 5 to 10 dollars for most boilers operated by small businesses. Engineers' licenses are purchased by individual engineers and may affect small businesses to the extent that the licenses are paid for by or the cost is passed on to small businesses.

Upon adoption of the final amendments without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final amendments as adopted, will be delivered to the Attorney General. The amendments will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the amendments and the existence of a rational basis for the need for and reasonableness of the proposed amendments. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the amendments as originally proposed, or who wish to receive a free copy of the final amendments as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendments follows this notice in the *State Register*. The amendments increase the fees for boiler engineers' licenses applications and renewals and inspection fees.

One free copy of the proposed amendments may be obtained by contacting Paul Blossfield at the above address or by calling (612) 296-4530.

Steve Keefe
Commissioner, Department of
Labor and Industry

Rules as Proposed

5225.0300 EXPIRATION AND RENEWALS.

Subpart 1. [Unchanged.]

Subp. 2. **Expirations within less than five years.** Licenses which have expired less than five years prior to date of application for renewal may be renewed without the necessity of an examination upon filing an application therefor, accompanied by the fee required in part ~~5225.0200~~ 5225.8600. Applications shall be marked "expired renewal" and do not have to be signed.

Subp. 3. **Expirations of five years or more.** Licenses which have expired five years or more prior to the date of application for renewal may be renewed by filing an application therefor, accompanied by the fee required by part ~~5225.0200~~ 5225.8600, and passing an examination.

Rules as Proposed (all new material)

5225.8600 FEES.

Subpart 1. **Generally.** Fees for inspections, examinations, and licenses under parts 5225.0100 to 5225.7200 are in subparts 2 to 7.

Subp. 2. **Engineer licenses.**

A. The fees for a new engineer license application are as follows:

(1) chief engineer, $40;

(2) first class engineer, $25;

(3) second class engineer, $20;

(4) special engineer, $15;

(5) hobby engineer, $30, and

(6) pilot, $20.

B. The fees for license renewal under part 5225.0300 are as follows:

(1) chief engineer, $25;

(2) first class engineer, $20;

(3) second class engineer, $15; and

(4) special engineers, pilot, $10.

C. The fees for expired renewals under part 5225.0300, subpart 2, are as follows:

(1) chief engineer, $30;

(2) first class engineer, $25;

(3) second class engineer, $20; and

(4) special engineer, pilot, $15.

Subp. 3. **Boiler and pressure vessel inspection.** The fees for the annual inspections of boilers and the biennial inspections of pressure vessels under Minnesota Statutes, section 183.545, subdivision 3, are as follows:

A. boiler inaccessible for internal inspection, $20;

B. boiler accessible for internal inspection, $30;

C. boiler internal inspection over 2,000 square feet, $40;

D. boiler internal inspection over 4,000 square feet, $50;

E. boiler internal inspection over 10,000 square feet, $70;

F. boiler requiring internal inspection up to one-half day, $130;

G. pressure vessel for internal inspection, $20; and

H. pressure vessel inaccessible for internal inspection, $10.

Subp. 4. **Shop inspections.** The fees for shop inspections under Minnesota Statutes, section 183.545, subdivision 3, are as follows:

A. inspection of two hours or less, $70;

B. one-half day, four hours or less, $130; supervisor, $180;

C. eight hours or less, $240; supervisor, $320; and

D. each hour over eight hours, per hour, $45; supervisor, $50.

Subp. 5. **Inspectors.** The fees for inspector's examinations, certificates, and endorsements under Minnesota Statutes, section 183.545, subdivisions 6, 7, and 8, are as follows:

A. national board inspector's exam, $40;

B. nuclear endorsement, $20;

C. Minnesota certificate of competency, original, $20; and

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D. Minnesota certificate of competency, renewal, $15.

Subp. 6. **Exemption certificates.** The fees for exemption certificates under Minnesota Statutes, section 183.57, subdivision 2, are as follows:

A. first object inspected, $10; and

B. each additional object inspected, $5.

Subp. 7. **Vessel inspections.** The fees for vessel inspections under Minnesota Statutes, section 183.545, subdivision 1, are as follows:

A. boat under 30 feet, $30;

B. boat from 30 to 40 feet, $40;

C. boat 40 to 50 feet, $50; and

D. boat over 50 feet, $60.

Repealer. Minnesota Rules, part 5225.0200, is repealed.

Pollution Control Agency
Water Quality Division

Proposed Rules Relating to Wastewater Treatment

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency proposes to amend and adopt the above-entitled rules without a public hearing. The Executive Director has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984).

The proposed rule amendments are authorized by Minnesota Statutes, Section 115.03, Subdivision 1(c) (1984), Section 116.16 (1984) and Minnesota Laws, Ex. Sess., Chapter 14, Article 19, Section 3. The primary purpose for the proposed amendments is to provide for administration of the financial assistance program for the abatement of combined sewer overflows into the Mississippi River in the Twin Cities Metropolitan area. Other revisions include an increase in the maximum state supplemental wastewater treatment facilities grant from 15 percent to 30 percent; and a relaxation of requirements for award of reimbursement grants.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each revision to the proposed rules. Copies of the Statement of Need and Reasonableness and of the proposed rules are available and may be obtained by contacting:

Roberta Stadtler
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7376

Interested persons have 30 days, or until 4:30 p.m. on November 15, 1985 to submit comments on the proposed rules. Comments are encouraged and should be submitted to Ms. Sharon Meyer at the address stated above. The proposed rules may be modified if the data and views received by the Agency before the end of the comment period support the need for modification and if the modification does not result in a substantial change in the proposed rules.

Persons submitting comments should identify the portion of the rules addressed, the reason for the comment, and any change proposed. If, during the 30-day period for comments, 25 or more persons submit a written request for public hearing on the proposed rules, the Agency will hold a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20.

Persons submitting a request for a public hearing should submit a written request to Ms. Sharon Meyer at the address stated above. The request should state the name and address of the person requesting the hearing and persons are encouraged to identify the portion or portions of the rules to be the subject of the hearing along with the reasons for requesting the hearing and, if applicable, what changes to the rules as proposed are being proposed by the person submitting the request.

In the event that no hearing on these rules is required, and upon adoption of the rules by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent

to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive notice of the date of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a request to Ms. Sharon Meyer at the address previously stated. The Agency encourages persons to submit written requests, if possible.

You are hereby advised, pursuant to Minnesota Statutes, Section 14.115 (1984), "Small business considerations in rulemaking," that the proposed rules may have an impact on small businesses in Minnesota. We think that this impact will be positive. Some small construction contracts will be awarded under the financial assistance program for combined sewer overflow abatement, and small businesses will be given the opportunity to bid on some of these projects.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, Subdivision 11 (1984) as any individual:

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

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

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

Thomas J. Kalitowski
Executive Director

Rules as Proposed

7075.0100 PURPOSE.

This chapter provides for the administration of the federal construction grant program, the independent state construction grant program, the state matching construction grant program, ~~and~~ the state loan program for the construction of municipal disposal systems, and the state financial assistance program for combined sewer overflow abatement.

7075.0400 TYPES OF PROGRAMS.

Under this chapter and Minnesota Statutes, section 116.16 et seq., the agency may disburse funds from the pollution control fund for the following:

A. and B. [Unchanged.]

C. independent state grants for planning and construction of municipal disposal systems; ~~and~~

D. loans for the construction of municipal disposal systems; and

E. financial assistance for the abatement of combined sewer overflow.

7075.0401 SUMMARY OF CONSTRUCTION GRANTS PROGRAMS.

The following provisions apply to the municipal construction grant programs:

A. to G. [Unchanged.]

H. State financial assistance is available for design and construction of combined sewer overflow abatement projects. This assistance is awarded on a pro rata basis to qualifying municipalities separately from the priority ranking process for other construction grants.

7075.0409 MUNICIPAL PROJECT LIST.

Subpart 1. **Adoption of municipal project list.** The agency shall adopt a municipal project list each fiscal year which shall list

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in order of priority projects for which federal grant funds will be requested from current allotments and for which state grants will be awarded from current appropriations. The municipal project list shall also contain those projects for which state financial assistance will be available for combined sewer overflow abatement projects. The municipal project list shall also list any nonproject uses of the state's allotment of federal grant funds and of the appropriation of state grant funds, including but not limited to, training grants and costs of administration.

Subp. 2. **Requirements for placement on list.** A municipality that requests project placement on the municipal project list shall meet the following requirements:

A. to E. [Unchanged.]

F. A municipality seeking a Step 3 federal grant for combined sewer overflow abatement projects or state financial assistance for combined sewer overflow abatement projects shall not be subject to the conditions contained in items C and D. The municipality shall submit by June 1 prior to the beginning of the fiscal year for which the grant or financial assistance is sought, a list and schedule of construction projects to be initiated in the following fiscal year. If the municipality's NPDES/SDS permit provides a different date for submission of the list and schedule, the date in the permit shall take precedence.

Subp. 3. **Preparation of proposed municipal project list.** The agency shall prepare a municipal project list that lists in order of priority the municipalities that are eligible to apply for construction grants for their projects from funds allotted to the state for the current fiscal year by the federal government or appropriated into the fund for the current fiscal year.

In drafting the proposed municipal project list, the agency shall consider the following factors in the order given:

A. and B. [Unchanged.]

C. restrictions on obligations mandated by these parts and applicable state and federal statutes, including but not limited to set asides for administration of certain types of projects, and the percentage of the cost of construction that will be paid by state and federal grants; ~~and~~

D. the municipalities' preference for funding sources; and

E. the amount of state financial assistance available for combined sewer overflow abatement projects.

Subp. 4. **Procedures for drafting list.** In drafting the proposed municipal project list, the agency shall list projects on the proposed list according to the following procedures:

A. to C. [Unchanged.]

D. The agency shall then list combined sewer overflow abatement projects for which state financial assistance will be awarded in the fiscal year from funds available for those kinds of projects.

E. The agency may list projects which will receive Step 1 and 2 grants and advances of allowance in such a manner as to permit funding to proceed in an orderly fashion to fully utilize all allocated and appropriated funds.

Subp. 5. **Reimbursement project list.** The agency shall prepare a reimbursement project list that lists those municipalities that are willing to proceed with projects and are willing to be reimbursed in a subsequent year conditioned upon appropriation of sufficient money for that year. No municipality may be listed on the reimbursement project list unless the municipality has requested placement on the list and has ~~complied with part 7075.0409,~~ received approval of the documents listed in subpart 2, ~~items A,~~ item C~~,~~ ~~and D~~. The total cost of these reimbursement projects may not exceed the amount ~~of the expected~~ newly appropriated to the independent state grant ~~appropriation for the next year~~ program. Reimbursement projects must be listed in the same order of priority as they appear on the municipal needs list. A reimbursement project may appear on both the reimbursement project list and the reserve project list.

7075.0411 PROJECT ELIGIBILITY.

Subpart 1. **Steps eligible.** Federal grants and state matching grants shall be awarded only for Step 2+3 and Step 3 projects. Advances of allowance for Step 1 and 2 projects may also be provided from federal funds. Independent state grants may be awarded for Step 1, Step 2, Step 2+3, and Step 3 projects. Financial assistance for combined sewer overflow abatement shall be awarded only for design and construction work.

Subp. 2. **General eligibility.** No project is eligible for a federal grant or a state matching grant unless it is eligible for funding under the act and applicable federal regulations. No project is eligible for an independent state grant unless it is eligible under this chapter and applicable state statutes. No municipality is eligible for state financial assistance for combined sewer overflow abatement projects unless the municipality complies with the conditions of Minnesota Statutes, section 116.162, subdivision 7.

Subp. 3. **Initiation of construction.** A municipality is not eligible for a federal grant or a state matching grant if construction on the project has been initiated prior to the award of the grant.

A municipality may be eligible for an independent state grant after initiation of construction, provided that:

A. the municipality was listed on ~~the~~ a reimbursement project list ~~in the fiscal year~~ when construction began;

B. the municipality submitted a complete grant application to the agency within 90 days after adoption or revision of the reimbursement project list; and

C. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. **Eligible costs.** The following provisions govern eligible costs:

A. The eligible cost of any project for which a grant or state financial assistance will be awarded shall be determined by the application of applicable state and federal statutes and rules.

B. In addition to other eligible costs established by state law for combined sewer overflow abatement projects, storm water conveyance facilities that are part of the most cost effective alternative for combined sewer overflow abatement shall be eligible for state financial assistance. Such facilities shall include those structures, pipes, and appurtenances from the point of entry at the catch basin to the outlet structure which are necessary to convey up to the five-year storm.

7075.0414 GRANT APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Timing and form of application.** The following provisions govern the timing and form of grant applications:

A. A municipality on the final municipal project list for other than a combined sewer overflow project shall submit a completed construction grant application to the agency within 90 days after the date on which the agency adopts that fiscal year's municipal project list.

B. A municipality on the final municipal project list for a combined sewer overflow abatement project shall submit a completed construction grant application, or a completed application for state financial assistance, whichever is being applied for, by December 1 following agency adoption of that fiscal year's municipal project list, unless a different date is provided in the municipality's NPDES/SDS permit, in which case the deadline in the permit shall take precedence.

C. The application for federal grant funds shall be on EPA's form 5700-32, as provided by the agency.

D. The application for state grant funds shall be on the form as provided by the agency.

E. The application for state financial assistance for combined sewer overflow abatement projects shall be on the form as provided by the agency.

Subp. 3. to 5. [Unchanged.]

Subp. 6. **Additional information for Step 3 grant.** A municipality that applies for a Step 3 grant shall, in addition to submitting the completed application form, submit the following information for agency review and approval:

A. to M. [Unchanged.]

N. For municipalities applying for Step 3 federal grants for combined sewer overflow abatement projects, the following information shall also be submitted:

(1) the scope of work outlined in the list and schedule submitted the previous June 1, or in accordance wtih the NPDES/SDS permit;

(2) such additional scope of work that the municipality could proceed with if any additional funds become available; and

(3) the items listed in part 7075.0409, subpart 2, item C. The plans and specifications shall be for the scope of work described in subitems (1) and (2).

Subp. 6a. **Additional information for state financial assistance for combined sewer overflow abatement.** A municipality that applies for state financial assistance for a combined sewer overflow abatement project shall submit the following information for agency review and approval:

A. the scope of work contained in the list and schedule submitted the previous June 1, or in accordance with the NPDES/SDS permit, plus such additional scope of work as may be necessary to utilize any additional funds that may become available;

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B. that information required for a Step 3 grant under subpart 6, items A, F, G, I, and L; and

C. plans and specifications for the scope of work described in item A.

Subp. 7. and 8. [Unchanged.]

7075.0419 ADVANCES OF ALLOWANCE.

Subpart 1. to 3. [Unchanged.]

Subp. 3a. **Submittal and approval of facilities plan.** In order to receive a Step 2 advance, a municipality shall ~~comply with~~ submit the documents listed in part 7075.0409, subpart 2, ~~items A,~~ item B~~, and D~~. The facilities plan must be approved before the advance will be awarded.

Subp. 4. to 7. [Unchanged.]

7075.0428 GRANT AMOUNTS.

Subpart 1. **State matching grants.** For projects tendered on or after October 1, 1984, a federal grant at 55 percent or more of the eligible cost for construction of a treatment works, the agency shall award a state matching grant for up to an additional ~~15~~ 30 percent of the eligible cost if construction of the treatment works would otherwise impose a significant financial hardship on the municipality.

Subp. 2. **Independent state grants.** The agency may award independent state grants as follows:

A. [Unchanged.]

B. The agency may award Step 2 + 3 and Step 3 independent state grants to municipalities to pay for 50 percent of the eligible cost of construction, or, if the agency requires and the municipality is constructing advanced treatment, 65 percent of the eligible cost of construction. If construction of a treatment works would otherwise impose a significant financial hardship on a municipality, the agency may award an independent state grant to pay for up to an additional ~~15~~ 30 percent of the eligible cost of construction, or if the agency requires and the municipality is constructing advanced treatment, an additional ~~ten~~ 25 percent of the eligible cost of construction.

Subp. 2a. **State financial assistance for combined sewer overflow abatement projects.** The agency may award state financial assistance for combined sewer overflow abatement projects as follows:

A. The agency may award state financial assistance for design of combined sewer overflow abatement projects to municipalities in an amount determined according to the same procedures for calculating an allowance under Code of Federal Regulations, title 40, part 35, appendix B.

B. Each fiscal year, municipalities eligible for financial assistance for combined sewer overflow abatement projects shall be awarded a proportionate share of the appropriation available for such projects in that fiscal year. The proportionate share for each eligible municipality is as follows:

(1) Minneapolis, 24.2 percent;

(2) Saint Paul, 71.6 percent;

(3) South Saint Paul, 4.2 percent.

C. By no later than March 31 each year, beginning in 1987, the agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either entered into construction contracts for the work if the work is to be contracted out, or issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the agency determines that a municipality has not submitted a complete financial assistance application and entered into construction contracts or issued work proceed orders, the agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. Any municipality that is awarded additional funds shall enter into construction contracts or issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that the municipality entitled to the repayment funds still has not made firm commitments to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

Subp. 3. **Local share.** Except as provided in part 7075.0425, in no event may a municipality that obtains a state matching grant or independent state grant be responsible for less than ~~25~~ ten percent of the eligible cost of the project.

Subp. 4. **Significant financial hardship.** The amount of a state matching grant awarded to a municipality after October 1, 1984, and the amount of a supplemental independent state grant awarded to a municipality depends on the extent to which construction of the treatment works imposes a significant financial hardship on the municipality. The determination of the financial hardship and the amount of the grant must be based on per connection capital cost, median household income, and per capita adjusted assessed valuation, in accordance with the following procedures:

A. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's per connection capital cost after bidding compared with the median per connection capital cost for all projects which accepted bids under the programs during the two years ending July 1 prior to adoption of the municipal project list on which the municipality appears. The percentage of the eligible cost to be paid for by the grant based on per connection capital cost is represented by letter A below and is determined by the following ~~table~~ formula.

~~Municipality Per Connection Cost × 100 ÷ Median Per Connection Cost of Projects Bid During Previous Two Years~~	~~Percentage of Cost Funded~~
~~60-69~~	~~0.5~~
~~70-79~~	~~1.0~~
~~80-89~~	~~1.5~~
~~90-99~~	~~2.0~~
~~100-119~~	~~2.5~~
~~120-139~~	~~3.0~~
~~140-159~~	~~3.5~~
~~160-179~~	~~4.0~~
~~180-199~~	~~4.5~~
~~200 or more~~	~~5.0~~

$$A = .10\,(Z - 65)$$

$$\text{Where } Z = \frac{\text{municipality's per connection cost} \times 100}{\text{median per connection cost of projects bid during previous two years}}$$

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

B. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's median household income compared with the state median nonmetropolitan household income. Median household income must be determined from the latest federal census. The percentage of the eligible cost to be paid for by the grant based on median household income is represented by letter B below and is determined by the following ~~table~~ formula.

~~Municipality Median Household Income × 100 ÷ State Median Nonmetropolitan Household Income~~	~~Percentage of Cost Funded~~
~~100-104~~	~~0.5~~
~~95-100~~	~~1.0~~
~~90-94~~	~~1.5~~
~~85-89~~	~~2.0~~
~~80-84~~	~~2.5~~
~~75-79~~	~~3.0~~
~~70-74~~	~~3.5~~
~~65-69~~	~~4.0~~
~~60-64~~	~~4.5~~
~~95-100~~	~~1.0~~
~~90-94~~	~~1.5~~

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~~Municipality Median Household Income × 100 ÷ State Median Nonmetropolitan Household Income~~	~~Percentage of Cost Funded~~
~~85-89~~	~~2.0~~
~~80-84~~	~~2.5~~
~~75-79~~	~~3.0~~
~~70-74~~	~~3.5~~
~~65-69~~	~~4.0~~
~~60-64~~	~~4.5~~
~~less than 60~~	~~5.0~~

B = .48(105 − X)

Where X = municipality's median household income × 100 / state median nonmetropolitan household income

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

C. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's per capita adjusted assessed valuation compared with the state median per capita adjusted assessed valuation. Per capita adjusted assessed valuation must be determined from the latest data available from the Department of Revenue at the time of the grant award. The percentage of the eligible cost to be paid for by the grant based on the per capita adjusted assessed valuation is represented by letter C below and is determined by the following ~~table~~ formula.

~~Municipality Per Capita Adjusted Assessed Valuation × 100 ÷ State Median Per Capita Adusted Assessed Valuation~~	~~Percentage of Cost Funded~~
~~105-109~~	~~0.5~~
~~100-104~~	~~1.0~~
~~95-99~~	~~1.5~~
~~90-94~~	~~2.0~~
~~85-89~~	~~2.5~~
~~80-84~~	~~3.0~~
~~75-79~~	~~3.5~~
~~70-74~~	~~4.0~~
~~65-69~~	~~4.5~~
~~less than 65~~	~~5.0~~

C = .24(110 − Y)

Where Y = municipality's per capita adjusted assessed valuation × 100 / state median per capita adjusted assessed valuation

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

7075.0433 PAYMENT OF STATE FINANCIAL ASSISTANCE FOR COMBINED SEWER OVERFLOW ABATEMENT.

The municipality may request in writing periodic payments as work on the project progresses up to 80 percent of the total amount of the financial assistance. After final inspection, the agency shall pay the remaining 20 percent after the municipality has complied with part 7075.0430, subpart 5, item C, subitems (1), (4), and (9).

REPEALER. Minnesota Rules, part 7075.0418, is repealed.

Pollution Control Agency
Air Quality Division

Proposed Rules Relating to Noise Control

Notice of Withdrawal of Proposed Rule Amendments; Notice of Hearing on Proposed Rule Amendments

Notice of Withdrawal of Proposed Rule Amendments

Notice is hereby given that the rule amendments proposed by the Minnesota Pollution Control Agency (''Agency'') and published in the *State Register* (9 S.R. 2058, March 18, 1985) (''March 18 draft rule amendments'') are hereby withdrawn.

The Agency received more than 25 requests for a hearing on the March 18 draft rule amendments. On September 24, 1985, the Agency adopted a resolution withdrawing those proposed rule amendments and at the same time authorizing the Executive Director of the Agency to commence a rule hearing on a different set of proposed amendments to the State Noise Standards. The new set of amendments is a modified version of the March 18 draft rule amendments. In modifying the March 18 draft rule amendments, the Agency has taken into account comments received by the Agency during the comment period on the March 18 draft rule amendments.

The Notice of Hearing on the newly proposed rule amendments is published below.

Notice of Hearing on Proposed Rule Amendments

Notice is hereby given that a public hearing will be held in the above-entitled matter at St. John's Lutheran Church, 4900 Nicollet Avenue South, Minneapolis, Minnesota 55409, commencing at 9:00 a.m. on Tuesday, November 19, 1985, and continuing in an evening session at the same location starting at 7:00 p.m.; and at the St. Louis County Boardroom, Courthouse Building, Third Floor, 5th Avenue West, Duluth, Minnesota 55802, commencing at 1:00 p.m. on Thursday, November 21, 1985, and continuing in an evening session at the same location starting at 7:00 p.m. Additional days of hearing will be scheduled, if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

This matter will be heard by Administrative Law Judge Allan Klein, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7609. The rule hearing procedure is governed by Minn. Stat. §§ 14.14 to 14.20 (1984) and by the rules of the Office of Administrative Hearings, Minn. Rules Parts 1400.0200 to 1400.1200 (1983). Questions concerning the rule hearing procedure should contact the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed amendments to rules establishing State Noise Standards. The proposed rule amendments are authorized by Minn. Stat. § 116.07, subds. 2 and 4 (1984). The proposed rule amendments are published below. One free copy of the rule amendments is available on request by contacting:

David Kelso
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone (612) 296-7372

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Agency offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rule amendments in one or more of following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material

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received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Agency and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The Agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to David Kelso at the address stated above.

The proposed rule amendments may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed amendments.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1984), "Small business considerations in rulemaking," that while the rules as a whole may have an impact on small business, the amendments which are being proposed at this time do not change the impacts which the existing rules may have on small businesses.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1984) as any individual:

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

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

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

Thomas J. Kalitowski
Executive Director

Rules as Proposed (all new material)

7010.0010 INCORPORATION BY REFERENCE.

For the purpose of chapter 7010, American National Standard Institute, Acoustical Terminology, S1.1-1960 (R1976) and Specification for Sound Level Meters, Sl.4-1983 are incorporated by reference. These publications are available from the American National Standard Institute, 1430 Broadway, New York, N.Y. 10018 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155. These documents are not subject to frequent change.

The Federal Highway Administration publication, Sound Procedures for Measuring Highway Noise: Final Report, FHWA-DP-45-IR (August 1981) is incorporated by reference. This publication is available from the United States Department of Transportation, Federal Highway Administration, 1000 North Globe Road, Arlington, Virginia 22201 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155. This document is not subject to frequent change.

7010.0020 DEFINITIONS.

Subpart 1. **Application.** The term used in chapter 7010 have the meanings given them in this part.

Subp. 2. **A-weighted.** "A-weighted" means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute Sl.4-1983, section 5.1.

Subp. 3. **Daytime.** "Daytime" means those hours from 7:00 a.m. to 10:00 p.m.

Subp. 4. **dB(A).** "dB(A)" means a unit of sound level expressed in decibels (dB) and A-weighted.

Subp. 5. **Decibel.** "Decibel" has the meaning given it in American National Standard Institute Sl.1-1960 (R1976), section 2.3.

Subp. 6. **Impulsive noise.** "Impulsive noise" means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Subp. 7. **L_{dn}.** "L_{dn}" (day, night sound level) means the equivalent A-weighted sound level during a 24-hour time period with a ten decibel weighting applied to the equivalent sound level during nighttime.

Subp. 8. **L_{eq}.** "L_{eq}" (equivalent sound level) means the constant sound level that, in 60 consecutive minutes, would convey the same sound energy as the actual time-varying A-weighted sound level.

Subp. 9. **Municipality.** "Municipality" means a county; a city; a town; a regional planning and development commission established under Minnesota Statutes, chapter 473; the metropolitan council; or other governmental subdivision of the state responsible by law for controlling or restricting land use within its jurisdiction.

Subp. 10. **Nighttime.** "Nighttime" means those hours from 10:00 p.m. to 7:00 a.m.

Subp. 11. **Person.** "Person" means a person as defined in part 7000.0100, subpart 9.

Subp. 12. **Sound pressure level.** "Sound pressure level" has the meaning given it in American National Standard Institute Sl.1-1960 (R1976), section 2.6.

7010.0030 NOISE CONTROL REQUIREMENT.

No person may violate the standards established in part 7010.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1 in any location where the standards established in part 7010.0040 are being or will be exceeded.

7010.0040 NOISE STANDARDS.

Subpart 1. **Scope.** These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part 7010.0050. However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Noise standards in subpart 2 apply to all sources. For airports, the additional noise standards in subpart 3 also apply.

Subp. 2. **Noise standards.**

Noise Area Classification	Daytime	Nighttime
1	63 L_{eq}	53 L_{eq}
2	68 L_{eq}	68 L_{eq}
3	78 L_{eq}	78 L_{eq}

Subp. 3. **Additional airport noise standards.** An L_{dn} of 63, 74, and 84 for NAC 1,2,3, respectively, also applies to airports.

7010.0050 NOISE AREA CLASSIFICATION.

Subpart 1. **Applicability.** The noise area classification is based on the land use activity at the location of the receiver and determines the noise standards applicable to that land use activity unless an exception is applied under subpart 3.

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Subp. 2. **Noise area classifications.** The noise area classifications and the activities included in each classification are listed below:

Noise Area Classification	Land Use Activities
1	Residential, educational, medical, and dedicated nature areas; includes all types of nontransient housing, schools, churches, medical facilities providing nighttime care, such as hospitals and nursing homes, and nature preserves.
2	Commercial, entertainment, and recreational; includes office buildings, retail stores and services, transient lodging, medical facilities not providing nighttime care, parks, and athletic fields.
3	Industrial; includes manufacturing, utilities, transportation, and agriculture.

Subp. 3. **Exceptions.** The noise area classification for a land use may be changed in the following ways if the applicable conditions are met.

A. The daytime standards for noise area classification 1 shall be applied to noise area classification 1 during the nighttime if the land use activity does not include overnight lodging.

B. The standards for a building in a noise area classification 2 shall be applied to a building in a noise area classification 1 if the following conditions are met:

(1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);

(2) the building has year-round climate control; and

(3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

C. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 1 if the following conditions are met:

(1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 40 dB(A);

(2) the building has year-round climate control; and

(3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

D. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 2 if the following conditions are met:

(1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);

(2) the building has year-round climate control; and

(3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

7010.0060 MEASUREMENT METHODOLOGY.

Subpart 1. **Measurement location.** Measurement of sound must be made at or within the applicable NAC at the point of human activity which is nearest to the noise source.

Subp. 2. **Equipment specifications.** All sound level measuring devices must be certified to meet Type I, II, or S specifications under American National Standard Institute Sl.4-1983.

Subp. 3. **Calibration.** All sound level measuring devices must, at a minimum, be recertified or cross-referenced according to American National Standard Institute Sl.4-1983 annually. The equipment must be externally field calibrated before and after monitoring using a calibration device of known frequency and sound pressure level.

Subp. 4. **Measurement procedures.** The following procedures must be used to obtain representative sound level measurements:

A. Measurements must be made between three and five feet off the ground or surface and away from natural or manmade structures which would diminish the sound level.

B. Measurements must be made using the A-weighting and fast response characteristics of the sound measuring device as specified in American National Standard Institute Sl.4-1983.

C. Measurements must not be made in sustained winds greater than 12 miles per hour or in precipitation.

D. Measurements must be made using a windscreen.

Subp. 5. **Methods for determination of hourly L_{eq}.** For the determination of an hourly L_{eq}, measurements must be made using the measuring devices as required under subpart 2 and used according to the manufacturer's recommendations.

A. Hand held measuring devices must use the checkoff method described in FHWA-DP-45-1R, section 3.6 (August 1981) for determination of hourly L_{eq}.

B. Automated or integrating measuring devices may use the checkoff method described in FHWA-DP-45-1R, section 3.6 (August 1981) or be operated in accordance with the manufacturer's recommendations for determination of hourly L_{eq}.

C. Methods equivalent to those described in subpart 5, items A and B may be used provided they are approved by the director of the Minnesota Pollution Control Agency.

Subp. 6. **Calculation of L_{dn}.** L_{dn} shall be calculated using the following formula:

$L_{dn} = 10 \log_{10} 1/24 [(15 \times 10^{L_d/10} + 9 \times 10^{L_n+10/10})]$

where

L_d = Ten times the $\log_{10}$ of the average energy for the hours from 7:00 a.m. to 10:00 p.m.

L_n = Ten times the $\log_{10}$ of the average energy for the hours from 10:00 p.m. to 7:00 a.m.

Subp. 7. **Data documentation.** A summary sheet for all sound level measurements shall be completed and signed by the person making the measurements. At a minimum, the summary sheet shall include:

A. date;

B. time;

C. location;

D. noise source;

E. wind speed and direction;

F. temperature;

G. humidity;

H. make and model of measuring equipment;

I. field calibration results;

J. monitored levels; and

K. site sketch indicating noise source, measurement location, directions, distances, and obstructions.

7010.0070 SOUND ATTENUATION MEASUREMENT METHODOLOGY.

Subpart 1. **Purpose.** Sound level measurements made for assessing sound attenuation as specified in part 7010.0050, subpart 3, item B, C, or D, shall be made according to the requirements of this part.

Subp. 2. **Equipment.** The equipment shall meet the requirements specified in part 7010.0060, subpart 2.

Subp. 3. **Calibration.** The equipment must meet the calibration requirements specified in part 7010.0060, subpart 3.

Subp. 4. **Measurement procedure.** The measurement procedure described in FHWA-DP-45-1R, section 8 must be used for determination of the sound attenuation.

Subp. 5. **Equivalent methods.** Methods equivalent to those described in subpart 4 may be used provided they are approved by the director of the Minnesota Pollution Control Agency.

7010.0080 VARIANCE.

If, upon written application of the responsible person, the agency finds that by reason of exceptional circumstances strict conformity with any provisions of any noise rule would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the agency may permit a variance upon the conditions and within the time limitations as it may prescribe for the prevention, control, or abatement of noise pollution in harmony with the intent of the state and any applicable federal laws.

REPEALER. Minnesota Rules, parts 7010.0100, 7010.0200, 7010.0300, 7010.0400, 7010.0500, 7010.0600, and 7010.0700 are repealed.

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Board of Teaching

Proposed Rules Relating to Education; Teaching Licensure

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at the St. Paul Area Vocational Technical Institute, Auditorium, 235 Marshall Avenue, Saint Paul, Minnesota 55102, on November 16, 1985, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota, 55415, telephone 612/341-7606 either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period, the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period.

During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50. The rule hearing is governed by Minnesota Statutes, sections 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present only a short summary of the Statement of Need and Reasonableness at the hearing but will answer questions raised by interested persons. You are, therefore, urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The rules will amend the Code of Ethics for Minnesota Teachers; will: establish standards for the use of licenses during employer/employee disputes; establish standards of licensure for teachers of English/language arts, teachers of special education, and school social workers; and repeal obsolete standards of licensure for teachers of English/language arts, teachers of special education, and school social workers.

The Board's authority to promulgate the proposed rules is provided by Minn. Stat. 125.05, subd. 1 and Minn. Stat. 125.185, subd. 4.

The Board estimates that there will be no cost to local bodies in the State to implement the rules for the two years immediately following their adoption within the meaning of Minn. Stat. 14.11. These proposed rules will not directly affect small businesses within the meaning of Minn. Stat. 14.115.

A copy of the proposed rules is published here. One free copy may be obtained by writing to Kenneth L. Peatross, 608 Capitol Square Building, 550 Cedar Street, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact Kenneth L. Peatross, (612) 296-2415.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. The agency will give notice of the adoption of and the filing of the rules with the Secretary of State. Any person wishing to have notice of the adoption and filing may so indicate at the hearing or send a written request to the agency.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. 10A.01, subd. 11 as any individual:

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

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

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

September 24, 1985

Kenneth L. Peatross, Executive Secretary
Board of Teaching

Rule as Proposed

8700.7500 CODE OF ETHICS FOR MINNESOTA TEACHERS.

Subpart 1. [Unchanged.]

Subp. 2. **Standards of professional conduct.** The standards of professional conduct are as follows:

A. to I. [Unchanged.]

J. A teacher shall accept a contract or assignment for a teaching position that requires licensing only if properly or provisionally licensed for that position and must not apply for nor accept the assignment of a teacher currently under contract to a school district engaged in an employer/employee dispute.

Subp. 3. to 5. [Unchanged.]

Rules as Proposed (all new material)

8700.0310 USE OF LICENSES DURING EMPLOYER/EMPLOYEE DISPUTES.

A school board must not employ a person to teach during an employer/employee dispute unless that person holds a currently valid Minnesota entrance, continuing, or life license in the subject or field and grade level for which the teacher is assigned. A school board must not employ a person to teach during an employer/employee dispute who holds a limited permit, a provisional license, or a short call substitute teaching license, or is a licensed teacher under a personnel variance, except when such a teacher was employed for at least ten consecutive school days in a school district immediately preceding the beginning of an employer/employee dispute in that school district.

TEACHER LICENSURE: ENGLISH/LANGUAGE ARTS, SPECIAL EDUCATION; SCHOOL SOCIAL WORKER

8700.3810 TEACHERS OF ENGLISH/LANGUAGE ARTS.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach English/language arts in secondary schools shall hold a baccalaureate degree and shall complete the requirements of item A or B.

A. Major preparation requires satisfactory completion of an English/language arts teacher preparation program approved by the Board of Teaching, consisting of a minimum of 54 quarter hours or the equivalent that must include all knowledge and skills specified in subpart 2.

B. Minor preparation requires satisfactory completion of an English/language arts teacher preparation program approved by the Board of Teaching, consisting of a minimum of 27 quarter hours or the equivalent that must include knowledge and skills specified in subpart 2, item A selected by the preparation institution; knowledge and skills specified in subpart 2, item B, subitems

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(1) and (2), (2) and (3), or (1) and (3) selected by the preparation institution; and all knowledge and skills specified in subpart 2, item C.

Subp. 2. **Program requirements.** A program leading to the licensure of teachers of English/language arts shall provide candidates recommended for licensure with the knowledge, skills, and understanding set forth in items A to C:

A. Knowledge and skills applicable to the major responsibilities of teachers of English/language arts:

(1) to teach language and writing:

(a) knowledge of theories of language development from early childhood onward with emphasis on the adolescent and of the effects of social, cultural, and economic environment on the acquisition and use of language;

(b) knowledge of the phonological, grammatical, and semantic functions of language, the uses of language, and the process of development and change in language, particularly as applied to the English language;

(c) knowledge of the various traditional and modern descriptions of the grammatical structure of the English language;

(d) knowledge of the elements of the writing process, the uses of writing, and research in written composition;

(e) knowledge of the methodologies for teaching writing and the importance of logic and reasoning to both the writing process and the written product;

(f) knowledge of a variety of strategies for efficient yet effective evaluation of student writing;

(g) the skill of writing effectively as a model for students;

(h) the skill of providing instruction and activities that will enable students to write grammatically and to adapt strategies and forms of writing to various contexts, audiences, and purposes; and

(i) the skill of responding specifically, constructively, and efficiently to students' writing for the purpose of revising and improving the writing; responding to considerations of audience, purpose, and context; and diagnosing problems in reasoning, form, structure, usage, and style as well as in syntax, diction, spelling, punctuation, and legibility.

(2) to teach literature:

(a) knowledge of a representative body of American and British literature, past and present, written for adults and for adolescents by majority and minority male and female authors, and some of the major works, in translation, if necessary, of continental and non-Western authors;

(b) knowledge of the value of literature as an art as well as the enjoyment derived from a variety of experiences and viewpoints encountered in literature; appreciation of the force and beauty of language; vicarious experience; appreciation of the commonalities and the diversities among peoples; the interpretation of human motivation; and the correlation between reading good literature and writing well;

(c) knowledge of the various methods of analysis, interpretation, and evaluation of literature;

(d) knowledge of the characteristics of various literary forms: poetry, drama, novel, short story, and essay; the kinds of literary devices; and such elements of literature as plot, theme, character, and style:

(e) in-depth study of the works of at least one major author;

(f) the skill of critical reading and informed interpretation of literature;

(g) the skill of encouraging students to respond to literature in a variety of ways: personal response and application to their own lives and experiences, teacher-directed response based on acknowledged critical theories, and response through writing and other art forms;

(h) the skill of stimulating the sharing of the enjoyment of literature;

(i) the skill of motivating students to read literature throughout their lives; and

(j) the skill of helping students understand the cultural and historical context of literary works.

B. Knowledge and skills applicable to meeting additional responsibilities of teachers of English/language arts:

(1) to improve and maintain reading and study skills:

(a) knowledge of a variety of philosophies and strategies for teaching reading at the various levels of interpretation and understanding;

(b) knowledge of sources of materials for use in teaching developmental reading and study skills;

(c) knowledge of the elements of the process of developing reading skills including word attack, vocabulary, comprehension, scope and sequence, and criterion-referenced testing;

(d) the skill of assessing the range of interests and abilities of students in reading and selecting materials and planning instruction to meet their varying needs, including the ability to analyze the readability of instructional materials;

(e) the skill of teaching students to comprehend both the stated and implied meanings of language and to identify, analyze, and use facts, implications, references, and judgments expressed through different modes of communication; and

(f) the skill of teaching students to locate resources for learning available through libraries, archives, interviews, and mass media and to use appropriate techniques for gathering, organizing, and assimilating information from such sources.

(2) to implement speaking and listening techniques in the classroom:

(a) knowledge of techniques of oral interpretation of literature and of small group and public speech communication;

(b) knowledge of the elements of the speaking and listening processes and the relationship between the two activities;

(c) the skill of using appropriate communication skills;

(d) the skill of providing general instruction and evaluation to improve students' oral interpretation of literature and their small group and public speech communication; and

(e) the skill of using techniques and activities that encourage effective discriminative, comprehensive, critical, appreciative, and empathetic listening.

(3) to teach the understanding and use of print and nonprint mass media:

(a) knowledge of the differences between print mass media and nonprint mass media and ways they can supplement each other;

(b) knowledge of the ways in which print and nonprint mass media are used to persuade and manipulate audiences;

(c) the skill of increasing student's awareness of the influence of emotional, cultural, political, and economic forces on mass media and on the individual's response to mass media; and

(d) the skill of showing students how to make discretionary use of print and nonprint mass media.

C. Skills applicable to teaching all components of English/language arts:

(1) to assess the ability of students in writing, speaking, and listening and to select materials and plan instruction to meet their varying needs;

(2) to instill habits of writing, speaking, and listening that show respect for differing regional and ethnic dialects and for each person's dignity while making available to, and enabling students to use, the dialect most appropriate for use in business, government, and education;

(3) to evaluate students' progress in reading, writing, speaking, and listening;

(4) to integrate the teaching of reading, writing, speaking, listening, and viewing so that they are mutually reinforcing; and

(5) to evaluate and use learning aids such as textbooks, computers, standardized and nonstandardized tests, projectors, and tape recorders.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of English/language arts shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

Subp. 5. **Effective date.** This part is effective July 1, 1989, for an applicant for entrance licensure as a teacher of English/language arts.

8700.5503 SPECIAL EDUCATION: VISUALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach visually handicapped students (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

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B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of visually handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** A program leading to the licensure of teachers of visually handicapped students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development;

(2) understanding of scope and sequence of secondary curriculum; and

(3) understanding of scope and sequence of prekindergarten curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development;

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum;

(c) understanding of science and social studies curriculum; and

(3) understanding of scope and sequence of prekindergarten curriculum.

Subp. 3. **Program requirements; visually handicapped.** Each program leading to the licensure of teachers of visually handicapped students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of the structure and function of the eye;

(2) understanding of low vision aids and their educational use; and

(3) knowledge of eye research and potential effects on students with visual handicaps.

B. Assessment and planning:

(1) understanding of principles and practices for assessing visually handicapped students;

(2) ability to assess functional vision; and

(3) ability to evaluate and select appropriate reading modes for visually handicapped students.

C. Instructional management:

(1) attitudes toward blindness:

(a) understanding of the psychological implications of blindness and low vision;

(b) understanding of roles of parents and siblings in supporting the growth and development of visually handicapped persons; and

(c) understanding of the impact of a visual handicap on the ability to function in society;

(2) language/communication skills:

(a) ability to teach listening skills for visually handicapped students;

(b) knowledge of machines and technical aids for production of materials for visually handicapped students;

(c) knowledge of writing instruments and devices for visually handicapped students; and

(d) ability to write, read, and provide instruction in braille, utilizing accepted codes;

(3) instruction and services:

(a) understanding of instructional strategies for teaching blind, low vision, and multihandicapped visually handicapped students from prekindergarten through secondary school age;

(b) understanding of instructional strategies for providing direct and indirect services to visually handicapped students;

(c) knowledge of prevocational skills, vocational education, and transition from school to post-secondary training and employment for visually handicapped students;

(d) knowledge of principles and practices of orientation and mobility activities for visually handicapped students; and

(e) understanding of instructional strategies for teaching visually handicapped students activities of daily living.

D. Communication and consultation:

(1) knowledge of roles and services provided by public and private agencies including rehabilitation agencies, volunteer organizations, and private nonprofit organizations for the blind;

(2) understanding of roles of related disciplines in the education of visually handicapped students; and

(3) ability to develop and maintain effective working relationships with large print typists, braillists, and materials center managers.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences must include a series of formal observations and directed instructional experiences with visually handicapped students.

(2) Practicum experiences must include one academic quarter or the equivalent of planning and implementing an instructional program for visually handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:

(a) activities of visually handicapped students in a rehabilitation or sheltered work setting;

(b) an educational program at a residential school for visually handicapped students; and

(c) blind and partially sighted students in an integrated setting at prekindergarten, elementary, and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of visually handicapped students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of visually handicapped students must comply with this part.

8700.5504 SPECIAL EDUCATION: HEARING IMPAIRED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach hearing impaired students (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of hearing impaired students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the license of teachers of hearing impaired students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development;

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(2) understanding of scope and sequence of secondary curriculum; and

(3) understanding of scope and sequence of prekindergarten curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development;

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum;

(c) understanding of science and social studies curriculum; and

(3) understanding of scope and sequence of prekindergarten curriculum.

Subp. 3. **Program requirements; hearing impaired.** Each program leading to the licensure of teachers of hearing impaired students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent.

A. Special education perspectives:

(1) theory of linguistics:

(a) ability to demonstrate a minimum level of proficiency in the structure of linguistic systems, including, but not limited to, the English language and the American sign language;

(b) ability to use the fundamentals of language development in instructional settings; and

(c) ability to apply knowledge acquired regarding the disorders of language development to instructional settings with hearing impaired students;

(2) understanding of the educational, social, and psychological impacts of mild to profound hearing impairment on prelingual students;

(3) knowledge of the educational, social, and psychological implications of hearing loss in family organization and management;

(4) fundamentals of reading:

(a) knowledge regarding normal development of reading skills;

(b) ability to utilize current principles and procedures in assessment of reading difficulties in hearing impaired students; and

(c) ability to design and implement strategies to remediate individual reading difficulties in hearing impaired students;

(5) fundamentals of speech and hearing:

(a) knowledge of speech and hearing mechanisms, their structures, common pathologies, and normal and abnormal functions;

(b) understanding of theories of various strategies of hearing and speech habilitation;

(c) understanding the impact of common neurological disorders and pathologies upon the visual, speech, and hearing modalities;

(d) understanding the principles of amplification to compensate for hearing loss;

(e) knowledge of the transmission and reproduction of speech and other sounds, the physical and psychological aspects of sound including methods of displaying, representing, and recording these characteristics; and

(f) knowledge of audiological and medical management of hearing impairments.

B. Assessment and planning:

(1) ability to assess phonological, morphological, syntactical, and semantic development of language of hearing impaired students;

(2) ability to select assessment procedures, instruments, and apply the assessment results to develop an educational program for hearing impaired students;

(3) ability to assess hearing aids, auditory training equipment, electro-mechanical devices, media and materials, and their effectiveness in the educational setting;

(4) knowledge of procedures for assessing, testing, and reporting hearing and speech functioning;

(5) ability to use the results of assessments reports from related service areas in developing educational programs;

(6) knowledge of the various systems used by public agencies to screen for hearing loss in children, with emphasis on early detection and prevention; and

(7) understanding of the need for early assessment in the sensory and physical areas in order to plan for the development of alternative modalities to compensate for hearing loss.

C. Instructional management:

(1) ability to use alternative communication systems, such as sign language, finger spelling, and speech reading, and manage their use;

(2) ability to prescribe alternative communication systems and manage their use by others;

(3) ability to use and prescribe behavior management techniques appropriate for hearing impaired students;

(4) ability to select, use, and manage age appropriate teaching strategies for language growth;

(5) understanding of developmental, remedial, and intervention strategies to develop educational programs;

(6) ability to provide for the early development of visual, speech, and auditory modalities to compensate for hearing loss; and

(7) ability to develop, modify, implement and evaluate curriculum appropriate for the hearing impaired;

(a) ability to instruct at the prekindergarten and elementary levels with emphasis on developing language and reading skills, using both school and home based systems;

(b) ability to provide for the development of prevocational skills, vocational education, and transition from school to post-secondary training and employment;

(c) ability to modify secondary content areas and curriculum materials to meet needs of hearing impaired students;

(d) ability to design, manage, and use speech development systems for the habilitation and rehabilitation of speech handicaps in hearing impaired students;

(e) ability to design, manage, and apply auditory training in compensating for hearing loss;

(f) ability to use amplification to develop residual hearing, compensate for hearing loss, and improve auditory discrimination; and

(g) ability to operate electro-mechanical devices to improve instruction in all educational areas.

D. Communication and consultation:

(1) ability to effectively communicate the educational needs of hearing impaired students to parents, special educators, regular educators, and other individuals or groups;

(2) ability to supervise and manage the use of paraprofessionals in hearing impaired programs; and

(3) ability to involve parents in the educational program through planned communication, participation in meetings, and reinforcement of skills in the home.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with hearing impaired students.

(2) Practicum experiences shall include one academic quarter or the equivalent of planning and implementing an instructional program for hearing impaired students.

(3) Upon completion of the prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:

(a) deaf and multihandicapped hearing impaired students in residential, social, and vocational settings;

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(b) mild, moderate, severe/profound, and multihandicapped hearing impaired students in educational settings; and

(c) prekindergarten, elementary, and secondary hearing impaired students in itinerant, resource, and self-contained settings.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of hearing impaired students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of hearing impaired students must comply with this part.

8700.5505 SPECIAL EDUCATION: COMMUNICATION DISORDERS.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach students with communication disorders (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

C. satisfactorily complete a preparation program leading to the licensure of teachers of students with communication disorders, approved by the Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of special education: communication disorders (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following regular education areas:

A. knowledge of education and the school as an institution in the context of a changing, pluralistic society;

B. knowledge of elementary and secondary curriculum areas with emphasis on reading and language arts; and

C. The profession of teaching, consisting of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and including:

(1) a minimum level of proficiency in the written English language;

(2) understanding of the responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;

(3) understanding of the legal rights of students, parents, administrators, school boards, and teachers;

(4) understanding of the essential statutes, rules, and legal procedures affecting the preparation, licensure, and relicensure of teachers, and the teacher as a public employee; and

(5) understanding of the purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program requirements; communication disorders.** Each program leading to the licensure of teachers of students with communication disorders (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 60 quarter hours, or the equivalent.

A. Special education perspectives:

(1) understanding of the normal and abnormal acquisition and development of speech, language, and hearing;

(2) understanding of the theoretical foundations of human communication;

(3) understanding of the psychological, social, and cultural aspects of speech, language, and hearing development;

(4) understanding of the anatomical, physiological, and neurological bases of speech, language, and hearing;

(5) understanding of the causes, manifestations, and classifications of disorders of speech, language, and hearing;

(6) understanding of major learning theories as they relate to normal and abnormal acquisition and development of speech, language, and hearing;

(7) understanding of the theoretical foundations and normal sequence of cognitive development in relationship to language acquisition and development; and

(8) understanding of the assumptions and procedures underlying scientific inquiry, particularly as they relate to the measurement and manipulation of human behavior.

B. Assessment, planning, and instructional management:

(1) ability to utilize current principles, procedures, and instruments in assessment, planning, and instructional management for students with communication disorders, including disorders of articulation, disorders of voice, disorders of language and interrelated cognitive disorders, disorders related to hearing impairment, and disorders of time, rate, or fluency;

(2) ability to provide nondiscriminatory assessment, planning, and management appropriate to the student's racial, social, cultural, linguistic or handicapping characteristics;

(3) ability to design and implement programs that will attempt to lower the incidence of communication disorders;

(4) ability to design and implement various service delivery systems;

(5) ability to assess, plan for, and manage instructional programs for students with multiple communication disorders;

(6) understanding the effect of other disabilities on communication and the relationship of that effect to assessment, planning, and instructional management;

(7) ability to design and implement remedial strategies to improve communication of students with multiple disorders;

(8) ability to select appropriate alternative communication systems for implementation with diverse populations;

(9) ability to use and maintain appropriate appliances and instrumentation in assessment, planning, and instructional management for students with communication disorders;

(10) ability to apply learning and behavior theories in assessment, planning, and instructional management for students with communication disorders; and

(11) knowledge of organization and administration of speech, language, and hearing programs in various professional settings.

C. Communication and consultation:

(1) ability to integrate speech, language, and hearing services with other services;

(2) ability to work with parents, teachers, and others in serving students with communication disorders;

(3) ability to design data collection systems that allow evaluation of the effectiveness of a student's program;

(4) ability to design data collection systems that allow evaluation of services for students with communication disorders;

(5) ability to provide consultation to others to improve and maintain a student's function in speech, language, and hearing; and

(6) ability to interact with other agencies to maximize services for students.

D. Prestudent teaching and student teaching experiences:

(1) Prestudent teaching experiences shall include a series of formal observations and directed instructional experiences with students with communication disorders.

(2) Student teaching experiences shall include full-day experiences for one academic quarter or the equivalent of planning and implementing an instructional program for students with communication disorders.

(3) Upon completion of prestudent teaching and student teaching requirements, candidates recommended for licensure shall have had experiences with prekindergarten, elementary, and secondary school students who represent a full range of severity of disorders of voice, articulation, hearing loss, time/rate/fluency, and language and its cognitive correlates.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of students with communication disorders shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of students with communication disorders must comply with this part.

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8700.5506 SPECIAL EDUCATION: MODERATE TO SEVERE MENTALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach moderate to severe mentally handicapped students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

C. satisfactorily complete a preparation program leading to the licensure of teachers of moderate to severe mentally handicapped students, consisting of a minimum of 45 quarter hours, or the equivalent, in subparts 2 and 3.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of moderate to severe mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following regular education areas:

A. Foundational studies, consisting of basic knowledge that underlies the study of education and teaching. It includes all of the following:

(1) the study of human growth and development, including typical and atypical patterns of development from early childhood through adolescence;

(2) the study of the learning process, with emphasis on physical, intellectual, emotional, and social difference in students; and

(3) the study of education and the school as an institution in the context of a changing pluralistic society.

B. The profession of teaching, consisting of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting. It includes all of the following:

(1) a minimum level of proficiency in the written English language;

(2) skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students;

(3) skills to evaluate self- and peer-teaching performance;

(4) responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;

(5) legal rights of students, parents, administrators, school boards, and teachers;

(6) essential statutes, rules, and legal procedures affecting the preparation, licensure, and relicensure of teachers, and the teacher as a public employee; and

(7) purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program requirements; moderate to severe mentally handicapped.** Each program leading to the licensure of teachers of moderate to severe mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas:

A. Special education perspectives:

(1) understanding of mental retardation and neurological disorders and their educational implications;

(2) knowledge of medical management needs, health difficulties, and drug and chemotherapy treatment of moderate to severe mentally handicapped students;

(3) understanding the impact of moderate to severe mentally handicapped students on the family organization and management;

(4) knowledge of the education implications of sensory impairments and emotional/behavioral problems in serving moderate to severe mentally handicapped students;

(5) understanding of prosthetic and technical devices and their educational implications for the handicapped;

(6) understanding of basic medical conditions associated with moderate to severe mentally handicapped students, including functional behavior and motor performance; and

(7) understanding of the need for transitional planning as it relates to employment, community living, and social opportunities and options as students move to adult agencies and services.

B. Assessment and planning:

(1) ability to assess student performance:

(a) ability to determine educational needs, learning styles, and learning modes of students through the selection, administration, and interpretation of assessment procedures;

(b) ability to observe and analyze student living and learning environments and responses to specific instructional techniques;

(c) ability to utilize comprehensive clinical reports in program planning;

(2) ability to evaluate the effectiveness of instructional strategies and procedures for students with moderate to severe mental handicaps;

(3) knowledge of ways to adapt instruments and procedures for the specialized needs of handicapped students;

(4) ability to observe the social and adaptive behavior of students attributed to handicapping condition and develop a management plan;

(5) ability to plan a sequential learning program for moderate to severe mentally handicapped students;

(a) ability to establish long- and short-term goals in each area of growth and development;

(b) ability to plan and sequence activities which will accomplish objectives; and

(c) ability to prescribe educational outcomes that are realistic in consideration of severity.

C. Instructional management:

(1) understanding of techniques for stimulating language development;

(2) knowledge of alternative and augmentative communication systems and their management;

(3) ability to apply alternative and augmentative communication systems to instruction;

(4) ability to expand student awareness of the environment through stimulation techniques;

(5) ability to elicit a variety of responses appropriate to the capability of students to indicate an awareness of the environment;

(6) ability to utilize behavior management techniques appropriate for moderate to severe mentally handicapped students;

(7) ability to implement recommended mobility techniques and resolve architectural barriers in the educational setting;

(8) ability to assure that personal equipment is functional;

(9) ability to use physical positioning for optimal learning;

(10) ability to manage student self-care, health, and safety needs;

(11) ability to teach self-help maintenance skills;

(12) ability to develop, implement, and evaluate age-appropriate curriculum for moderate to severe mentally handicapped students;

(a) ability to utilize and integrate art, music, and body movement in instruction;

(b) ability to provide for the development of recreation and leisure-time skills;

(c) ability to provide for the development of socialization skills;

(d) ability to provide for the development of functional preacademic, basic academic, and literacy skills;

(e) ability to provide for the development of prevocational skills, career planning, and transition from school to post-secondary training and employment;

(f) ability to provide for the development of independent living skills, to include transition to and integration into the community;

(g) ability to integrate related services in curriculum areas;

(h) ability to design curriculum strategies which are age-appropriate;

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(i) knowledge of current technological aids and equipment available for use with students with concomitant physical handicaps; and

(13) knowledge of implications of limited physical movement and environment stimulation on the learning processes of physically handicapped students.

D. Communication and consultation:

(1) understanding of how to access school/community resources which will enhance programs for moderate to severe mentally handicapped students;

(2) ability to supervise paraprofessionals;

(3) ability to involve parents in the instructional program through planned communication, participation in meetings, and reinforcement of skills in the home;

(4) ability to develop and implement home-based instructional programs;

(5) ability to develop and maintain effective working relationships with teachers, related services, medical, and support personnel; and

(6) understanding of roles of related disciplines and the implications of data provided to educational programming.

E. Prestudent teaching and student teaching experiences:

(1) Prestudent teaching experiences shall include a series of formal observations and directed instructional experiences with moderate to severe mentally handicapped students.

(2) Student teaching experiences shall include full-day experiences for one academic quarter or the equivalent of planning and implementing an instructional program for moderate to severe mentally handicapped students.

(3) Upon completion of prestudent teaching and student teaching requirements, candidates recommended for licensure shall have had experiences with:

(a) service agencies outside of public school programs;

(b) related services such as rehabilitation units, physical therapy, occupational therapy, and speech therapy; and

(c) home- and school-based settings at the elementary and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of moderate to severe mentally handicapped students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Persons holding licensure as teachers of trainable mentally retarded students.** Persons holding current valid Minnesota licenses as teachers of trainable mentally retarded students may apply for and shall be granted licenses as teachers of moderate to severe mentally handicapped students.

Subp. 7. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of moderate to severe mentally handicapped students must comply with this part.

8700.5507 SPECIAL EDUCATION: PHYSICALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach physically handicapped students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. hold a valid Minnesota special education teaching license;

D. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

E. satisfactorily complete a preparation program leading to the licensure of teachers of physically handicapped students approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; physically handicapped.** Each program leading to the licensure of teachers of physically handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas consisting of a minimum of 15 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of human anatomy and kinesiology;

(2) understanding of fine, gross, and sensorimotor development and their implications for selecting curricula; and

(3) understanding of the educational implications of severe motor impairment in physically handicapped students.

B. Assessment and planning:

(1) ability to develop and administer programs that consider the unique needs of physically handicapped students;

(2) ability to assess physical function as it relates to classroom mobility, daily living skills, and educational and prevocational planning;

(3) understanding of major tests utilized to measure motoric, auditory, visual, and other learning modalities; and

(4) ability to select appropriate materials and provide assessment and counseling for physically handicapped students including prevocational and vocational counseling, career planning, and transition from school to post-secondary training and employment.

C. Instructional management:

(1) Attitudes toward the physically handicapped:

(a) understanding of the psychological implications of physical disability and its implications for individuals, family, and society;

(b) understanding roles of parents and siblings in supporting growth and development of the physically handicapped;

(c) understanding the impact of a physical handicap on the ability to meaningfully function in society; and

(d) understanding the unique problems of adolescent physically handicapped students and their social and emotional implications.

(2) Instructional strategies:

(a) understanding of various impairments and their individual effects on learning, including consideration of the technological and physical care needs;

(b) understanding of current machines, technical aids, and prosthetic devices used by the physically handicapped and ability to select appropriate aids for instruction; and

(c) understanding of alternative forms of recording written communication including ability to teach adaptive typing and alternate forms of handwriting.

(3) Instruction and services:

(a) ability to develop, select, and use differentiated program options and instructional strategies for physically handicapped students of differing abilities and needs;

(b) ability to select and use methods and materials in reading and mathematics that are appropriate for specific types of problems inherent in dealing with children with multiple physical handicaps;

(c) knowledge of the implications of limited physical movement and environmental stimulation on the learning processes of physically handicapped students;

(d) ability to develop instructional resources to implement adaptive physical education and sensorimotor programs with physically handicapped students in coordination with therapeutic goals;

(e) ability to select, adapt, use, and maintain equipment and facilities essential for the instruction of physically handicapped students;

(f) ability to integrate independent living, self-help skills, orientation, and mobility into curriculum;

(g) ability to motivate physically handicapped students to utilize physical and mental skills to maximum ability with minimal dependence on others;

(h) ability to adapt and locate adapted versions of standardized tests for use with physically handicapped students; and

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(i) ability to adapt creative and expressive activities in order to enable meaningful participation of physically handicapped students, with emphasis on art, music, adaptive physical education, and leisure-time interests.

D. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with physically handicapped students.

(2) Practicum experiences shall include one academic quarter or the equivalent of planning and implementing an instructional program for physically handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:

(a) related services such as rehabilitation units, physical therapy, and occupational therapy; and

(b) elementary and secondary physically handicapped students throughout the range of educational program alternatives.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of physically handicapped students shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 5. **Effective date.** After June 30, 1990, a person who makes application of licensure as a teacher of physically handicapped students must comply with this part.

8700.5508 SPECIAL EDUCATION: MILD TO MODERATE MENTALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach mild to moderate mentally handicapped students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of mild to moderate mentally handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of mild to moderate mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B.

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; mild to moderate mentally handicapped.** Each program leading to the licensure of teachers of mild to moderate mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of mental retardation and its educational implications;

(2) knowledge of speech, language, hearing, and vision impairments and their educational implications; and

(3) understanding of the need for transitional planning as it relates to employment, community living, and social opportunities and options as students move to adult agencies and services.

B. Assessment and planning:

(1) ability to determine educational performance by selection, administration, and interpretation of appropriate educational assessments;

(2) ability to select, administer, and interpret formal and informal diagnostic instruments to measure skills in social, cognitive, and behavioral areas;

(3) ability to translate assessment data into recommendations for educational programming;

(4) ability to construct long- and short-range goals for individual students; and

(5) ability to plan a sequential learning program for students with mild to moderate mental handicaps.

C. Instruction and management:

(1) ability to develop a scope and sequence for individualized programming in basic reading, mathematics, oral and written expression, and listening comprehension;

(2) ability to teach basic reading, mathematics, oral and written expression, and listening comprehension;

(3) ability to select, design, and modify appropriate developmental, corrective, and remedial curriculum materials;

(4) ability to help students transfer learned skills and monitor their progress in mainstream instructional programs;

(5) ability to help regular classroom teachers implement proposed curriculum modifications;

(6) ability to recognize and manage behavioral, emotional, and social needs of mild to moderate mentally handicapped students;

(7) ability to select, modify, and implement various behavior management strategies;

(8) ability to use materials designed for skill development in the social areas;

(9) ability to construct instructional sequences to teach general prevocational skills;

(10) knowledge of age-appropriate vocational instructional materials;

(11) ability to integrate career/vocational instruction with physical, mental, social, and academic levels of student development, and plan for the transition from school to post-secondary training and employment; and

(12) ability to teach self-help, daily living, and family management skills.

D. Communication and consultation:

(1) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;

(2) ability to help students and their parents develop realistic expectations in academic and occupational areas; and

(3) knowledge of and ability to communicate with community and governmental agencies, volunteer and nonprofit groups, and parent organizations that provide supportive services.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with mild to moderate mentally handicapped students.

(2) Practicum experience shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for mild to moderate mentally handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary mild to moderate handicapped students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of mild to moderate mentally handicapped students shall comply with part 8700.7700.

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Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Persons holding licensure as teachers of educable mentally retarded students.** Persons holding current valid Minnesota licenses as teachers of educable mentally retarded students may apply for and shall be granted licenses as teachers of mild to moderate mentally handicapped students.

Subp. 7. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of mild to moderate mentally handicapped students must comply with this part.

8700.5509 SPECIAL EDUCATION: EMOTIONALLY/BEHAVIORALLY DISORDERED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach emotionally/behaviorally disordered students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of emotionally/behaviorally disordered students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of emotionally/behaviorally disordered students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading.

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; emotionally/behaviorally disordered.** Each program leading to the licensure of teachers of emotionally/behaviorally disordered students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of normal personality and social development;

(2) understanding the social and emotional impact of cultural differences on behavior;

(3) understanding behavioral/emotional problems and psychopathology of childhood and adolescence;

(4) knowledge of the interaction of emotional disturbance/behavior disorders with other handicaps;

(5) understanding of the relationship between chemical dependency and behavioral/emotional problems; and

(6) understanding of delinquent behavior and theory and processes of the correctional system.

B. Asssessment and planning:

(1) ability to utilize formal and informal assessment techniques in obtaining information necessary for educational and behavioral programming for individual students;

(2) ability to establish and maintain a systematic procedure for compiling data on a student or group of students for the purpose of continuous evaluation of behavior;

(3) ability to implement procedures for assessing both appropriate and problematic social behaviors;

(4) ability to evaluate and document change in pupil behavior in both academic and social areas;

(5) knowledge of psychometric instruments utilized in the assessment of emotional disturbance/behavioral problems;

(6) ability to observe and record pupil behavior utilizing different social rating systems;

(7) ability to work on a team with a psychologist or psychiatrist to plan, explain, direct, and implement procedures for the identification of emotionally/behaviorally disordered children in a school population;

(8) knowledge of major tests utilized to measure motoric, auditory, and visual learning modalities;

(9) ability to administer and interpret results of achievement and diagnostic tests in the areas of reading, language arts, and mathematics;

(10) ability to translate assessment data into recommendations for educational programming;

(11) ability to construct long- and short-range objectives for individual students for each of the three domains: cognitive, affective, and motor;

(12) ability to state instructional goals, set priorities for teaching, and state a criterion level for mastery of each task to be presented to the student;

(13) ability to develop and implement an instructional sequence to teach appropriate social behavior for a child based on assessment and observation;

(14) ability to select and implement a sequence of learning activities to remedy specific deficits in basic skills for each student or group of students; and

(15) ability to establish a reinforcement hierarchy for each student.

C. Instruction and management:

(1) ability to determine for each student a reinforcement preference and to use different reinforcers to change and maintain behavior;

(2) ability to select and implement remedial techniques in academic skill areas with students;

(3) ability to establish and maintain individual student attention while programming for a group;

(4) knowledge of proven teaching techniques including the rationale behind their use and the ability to use them for various academic areas;

(5) knowledge of the theory and rationale underlying various reading approaches;

(6) ability to assist parents in understanding and supporting the implementation of proposed management modifications;

(7) ability to assist regular classroom teachers in the implementation of proposed curriculum/management modifications;

(8) ability to use role playing, individual and group counseling techniques, play groups, behavior modification, contracts, time-out, isolation and other techniques in managing presenting behavior and specific educational-social problems;

(9) knowledge of the rationale, program components, operation, and evaluation of various program models;

(10) ability to use materials designed for skill development in the social areas;

(11) ability to construct instructional sequences to teach general prevocational skills based upon cognitive, affective, and academic strengths of each student;

(12) knowledge of age-appropriate vocational instructional materials and the ability to plan for transition from school to post-secondary training and employment; and

(13) ability to collaborate effectively with clinical personnel in monitoring program appropriateness and effectiveness.

D. Communication and consultation:

(1) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;

(2) knowledge of and ability to communicate with and about community resources that serve students with emotional/behavioral problems; and

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(3) ability to interact and communicate with personnel involved in court services, interagency meetings and placement planning.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with emotionally/behaviorally disordered students.

(2) Practicum experiences shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for emotionally/behaviorally disordered students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary emotionally/behaviorally disordered students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of emotionally-behaviorally disordered students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of emotionally/behaviorally disordered students must comply with this part.

8700.5510 SPECIAL EDUCATION: SPECIFIC LEARNING DISABILITIES.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach specific learning disabled students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of specific learning disabled students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of specific learning disabled students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; specific learning disabilities.** Each program leading to the licensure of teachers of specific learning disabled students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) knowledge of the concept of specific learning disabilities and its historical development;

(2) understanding of the etiology of specific learning disabilities and the causes of other learning problems;

(3) understanding court decisions and federal and state legislation that have had an effect on the field of specific learning disabilities;

(4) understanding of various theories of cognition and the ability to compare these various theories with respect to explanation of observed behavior;

(5) understanding of the various basic theories of instruction and the ability to compare these basic theories with respect to explanation of observed behavior; and

(6) understanding of the basic theories of behavior and the ability to compare these basic theories with respect to explanation of observed behavior.

B. Assessment and planning:

(1) ability to select, administer, and interpret appropriate instruments and techniques for general screening of learning disabilities;

(2) understanding of formal and informal screening instruments that measure behavior and cognition;

(3) ability to select, administer, and interpret formal and informal diagnostic instruments for the skills of listening comprehension, oral expression, reading decoding, reading comprehension, written expression, mathematics calculation, and mathematics reasoning;

(4) ability to use formal and informal data to develop specific objectives and to plan appropriate instructional intervention strategies;

(5) ability to develop and use formal and informal measures to monitor ongoing progress of students;

(6) ability to observe, record, and analyze behavioral data of student performance in specific settings;

(7) ability to use assessment results of tests administered by other personnel;

(8) ability to observe and analyze skills in problem solving, inferential thinking, and concept development of students in educational settings; and

(9) understanding of entrance and exit criteria for specific learning disability services.

C. Instruction and management:

(1) ability to develop a scope and sequence for individualized programming in basic reading, mathematics, oral and written expression, and listening comprehension;

(2) ability to teach basic reading, mathematics, oral and written expression, and listening comprehension;

(3) ability to teach conceptual skills, such as deductive and inductive reasoning, problem solving skills, study skills, inferential reasoning, logical thought, categorization, and classification skills;

(4) ability to select, design, and modify appropriate developmental, corrective, and remedial curriculum materials;

(5) ability to help students transfer learned skills and monitor their progress in mainstream instructional programs;

(6) ability to relate career/vocational instruction to physical, mental, social, and academic levels of student development and to plan for the transition from school to post-secondary training and employment;

(7) understanding of the affective problems that often accompany learning disabilities;

(8) ability to use clinical teaching to modify social and learning behavior;

(9) ability to refer students with social and emotional problems related to their learning disabilities;

(10) ability to select, modify, and implement various behavior management strategies;

(11) knowledge of projective and media oriented therapies; such as, art, music, play therapies, puppetry, and role playing;

(12) ability to select, modify, and use affective curriculum programs; and

(13) ability to explain program models and instructional strategies used in delivering services to learning disabled students.

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D. Communication and consultation:

(1) ability to communicate with students, professional associates, parents, community resource persons, and professionals from other disciplines in the field of learning disabilities;

(2) ability to communicate the assessment process, goals, teaching strategies, and curriculum activities to teachers, parents, students, and others in both oral and written form;

(3) ability to provide consultation to classroom teachers, parents, and peers in the implementation of learning disabilities services;

(4) ability to assist parents in accepting and understanding their child's disability and how it affects school and community performance; and

(5) ability to effectively communicate due process procedures to parents and assist them in understanding their rights and responsibilities under the law.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with learning disabled students.

(2) Practicum experiences shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for learning disabled students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary learning disabled students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of specific learning disabled students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of specific learning disabled students must comply with this part.

8700.5511 SPECIAL EDUCATION: MILDLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach mildly handicapped students (kindergarten to grade 12) shall:

A. hold a master's degree or the equivalent;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. hold a valid Minnesota special education teaching license;

D. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

E. satisfactorily complete a preparation program leading to the licensure of teachers of mildly handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of mildly handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading.

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; mildly handicapped.** Each program leading to the licensure of teachers of mildly handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 45 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of specific handicapping conditions and their educational implications, to include mental handicaps, specific learning disabilities, and emotional/behavioral disorders;

(2) understanding of perceptual-motor and visual-motor deficits and their educational implications; and

(3) knowledge of medical treatment programs and their maintenance in educational settings.

B. Assessment and planning:

(1) understanding of the components of a complete assessment to determine educational needs;

(2) understanding of when information suggests or requires the involvement of other professionals for further assessment and planning;

(3) ability to observe, assess, and interpret student performance;

(a) ability to observe, record, and analyze the learning environment of students and their responses to specific instructional techniques; and

(b) ability to determine educational performance, learning style, and learning modes of students by selection, administration, and interpretation of appropriate educational assessments, to include observation and data collection, criterion and norm referenced tests, surveys and inventories, interviews, student records review, and other formal and informal assessment procedures;

(4) ability to participate as a member of a multidisciplinary team in planning an educational program for students with mild educational handicaps:

(a) ability to develop specific behavioral objectives for students based upon observational, behavioral, and diagnostic data;

(b) ability to develop objectives for students in terms of behavioral outcomes in relation to both long- and short-term goals; and

(c) ability to involve students and parents in planning learning and behavior goals;

(5) ability to plan a sequential learning program for students with mild educational handicaps:

(a) ability to establish long- and short-term goals in each academic area;

(b) ability to write behavioral objectives for each goal; and

(c) ability to join and sequence activities which will accomplish each objective; and

(d) ability to make constructive use of teacher aide and volunteer assistants in planning and implementing instructional programs.

C. Instruction and management:

(a) ability to sequence tasks from early to late developing skills and form single to complex behaviors, and design learning activities within a wide range of difficulty so that students with varying abilities can participate at their own level, pace, and style;

(2) ability to develop, implement, and evaluate programs for mildly handicapped students;

(3) ability to provide appropriate support to students to facilitate success in their regular education programs;

(4) ability to modify curriculum to meet individual needs of students:

(a) ability to analyze existing curriculum and its impact on individual learning style and rate;

(b) ability to modify the presentation of the curriculum content to accommodate differences in learning style and rate;

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(c) ability to identify student performance within the sequence of the curriculum and identify the appropriate content level for the student, based upon achievement level; and

(d) ability to develop classroom management strategies in order to assure the curriculum modifications can be implemented;

(5) ability to recognize and manage behavioral, emotional, and social needs of mildly handicapped students;

(6) knowledge of resources which provide current information about transition from school to work or post-secondary and other career opportunities and training; and

(7) ability to teach self-help, daily living, and family management skills.

D. Communication and consultation:

(1) ability to serve as an advocate for least restrictive placements;

(2) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;

(3) ability to provide consultation to others regarding appropriate educational programs:

(a) ability to identify and gather relevant information;

(b) ability to analyze and synthesize information;

(c) ability to apply information to educational plans;

(d) ability to communicate information to others in a way that is understandable and practical;

(e) ability to use information to develop and carry out demonstration teaching activities; and

(f) ability to assist in the implementation and follow-up of educational plans developed from the information;

(4) ability to design and conduct appropriate in-service education activities for regular education teachers, paraprofessionals, and volunteers;

(5) ability to assist students and their parents in developing realistic expectations in academic and occupational areas; and

(6) knowledge to direct parents to community and governmental agencies, volunteer and nonprofit groups, and parent organizations that provide supportive services.

E. Practicum experiences, which must include one academic quarter or the equivalent of experience with a multidisciplinary team in planning and implementing an instructional program for mildly handicapped students at the elementary and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of mildly handicapped students shall comply with part 8700.7700.

Subp. 5. Continuing licensure. A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

8700.5512 SPECIAL EDUCATION: CLASSROOM TEACHING LICENSE EXEMPTION.

Subpart 1. **Scope.** This part applies only to those special education licensure parts that authorize a classroom teaching license exemption. Completion of the requirements in subpart 2 do not qualify an applicant for an elementary, secondary, or K-12 classroom teaching license.

Subp. 2. **Requirements.** Each special education licensure part that authorizes a classroom teaching license exemption shall provide candidates recommended for licensure in special education with knowledge, skills, and understandings in all of the following regular education areas:

A. Foundational studies. This category consists of basic knowledge which underlies the study of education and teaching. It includes all of the following:

(1) the study of human growth and development from early childhood through adolescence including typical and atypical patterns of development;

(2) the study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students;

(3) the study of education and the school as an institution in the context of a changing pluralistic society; and

(4) the study of the philosophy and organization of elementary and secondary schools.

B. Content and methods. This category consists of basic knowledge of content, materials, and scope and sequence of grades kindergarten to 12 curriculum in the following areas:

(1) reading: prereading skills, developmental reading, reading in the content areas, and the diagnosis and correction of reading difficulties;

(2) language arts: listening, speaking, and writing;

(3) mathematics: basic arithmetic operations, problem solving skills, geometric concepts, and computing devices;

(4) science: life science, earth science, physical science; and

(5) social studies: gathering, organizing, reporting, and interpeting social science data.

C. Regular education practica. This category consists of a series of formal observations of teaching and directed instructional experiences in elementary and secondary school classrooms.

D. The profession of teaching. This category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and includes all of the following:

(1) a minimum level of proficiency in the written English language;

(2) skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students;

(3) skills to evaluate self- and peer-teaching performance;

(4) responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;

(5) legal rights of students, parents, administrators, school boards, and teachers;

(6) essential statutes, rules, and legal procedures affecting the preparation and licensure/relicensure of teachers and the teacher as a public employee; and

(7) purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of special education preparation programs that authorize a classroom teaching license exemption shall provide evidence of compliance with this part.

8700.6410 SCHOOL SOCIAL WORKER.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure as a school social worker (prekindergarten to grade 12) shall complete the requirements in item A or B.

A. For level I licensure a candidate shall hold a baccalaureate degree and have satisfactorily completed a school social work preparation program approved by the Board of Teaching, consisting of a minimum of 75 quarter hours or the equivalent.

B. For level II licensure a candidate shall hold a master's degree in social work from a program accredited by the Council on Social Work Education, with either one year of field work in a school setting, or one year of experience in school social work, or two years of experience in social work.

Subp. 2. **Program requirements for level I.** Each program leading to the licensure of school social workers, level I, shall provide candidates recommended for licensure with knowledge, skills, and understandings in the following areas:

A. human behavior and social environment, including:

(1) knowledge of psychosocial approaches to understanding individual and group behavior;

(2) knowledge of social learning theories;

(3) knowledge of cultural, racial, and ethnic diversity;

(4) knowledge of typical and atypical growth and development;

(5) knowledge of factors influencing growth and behavior;

(6) knowledge of theories of social interaction; and

(7) knowledge of handicapping conditions and their educational implications;

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B. organization and structure of the public school, the family, and the community, including:

(1) understanding of family and organizational systems theory;

(2) understanding of characteristics and reciprocal influences in school-community-student relations;

(3) knowledge of a broad range of public policy issues and social work concerns in relation to public education; and

(4) understanding of the roles and organizational structures of regular and special education and the part they play in providing total service for the student;

C. intervention with individuals, groups, and systems to enhance social functioning, including:

(1) knowledge of values and ethics of the social work profession;

(2) ability to diagnose needs of clients based on systematic observation and the analysis of other appropriate information relating to various factors which affect the learning process of students;

(3) understanding of basic methods of social work intervention, such as casework, group work, community organization, and how these can be integrated into school social work;

(4) skill in establishing and maintaining purposeful relationships with clients;

(5) skill in determining and applying appropriate methods and techniques of social work intervention to enhance learning opportunities for students, including students with handicapping conditions;

(6) ability to identify client situations which require expertise from other professionals and to secure such assistance;

(7) ability to serve as a liaison or advocate for parents and students; and

(8) ability to assess the effectiveness of social work interventions;

D. collaboration with school personnel and community agencies, including:

(1) knowledge of the roles of other professionals and the social and legal aspects of school and community services;

(2) understanding the interrelatedness of social, educational, and community services;

(3) knowledge of institutional and administrative factors which facilitate or impede delivery of services;

(4) knowledge of due process, data privacy, and laws regarding student and parent rights;

(5) knowledge of state and federal laws, rules, and regulations relating to regular and special education;

(6) ability to use interpersonal skills when interviewing and communicating with parents, professionals, paraprofessionals, agencies, students, and other persons or groups;

(7) ability to identify and develop resources within and outside the school system;

(8) ability to implement referrals to resources within the school system or the community;

(9) ability to function as a member of a child study team in designing appropriate programs for students;

(10) ability to coordinate the efforts of various professionals who can contribute to an effective intervention;

(11) ability to collaborate with community agencies to solve specific problem situations or to develop new resources for students; and

(12) ability to serve in a consultative capacity with individuals and groups, including parents and students;

E. Prepracticum and practicum experiences:

(1) formal observations of teaching in a variety of curricular areas in both an elementary and a secondary school, formal observation of school social work practice performed by a licensed school social worker, and prepracticum school social work experiences under the supervision of a licensed school social worker; and

(2) practicum experience in a school setting under the supervision of a licensed school social worker, consisting of at least 400 contact hours during one school year.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for Level I school social workers shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to the rules of the Board of Teaching governing continuing licenses.

Subp. 5. **Effective date.** This part is effective July 1, 1990, for an applicant for entrance licensure as a school social worker.

REPEALER. Minnesota Rules, part 8700.3800 is repealed effective July 1, 1989. Parts 8700.5400; 8700.5401; 8700.5402; 8700.5403; 8700.5404; 8700.5405; 8700.5406; and 8700.6400 are repealed effective July 1, 1990.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Commerce

Adopted Rule Authorizing Issuance of Medical Malpractice Insurance by the Minnesota Medical Malpractice Joint Underwriting Association

The rule proposed and published at *State Register*, Volume 9, Number 47, pages 2512-2513, May 20, 1985 (9 S.R. 2512) and Volume 10, Number 5, pages 267-268, July 29, 1985 (10 S.R. 267) is adopted with the following modifications:

Rule as Adopted

2791.0100 AUTHORIZATION TO ISSUE MEDICAL MALPRACTICE INSURANCE.

Pursuant to Minnesota Statutes, section 62F.04, the joint underwriting association is hereby authorized to issue medical malpractice insurance on a primary basis to physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance coverage in the voluntary market. Those classes of physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance and whom the joint underwriting association is authorized to issue medical malpractice insurance are:

A. physicians;

B. certified nurse-midwives;

C. licensed psychologists and licensed consulting psychologists; and

D. licensed chemical dependency treatment organizations and licensed half-way houses.

Department of Energy and Economic Development Energy and Economic Development Authority

Extension of Emergency Rules Relating to the Technology Product Loan Program

Notice is hereby given that Minnesota Rules 8300.4100-.4112 (Emergency), which were effective April 3, 1985 and which were proposed in the *State Register* on January 7, 1985, at Volume 9, Number 28, pages 1544-1548 (9 S.R. 1544), and in the *State Register* on January 14, 1985, at Volume 9, Number 29, pages 1612-1613 (9 S.R. 1612), are being continued in effect for an additional 180 days. The rules govern the Technology Product Loan Program under the Minnesota Energy and Economic Development Authority.

The new expiration date for these rules will be February 1, 1986, or whenever replaced by permanent rules, whichever is earlier.

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.

Department of Energy and Economic Development Energy and Economic Development Authority

Extension of Emergency Rules Relating to Tourism Loan Program

Notice is hereby given that Minnesota Rules 8300.3060-.3070 (Emergency), which were effective May 4, 1985 and which were proposed in the *State Register* on March 11, 1985, at Voume 9, Number 37, pages 1996-2000 (9 S.R. 1996), are being continued in effect for an additional 180 days. The rules govern the Tourism Loan Program under the Minnesota Energy and Economic Development Authority.

The new expiration date for these rules will be April 4, 1986, or whenever replaced by permanent rules, whichever is earlier.

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Education; Financial Aid, Grants, Part-time Student

The rules proposed and published at *State Register*, Volume 10, Number 3, pages 90-92, July 15, 1985 (10 S.R. 90) are adopted with the following modifications:

Rules as Adopted, Emergency

PART-TIME STUDENT GRANTS

4830.1554 [Emergency] AMOUNT AND TERM OF GRANTS.

Subp. 2. ~~Cost of attendance~~ Direct educational cost. The direct educational cost ~~of attendance~~ includes, but is not limited to the following:

A. resident tuition and fees at the institution;

B. educational materials;

C. transportation expenses; and

D. an allowance for child care expenses.

The direct educational cost ~~of attendance~~ must be consistent with the institution's financial aid policies and procedures.

Subp. 3. **Amount.** The amount of the grant when combined with (a) federal, state, institutional, and private ~~financial aid~~ grant assistance that the student receives, (b) employer reimbursement, and (c) the expected parent/student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's direct educational cost ~~of attendance~~ as defined in subpart 2.

Department of Human Services

Adopted Rules Relating to Special Needs Rate Exception for Very Dependent Persons with Special Needs

The rules proposed and published at *State Register*, Volume 10, Number 2, pages 54-65, July 8, 1985 (10 S.R. 54) are adopted with the following modifications:

Rules as Adopted

9510.1090 ESTABLISHING SPECIAL NEEDS RATE EXCEPTION PAYMENT.

Subp. 4. **Limitation.** The combined per diem costs of training and habilitation services, ICF/MR services, and the special needs rate exception payment and any other special needs rate exception payments in effect for the same client, shall not exceed the medical assistance per diem cost of providing services to mentally retarded persons in state hospitals. For the purpose of determining this limitation, items A to F apply.

C. The special needs rate exception amount must not exceed the total ~~allowable~~ of the costs ~~in~~ allowable under subpart 2. If a special needs rate exception is necessary for a client in both the ICF/MR and the training and habilitation service program, the amounts of both special needs rate exceptions must be combined. If the client is currently receiving a special needs rate exception, that amount must also be included.

9510.1120 DURATION OF SPECIAL NEEDS RATE EXCEPTION.

Subp. 2. **Renewals.** If the county determines that a special needs rate exception should be continued after the period initially approved, the county shall submit a new application in accordance with parts 9510.1020 to 9510.1140 at least 30 days prior to the date the special needs rate exception is scheduled to terminate. The county application for a renewal must contain a program and fiscal evaluation demonstrating the effectiveness of the initial special needs rate exception. A special needs rate exception for a staff intervention must be limited to ~~one renewal~~ two renewals, each of one year or less, per identified special need.

Department of Human Services

Adopted Emergency Rules Relating to Work Readiness Program

The rules proposed and published at *State Register*, Volume 10, Number 6, pages 306-313, August 5, 1985 (10 S.R. 306) are adopted with the following modifications:

Rules as Adopted, Emergency

WORK READINESS PROGRAM

9500.1211 [Emergency] DEFINITIONS.

Subp. 2. **Borderline mental retardation.** "Borderline mental retardation" means the condition of a person who ~~is medically certified as having~~ has demonstrated deficits in adaptive behavior and intellectual functioning that is at least one but less than two standard deviations below the mean of a professionally recognized standardized test and the condition limits the person ~~from~~ in obtaining, performing, or maintaining suitable employment.

Subp. 7. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action ~~which~~ that is reasonable and justified when viewed in the context of the surrounding circumstances including but not limited to illness of the person, illness of another family member that requires the person's presence, a family emergency, or inability to obtain transportation.

Subp. 9. **Local labor market.** "Local labor market" means the geographic area in which a registrant can reasonably be expected to search for suitable employment. The geographic area must be limited to an area within two hours' round trip of the registrant's residence, exclusive of time needed to transport his or her children to and from child care.

Subp. 10. **Medical certification.** "Medical certification" means a statement about a person's illness, injury, or incapacity that is signed by a licensed physician ~~or~~, licensed consulting psychologist ~~about a person's illness, injury, or incapacity~~, or licensed psychologist whose professional training and experience qualifies him or her to diagnose or certify the person's condition.

Subp. ~~10.~~ 11. **Mentally ill.** "Mentally ill" means the condition of a person who has a ~~medically certified~~ psychological disorder resulting in behavior that severely limits the person ~~from~~ in obtaining, performing, or maintaining suitable employment.

Subp. ~~11.~~ 12. **Misconduct.** "Misconduct" means conduct that would result in the disqualification of a claimant for unemployment insurance benefits under Minnesota Statutes, section 268.09, subdivision 1, clauses (2) and (3).

Subp. ~~12.~~ 13. **Qualified professional.** "Qualified professional" means a social worker employed by the local agency, a social worker with a master's degree in social work, a licensed consulting psychologist, a licensed psychologist, a licensed physician or psychiatrist, or a public health nurse.

Subp. ~~13.~~ 14. **Registrant.** "Registrant" means a person who has applied for work readiness services and payments, who has been determined eligible for those services and payments by the local agency, and who has elected to begin receiving those services and payments.

Subp. ~~14.~~ 15. **Suitable employment.** "Suitable employment" means a job that:

A. meets existing health and safety standards set by federal, state, or local regulations;

B. is within the physical and mental ability of a person; ~~and~~

C. pays at least the minimum wage prescribed by state or federal law and provides more than 60 hours of work per month; and

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D. does not include temporary day labor.

Subp. 16. **Vocational advisor.** "Vocational advisor" means a person employed by or under contract with the local agency who has sufficient education, training, or experience to enable the person to identify the types of available suitable employment in a registrant's local labor market and the necessary qualifications for that employment; to identify the registrant's physical, social, vocational, and educational barriers to obtaining available suitable employment; and to identify the types of services and activities necessary to enable the registrant to overcome the barriers and obtain suitable employment.

9500.1212 [Emergency] LOCAL AGENCY RESPONSIBILITY TO PROVIDE WORK READINESS PROGRAM AND PLAN.

Subpart 1. **Requirement to provide a work readiness program.** Each local agency shall provide a work readiness program. The program must provide work readiness services and payments to all applicants residing within the local agency's jurisdiction who meet the eligibility conditions of part 9500.1213 [Emergency], and must provide work readiness services to recipients of general assistance who are eligible under part 9500.1104 [Emergency], item B. The local agency may continue to provide work readiness services to recipients of general assistance who are eligible for general assistance under part 9500.1200 [Emergency].

Subp. 2. **Preparation of work readiness program description.** Each local agency shall develop a written ~~plan identifying the~~ description of its work readiness program. The description must meet the standards established in part 9555.3409, and must identify the work readiness program's purpose, service components, ~~requirements,~~ operating procedures, and ~~operation of its work readiness program and the client groups to be served by its program. A copy of the plan must be filed with the commissioner annually.~~ service provider. The description must also contain a summary of work readiness program requirements, including a registrant's responsibility to coooperate in the employability assessment and in the preparation of the employability development plan, and the registrant's responsibility to comply with job registration, work search, and employment acceptance and retention requirements as conditions for continuing eligibility.

Subp. 3. **Distribution of work readiness program description.** The local agency shall give a copy of the work readiness program description to an applicant at the time he or she applies for general assistance or work readiness, and to any person upon request.

Subp. 4. **Filing of program description.** The local agency shall file a copy of its work readiness program description and all amendments to the description with the commissioner.

9500.1213 [Emergency] APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 1. **Assessment of general assistance eligibility.** Prior to determining a work readiness applicant's eligibility for work readiness services and payments, the local agency must determine the applicant's need for emergency general assistance under Minnesota Statutes, section 256D.07, and the applicant's eligibility for the general assistance program under part 9500.1102 [Emergency]. If the applicant is determined eligible for general assistance, the applicant shall be ineligible for work readiness services and payments except as provided in part 9500.1104 [Emergency], item B, and part 9500.1220 [Emergency]. If the applicant is determined ineligible for general assistance, the local agency shall notify the applicant of the determination and of his or her right to appeal the decision ~~under Minnesota Statutes, section 256.045~~ as provided under part 9500.1103 [Emergency].

Subp. 2. **Work readiness application.** A completed application for general assistance shall be considered a completed application for the work readiness program effective on the date that the local agency determines the applicant ineligible for general assistance. A registrant shall not be required to complete a new application for general assistance when the local agency is determining the registrant's eligibility for general assistance under part 9500.1218 [Emergency], subpart 2, or 9500.1200 [Emergency], subpart 1.

Subp. 3. **Eligibility criteria.** If the local agency determines that the applicant is ineligible for general assistance, it must determine the applicant's eligibility or ineligibility for the work readiness program. An applicant or registrant is eligible for the work readiness program if the applicant or registrant meets the conditions in items A to D:

A. The applicant or registrant is ineligible for general assistance under part 9500.1102 [Emergency] or 9500.1220 [Emergency], subpart 1.

B. The applicant or registrant meets the eligibility requirements under part 9500.0530, items A to D. If the applicant or registrant is married and resides with his or her spouse, the income and resources of the applicant or registrant and his or her spouse shall be considered ~~an assistance unit for purposes of assessing whether or not the conditions of part 9500.0530, subparts B and C are met~~ in accordance with the policies and procedures of the general assistance program when determining the applicant's or registrant's eligibility and monthly payment amount.

C. The applicant or registrant has not exhausted his or her eligibility period as provided by part 9500.1216 [Emergency].

D. The applicant or registrant is not in a disqualification period under part 9500.1105 [Emergency], part 9500.1218 [Emergency], or part 9555.3417 [Emergency].

9500.1214 [Emergency] REQUIREMENT TO INFORM APPLICANTS.

Subpart 1. **Duty to inform applicants of eligibility or ineligibility for the work readiness program.** Upon determining an applicant's eligibility or ineligibility for the work readiness program, the local agency must inform the applicant of its determination in writing on a form prescribed by the commissioner. The local agency must also inform an applicant who has been determined ineligible for the work readiness program of the determination and the right to appeal as provided in part ~~9555.1219~~ 9500.1219 [Emergency].

Subp. 2. **Duty to inform applicants of work readiness requirements.** At the time the local agency informs an applicant that he or she is eligible for the work readiness program, the local agency must also provide the applicant with a copy of the program description prescribed under part 9500.1212 [Emergency], subpart 2, and a written notice ~~in plain and easily understood language informing~~ meeting the standards established in part 9555.3409, which informs the applicant of:

C. ~~a summary of the work readiness program including the job registration, work search, employment acceptance, and other work readiness requirements which must be complied with:~~

~~D.~~ the disqualification that will be imposed ~~for failure~~ if a registrant is terminated from suitable employment for misconduct, quits suitable employment without good cause, refuses without good cause to accept an offer of suitable employment, or fails to comply with ~~those~~ other work readiness program requirements; and

~~E.~~ D. the ~~need to assess~~ requirement that a registrant cooperate with the assessment of the registrant's eligibility for continuing work readiness services and payments under part 9500.1216 [Emergency], subpart 1, during the registrant's second month of work readiness services and payments.

9500.1215 [Emergency] WORK READINESS SERVICES AND PAYMENTS.

Subpart 1. **Requirement of concurrent services and payments.** In order for a monthly work readiness payment or a month of work readiness services to count toward the two or six month limitation on eligibility for the work readiness program, as provided by part 9500.1216 [Emergency], the registrant must concurrently receive work readiness services and payments. Upon an eligible applicant's election to begin receiving work readiness services and payments, the local agency shall provide the services and payments to the registrant. A month during which a registrant fails to comply with the requirements of the work readiness program but for which the registrant receives a work readiness payment shall be considered a month during which work readiness services and payments were concurrently received.

Subp 2. **Work readiness services.** The following services must be provided to a work readiness registrant;

A. In consultation with the registrant, ~~the local agency~~ a vocational advisor shall complete a written employability assessment. The assessment must include an examination of the registrant's education, training, ~~and~~ prior work experience, and suitable employment that is or may become available in the registrant's local labor market, and must identify barriers to the registrant successfully seeking and securing suitable employment.

B. The vocational advisor shall develop a written employability development plan for each registrant within the first 30 days that work readiness services are provided to a registrant. The plan must be based ~~upon~~ on the assessment provided under item A and the ~~local agency's~~ vocational advisor's knowledge of the level of competition for employment that is or may become available ~~jobs, the local agency shall develop a written employability development plan~~ and must be designed to address the registrant's barriers to employment and prepare the registrant for suitable employment. The registrant must be given a copy of his or her plan and the plan must:

(3) provide for referral to ~~available~~ appropriate employment assistance programs;

(5) specify the registrant's job search requirements, which must be limited to the local labor market, must be reasonable, and must be based upon the assessment performed under item A;

(6) specify any other reasonable activities designed to prepare the registrant for permanent suitable employment which the registrant must comply with; and

C. No work readiness program shall require a registrant to travel to a potential job, training, or other activity site unless the local agency provides funds to the registrant, in addition to the work readiness payment, to cover the cost of the transportation or unless transportation is unnecessary or is otherwise available to the registrant without cost.

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E. A local agency that requires a registrant to participate in any type of employment experience program shall require that the employment experience program meet the standards established in Minnesota Statutes, section 256D.113, and that the work to be done is not work ordinarily performed by a regular public employee.

F. A local agency may contract with a public or private entity for the performance of any or all of the services prescribed by this subpart if the entity can document that it has the resources and expertise necessary to perform the services. A contract entered into under this item must contain a description of the services to be performed under the contract. Upon request, the local agency shall provide the department with a copy of the contract and a description of the resources and expertise of the entity under contract with the local agency.

Subp. 3. **Work readiness payments.** A registrant who has met the eligibility conditions of part 9500.1213 [Emergency], subpart 3, shall receive work readiness payments during the applicable period of work readiness eligibility. The payment amount must be equal to the amount of assistance that would be paid to the registrant under parts 9555.3410 to 9555.3412 [Emergency] if the registrant was eligible for general assistance. If the registrant is married and lives with his or her spouse, who is also a registrant, the couple shall be considered an assistance unit comprised of two persons for purposes of determining the applicable standard of assistance, the amount of countable or seasonal income, and the monthly work readiness payment amount under parts 9555.3410 to 9555.3412 [Emergency]. If the registrant resides with his or her spouse and the spouse receives general assistance under part 9500.1102 [Emergency] or 9500.1200 [Emergency], subpart 1, the monthly work readiness payment to the registrant under this part must be equal to the amount the general assistance monthly payment made to the registrant's spouse under parts 9555.3410 to 9555.3412 [Emergency] would increase if the registrant were added to the spouse's general assistance grant.

The first work readiness payment must ~~begin~~ be prorated for the period beginning with the effective date of the completed application for the work readiness program, the date that the applicant is determined eligible for work readiness services and payments, or the date that the eligible applicant elects to begin receiving work readiness services and payments, whichever is later, and ending with the last day of that month. ~~Each payment must cover 30 calendar days and must be made without proration or regard to the beginning or ending date of the month. After the first payment is made,~~ Subsequent work readiness payments must be made monthly on the first day ~~following the end of the 30-day period covered by a previous payment~~ of the month. A registrant shall continue to receive work readiness payments during the ~~period of time~~ months that he or she elects to receive work readiness services and payments and meets the eligibility requirements of part 9500.1213 [Emergency]. The final payment must be prorated to cover the number of days equal to the number of days in the registrant's first month of work readiness services and payments which were not covered by the registrant's first work readiness payment. Emergency general assistance is ~~not~~ available to a registrant in accordance with Minnesota Statutes, section 256D.06, subdivision 2.

9500.1216 [Emergency] ASSESSMENT DURING SECOND MONTH; NOTICE OF TERMINATION.

Subpart 1. **Assessment.** During the registrant's second month of work readiness services and payments under part 9500.1215 [Emergency], the local agency in consultation with the registrant shall conduct an assessment of the registrant's progress in securing suitable employment and an assessment of the registrant's eligibility for an additional four months of work readiness services and payments. When the second work readiness payment is mailed or given to the registrant, the local agency shall provide a written notice meeting the standards established under part 9555.3409 that informs the registrant that the local agency will be assessing the registrant's eligibility for an additional four months of work readiness services and payments, the conditions that must be met in order for the registrant to the eligible for an additional four months, the requirement that the registrant cooperate with the local agency's assessment, and that the registrant has a right to submit to the local agency information relevant to the determination within ten days from the date that the notice is mailed or given to the registrant. A registrant shall be eligible for four additional months of work readiness services and payments if the registrant meets one or more of the following conditions:

A. The registrant lives in a distressed county.

B. The registrant is medically certified as having borderline ~~mentally retarded~~ mental retardation.

C. The registrant ~~exhibits~~ is certified by a qualified professional as exhibiting perceptible symptoms of mental illness ~~as certified by a qualified professional~~ but the registrant is not eligible for general assistance under parts 9500.1100 to 9500.1107 [Emergency] because the mental illness interferes with the medical certification process.

D. The registrant ~~is unable~~ as determined by a vocational advisor, cannot reasonably be expected to secure suitable employment ~~because the local agency has determined that no jobs are available that a person with~~ given the registrant's work history, skills, ~~and ability has the~~ education, physical and mental ability ~~to perform,~~ and the availability of suitable employment in the registrant's local labor market.

If the local agency believes that the registrant may ~~meet the conditions in item B or C~~ have borderline mental retardation, or if the registrant or a representative of the registrant asserts that he or she ~~meets the conditions of item B or C~~ has borderline mental retardation, the local agency shall ~~obtain~~ seek medical certification of the registrant's condition. If ~~the registrant's mental illness interferes with the medical certification process, the registrant's condition must be assessed by a qualified professional~~ medical

certification establishes that the registrant has borderline mental retardation, the condition in item B is met. If the registrant's behavior, thought processes, mood, perceptions, conduct, or appearance suggest or demonstrate that the person may have a mental illness, or if the registrant or a representative of the registrant asserts that the registrant has a mental illness, the local agency shall seek medical certification of the registrant's condition. If the registrant fails to cooperate with the medical certification, the local agency shall seek an assessment of the registrant's condition from a qualified professional. If the qualified professional certifies that the registrant is exhibiting symptoms of mental illness, the condition in item C is met.

Subp. 2. **Notice of determination.** If the local agency determines through the assessment ~~or the medical certification~~ that the registrant meets one or more of the conditions in subpart 1, items A to D, the registrant shall be notified that he or she is eligible for work readiness services and payments for a combined total of six months in any consecutive 12-calendar month period. If the local agency determines, upon completion of the assessment under subpart 1, that the registrant does not meet one or more of the conditions in subpart 1, items A to D, the registrant shall be terminated from work readiness services and payments effective at the end of the registrant's second month of participation in the work readiness program. If the local agency determines that the registrant is ineligible for continued work readiness services and payments, the local agency shall notify the registrant of its determination and that the registrant is not eligible to receive work readiness services and payments for more than two months during any consecutive 24-calendar month period.

9500.1217 [Emergency] REGISTRANT DUTIES.

A registrant shall ~~cooperate~~ comply with all ~~aspects~~ requirements of the local agency work readiness program as explained under part 9500.1214 [Emergency], subpart 2, and specified in the employability development plan provided under part 9500.1215 [Emergency], subpart 2, item B. A registrant who ~~does not~~ fails, without good cause, to comply with the local agency work readiness requirements shall be disqualified from the receipt of work readiness services and payments under part 9500.1218 [Emergency].

9500.1218 [Emergency] FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1. **Determination and notice of failure to comply.** If a local agency determines that a registrant has failed to comply with the requirements of the work readiness program, the local agency ~~shall~~ must notify the registrant of its determination. The notice must ~~be written in plain and easily understood language~~ meet the standards established in part 9555.3409, and must contain the information in items A to E.

C. The notice must specify a certain date by which the action must be taken. The registrant must be given a minimum of 15 calendar days to take the specified action following the date the notice is mailed or ~~delivered~~ given to the registrant.

Subp. 2. **Disqualification.** A registrant who is notifed of the local agency determination as provided in subpart 1 shall comply with the requirements of the work readiness program as specified in the notice prior to or on the specified date. If the local agency determines that the registrant has not complied with the requirements on or before the specified date, the local agency ~~shall~~ must assess the registrant's eligibility for general assistance under part 9500.1102 [Emergency] prior to disqualification of the registrant for noncompliance. If the local agency determines that the registrant is eligible for general assistance, the registrant shall be terminated from work readiness services and payments and shall be eligible for general assistance. If the local agency determines that the registrant is ineligible for general assistance under part 9500.1102 [Emergency] and that the ~~conditions in item A, B, C, or D exist~~ registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed, without good cause, to take the required actions by the date specified in the notice provided under subpart I, the registrant shall be disqualified from receiving work readiness services and payments.

~~A. The registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed to take the required actions by the date specified in the notice provided under subpart 1.~~

~~B. The registrant has been terminated from employment for misconduct.~~

~~C. The registrant has quit work without good cause.~~

~~D. The registrant has refused, without good cause, to accept an offer of suitable employment.~~

Subp. 4. **Period of disqualification.** A registrant disqualified under subpart 2 shall be ineligible during the period of disqualification for any remaining or additional work readiness services or payments for which he or she would otherwise be eligible in accordance with the provisions in items A to F.

A. The period of disqualification shall be 60 days.

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B. If the local agency determines that the registrant failed to comply with work readiness requirements under subpart 2, the disqualification period shall begin on the first day of the 30-day work readiness payment period following the date on which the determination was made. If the notice of disqualification is given or mailed so late in a payment period that ten-day prior notice required under part 9500.1219 [Emergency] cannot be given, the disqualification period shall begin on the first day of the second work readiness payment period following the date the determination was made. If the registrant appeals on or before the proposed disqualification date, the disqualification process must stop and work readiness payments and services must continue until a final decision is rendered or until the registrant's period of eligibility is exhausted, whichever is earlier. If the registrant loses the appeal, the disqualification period must begin on the first day of the next ~~30-day~~ work readiness payment period.

D. If the local agency determines that a registrant who received a notice of failure to comply under subpart 1 has taken the required action on or before the ~~proposed disqualification~~ date specified in the notice provided under part 9500.1218 [Emergency], subpart 1, item C, work readiness ~~assistance~~ services and payments must be continued without a period of disqualification.

E. Disqualification under subpart 2 must not affect a person's eligibility for general assistance or general assistance medical care.

F. If a ~~recipient~~ registrant is disqualified under subpart 2, the local agency may use vouchers and vendor payments, or both, to meet the financial needs of the remaining eligible members of the registrant's assistance unit. The assistance standard used must be based on the number of remaining eligible members in the registrant's assistance unit.

9500.1219 [Emergency] NOTICE OF ADVERSE ACTION AND APPEAL RIGHTS.

Subp. 2. **Notice requirements.** The notice required under subpart 1 must meet the standards established in part 9555.3409, and must:

Subp. 3. **Appeal of adverse action.** An applicant or registrant who is the subject of an adverse action under subpart 1 may appeal the local agency determination. The appeal must be a written request for a hearing submitted to the department or the local agency under Minnesota Statutes, section 256.045. If a registrant appeals on or before the effective date of the adverse action, the registrant, if otherwise eligible, shall continue to receive work readiness services and payments while the appeal is pending. If the registrant's appeal of an action specified under subpart 1, item A, B, or D is not upheld, the registrant shall pay back to the local agency the amount of work readiness payments received during the pendency of the appeal.

9500.1220 [Emergency] ELIGIBILITY FOR SIX MONTHS OF GENERAL ASSISTANCE.

Subpart 1. **Eligibility conditions.** An applicant who is not eligible for general assistance under part 9500.1102 [Emergency] but who meets the conditions of part 9500.0530, items A to D, and who has received six months of work readiness services and payments shall be eligible to receive general assistance for a maximum of six months during any consecutive 12-calendar month period if the conditions in item A or B are met:

A. the person is medically certified as having borderline mental retardation; or

B. the person is certified by a qualified professional as exhibiting perceptible symptoms of mental illness and the mental illness ~~prevents~~ interferes with medical certification of the person's condition.

Subp. 2. **Requirements for continuing eligibility.** A recipient of general assistance whose eligibility is based on subpart 1 must comply with the following requirements to remain eligible for general assistance:

A. A person certified as exhibiting perceptible symptoms of mental illness as provided by subpart 1, item B must cooperate with social services, treatment, or other reasonable plans developed by the local agency to address the illness. If the local agency determines that the person has ~~not complied~~ failed, without good cause, to comply with the plan, the person shall be disqualified from receiving general assistance as prescribed in parts 9500.1105 to 9500.1107 [Emergency].

B. The local agency may assign a person who is eligible for general assistance under subpart 1 to the work readiness program for work readiness services. A person so assigned must ~~cooperate~~ comply with the work readiness program requirements established by the local agency. If the local agency determines that the person has failed to comply with work readiness requirements, the person shall be disqualified from receiving general assistance as provided in parts 9500.1105 to 9500.1107 [Emergency].

Subp. 3. **Notice of termination.** After issuing the monthly general assistance payment during the sixth and final month to a recipient who is eligible under subpart 1, and who does not meet the conditions under part 9500.1102 [Emergency], the local agency shall provide the recipient with written notice of his or her termination from general assistance ~~and~~, of his or her appeal rights as specified in ~~Minnesota Statutes, section 256D.10. The local agency shall also inform the recipient of the availability of its work readiness program and the time limitations imposed on eligibility for that program~~ part 9500.1103 [Emergency], and that the recipient may be eligible for work readiness services and payments if he or she meets the criteria of part 9500.1213 [Emergency], subpart 3.

9500.1221 [Emergency] SPECIAL VOUCHER OF VENDOR PAYMENT PROVISIONS.

The local agency may provide general assistance, emergency general assistance, or work readiness payments in the form of

vouchers or vendor payments if the applicant, recipient, or registrant does not have ~~a permanent~~ an address at which he or she resides. The local agency may provide separate vouchers or vendor payments for food, shelter, and other needs and may divide the monthly assistance standard into daily or weekly payments, whether in cash or by voucher or vendor payment, until the applicant, recipient, or registrant has secured ~~a permanent~~ an address at which he or she resides. If the local agency elects to use these provisions, the local agency shall either provide for the person's needs through placement in a negotiated rate facility, or provide for all of the person's food, shelter, or other daily needs, regardless of the standard of assistance. For purposes of this part, "address" includes migrant labor camp as defined in part 4630.4800, subpart 3.

Pollution Control Agency

Adopted Rules Relating to Hazardous Waste

The rules proposed and published at *State Register*, Volume 9, Number 52, pages 2745-2747, June 24, 1985 (9 S.R. 2745) are adopted as proposed.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Energy and Economic Development Financial Management Division

Availability of Issuance Authority in Competitive Pool, October 5, 1985

Pursuant to Minn. Laws 1984, ch. 582, p. 17, subd. 2, to be codified as 474.20, the Department gives notice that the amount of Industrial Development Bond issuance authority available in the Competitive Pool as of October 5, 1985, is $25,340,526.53 and will be available to qualifying Industrial Development Bond Issuers submitting qualification criteria applications by October 10, 1985. Pursuant to Minn. Laws 1984, ch. 582, p. 16, to be codified as 474.19, non Entitlement Issuers must submit an application, a preliminary resolution, an application deposit and any other supporting documents required.

Balance of Competitive Pool on September 5, 1985	$25,489,604.53
Add:	
Unused Entitlement Allocations as of August 31, 1984:	$ N/A
Returned Allocations:	$ 2,630,922.00
Total Pool Available as of September 10, 1985:	$28,120,526.53

Allocations awarded from the Competitive Pool during the month ending October 5, 1985 are:

Issuer	*Project*	*No. of Pts.*	*Amount*
Lake of the Woods Co.	Reed-Rowell	6	$ 250,000.00
City of Rush City	Dennis Kirk, Inc.	7	600,000.00
City of Wadena	Mason Bros.	9	680,000.00
City of Windom	Caldwell Packing Co.	6	1,250,000.00

Total Allocations Awarded:	$2,780,000.00
Amount of Issuance Authority Available as of October 5, 1985:	$25,340,526.53

Metropolitan Council

Order Commencing Review of the Proposed Homart Office Development

Upon receipt of a resolution by the city of Edina, Minnesota, received Sept. 26, 1985, accompanied by an initial information submission, said material complying with and satisfying the requirements of Minn. Rules 5700.1300, Subp. 1 and Subp. 2, and setting forth an arguable claim that the planned Homart Office Development in the city of Bloomington will affect the city of Edina, and there being no indication that the review has been initiated in bad faith or is a sham, capricious or frivolous initiation, or that the matter is exempt within the meaning of Minn. Rules 5700.0700 to 5700.1200; it is hereby ordered:

1. That a metropolitan significance review of the above-captioned matter is hereby commenced effective Sept. 25, 1985.

2. Notice of this order shall be served within five days upon the city of Bloomington, the Homart Development Company, the city of Edina, all adjacent government units, the Regional Transportation Board, the Metropolitan Waste Control Commission, the Metropolitan Land Use Advisory Committee, the Metropolitan Parks and Open Space Commission, and the Environmental Quality Board.

3. Such notice shall contain the order commencing review, the initiating documents, the information submission and order suspending action on the proposed development, and a schedule for the metropolitan significance review. Notice that such review has been commenced shall be published in the next issue of the Council's *Review* and in the *State Register*.

4. In accordance with Minn. Rules 5700.1400 and 5700.3100, Homart Development Company shall suspend action on the proposed matter until the Council's issuance of a final determination concerning the proposed matter.

Oct. 3, 1985

Sandra S. Gardebring
Metropolitan Council
300 Metro Square Bldg.
St. Paul, MN 55101
(612) 291-6359

Metropolitan Council

Preliminary Review Schedule for Metropolitan Significance Review of the Proposed Homart Office Development

Referral File No. 12704-4

Order commencing review	Oct. 3, 1985
Notice to appropriate parties	Oct. 8, 1985
Preliminary statements due	Oct. 23, 1985
Period during which review procedures may be stipulated pursuant to Minn. Rules 5700.1900	Oct. 11-Oct. 28, 1985
Meeting among parties to discuss preliminary statements and to determine if matter can be settled by stipulation	Oct. 22, 1985
Staff report released, notice of public hearing mailed	Nov. 1, 1985
Staff report conference, all parties involved	Nov. 11, 1985
Public hearing	Nov. 18, 1985
Public hearing report, findings and conclusions adopted by Metropolitan Significance Review Committee	Dec. 2, 1985
Metropolitan Systems Committee	Dec. 9, 1985
Metropolitan Council final determination	Dec. 19, 1985

NOTE: This preliminary review schedule places the Council action at the last Council meeting prior to the Dec. 24, 1985 expiration of the 90-day limit during which the metropolitan significant review can be conducted.

Metropolitan Council

Public Hearing on an Amendment to the Right-of-Way Acquisition Loan Fund Guidelines

The Metropolitan Council will hold a public hearing Monday, November 4, 1985 at 4:00 p.m. at the Metropolitan Council, 300 Metro Square Bldg., 7th and Robert St., St. Paul, Minnesota on draft amended guidelines for highway right-of-way acquisition loans. The guidelines are being amended to include loans for "hardship" cases. All interested persons are encouraged to attend the hearing and offer comments. People may register to speak in advance by calling Ann Braden of the Council's Transportation Planning Staff at 291-6525. Questions on the proposed revision should also be directed to her. Copies of the draft guidelines are available free of charge from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning October 4 at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul, Minnesota 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, Minnesota 55401

St. Paul Public Library
Science and Industry Room
900 West Fourth Street
St. Paul, Minnesota 55102

Anoka County Library—Blaine Branch
707 Highway 10
Blaine, Minnesota 55434

Carver County Library—Chaska Branch
314 Walnut Street
Chaska, Minnesota 55318

Dakota County Library—Burnsville Branch
1101 West County Road 42
Burnsville, Minnesota 55337

Hennepin County Library—Southdale Branch
7001 York Avenue
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 North Hamline Avenue
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 South Lewis Street
Shakopee, Minnesota 55379

Washington County Library—Park Grove Branch
7520-80th Street South
Cottage Grove, Minnesota 55106

Sandra S. Gardebring, Chair
Metropolitan Council

Metropolitan Council

Review Schedule for Amendment to Right-of-Way Acquisition Loan Fund Guidelines

The Metropolitan Council administers a program for highway right-of-way acquisition loans for cities, counties and other public

entities within the seven-county area. The loan guidelines are currently being amended to include loans for ''hardship'' cases.

The following is a tentative schedule for review of the guidelines.

November 4, 1985	Public hearing
November 18, 1985	Hearing record closes
December 2, 1985	Metropolitan Systems Committee reviews hearing report and approves final guidelines
December 5, 1985	Metropolitan Council reviews hearing report and adopts final guidelines

This schedule is tentative and subject to change. A notice of public hearing is being published. If you have any questions regarding the schedule or guidelines, call Ann Braden of the Council's Transportation Planning staff at 291-6525.

Office of the Secretary of State

Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is November 5, 1985.

BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES has 1 vacancy open for a licensed private detective. The board licenses private detectives and protective agents. Members are appointed by the Commissioner of Public Safety. Members must file with Ethical Practices Board. Monthly meetings. Members receive $35 per diem plus expenses. For specific information contact the Board of Private Detective and Protective Agent Services, 1246 University Ave., St. Paul 55104; (612) 296-8399.

TASK FORCE ON EXAMINATION OF NEW VOTING SYSTEMS has 1 vacancy open for a member. The task force examines voting machines or electronic voting systems proposed in Minnesota and advises the Secretary of State on certification of this equipment for use at elections in this state. The task force meets only when new equipment is proposed for use. Members are appointed by the Secretary of State. For specific information contact the Task Force on Examination of New Voting Systems, 180 State Office Bldg., St. Paul 55155; (612) 296-2805.

MINNESOTA COUNCIL FOR THE BLIND has 7 vacancies open for members. At least four must be blind or visually handicapped. The council advises the Commissioner on the development of policies, programs, and services affecting the blind and visually impaired; on the use of appropriate federal money; on policies relating to eligibility determinations; on qualifications for the director of services for the blind; to provide the Commissioner with a review of ongoing services, programs and proposed legislation affecting the blind and to create a public awareness of the special needs and potential of blind and visually impaired persons. Members are appointed by the Commissioner of Jobs and Training. Members receive $35 per diem plus expenses in the same manner and amount as authorized by the Commissioner's plan. Terms are staggered. For specific information contact the Minnesota Council for the Blind, Rick Hokanson, 1745 University Ave., St. Paul 55104; (612) 296-6034.

HAZARDOUS WASTE MANAGEMENT PLANNING COUNCIL has 3 vacancies open immediately for 1 local government representative, 1 citizen representative and 1 industry representative. The council makes recommendations to the Waste Management Board on planning for and siting of hazardous waste processing and disposal facilities. Members are appointed by the Chairperson of the Waste Management Board. Monthly meetings. Members are compensated for expenses. For specific information contact the Hazardous Waste Management Planning Council, 123 Thorson Bldg., 7328 58th Ave. N., Crystal 55428; (612) 536-0816.

State Retirement System

Board of Directors' Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System will be held on Friday, October 18, 1985, at 8:30 a.m. in the State Retirement System's office, 529 Jackson Street, St. Paul, Minnesota.

State Council on Vocational Technical Education

Notice of Town Meeting

The State Council on Vocational Technical Education, in cooperation with the Hibbing and Eveleth Area Vocational Technical

Institutes, will hold a town meeting at 7:00 p.m. on October 23, 1985 at the Hibbing Area Vocational Technical Institute, 2900 East Beltline, Hibbing, Minnesota.

The purpose of the town meeting is to provide employers and employees in all sectors of the economy, as well as vocational students and their families, the opportunity to express their opinions and concerns about vocational technical education in Minnesota.

The Council strongly encourages public participation and seeks responses to the following question in particular: How can the quality and delivery of vocational technical education better serve youth and adults, as well as agriculture, business, industry and labor, in your community?

The Council needs the public's help and asks it to respond. Public comment is important to The Council in meeting its responsibility to advise local, state and national officials on public policy for vocational technical education in Minnesota.

Written copies of remarks to The Council are helpful and appreciated, but are not required.

Persons who wish to speak, but are unable to attend the town meeting, may send written statements to the State Council on Vocational Technical Education, 700 Wayzata Boulevard, Minneapolis, Minnesota 55403, by October 30, 1985.

Inquiries regarding the town meeting may be directed to William E. Magajna at Hibbing (218/262-3824); Edward F. Russ at Eveleth (218/744-3302); or John W. Mercer at the State Council on Vocational Technical Education (612/377-6100).

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
78-830-07855 & 07859	Stair Nosing	MN Correctional Facility	St. Cloud	Contact buyer
01-000-04481	Furnish and install Garage Doors	Military Affairs	St. Cloud	Contact buyer
02-310-14214	Telephone System	Anoka-Ramsey Community College—Cambridge Center	Cambridge	Contact buyer
26-071-15804	Fermentor Assembly	Mankato State University	Mankato	Contact buyer
32-100-13851 & 13852	Oxygen Meter	Pollution Control Agency	Roseville	Contact buyer
04-121-29659	Work Station	Agriculture	Crookston	Contact buyer
29-000-42597-2757	1986 Spring Turkey Hunt Ag.	Natural Resources	St. Paul	Contact buyer
07-700-35035-2592	Records of Drivers License Examination	Public Safety	St. Paul	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
65-300-02805-2672	SJIS Civil Transaction Form	Supreme Court	St. Paul	Contact buyer
67-260-11222-3250	Affix Labels to Income Tax Booklets	Revenue	St. Paul	Contact buyer
27-147-44063-1791	College Catalogue 86-88	Vermilion Community College	Ely	Contact buyer
02-310-14122 Rebid	Prison Hinges & Screws	MN Correctional Facility	Oak Park Heights	Contact buyer
79-000-49675	Automatic Levels	Transportation	St. Paul	Contact buyer
79-000-49421	Purchase of CRT Terminals	Transportation	St. Paul	Contact buyer
43-000-06478	Carpeting & Installation	Iron Range Resources & Rehabilitation Board & Public Safety—State Patrol	Eveleth	Contact buyer
Contract	Rubbish Disposal			Contact buyer
79-000-49420	Purchase of Memory Boards	Transportation	St. Paul	Contact buyer
79-000-49944	Electric Fork Lift	Transportation—Central Shop	Minneapolis	Contact buyer
79-000-49603	Industrial Tractor Loader	Transportation	Transportation	Contact buyer
29-000-40567	Drill Holes to Bedrock and Abandonment	Natural Resources	Hibbing	Contact buyer
Contract	Laundry Service	Military Affairs	Little Falls	Contact buyer
07-700-36532-2824	Validation Strips	Public Safety	St. Paul	Contact buyer
63-000-00823-2903	PERA Election Newsletter	Public Employment Relations Board	St. Paul	Contact buyer
67-260-11184-3024	Student Guide	Revenue	St. Paul	Contact buyer
67-270-11200-3041	Sale Tax Envelope	Revenue	St. Paul	Contact buyer
67-270-11201-3042	Blue Granite Window Envelope	Revenue	St. Paul	Contact buyer
12-600-87625-2458	Medical Record-File Folder & Inserts	Health	Minneapolis	Contact buyer
21-607-28904	Prosthesis-Rebid	Jobs & Training—Vocational Rehabilitation	Minneapolis	Contact buyer
Sch. 93-A Rebid	L.P. Gas	Various	Various	Contact buyer
26-071-16076	Light Fixtures	Mankato State University	Mankato	Contact buyer
26-073-18254	Furnish & Install Concrete Exterior Light Bases	St. Cloud State University	St. Cloud	Contact buyer
21-200-10843	Janitorial Service	Jobs & Training	Inver Grove Heights	Contact buyer
Contract	Plastic Furniture Covering	MN Correctional Facility	Lino Lakes & St. Cloud	$5,000-8,000
43-06565	Snow Groomer Drags	Various	Various	Contact buyer
29-005-08398	Quarry Rock	Natural Resources	Preston	Contact buyer
55-000-92985	Lunchroom Tables & Chairs	Human Services	St. Paul	Contact buyer
Contract	Payroll Warrants & Income Tax Refund Envelopes	Various	Various	$25,000-42,000
Contract	State Duplicating Overload	Administration—Duplicating	St. Paul	$100,000-150,000
67-260-11224-3251	Carrier Road Code Address & Print Income Tax Labels	Revenue	St. Paul	Contact buyer
79-650-00406, etc.	Snowwheels	Transportation	Owatonna	Contact buyer
78-890-01771	Wood Furnace	Corrections—Willow River Camp	Willow River	Contact buyer
26-071-16087	Purchase of Electronic Design System	Mankato State University	Mankato	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
29-000-42596-2759	1985-86 Mn Game & Fish Laws	Natural Resources	St. Paul	Contact buyer
78-620-25477	Pressure wash with heat & decreasers-duct system	MN Correctional Facility	Stillwater	Contact buyer
27-143-47978	Purchase of Minn. Draft Digitizer System	Hibbing Community College	Hibbing	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Administration
State Register and Public Documents Division

Reminder About Five Contracts Printed in Last Week's Official Notices Section

Notice to Readers:

Five notices for a total of eight contracts were placed in the wrong section of the *State Register* last week. The contracts were as follows:

Agency Name & Contract Title	Contact Deadline	S.R. Page #
Energy & Economic Development		
Request for Proposals for Delivery of Commercial Energy Auditor Training	October 25, 1985	849
Request for Proposals for Planning and Implementing a Series of Home-Based Business Seminars	November 1, 1985	851
Request for Proposals for Agency to Provide Evaluation and Advisory Services	October 28, 1985	853
Request for Proposals for Marketing and Communications Plan for the Office of Software Technology Department	October 28, 1985	854
State Designer Selection Board		
Request for Proposals for Three Projects for the State University System (All three are for Mankato State University)	October 29, 1985	859

Please refer to last week's *State Register* for descriptions, cost estimates, and contact persons for these projects. Agencies have not been asked to move contact deadlines back one week because of this misplacement, and the original contact deadlines apply.

We apologize for our error.

Department of Labor and Industry
Code Enforcement Division

Request for Proposals for Computerization of Recordkeeping Functions

The Minnesota Department of Labor and Industry is requesting bids for consultants to assist in the computerization of the recordkeeping functions of its Code Enforcement Division. The project will encompass review and analysis of transactions and documents, design of a computerized support system that will decrease duplication and redundancy of processing activities, improve access to required data and provide employees with basic training in run design and use of a Sperry 1100 MAPPER System.

Respondents should have prior experience in working with Sperry MAPPER Systems. This experience should include working with private industry or governmental agencies to design, develop and implement computerized recordkeeping support systems.

This request for proposals does not obligate the State to complete the project and the State reserves the right to cancel solicitation if it is not considered to be in its best interest.

The Department has estimated that the cost of the project should not exceed $20,000.

Questions and submission of proposals should be directed to:

Kathy Novosad
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
Phone: (612) 296-6529

Proposals must be received not later than November 4, 1985.

State University System

Request for Proposals for State University System Academic Database Development

The State University Board is soliciting proposals to provide the analysis and computer programming support necessary to complete the development of its academic database project. Once created, this database will support strategic planning, academic program review, and other management responsibilities of the Chancellor's office.

This request for proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. The successful respondent will be expected to enter into a contract with the State University Board.

A. SCOPE OF THE PROJECT—The purpose of this project is to create a centralized information resource to support the decision-making and reporting responsibilities of the State University Board.

The computer system used is a Data General MV 4000 that is networked using XODIAC to other Data General minicomputers on each of the seven state universities. The database is being built using COBOL programs and the INFOS II Database Management System (DBAM).

This project requires providing each campus with data entry screens to build and edit transaction files for each data record type and with procedures for sending those files to the State University Board computer for additional review and for updating the database. Campuses may also create their own programs for generating the initial version of a transaction file and then use the data entry screen for editing the file into final form.

The new programs and procedures should be compatible with those that have been completed already—although recommendations for enhancements will be expected and welcomed. The current form of the index structure is illustrated in Appendix A. The Description File is provided in Appendix B. (Copies of Appendices A through G are available from Dr. Larry R. Selin, Minnesota State University System.

The following list of major components indicates the status of each and refers to the Appendix where the related data elements are displayed.

Campus Departments
Partial record associating department names with department codes.
Status: Complete. (See DEPARTMENT-NAME-RECORD description in Appendix B.)

Department Programs
Record contains identification information for programs in each of the departments of each of the campuses.
Status: The data are in for each campus, but require further editing. Additional programming may be required to address situations where multiple license codes are associated with a single program. (See PROGRAM-IDENTIFICATION-RECORD description in Appendix B.)

Program Concentrations
Record contains identification information for concentrations related to each of the programs for each campus.
Status: The data are in for each campus except Moorhead. Further editing is also required for these data. (See CONCENTRATION-IDENT-RECORD description in Appendix B.)

Program Activity
Record contains information on majors, graduates, and placement for the programs in the database.
Status: No data have been collected for this record. The programs for creating the transaction file are complete, but progress

has been halted on this record due to a problem in transferring database files across the XODIAC system to the campuses. This problem must be solved. (See ACTIVITY-RECORD description in Appendix B.)

Department Enrollments

Record contains student credit hour information by level of instruction (lower, upper and graduate) for on-campus, off-campus and extension instruction.

Status: No programming has been begun for this record. (See Appendix C for elements.)

Campus Enrollments

Record contains summary data from the HECB student data tape based on 10th day figures. Comparable end of quarter data may also be added. While a data entry screen will be required for this record, the primary data entry will be from a computer file which holds summary data from the detailed student record tapes.

Status: No programming has been begun for this record. (See Appendix D for data elements.)

Department Budget

Record contains expenditure information for the regular academic year and for summer sessions.

Status: No work has been begun on this record. (See Appendix E for data elements.)

Campus Budget

Record contains information on expenditure categories by program for each campus.

Status: No programming has been begun for this record. (See Appendix F for data elements.)

Department Personnel

Record contains summary information on staffing counts, course credits hours taught, and appointment types.

Status: No programming has been begun on this item. (See Appendix G for data elements.)

Field Translation

Records in this section will contain English language interpretations of codes in the database.

Status: Developmental work has been accomplished in this area but final decisions on how it should be structured remain.

The results of the project will be a database of useful information about the state universities that is accessible by COBOL programs and by the ''friendlier'' report generator provided by Data General, PRESENT.

B. GOAL OF THE PROJECT—The goal of the project is to obtain the programs, procedures, and documentation necessary to complete the development of the database. The programs, procedures, and documentation must be useable by State University Board staff to actually enter data into the database and perform appropriate maintenance and security activities.

C. PROJECT TASKS—Tasks to be completed during the project include:

1. Review and advise on the design and implementation of the portion of the database already completed.

2. Design each of the new components of the database. (Each component is comprised of the programs and procedures necessary to add one new data record type to the database.) Each component requires the programming and procedures necessary to accomplish data entry, transaction editing, database and database updating. Moreover, each new component should be characterized by menu driven access to programs and by general compatibility with the existing portions of the database. Advice on redesign and enhancements will be expected and welcomed.

3. Program creation.

4. Program testing.

5. Documentation of computer programs must follow the standard format used by the St. Cloud Computer Center. Documentation must also be provided for users.

6. Installation of each component. Successful implementation of each component involves transmitting the appropriate data entry programs to each campus site, having the campuses install those programs on their campus sites, create files of transactions, and successfully transmit those newly created files back to the State University Board office for eventual updating to the database.

D. PROJECT COSTS—The department has estimated that the cost of this project should not exceed $43,000. Billing, however, will be on a time and materials basis, and not a completed task basis.

E. PROJECT COMPLETION DATE—The project will be completed within six months of the date of project authorization.

F. PROPOSAL CONTENTS—The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals and tasks to show or demonstrate the respondent's view of the nature of the project.

2. Identify and describe the deliverables to be provided by the respondent.

3. Outline the respondent's background and experience with particular emphasis on database development using INFOS II (DBAM) and on work in a university setting or for another government agency. Identify personnel to conduct the project and detail their training and work experience. No changes in personnel assigned to the project will be permitted without the written approval of the Project Director.

4. Respondent will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing.

5. Identify the expected or anticipated level of the Department's participation in the project as well as any other services to be provided by the Department.

G. EVALUATION—All proposals received by the deadline will be evaluated by representatives of the State University Board. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project requirements.

2. Project work plan.

3. Project cost and detail. (Note: This will be a time and materials contract.)

4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

5. Ability to provide programs in the COBOL programming language.

6. Ability to develop programs without requiring extensive access to the computing facilities of the State University Board. (i.e., off-site development facility.)

7. Ability to provide Twin Cities based personnel for ease of communication.

Evaluation and selection will be completed by November 18, 1985. Results will be sent immediately by mail to all respondents.

H. DEPARTMENT CONTACTS—Prospective respondents who have any questions regarding this Request for Proposal, or who need copies of Appendices A-G on the Database Index structure, may call or write:

Dr. Larry R. Selin
Database Project Director
Minnesota State University System
555 Park Street Suite 230
St. Paul, MN 55103
612/296-6870

Please Note: Other Department personnel are not allowed to discuss the project with respondents before the submittal of proposal deadline.

I. SUBMISSION OF PROPOSALS—All proposals must be sent to and received by:

Dr. Larry R. Selin
Database Project Director
Minnesota State University System
555 Park Street Suite 230
St. Paul, MN 55103

Not later than 5:00 p.m. (CST), November 4, 1985. Proposals will not be opened before this deadline.

Late proposals will not be accepted. Submit five copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Energy and Economic Development Energy Finance Division

Cycle VIII of the Institutional Building Grants Program

Applications are now available for cycle VIII of the Institutional Building Grants Program (IBGP). Public and private non-profit schools and hospitals are eligible to compete for approximately $1.3 million in federal funds for maxi-audits (technical assistance) or energy conservation measures. Grants will be awarded on a competitive basis for 50% of project costs. The remaining 50% must be from non-federal resources. Hardship grants for more than 50% may be possible.

The cycle VIII deadline is 4:30 p.m., Monday, December 16, 1985. For more information, call (612) 297-2103 or write: IBGP, Energy Finance Division, Department of Energy and Economic Development, 900 American Center, 150 East Kellogg Boulevard, St. Paul, MN 55101.

SUPREME COURT DECISIONS

Decisions Filed Friday, October 4, 1985

Compiled by Wayne O. Tschimperle, Clerk

C5-82-466 In the Matter of the Application for the Discipline of James V. Beal, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Per Curiam.

Orders

C1-85-1368 In the Matter of the Application for the Discipline of John J. Flanagan, an Attorney at Law of the State of Minnesota. Supreme Court.

Trustee Appointment Confirmed. Amdahl, C. J.

C2-85-1329 In the Matter of the Application for the Discipline of Roger L. Oldenkamp, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspension Denied. Yetka, J.

C3-83-1299 State v. Howard Roy Kitto, Appellant. Supreme Court.

Rehearing Denied. Wahl, J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota Tax Court Regular Division

Bernard J. Klein and Barbara J. Klein, Appellants, vs. Commissioner of Revenue, Appellee, Docket No. 4249

Findings of Fact, Conclusions of Law and Order for Judgement Dated September 30, 1985

The above-entitled matter came on for hearing before Judge M. Jean Stepan of the Minnesota Tax Court, on September 16, 1985, in the Tax Court Courtroom in St. Paul, Minnesota.

Mr. Robert W. Owens, Jr., of the firm of Thompson and Hawkins, appeared for appellants.

Mr. Thomas K. Overton, Special Assistant Attorney General, appeared for appellee.

Findings of Fact and Conclusions of Law

1. Appellants have failed to meet their burden of proving that the Order of the Commissioner of Revenue from which this appeal was taken is in any way incorrect.

2. The attached Memorandum is hereby made a part of these Findings of Fact.

3. The Order of the Commissioner of Revenue dated November 5, 1984, from which this appeal was taken, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

September 30, 1985

By the Court,
M. Jean Stepan, Judge
Minnesota Tax Court

State of Minnesota Tax Court Regular Division

Harold W. Ehrich, Appellant, vs. Commissioner of Revenue, Appellee, Docket No. 4195

Findings of Fact, Conclusions of Law, and Order for Judgement Dated October 1, 1985

The above-entitled matter came on before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, upon the written stipulation of the parties. Appellant appeals from the Order of the Commissioner of Revenue dated August 1, 1984, assessing additional Gift Tax to Harold W. Ehrich for the calendar year ending December 31, 1977.

Mark A. Madsen, Attorney at Law, appeared for appellant.

James W. Neher, Special Assistant Attorney General, appeared for appellee.

The Court, having duly considered the briefs submitted by counsel and upon all of the files, records and proceedings herein, now makes the following:

Findings of Fact

1. Through a series of transfers, Harold W. Ehrich transferred 152 acres of bare farmland in Faribault County, Minnesota, to his daughter and son-in-law, Nancy Lee Peterson and Dion Peterson. In connection with these transfers, the land was appraised on October 7, 1977, by Faribault County appraisers, Henry Mertens and Fred Fenske. The appraisers' opinion of value for the 152 acres was $236,000.

2. Harold W. Ehrich gifted an undivided 1/20 interest in the 152-acre property to the Petersons on December 29, 1977. Mr. Ehrich reported these gifts on his 1977 Minnesota Gift Tax Return, which, together with payment of $142.00 in gift tax, was received by the Department of Revenue on January 25, 1978.

3. On December 29, 1977, Harold W. Ehrich sold an undivided 9/10 interest in the 152-acre property to the Petersons for a total sale price of $212,400. No gift tax return was filed in connection with this transfer.

4. Harold W. Ehrich gifted the remaining 1/20 interest in the property to the Petersons on January 5, 1978. Mr. Ehrich reported these gifts on his 1978 Minnesota Gift Tax Return, which, together with payment of $253.53 in gift tax, was filed with the Department of Revenue in January, 1979.

5. The valuation of the 152 acres for the purposes of the 1/20 interest gifted in 1977 ($11,800) and the 1/20 interest gifted in 1978 ($11,800), as well as the 9/10 interest sold in 1977 ($212,400) was based on the 1977 appraisal referred to in paragraph no. 1 above.

6. Both the 1977 and 1978 Minnesota Gift Tax Returns were audited and accepted as filed by the Minnesota Department of Revenue, and no adjustment to either return was made within three-and-one-half years after it was filed, as required under Minn. Stat. § 292.08, subd. 6 (1978).

7. On or about May 7, 1984, the Internal Revenue Service increased the values of these transfers in conjunction with the audit of the Federal Estate Tax Return of decedent, Harold W. Ehrich, who died on September 12, 1981. The values of the December 29, 1977 and January 5, 1978 transfers of 1/20 interests in the property were individually increased from $11,800 to $15,800. The value of the December 29, 1977 transfer of a 9/10 interest in the property was increased from $212,400 to $280,440, resulting in a taxable gift for federal gift tax purposes of $68,040 ($280,440 less the $212,400 in consideration paid by the donees). The estate has consented to these increases.

8. On or about May 15, 1984, the Internal Revenue Service notified the Minnesota Department of Revenue of the aforesaid increases in value. On August 1, 1984, the Commissioner of Revenue for the State of Minnesota issued his order assessing gift tax on the above-described December 29, 1977 and January 5, 1978 transfers. On or about September 27, 1984, the appellant timely filed its Notice of Appeal with respect to said order.

9. For purposes of this litigation, the Commissioner concedes that the assessment of additional tax on the December 29, 1977 and January 5, 1978 transfers of a 1/20 interest in the property is barred by the period of limitations set out in Minn. Stat. § 292.08, subd. 7(d) (1978), but takes the position that the assessment of tax on the December 29, 1977 transfer of a 9/10 interest in the property is valid and correct under the provisions of Minn. Stat. § 292.08, subd. 7(b) (1978).

Conclusions of Law

1. Under Minn. Stat. § 292.08, subd. 7(a) (1978), the Commissioner of Revenue may assess gift tax at any time on a taxable transfer of property where there has been a failure to file a gift tax return with the Department of Revenue.

2. Under Minn. Stat. § 292.08, subd. 7(b) (1978), the Commissioner of Revenue may assess gift tax at any time on a taxable transfer of property which has been omitted from a gift tax return filed with the Department of Revenue.

3. The Commissioner's Order dated August 6, 1984, assessing gift tax on an unreported gift made on December 29, 1977, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

October 1, 1985

By the Court,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

State of Minnesota Tax Court
Regular Division

Sterling Custom Homes, Inc., Appellant, vs. Commissioner of Revenue, Appellee, Docket No. 4052

Findings of Fact, Conclusions of Law, and Order for Judgement Dated September 30, 1985

The above-entitled matter was submitted on a Stipulation of Facts and briefs. A hearing for oral arguments was held at the Hennepin County Government Center in Minneapolis, Minnesota, on July 9, 1985, before Judge M. Jean Stepan of the Minnesota Tax Court.

Gary D. Blackford, of the firm of Popham, Haik, Schnobrich, Kaufman and Doty, Ltd., appeared for appellant.

Amy Eisenstadt, Special Assistant Attorney General, appeared for appellee.

Syllabus

A company that prepares plans for custom-designed homes, then constructs components of those homes including wall sections, deck and floor sections, roofs, interiors and trim, and delivers them to the construction site of the home, unloads the components there and oversees the erection of the components on the site as needed to ensure that they are affixed in the correct sequence and position, but which does not assume responsibility for construction or labor at the job site, is not a contractor or subcontractor within the meaning of Minn. Stat. § 297A.01, subd. 4, but is a "supplier of building materials" under that statute and is therefore engaged in taxable retail sales at the construction site.

Findings of Fact

1. During the tax periods in question, Sterling Homes was in the business of prefabricating custom-designed home packages, which ranged in price from $20,000 to $200,000. The packages sold in Minnesota were produced at Sterling Homes' Fond du Lac, Wisconsin plant.

2. Sterling Homes marketed its home packages through regional managers, who sold them to local builders. The builders executed separate agreements with the homeowners and determined the eventual price to be charged for the finished homes.

3. In most instances the homeowner and builder would come to Sterling Homes with rough sketches and ideas for Sterling Homes to incorporate into formal drawings. Once the drawings were completed by Sterling Homes, the builder, and sometimes the homeowner, would specify in detail the materials that were to be incorporated into the home. Sterling Homes and the builder would then complete a detailed specification sheet for the house. After that agreement was reached, Sterling Homes would prepare and supply to the builder a detailed plan for the house foundation. The builder was responsible for the actual installation of the foundation and Sterling Homes coordinated its foundation plans with its construction to ensure that the house fit the foundation properly.

4. The prefabricated components for any one house were not interchangeable with the components for any other house. The prefabricated components of each home were used only in the construction of the particular house for which Sterling Homes and the builder had contracted.

5. Sterling Homes prefabricates each home at its plant in Fond du Lac in a regular sequence. It first produces the wall sections, then the deck and floor sections, the roof, and finally the interior and trim. The home packages prefabricated by Sterling Homes did not include "mechanicals," such as plumbing, wiring, heating and drywall. The builders hired subcontractors to perform this work.

6. When the foundation was completed, Sterling Homes loaded the components in the sequence conformed to the order that the components would be erected at the job site. The components were delivered to the job site by Sterling Homes' trucks and drivers. Each driver was accompanied by up to two Sterling Homes employees who would assist in the unloading of the components. At the job site the larger components were unloaded by crane. The crane operators were hired by the builder, but were usually selected by one of Sterling Homes' salesmen. The smaller components, such as trim, were unloaded by Sterling Homes employees and were placed in the portion of the house where they would be installed. The drivers were required to keep a report with respect to the erection of the prefabricated components.

7. The drivers were involved in the erection of such homes on a daily basis. The drivers have basic carpentry knowledge, and are able to read a blueprint. Although the actual erection ordinarily took about one day, if the home did not go up smoothly the drivers were required to spend additional time at the site. In such instances, the trucks and delivery vehicles were returned to the Fond du Lac plant, while the drivers remained on the job site to oversee the construction of the home.

8. The driver's assigned on-site duties were limited to the following:

a. Supervision and direction of the crane operator in:

(1) removing the larger components from the trucks in proper sequence without damage to the other components;

(2) placing of the larger components on the site in proper sequence and position.

b. Supervision of other Sterling Homes employees in unloading smaller components and placing them in the portion of the house where they would be installed.

c. Supervision of the contractor's employees in affixing the components to the foundation and attaching the components to each other.

d. To repair or reconstruct any defective components.

9. Sterling Homes was not contractually responsible for the erection of the house components under its contracts with the builders.

10. Sterling Homes' customer is the general contractor. It is the general contractor who assumes responsibility for and provides labor for erection of the prefabricated components.

11. During the periods in question, Sterling Homes remitted to the State of Minnesota a use tax on the cost of the materials purchased to prefabricate the components sold to such builders.

12. By Order of the Commissioner of Revenue, dated September 20, 1983, the Sales and Use Tax Division of the Department of Revenue assessed Sterling Homes an additional $21,942.84 for the taxable periods January 1, 1980 through December 31, 1982. The Commissioner of Revenue assessed the sales tax on the full contract price of home packages sold in Minnesota, claiming that the sales by Sterling Homes were ''sales of building materials, supplies and equipment to owners, contractors, subcontractors or builders for the erection of buildings or the alteration, repair or improvement of real property,'' under the provisions of Minn. Stat. § 297A.01, subd. 4.

13. On October 19, 1983, Sterling Homes appealed the assessment to the Director of the Sales and Use Tax Division of the Minnesota Department of Revenue. In his Order dated December 16, 1983, the Commissioner, after hearing oral argument, affirmed the assessment.

Conclusions of Law

1. Appellant is a ''supplier of building materials'' within the meaning of Minn. Stat. § 297A.01, subdivision 4.

2. Sales by appellant to the builder at the home site are sales at retail subject to the Minnesota sales tax under Minn. Stat. § 297A.01, subd. 4.

3. Minn. Stat. § 297A.01, subd. 4, does not violate the United States or Minnesota Constitutions either on its face or in its application herein.

4. The Order of the Commissioner of Revenue dated December 16, 1983, from which this appeal was taken, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

September 30, 1985

By the Court,
M. Jean Stepan, Judge
Minnesota Tax Court

ERRATA

Higher Education Coordinating Board

Notice Concerning Last Week's Correction Notice About Proposed Emergency Rules Relating to Education, Financial Aid, Grants, Part-time Students

Last week's correction notice was an accidental reprinting of an Errata previously published in the *State Register* on August 5, 1985. The original Errata was also listed in the Minnesota Rules Amendments and Additions list, and corrects printing errors in the original printing of the proposed emergency rules.

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STATE REGISTER

STATE OF MINNESOTA



VOLUME 10, NUMBER 16

October 14, 1985

Pages 877-948

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 10		
17	Monday October 7	Monday October 14	Monday October 21
18	Monday October 14	Monday October 21	Monday October 28
19	Monday October 21	Monday October 28	Monday November 4
20	Monday October 28	Monday November 4	Monday November 11

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

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

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

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

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Issues 14-25, inclusive
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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Labor and Industry

Proposed Rules Relating to Occupational Professions, Boiler Operations, Fees

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Department of Labor and Industry, Code of Enforcement Division, proposes to adopt the above-captioned amendments to Minn. Rules, parts 5225.0200, 5225.0300 and 5225.8600 without a public hearing. The Department has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1984).

Persons or groups interested in these amendments shall have 30 days to submit comments on the proposed amendments. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

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.

A public hearing will not be held unless 20 percent or more of the persons who are required to pay fees under the proposed amendments submit written requests for a public hearing on the proposed amendments within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Steve Keefe
Commissioner, Department of Labor and Industry
5th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

Authority for the adoption of these amendments is contained in Minn. Stat. § 183.545 (1984). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments, identifies the data and information relied upon to support the proposed amendments and assesses the impact of the proposed amendments on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address.

The fees may affect small business slightly, as the fees are increased 5 to 10 dollars for most boilers operated by small businesses. Engineers' licenses are purchased by individual engineers and may affect small businesses to the extent that the licenses are paid for by or the cost is passed on to small businesses.

Upon adoption of the final amendments without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final amendments as adopted, will be delivered to the Attorney General. The amendments will then be reviewed by the Attorney General as to legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the amendments and the existence of a rational basis for the need for and reasonableness of the proposed amendments. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the amendments as originally proposed, or who wish to receive a free copy of the final amendments as adopted, should submit a written request to the Commissioner at the above address.

The text of the proposed amendments follows this notice in the *State Register*. The amendments increase the fees for boiler engineers' licenses applications and renewals and inspection fees.

One free copy of the proposed amendments may be obtained by contacting Paul Blossfield at the above address or by calling (612) 296-4530.

Steve Keefe
Commissioner, Department of
Labor and Industry

Rules as Proposed

5225.0300 EXPIRATION AND RENEWALS.

Subpart 1. [Unchanged.]

Subp. 2. **Expirations within less than five years.** Licenses which have expired less than five years prior to date of application for renewal may be renewed without the necessity of an examination upon filing an application therefor, accompanied by the fee required in part ~~5225.0200~~ 5225.8600. Applications shall be marked "expired renewal" and do not have to be signed.

Subp. 3. **Expirations of five years or more.** Licenses which have expired five years or more prior to the date of application for renewal may be renewed by filing an application therefor, accompanied by the fee required by part ~~5225.0200~~ 5225.8600, and passing an examination.

Rules as Proposed (all new material)

5225.8600 FEES.

Subpart 1. **Generally.** Fees for inspections, examinations, and licenses under parts 5225.0100 to 5225.7200 are in subparts 2 to 7.

Subp. 2. **Engineer licenses.**

A. The fees for a new engineer license application are as follows:

(1) chief engineer, $40;

(2) first class engineer, $25;

(3) second class engineer, $20;

(4) special engineer, $15;

(5) hobby engineer, $30, and

(6) pilot, $20.

B. The fees for license renewal under part 5225.0300 are as follows:

(1) chief engineer, $25;

(2) first class engineer, $20;

(3) second class engineer, $15; and

(4) special engineers, pilot, $10.

C. The fees for expired renewals under part 5225.0300, subpart 2, are as follows:

(1) chief engineer, $30;

(2) first class engineer, $25;

(3) second class engineer, $20; and

(4) special engineer, pilot, $15.

Subp. 3. **Boiler and pressure vessel inspection.** The fees for the annual inspections of boilers and the biennial inspections of pressure vessels under Minnesota Statutes, section 183.545, subdivision 3, are as follows:

A. boiler inaccessible for internal inspection, $20;

B. boiler accessible for internal inspection, $30;

C. boiler internal inspection over 2,000 square feet, $40;

D. boiler internal inspection over 4,000 square feet, $50;

E. boiler internal inspection over 10,000 square feet, $70;

F. boiler requiring internal inspection up to one-half day, $130;

G. pressure vessel for internal inspection, $20; and

H. pressure vessel inaccessible for internal inspection, $10.

Subp. 4. **Shop inspections.** The fees for shop inspections under Minnesota Statutes, section 183.545, subdivision 3, are as follows:

A. inspection of two hours or less, $70;

B. one-half day, four hours or less, $130; supervisor, $180;

C. eight hours or less, $240; supervisor, $320; and

D. each hour over eight hours, per hour, $45; supervisor, $50.

Subp. 5. **Inspectors.** The fees for inspector's examinations, certificates, and endorsements under Minnesota Statutes, section 183.545, subdivisions 6, 7, and 8, are as follows:

A. national board inspector's exam, $40;

B. nuclear endorsement, $20;

C. Minnesota certificate of competency, original, $20; and

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D. Minnesota certificate of competency, renewal, $15.

Subp. 6. **Exemption certificates.** The fees for exemption certificates under Minnesota Statutes, section 183.57, subdivision 2, are as follows:

A. first object inspected, $10; and

B. each additional object inspected, $5.

Subp. 7. **Vessel inspections.** The fees for vessel inspections under Minnesota Statutes, section 183.545, subdivision 1, are as follows:

A. boat under 30 feet, $30;

B. boat from 30 to 40 feet, $40;

C. boat 40 to 50 feet, $50; and

D. boat over 50 feet, $60.

Repealer. Minnesota Rules, part 5225.0200, is repealed.

Pollution Control Agency
Water Quality Division

Proposed Rules Relating to Wastewater Treatment

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency proposes to amend and adopt the above-entitled rules without a public hearing. The Executive Director has determined that the proposed amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984).

The proposed rule amendments are authorized by Minnesota Statutes, Section 115.03, Subdivision 1(c) (1984), Section 116.16 (1984) and Minnesota Laws, Ex. Sess., Chapter 14, Article 19, Section 3. The primary purpose for the proposed amendments is to provide for administration of the financial assistance program for the abatement of combined sewer overflows into the Mississippi River in the Twin Cities Metropolitan area. Other revisions include an increase in the maximum state supplemental wastewater treatment facilities grant from 15 percent to 30 percent; and a relaxation of requirements for award of reimbursement grants.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each revision to the proposed rules. Copies of the Statement of Need and Reasonableness and of the proposed rules are available and may be obtained by contacting:

Roberta Stadtler
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7376

Interested persons have 30 days, or until 4:30 p.m. on November 15, 1985 to submit comments on the proposed rules. Comments are encouraged and should be submitted to Ms. Sharon Meyer at the address stated above. The proposed rules may be modified if the data and views received by the Agency before the end of the comment period support the need for modification and if the modification does not result in a substantial change in the proposed rules.

Persons submitting comments should identify the portion of the rules addressed, the reason for the comment, and any change proposed. If, during the 30-day period for comments, 25 or more persons submit a written request for public hearing on the proposed rules, the Agency will hold a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20.

Persons submitting a request for a public hearing should submit a written request to Ms. Sharon Meyer at the address stated above. The request should state the name and address of the person requesting the hearing and persons are encouraged to identify the portion or portions of the rules to be the subject of the hearing along with the reasons for requesting the hearing and, if applicable, what changes to the rules as proposed are being proposed by the person submitting the request.

In the event that no hearing on these rules is required, and upon adoption of the rules by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent

to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to receive notice of the date of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a request to Ms. Sharon Meyer at the address previously stated. The Agency encourages persons to submit written requests, if possible.

You are hereby advised, pursuant to Minnesota Statutes, Section 14.115 (1984), "Small business considerations in rulemaking," that the proposed rules may have an impact on small businesses in Minnesota. We think that this impact will be positive. Some small construction contracts will be awarded under the financial assistance program for combined sewer overflow abatement, and small businesses will be given the opportunity to bid on some of these projects.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, Subdivision 11 (1984) as any individual:

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

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

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

Thomas J. Kalitowski
Executive Director

Rules as Proposed

7075.0100 PURPOSE.

This chapter provides for the administration of the federal construction grant program, the independent state construction grant program, the state matching construction grant program, ~~and~~ the state loan program for the construction of municipal disposal systems, and the state financial assistance program for combined sewer overflow abatement.

7075.0400 TYPES OF PROGRAMS.

Under this chapter and Minnesota Statutes, section 116.16 et seq., the agency may disburse funds from the pollution control fund for the following:

A. and B. [Unchanged.]

C. independent state grants for planning and construction of municipal disposal systems; ~~and~~

D. loans for the construction of municipal disposal systems; and

E. financial assistance for the abatement of combined sewer overflow.

7075.0401 SUMMARY OF CONSTRUCTION GRANTS PROGRAMS.

The following provisions apply to the municipal construction grant programs:

A. to G. [Unchanged.]

H. State financial assistance is available for design and construction of combined sewer overflow abatement projects. This assistance is awarded on a pro rata basis to qualifying municipalities separately from the priority ranking process for other construction grants.

7075.0409 MUNICIPAL PROJECT LIST.

Subpart 1. **Adoption of municipal project list.** The agency shall adopt a municipal project list each fiscal year which shall list

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in order of priority projects for which federal grant funds will be requested from current allotments and for which state grants will be awarded from current appropriations. The municipal project list shall also contain those projects for which state financial assistance will be available for combined sewer overflow abatement projects. The municipal project list shall also list any nonproject uses of the state's allotment of federal grant funds and of the appropriation of state grant funds, including but not limited to, training grants and costs of administration.

Subp. 2. **Requirements for placement on list.** A municipality that requests project placement on the municipal project list shall meet the following requirements:

A. to E. [Unchanged.]

F. A municipality seeking a Step 3 federal grant for combined sewer overflow abatement projects or state financial assistance for combined sewer overflow abatement projects shall not be subject to the conditions contained in items C and D. The municipality shall submit by June 1 prior to the beginning of the fiscal year for which the grant or financial assistance is sought, a list and schedule of construction projects to be initiated in the following fiscal year. If the municipality's NPDES/SDS permit provides a different date for submission of the list and schedule, the date in the permit shall take precedence.

Subp. 3. **Preparation of proposed municipal project list.** The agency shall prepare a municipal project list that lists in order of priority the municipalities that are eligible to apply for construction grants for their projects from funds allotted to the state for the current fiscal year by the federal government or appropriated into the fund for the current fiscal year.

In drafting the proposed municipal project list, the agency shall consider the following factors in the order given:

A. and B. [Unchanged.]

C. restrictions on obligations mandated by these parts and applicable state and federal statutes, including but not limited to set asides for administration of certain types of projects, and the percentage of the cost of construction that will be paid by state and federal grants; ~~and~~

D. the municipalities' preference for funding sources; and

E. the amount of state financial assistance available for combined sewer overflow abatement projects.

Subp. 4. **Procedures for drafting list.** In drafting the proposed municipal project list, the agency shall list projects on the proposed list according to the following procedures:

A. to C. [Unchanged.]

D. The agency shall then list combined sewer overflow abatement projects for which state financial assistance will be awarded in the fiscal year from funds available for those kinds of projects.

E. The agency may list projects which will receive Step 1 and 2 grants and advances of allowance in such a manner as to permit funding to proceed in an orderly fashion to fully utilize all allocated and appropriated funds.

Subp. 5. **Reimbursement project list.** The agency shall prepare a reimbursement project list that lists those municipalities that are willing to proceed with projects and are willing to be reimbursed in a subsequent year conditioned upon appropriation of sufficient money for that year. No municipality may be listed on the reimbursement project list unless the municipality has requested placement on the list and has ~~complied with part 7075.0409,~~ received approval of the documents listed in subpart 2, ~~items A,~~ item C~~,~~ ~~and D~~. The total cost of these reimbursement projects may not exceed the amount ~~of the expected~~ newly appropriated to the independent state grant ~~appropriation for the next year~~ program. Reimbursement projects must be listed in the same order of priority as they appear on the municipal needs list. A reimbursement project may appear on both the reimbursement project list and the reserve project list.

7075.0411 PROJECT ELIGIBILITY.

Subpart 1. **Steps eligible.** Federal grants and state matching grants shall be awarded only for Step 2+3 and Step 3 projects. Advances of allowance for Step 1 and 2 projects may also be provided from federal funds. Independent state grants may be awarded for Step 1, Step 2, Step 2+3, and Step 3 projects. Financial assistance for combined sewer overflow abatement shall be awarded only for design and construction work.

Subp. 2. **General eligibility.** No project is eligible for a federal grant or a state matching grant unless it is eligible for funding under the act and applicable federal regulations. No project is eligible for an independent state grant unless it is eligible under this chapter and applicable state statutes. No municipality is eligible for state financial assistance for combined sewer overflow abatement projects unless the municipality complies with the conditions of Minnesota Statutes, section 116.162, subdivision 7.

Subp. 3. **Initiation of construction.** A municipality is not eligible for a federal grant or a state matching grant if construction on the project has been initiated prior to the award of the grant.

A municipality may be eligible for an independent state grant after initiation of construction, provided that:

A. the municipality was listed on ~~the~~ a reimbursement project list ~~in the fiscal year~~ when construction began;

B. the municipality submitted a complete grant application to the agency within 90 days after adoption or revision of the reimbursement project list; and

C. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. **Eligible costs.** The following provisions govern eligible costs:

A. The eligible cost of any project for which a grant or state financial assistance will be awarded shall be determined by the application of applicable state and federal statutes and rules.

B. In addition to other eligible costs established by state law for combined sewer overflow abatement projects, storm water conveyance facilities that are part of the most cost effective alternative for combined sewer overflow abatement shall be eligible for state financial assistance. Such facilities shall include those structures, pipes, and appurtenances from the point of entry at the catch basin to the outlet structure which are necessary to convey up to the five-year storm.

7075.0414 GRANT APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Timing and form of application.** The following provisions govern the timing and form of grant applications:

A. A municipality on the final municipal project list for other than a combined sewer overflow project shall submit a completed construction grant application to the agency within 90 days after the date on which the agency adopts that fiscal year's municipal project list.

B. A municipality on the final municipal project list for a combined sewer overflow abatement project shall submit a completed construction grant application, or a completed application for state financial assistance, whichever is being applied for, by December 1 following agency adoption of that fiscal year's municipal project list, unless a different date is provided in the municipality's NPDES/SDS permit, in which case the deadline in the permit shall take precedence.

C. The application for federal grant funds shall be on EPA's form 5700-32, as provided by the agency.

D. The application for state grant funds shall be on the form as provided by the agency.

E. The application for state financial assistance for combined sewer overflow abatement projects shall be on the form as provided by the agency.

Subp. 3. to 5. [Unchanged.]

Subp. 6. **Additional information for Step 3 grant.** A municipality that applies for a Step 3 grant shall, in addition to submitting the completed application form, submit the following information for agency review and approval:

A. to M. [Unchanged.]

N. For municipalities applying for Step 3 federal grants for combined sewer overflow abatement projects, the following information shall also be submitted:

(1) the scope of work outlined in the list and schedule submitted the previous June 1, or in accordance wtih the NPDES/SDS permit;

(2) such additional scope of work that the municipality could proceed with if any additional funds become available; and

(3) the items listed in part 7075.0409, subpart 2, item C. The plans and specifications shall be for the scope of work described in subitems (1) and (2).

Subp. 6a. **Additional information for state financial assistance for combined sewer overflow abatement.** A municipality that applies for state financial assistance for a combined sewer overflow abatement project shall submit the following information for agency review and approval:

A. the scope of work contained in the list and schedule submitted the previous June 1, or in accordance with the NPDES/SDS permit, plus such additional scope of work as may be necessary to utilize any additional funds that may become available;

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B. that information required for a Step 3 grant under subpart 6, items A, F, G, I, and L; and

C. plans and specifications for the scope of work described in item A.

Subp. 7. and 8. [Unchanged.]

7075.0419 ADVANCES OF ALLOWANCE.

Subpart 1. to 3. [Unchanged.]

Subp. 3a. **Submittal and approval of facilities plan.** In order to receive a Step 2 advance, a municipality shall ~~comply with~~ submit the documents listed in part 7075.0409, subpart 2, ~~items A.~~ item B~~, and D~~. The facilities plan must be approved before the advance will be awarded.

Subp. 4. to 7. [Unchanged.]

7075.0428 GRANT AMOUNTS.

Subpart 1. **State matching grants.** For projects tendered on or after October 1, 1984, a federal grant at 55 percent or more of the eligible cost for construction of a treatment works, the agency shall award a state matching grant for up to an additional ~~15~~ 30 percent of the eligible cost if construction of the treatment works would otherwise impose a significant financial hardship on the municipality.

Subp. 2. **Independent state grants.** The agency may award independent state grants as follows:

A. [Unchanged.]

B. The agency may award Step 2 + 3 and Step 3 independent state grants to municipalities to pay for 50 percent of the eligible cost of construction, or, if the agency requires and the municipality is constructing advanced treatment, 65 percent of the eligible cost of construction. If construction of a treatment works would otherwise impose a significant financial hardship on a municipality, the agency may award an independent state grant to pay for up to an additional ~~15~~ 30 percent of the eligible cost of construction, or if the agency requires and the municipality is constructing advanced treatment, an additional ~~ten~~ 25 percent of the eligible cost of construction.

Subp. 2a. **State financial assistance for combined sewer overflow abatement projects.** The agency may award state financial assistance for combined sewer overflow abatement projects as follows:

A. The agency may award state financial assistance for design of combined sewer overflow abatement projects to municipalities in an amount determined according to the same procedures for calculating an allowance under Code of Federal Regulations, title 40, part 35, appendix B.

B. Each fiscal year, municipalities eligible for financial assistance for combined sewer overflow abatement projects shall be awarded a proportionate share of the appropriation available for such projects in that fiscal year. The proportionate share for each eligible municipality is as follows:

(1) Minneapolis, 24.2 percent;

(2) Saint Paul, 71.6 percent;

(3) South Saint Paul, 4.2 percent.

C. By no later than March 31 each year, beginning in 1987, the agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either entered into construction contracts for the work if the work is to be contracted out, or issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the agency determines that a municipality has not submitted a complete financial assistance application and entered into construction contracts or issued work proceed orders, the agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. Any municipality that is awarded additional funds shall enter into construction contracts or issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that the municipality entitled to the repayment funds still has not made firm commitments to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

Subp. 3. **Local share.** Except as provided in part 7075.0425, in no event may a municipality that obtains a state matching grant or independent state grant be responsible for less than ~~25~~ ten percent of the eligible cost of the project.

Subp. 4. **Significant financial hardship.** The amount of a state matching grant awarded to a municipality after October 1, 1984, and the amount of a supplemental independent state grant awarded to a municipality depends on the extent to which construction of the treatment works imposes a significant financial hardship on the municipality. The determination of the financial hardship and the amount of the grant must be based on per connection capital cost, median household income, and per capita adjusted assessed valuation, in accordance with the following procedures:

A. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's per connection capital cost after bidding compared with the median per connection capital cost for all projects which accepted bids under the programs during the two years ending July 1 prior to adoption of the municipal project list on which the municipality appears. The percentage of the eligible cost to be paid for by the grant based on per connection capital cost is represented by letter A below and is determined by the following ~~table~~ formula.

~~Municipality Per Connection Cost × 100 ÷ Median Per Connection Cost of Projects Bid During Previous Two Years~~	~~Percentage of Cost Funded~~
~~60-69~~	~~0.5~~
~~70-79~~	~~1.0~~
~~80-89~~	~~1.5~~
~~90-99~~	~~2.0~~
~~100-119~~	~~2.5~~
~~120-139~~	~~3.0~~
~~140-159~~	~~3.5~~
~~160-179~~	~~4.0~~
~~180-199~~	~~4.5~~
~~200 or more~~	~~5.0~~

$$A = .10\,(Z - 65)$$

$$\text{Where } Z = \frac{\text{municipality's per connection cost} \times 100}{\text{median per connection cost of projects bid during previous two years}}$$

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

B. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's median household income compared with the state median nonmetropolitan household income. Median household income must be determined from the latest federal census. The percentage of the eligible cost to be paid for by the grant based on median household income is represented by letter B below and is determined by the following ~~table~~ formula.

~~Municipality Median Household Income × 100 ÷ State Median Nonmetropolitan Household Income~~	~~Percentage of Cost Funded~~
~~100-104~~	~~0.5~~
~~95-100~~	~~1.0~~
~~90-94~~	~~1.5~~
~~85-89~~	~~2.0~~
~~80-84~~	~~2.5~~
~~75-79~~	~~3.0~~
~~70-74~~	~~3.5~~
~~65-69~~	~~4.0~~
~~60-64~~	~~4.5~~
~~95-100~~	~~1.0~~
~~90-94~~	~~1.5~~

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~~Municipality Median Household Income × 100 ÷ State Median Nonmetropolitan Household Income~~	~~Percentage of Cost Funded~~
~~85-89~~	~~2.0~~
~~80-84~~	~~2.5~~
~~75-79~~	~~3.0~~
~~70-74~~	~~3.5~~
~~65-69~~	~~4.0~~
~~60-64~~	~~4.5~~
~~less than 60~~	~~5.0~~

B = .48(105 − X)

Where X = municipality's median household income × 100 / state median nonmetropolitan household income

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

C. The agency shall award a state matching grant or independent state grant for up to ~~five~~ 15 percent of the eligible cost of construction based on the municipality's per capita adjusted assessed valuation compared with the state median per capita adjusted assessed valuation. Per capita adjusted assessed valuation must be determined from the latest data available from the Department of Revenue at the time of the grant award. The percentage of the eligible cost to be paid for by the grant based on the per capita adjusted assessed valuation is represented by letter C below and is determined by the following ~~table~~ formula.

~~Municipality Per Capita Adjusted Assessed Valuation × 100 ÷ State Median Per Capita Adusted Assessed Valuation~~	~~Percentage of Cost Funded~~
~~105-109~~	~~0.5~~
~~100-104~~	~~1.0~~
~~95-99~~	~~1.5~~
~~90-94~~	~~2.0~~
~~85-89~~	~~2.5~~
~~80-84~~	~~3.0~~
~~75-79~~	~~3.5~~
~~70-74~~	~~4.0~~
~~65-69~~	~~4.5~~
~~less than 65~~	~~5.0~~

C = .24(110 − Y)

Where Y = municipality's per capita adjusted assessed valuation × 100 / state median per capita adjusted assessed valuation

The percentage of the eligible costs to be paid for by the grant shall be rounded to the nearest one-tenth of one percent.

7075.0433 PAYMENT OF STATE FINANCIAL ASSISTANCE FOR COMBINED SEWER OVERFLOW ABATEMENT.

The municipality may request in writing periodic payments as work on the project progresses up to 80 percent of the total amount of the financial assistance. After final inspection, the agency shall pay the remaining 20 percent after the municipality has complied with part 7075.0430, subpart 5, item C, subitems (1), (4), and (9).

REPEALER. Minnesota Rules, part 7075.0418, is repealed.

Pollution Control Agency
Air Quality Division

Proposed Rules Relating to Noise Control

Notice of Withdrawal of Proposed Rule Amendments; Notice of Hearing on Proposed Rule Amendments

Notice of Withdrawal of Proposed Rule Amendments

Notice is hereby given that the rule amendments proposed by the Minnesota Pollution Control Agency (''Agency'') and published in the *State Register* (9 S.R. 2058, March 18, 1985) (''March 18 draft rule amendments'') are hereby withdrawn.

The Agency received more than 25 requests for a hearing on the March 18 draft rule amendments. On September 24, 1985, the Agency adopted a resolution withdrawing those proposed rule amendments and at the same time authorizing the Executive Director of the Agency to commence a rule hearing on a different set of proposed amendments to the State Noise Standards. The new set of amendments is a modified version of the March 18 draft rule amendments. In modifying the March 18 draft rule amendments, the Agency has taken into account comments received by the Agency during the comment period on the March 18 draft rule amendments.

The Notice of Hearing on the newly proposed rule amendments is published below.

Notice of Hearing on Proposed Rule Amendments

Notice is hereby given that a public hearing will be held in the above-entitled matter at St. John's Lutheran Church, 4900 Nicollet Avenue South, Minneapolis, Minnesota 55409, commencing at 9:00 a.m. on Tuesday, November 19, 1985, and continuing in an evening session at the same location starting at 7:00 p.m.; and at the St. Louis County Boardroom, Courthouse Building, Third Floor, 5th Avenue West, Duluth, Minnesota 55802, commencing at 1:00 p.m. on Thursday, November 21, 1985, and continuing in an evening session at the same location starting at 7:00 p.m. Additional days of hearing will be scheduled, if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

This matter will be heard by Administrative Law Judge Allan Klein, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7609. The rule hearing procedure is governed by Minn. Stat. §§ 14.14 to 14.20 (1984) and by the rules of the Office of Administrative Hearings, Minn. Rules Parts 1400.0200 to 1400.1200 (1983). Questions concerning the rule hearing procedure should contact the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed amendments to rules establishing State Noise Standards. The proposed rule amendments are authorized by Minn. Stat. § 116.07, subds. 2 and 4 (1984). The proposed rule amendments are published below. One free copy of the rule amendments is available on request by contacting:

David Kelso
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone (612) 296-7372

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Agency offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rule amendments in one or more of following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material

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received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Agency and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The Agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to David Kelso at the address stated above.

The proposed rule amendments may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed amendments.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1984), "Small business considerations in rulemaking," that while the rules as a whole may have an impact on small business, the amendments which are being proposed at this time do not change the impacts which the existing rules may have on small businesses.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1984) as any individual:

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

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

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

Thomas J. Kalitowski
Executive Director

Rules as Proposed (all new material)

7010.0010 INCORPORATION BY REFERENCE.

For the purpose of chapter 7010, American National Standard Institute, Acoustical Terminology, S1.1-1960 (R1976) and Specification for Sound Level Meters, Sl.4-1983 are incorporated by reference. These publications are available from the American National Standard Institute, 1430 Broadway, New York, N.Y. 10018 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155. These documents are not subject to frequent change.

The Federal Highway Administration publication, Sound Procedures for Measuring Highway Noise: Final Report, FHWA-DP-45-IR (August 1981) is incorporated by reference. This publication is available from the United States Department of Transportation, Federal Highway Administration, 1000 North Globe Road, Arlington, Virginia 22201 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155. This document is not subject to frequent change.

7010.0020 DEFINITIONS.

Subpart 1. **Application.** The term used in chapter 7010 have the meanings given them in this part.

Subp. 2. **A-weighted.** "A-weighted" means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute Sl.4-1983, section 5.1.

Subp. 3. **Daytime.** "Daytime" means those hours from 7:00 a.m. to 10:00 p.m.

Subp. 4. **dB(A).** "dB(A)" means a unit of sound level expressed in decibels (dB) and A-weighted.

Subp. 5. **Decibel.** "Decibel" has the meaning given it in American National Standard Institute Sl.1-1960 (R1976), section 2.3.

Subp. 6. **Impulsive noise.** "Impulsive noise" means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Subp. 7. **L_{dn}.** "L_{dn}" (day, night sound level) means the equivalent A-weighted sound level during a 24-hour time period with a ten decibel weighting applied to the equivalent sound level during nighttime.

Subp. 8. **L_{eq}.** "L_{eq}" (equivalent sound level) means the constant sound level that, in 60 consecutive minutes, would convey the same sound energy as the actual time-varying A-weighted sound level.

Subp. 9. **Municipality.** "Municipality" means a county; a city; a town; a regional planning and development commission established under Minnesota Statutes, chapter 473; the metropolitan council; or other governmental subdivision of the state responsible by law for controlling or restricting land use within its jurisdiction.

Subp. 10. **Nighttime.** "Nighttime" means those hours from 10:00 p.m. to 7:00 a.m.

Subp. 11. **Person.** "Person" means a person as defined in part 7000.0100, subpart 9.

Subp. 12. **Sound pressure level.** "Sound pressure level" has the meaning given it in American National Standard Institute Sl.1-1960 (R1976), section 2.6.

7010.0030 NOISE CONTROL REQUIREMENT.

No person may violate the standards established in part 7010.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1 in any location where the standards established in part 7010.0040 are being or will be exceeded.

7010.0040 NOISE STANDARDS.

Subpart 1. **Scope.** These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part 7010.0050. However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Noise standards in subpart 2 apply to all sources. For airports, the additional noise standards in subpart 3 also apply.

Subp. 2. **Noise standards.**

Noise Area Classification	Daytime	Nighttime
1	63 L_{eq}	53 L_{eq}
2	68 L_{eq}	68 L_{eq}
3	78 L_{eq}	78 L_{eq}

Subp. 3. **Additional airport noise standards.** An L_{dn} of 63, 74, and 84 for NAC 1,2,3, respectively, also applies to airports.

7010.0050 NOISE AREA CLASSIFICATION.

Subpart 1. **Applicability.** The noise area classification is based on the land use activity at the location of the receiver and determines the noise standards applicable to that land use activity unless an exception is applied under subpart 3.

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Subp. 2. **Noise area classifications.** The noise area classifications and the activities included in each classification are listed below:

Noise Area Classification	Land Use Activities
1	Residential, educational, medical, and dedicated nature areas; includes all types of nontransient housing, schools, churches, medical facilities providing nighttime care, such as hospitals and nursing homes, and nature preserves.
2	Commercial, entertainment, and recreational; includes office buildings, retail stores and services, transient lodging, medical facilities not providing nighttime care, parks, and athletic fields.
3	Industrial; includes manufacturing, utilities, transportation, and agriculture.

Subp. 3. **Exceptions.** The noise area classification for a land use may be changed in the following ways if the applicable conditions are met.

A. The daytime standards for noise area classification 1 shall be applied to noise area classification 1 during the nighttime if the land use activity does not include overnight lodging.

B. The standards for a building in a noise area classification 2 shall be applied to a building in a noise area classification 1 if the following conditions are met:

(1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);

(2) the building has year-round climate control; and

(3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

C. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 1 if the following conditions are met:

(1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 40 dB(A);

(2) the building has year-round climate control; and

(3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

D. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 2 if the following conditions are met:

(1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);

(2) the building has year-round climate control; and

(3) the building has no areas or accommodations contiguous to it that are intended for outdoor activities.

7010.0060 MEASUREMENT METHODOLOGY.

Subpart 1. **Measurement location.** Measurement of sound must be made at or within the applicable NAC at the point of human activity which is nearest to the noise source.

Subp. 2. **Equipment specifications.** All sound level measuring devices must be certified to meet Type I, II, or S specifications under American National Standard Institute S1.4-1983.

Subp. 3. **Calibration.** All sound level measuring devices must, at a minimum, be recertified or cross-referenced according to American National Standard Institute S1.4-1983 annually. The equipment must be externally field calibrated before and after monitoring using a calibration device of known frequency and sound pressure level.

Subp. 4. **Measurement procedures.** The following procedures must be used to obtain representative sound level measurements:

A. Measurements must be made between three and five feet off the ground or surface and away from natural or manmade structures which would diminish the sound level.

B. Measurements must be made using the A-weighting and fast response characteristics of the sound measuring device as specified in American National Standard Institute S1.4-1983.

C. Measurements must not be made in sustained winds greater than 12 miles per hour or in precipitation.

D. Measurements must be made using a windscreen.

Subp. 5. **Methods for determination of hourly L_{eq}.** For the determination of an hourly L_{eq}, measurements must be made using the measuring devices as required under subpart 2 and used according to the manufacturer's recommendations.

A. Hand held measuring devices must use the checkoff method described in FHWA-DP-45-1R, section 3.6 (August 1981) for determination of hourly L_{eq}.

B. Automated or integrating measuring devices may use the checkoff method described in FHWA-DP-45-1R, section 3.6 (August 1981) or be operated in accordance with the manufacturer's recommendations for determination of hourly L_{eq}.

C. Methods equivalent to those described in subpart 5, items A and B may be used provided they are approved by the director of the Minnesota Pollution Control Agency.

Subp. 6. **Calculation of L_{dn}.** L_{dn} shall be calculated using the following formula:

$L_{dn} = 10 \log_{10} 1/24 [(15 \times 10^{L_d/10} + 9 \times 10^{(L_n + 10)/10})]$

where

L_d = Ten times the $\log_{10}$ of the average energy for the hours from 7:00 a.m. to 10:00 p.m.

L_n = Ten times the $\log_{10}$ of the average energy for the hours from 10:00 p.m. to 7:00 a.m.

Subp. 7. **Data documentation.** A summary sheet for all sound level measurements shall be completed and signed by the person making the measurements. At a minimum, the summary sheet shall include:

A. date;

B. time;

C. location;

D. noise source;

E. wind speed and direction;

F. temperature;

G. humidity;

H. make and model of measuring equipment;

I. field calibration results;

J. monitored levels; and

K. site sketch indicating noise source, measurement location, directions, distances, and obstructions.

7010.0070 SOUND ATTENUATION MEASUREMENT METHODOLOGY.

Subpart 1. **Purpose.** Sound level measurements made for assessing sound attenuation as specified in part 7010.0050, subpart 3, item B, C, or D, shall be made according to the requirements of this part.

Subp. 2. **Equipment.** The equipment shall meet the requirements specified in part 7010.0060, subpart 2.

Subp. 3. **Calibration.** The equipment must meet the calibration requirements specified in part 7010.0060, subpart 3.

Subp. 4. **Measurement procedure.** The measurement procedure described in FHWA-DP-45-1R, section 8 must be used for determination of the sound attenuation.

Subp. 5. **Equivalent methods.** Methods equivalent to those described in subpart 4 may be used provided they are approved by the director of the Minnesota Pollution Control Agency.

7010.0080 VARIANCE.

If, upon written application of the responsible person, the agency finds that by reason of exceptional circumstances strict conformity with any provisions of any noise rule would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the agency may permit a variance upon the conditions and within the time limitations as it may prescribe for the prevention, control, or abatement of noise pollution in harmony with the intent of the state and any applicable federal laws.

REPEALER. Minnesota Rules, parts 7010.0100, 7010.0200, 7010.0300, 7010.0400, 7010.0500, 7010.0600, and 7010.0700 are repealed.

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Board of Teaching

Proposed Rules Relating to Education; Teaching Licensure

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at the St. Paul Area Vocational Technical Institute, Auditorium, 235 Marshall Avenue, Saint Paul, Minnesota 55102, on November 16, 1985, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota, 55415, telephone 612/341-7606 either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period, the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period.

During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50. The rule hearing is governed by Minnesota Statutes, sections 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present only a short summary of the Statement of Need and Reasonableness at the hearing but will answer questions raised by interested persons. You are, therefore, urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The rules will amend the Code of Ethics for Minnesota Teachers; will: establish standards for the use of licenses during employer/employee disputes; establish standards of licensure for teachers of English/language arts, teachers of special education, and school social workers; and repeal obsolete standards of licensure for teachers of English/language arts, teachers of special education, and school social workers.

The Board's authority to promulgate the proposed rules is provided by Minn. Stat. 125.05, subd. 1 and Minn. Stat. 125.185, subd. 4.

The Board estimates that there will be no cost to local bodies in the State to implement the rules for the two years immediately following their adoption within the meaning of Minn. Stat. 14.11. These proposed rules will not directly affect small businesses within the meaning of Minn. Stat. 14.115.

A copy of the proposed rules is published here. One free copy may be obtained by writing to Kenneth L. Peatross, 608 Capitol Square Building, 550 Cedar Street, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact Kenneth L. Peatross, (612) 296-2415.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. The agency will give notice of the adoption of and the filing of the rules with the Secretary of State. Any person wishing to have notice of the adoption and filing may so indicate at the hearing or send a written request to the agency.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. 10A.01, subd. 11 as any individual:

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

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

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

September 24, 1985

Kenneth L. Peatross, Executive Secretary
Board of Teaching

Rule as Proposed

8700.7500 CODE OF ETHICS FOR MINNESOTA TEACHERS.

Subpart 1. [Unchanged.]

Subp. 2. **Standards of professional conduct.** The standards of professional conduct are as follows:

A. to I. [Unchanged.]

J. A teacher shall accept a contract or assignment for a teaching position that requires licensing only if properly or provisionally licensed for that position and must not apply for nor accept the assignment of a teacher currently under contract to a school district engaged in an employer/employee dispute.

Subp. 3. to 5. [Unchanged.]

Rules as Proposed (all new material)

8700.0310 USE OF LICENSES DURING EMPLOYER/EMPLOYEE DISPUTES.

A school board must not employ a person to teach during an employer/employee dispute unless that person holds a currently valid Minnesota entrance, continuing, or life license in the subject or field and grade level for which the teacher is assigned. A school board must not employ a person to teach during an employer/employee dispute who holds a limited permit, a provisional license, or a short call substitute teaching license, or is a licensed teacher under a personnel variance, except when such a teacher was employed for at least ten consecutive school days in a school district immediately preceding the beginning of an employer/employee dispute in that school district.

TEACHER LICENSURE: ENGLISH/LANGUAGE ARTS, SPECIAL EDUCATION; SCHOOL SOCIAL WORKER

8700.3810 TEACHERS OF ENGLISH/LANGUAGE ARTS.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach English/language arts in secondary schools shall hold a baccalaureate degree and shall complete the requirements of item A or B.

A. Major preparation requires satisfactory completion of an English/language arts teacher preparation program approved by the Board of Teaching, consisting of a minimum of 54 quarter hours or the equivalent that must include all knowledge and skills specified in subpart 2.

B. Minor preparation requires satisfactory completion of an English/language arts teacher preparation program approved by the Board of Teaching, consisting of a minimum of 27 quarter hours or the equivalent that must include knowledge and skills specified in subpart 2, item A selected by the preparation institution; knowledge and skills specified in subpart 2, item B, subitems

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(1) and (2), (2) and (3), or (1) and (3) selected by the preparation institution; and all knowledge and skills specified in subpart 2, item C.

Subp. 2. **Program requirements.** A program leading to the licensure of teachers of English/language arts shall provide candidates recommended for licensure with the knowledge, skills, and understanding set forth in items A to C:

A. Knowledge and skills applicable to the major responsibilities of teachers of English/language arts:

(1) to teach language and writing:

(a) knowledge of theories of language development from early childhood onward with emphasis on the adolescent and of the effects of social, cultural, and economic environment on the acquisition and use of language;

(b) knowledge of the phonological, grammatical, and semantic functions of language, the uses of language, and the process of development and change in language, particularly as applied to the English language;

(c) knowledge of the various traditional and modern descriptions of the grammatical structure of the English language;

(d) knowledge of the elements of the writing process, the uses of writing, and research in written composition;

(e) knowledge of the methodologies for teaching writing and the importance of logic and reasoning to both the writing process and the written product;

(f) knowledge of a variety of strategies for efficient yet effective evaluation of student writing;

(g) the skill of writing effectively as a model for students;

(h) the skill of providing instruction and activities that will enable students to write grammatically and to adapt strategies and forms of writing to various contexts, audiences, and purposes; and

(i) the skill of responding specifically, constructively, and efficiently to students' writing for the purpose of revising and improving the writing; responding to considerations of audience, purpose, and context; and diagnosing problems in reasoning, form, structure, usage, and style as well as in syntax, diction, spelling, punctuation, and legibility.

(2) to teach literature:

(a) knowledge of a representative body of American and British literature, past and present, written for adults and for adolescents by majority and minority male and female authors, and some of the major works, in translation, if necessary, of continental and non-Western authors;

(b) knowledge of the value of literature as an art as well as the enjoyment derived from a variety of experiences and viewpoints encountered in literature; appreciation of the force and beauty of language; vicarious experience; appreciation of the commonalities and the diversities among peoples; the interpretation of human motivation; and the correlation between reading good literature and writing well;

(c) knowledge of the various methods of analysis, interpretation, and evaluation of literature;

(d) knowledge of the characteristics of various literary forms; poetry, drama, novel, short story, and essay; the kinds of literary devices; and such elements of literature as plot, theme, character, and style;

(e) in-depth study of the works of at least one major author;

(f) the skill of critical reading and informed interpretation of literature;

(g) the skill of encouraging students to respond to literature in a variety of ways; personal response and application to their own lives and experiences, teacher-directed response based on acknowledged critical theories, and response through writing and other art forms;

(h) the skill of stimulating the sharing of the enjoyment of literature;

(i) the skill of motivating students to read literature throughout their lives; and

(j) the skill of helping students understand the cultural and historical context of literary works.

B. Knowledge and skills applicable to meeting additional responsibilities of teachers of English/language arts:

(1) to improve and maintain reading and study skills:

(a) knowledge of a variety of philosophies and strategies for teaching reading at the various levels of interpretation and understanding;

(b) knowledge of sources of materials for use in teaching developmental reading and study skills;

(c) knowledge of the elements of the process of developing reading skills including word attack, vocabulary, comprehension, scope and sequence, and criterion-referenced testing;

(d) the skill of assessing the range of interests and abilities of students in reading and selecting materials and planning instruction to meet their varying needs, including the ability to analyze the readability of instructional materials;

(e) the skill of teaching students to comprehend both the stated and implied meanings of language and to identify, analyze, and use facts, implications, references, and judgments expressed through different modes of communication; and

(f) the skill of teaching students to locate resources for learning available through libraries, archives, interviews, and mass media and to use appropriate techniques for gathering, organizing, and assimilating information from such sources.

(2) to implement speaking and listening techniques in the classroom:

(a) knowledge of techniques of oral interpretation of literature and of small group and public speech communication;

(b) knowledge of the elements of the speaking and listening processes and the relationship between the two activities;

(c) the skill of using appropriate communication skills;

(d) the skill of providing general instruction and evaluation to improve students' oral interpretation of literature and their small group and public speech communication; and

(e) the skill of using techniques and activities that encourage effective discriminative, comprehensive, critical, appreciative, and empathetic listening.

(3) to teach the understanding and use of print and nonprint mass media:

(a) knowledge of the differences between print mass media and nonprint mass media and ways they can supplement each other;

(b) knowledge of the ways in which print and nonprint mass media are used to persuade and manipulate audiences;

(c) the skill of increasing student's awareness of the influence of emotional, cultural, political, and economic forces on mass media and on the individual's response to mass media; and

(d) the skill of showing students how to make discretionary use of print and nonprint mass media.

C. Skills applicable to teaching all components of English/language arts:

(1) to assess the ability of students in writing, speaking, and listening and to select materials and plan instruction to meet their varying needs;

(2) to instill habits of writing, speaking, and listening that show respect for differing regional and ethnic dialects and for each person's dignity while making available to, and enabling students to use, the dialect most appropriate for use in business, government, and education;

(3) to evaluate students' progress in reading, writing, speaking, and listening;

(4) to integrate the teaching of reading, writing, speaking, listening, and viewing so that they are mutually reinforcing; and

(5) to evaluate and use learning aids such as textbooks, computers, standardized and nonstandardized tests, projectors, and tape recorders.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of English/language arts shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing education/relicensure.

Subp. 5. **Effective date.** This part is effective July 1, 1989, for an applicant for entrance licensure as a teacher of English/language arts.

8700.5503 SPECIAL EDUCATION: VISUALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach visually handicapped students (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

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B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of visually handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** A program leading to the licensure of teachers of visually handicapped students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development;

(2) understanding of scope and sequence of secondary curriculum; and

(3) understanding of scope and sequence of prekindergarten curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development;

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum;

(c) understanding of science and social studies curriculum; and

(3) understanding of scope and sequence of prekindergarten curriculum.

Subp. 3. **Program requirements; visually handicapped.** Each program leading to the licensure of teachers of visually handicapped students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of the structure and function of the eye;

(2) understanding of low vision aids and their educational use; and

(3) knowledge of eye research and potential effects on students with visual handicaps.

B. Assessment and planning:

(1) understanding of principles and practices for assessing visually handicapped students;

(2) ability to assess functional vision; and

(3) ability to evaluate and select appropriate reading modes for visually handicapped students.

C. Instructional management:

(1) attitudes toward blindness:

(a) understanding of the psychological implications of blindness and low vision;

(b) understanding of roles of parents and siblings in supporting the growth and development of visually handicapped persons; and

(c) understanding of the impact of a visual handicap on the ability to function in society;

(2) language/communication skills:

(a) ability to teach listening skills for visually handicapped students;

(b) knowledge of machines and technical aids for production of materials for visually handicapped students;

(c) knowledge of writing instruments and devices for visually handicapped students; and

(d) ability to write, read, and provide instruction in braille, utilizing accepted codes;

(3) instruction and services:

(a) understanding of instructional strategies for teaching blind, low vision, and multihandicapped visually handicapped students from prekindergarten through secondary school age;

(b) understanding of instructional strategies for providing direct and indirect services to visually handicapped students;

(c) knowledge of prevocational skills, vocational education, and transition from school to post-secondary training and employment for visually handicapped students;

(d) knowledge of principles and practices of orientation and mobility activities for visually handicapped students; and

(e) understanding of instructional strategies for teaching visually handicapped students activities of daily living.

D. Communication and consultation:

(1) knowledge of roles and services provided by public and private agencies including rehabilitation agencies, volunteer organizations, and private nonprofit organizations for the blind;

(2) understanding of roles of related disciplines in the education of visually handicapped students; and

(3) ability to develop and maintain effective working relationships with large print typists, braillists, and materials center managers.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences must include a series of formal observations and directed instructional experiences with visually handicapped students.

(2) Practicum experiences must include one academic quarter or the equivalent of planning and implementing an instructional program for visually handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:

(a) activities of visually handicapped students in a rehabilitation or sheltered work setting;

(b) an educational program at a residential school for visually handicapped students; and

(c) blind and partially sighted students in an integrated setting at prekindergarten, elementary, and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of visually handicapped students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of visually handicapped students must comply with this part.

8700.5504 SPECIAL EDUCATION: HEARING IMPAIRED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach hearing impaired students (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of hearing impaired students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the license of teachers of hearing impaired students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development;

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(2) understanding of scope and sequence of secondary curriculum; and

(3) understanding of scope and sequence of prekindergarten curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development;

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum;

(c) understanding of science and social studies curriculum; and

(3) understanding of scope and sequence of prekindergarten curriculum.

Subp. 3. **Program requirements; hearing impaired.** Each program leading to the licensure of teachers of hearing impaired students (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent.

A. Special education perspectives:

(1) theory of linguistics:

(a) ability to demonstrate a minimum level of proficiency in the structure of linguistic systems, including, but not limited to, the English language and the American sign language;

(b) ability to use the fundamentals of language development in instructional settings; and

(c) ability to apply knowledge acquired regarding the disorders of language development to instructional settings with hearing impaired students;

(2) understanding of the educational, social, and psychological impacts of mild to profound hearing impairment on prelingual students;

(3) knowledge of the educational, social, and psychological implications of hearing loss in family organization and management;

(4) fundamentals of reading:

(a) knowledge regarding normal development of reading skills;

(b) ability to utilize current principles and procedures in assessment of reading difficulties in hearing impaired students; and

(c) ability to design and implement strategies to remediate individual reading difficulties in hearing impaired students;

(5) fundamentals of speech and hearing:

(a) knowledge of speech and hearing mechanisms, their structures, common pathologies, and normal and abnormal functions;

(b) understanding of theories of various strategies of hearing and speech habilitation;

(c) understanding the impact of common neurological disorders and pathologies upon the visual, speech, and hearing modalities;

(d) understanding the principles of amplification to compensate for hearing loss;

(e) knowledge of the transmission and reproduction of speech and other sounds, the physical and psychological aspects of sound including methods of displaying, representing, and recording these characteristics; and

(f) knowledge of audiological and medical management of hearing impairments.

B. Assessment and planning:

(1) ability to assess phonological, morphological, syntactical, and semantic development of language of hearing impaired students;

(2) ability to select assessment procedures, instruments, and apply the assessment results to develop an educational program for hearing impaired students;

(3) ability to assess hearing aids, auditory training equipment, electro-mechanical devices, media and materials, and their effectiveness in the educational setting;

(4) knowledge of procedures for assessing, testing, and reporting hearing and speech functioning;

(5) ability to use the results of assessments reports from related service areas in developing educational programs;

(6) knowledge of the various systems used by public agencies to screen for hearing loss in children, with emphasis on early detection and prevention; and

(7) understanding of the need for early assessment in the sensory and physical areas in order to plan for the development of alternative modalities to compensate for hearing loss.

C. Instructional management:

(1) ability to use alternative communication systems, such as sign language, finger spelling, and speech reading, and manage their use;

(2) ability to prescribe alternative communication systems and manage their use by others;

(3) ability to use and prescribe behavior management techniques appropriate for hearing impaired students;

(4) ability to select, use, and manage age appropriate teaching strategies for language growth;

(5) understanding of developmental, remedial, and intervention strategies to develop educational programs;

(6) ability to provide for the early development of visual, speech, and auditory modalities to compensate for hearing loss; and

(7) ability to develop, modify, implement and evaluate curriculum appropriate for the hearing impaired;

(a) ability to instruct at the prekindergarten and elementary levels with emphasis on developing language and reading skills, using both school and home based systems;

(b) ability to provide for the development of prevocational skills, vocational education, and transition from school to post-secondary training and employment;

(c) ability to modify secondary content areas and curriculum materials to meet needs of hearing impaired students;

(d) ability to design, manage, and use speech development systems for the habilitation and rehabilitation of speech handicaps in hearing impaired students;

(e) ability to design, manage, and apply auditory training in compensating for hearing loss;

(f) ability to use amplification to develop residual hearing, compensate for hearing loss, and improve auditory discrimination; and

(g) ability to operate electro-mechanical devices to improve instruction in all educational areas.

D. Communication and consultation:

(1) ability to effectively communicate the educational needs of hearing impaired students to parents, special educators, regular educators, and other individuals or groups;

(2) ability to supervise and manage the use of paraprofessionals in hearing impaired programs; and

(3) ability to involve parents in the educational program through planned communication, participation in meetings, and reinforcement of skills in the home.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with hearing impaired students.

(2) Practicum experiences shall include one academic quarter or the equivalent of planning and implementing an instructional program for hearing impaired students.

(3) Upon completion of the prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:

(a) deaf and multihandicapped hearing impaired students in residential, social, and vocational settings;

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(b) mild, moderate, severe/profound, and multihandicapped hearing impaired students in educational settings; and

(c) prekindergarten, elementary, and secondary hearing impaired students in itinerant, resource, and self-contained settings.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of hearing impaired students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of hearing impaired students must comply with this part.

8700.5505 SPECIAL EDUCATION: COMMUNICATION DISORDERS.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach students with communication disorders (prekindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

C. satisfactorily complete a preparation program leading to the licensure of teachers of students with communication disorders, approved by the Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of special education: communication disorders (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following regular education areas:

A. knowledge of education and the school as an institution in the context of a changing, pluralistic society;

B. knowledge of elementary and secondary curriculum areas with emphasis on reading and language arts; and

C. The profession of teaching, consisting of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and including:

(1) a minimum level of proficiency in the written English language;

(2) understanding of the responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;

(3) understanding of the legal rights of students, parents, administrators, school boards, and teachers;

(4) understanding of the essential statutes, rules, and legal procedures affecting the preparation, licensure, and relicensure of teachers, and the teacher as a public employee; and

(5) understanding of the purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program requirements; communication disorders.** Each program leading to the licensure of teachers of students with communication disorders (prekindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 60 quarter hours, or the equivalent.

A. Special education perspectives:

(1) understanding of the normal and abnormal acquisition and development of speech, language, and hearing;

(2) understanding of the theoretical foundations of human communication;

(3) understanding of the psychological, social, and cultural aspects of speech, language, and hearing development;

(4) understanding of the anatomical, physiological, and neurological bases of speech, language, and hearing;

(5) understanding of the causes, manifestations, and classifications of disorders of speech, language, and hearing;

(6) understanding of major learning theories as they relate to normal and abnormal acquisition and development of speech, language, and hearing;

(7) understanding of the theoretical foundations and normal sequence of cognitive development in relationship to language acquisition and development; and

(8) understanding of the assumptions and procedures underlying scientific inquiry, particularly as they relate to the measurement and manipulation of human behavior.

B. Assessment, planning, and instructional management:

(1) ability to utilize current principles, procedures, and instruments in assessment, planning, and instructional management for students with communication disorders, including disorders of articulation, disorders of voice, disorders of language and interrelated cognitive disorders, disorders related to hearing impairment, and disorders of time, rate, or fluency;

(2) ability to provide nondiscriminatory assessment, planning, and management appropriate to the student's racial, social, cultural, linguistic or handicapping characteristics;

(3) ability to design and implement programs that will attempt to lower the incidence of communication disorders;

(4) ability to design and implement various service delivery systems;

(5) ability to assess, plan for, and manage instructional programs for students with multiple communication disorders;

(6) understanding the effect of other disabilities on communication and the relationship of that effect to assessment, planning, and instructional management;

(7) ability to design and implement remedial strategies to improve communication of students with multiple disorders;

(8) ability to select appropriate alternative communication systems for implementation with diverse populations;

(9) ability to use and maintain appropriate appliances and instrumentation in assessment, planning, and instructional management for students with communication disorders;

(10) ability to apply learning and behavior theories in assessment, planning, and instructional management for students with communication disorders; and

(11) knowledge of organization and administration of speech, language, and hearing programs in various professional settings.

C. Communication and consultation:

(1) ability to integrate speech, language, and hearing services with other services;

(2) ability to work with parents, teachers, and others in serving students with communication disorders;

(3) ability to design data collection systems that allow evaluation of the effectiveness of a student's program;

(4) ability to design data collection systems that allow evaluation of services for students with communication disorders;

(5) ability to provide consultation to others to improve and maintain a student's function in speech, language, and hearing; and

(6) ability to interact with other agencies to maximize services for students.

D. Prestudent teaching and student teaching experiences:

(1) Prestudent teaching experiences shall include a series of formal observations and directed instructional experiences with students with communication disorders.

(2) Student teaching experiences shall include full-day experiences for one academic quarter or the equivalent of planning and implementing an instructional program for students with communication disorders.

(3) Upon completion of prestudent teaching and student teaching requirements, candidates recommended for licensure shall have had experiences with prekindergarten, elementary, and secondary school students who represent a full range of severity of disorders of voice, articulation, hearing loss, time/rate/fluency, and language and its cognitive correlates.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of students with communication disorders shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of students with communication disorders must comply with this part.

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8700.5506 SPECIAL EDUCATION: MODERATE TO SEVERE MENTALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach moderate to severe mentally handicapped students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

C. satisfactorily complete a preparation program leading to the licensure of teachers of moderate to severe mentally handicapped students, consisting of a minimum of 45 quarter hours, or the equivalent, in subparts 2 and 3.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of moderate to severe mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following regular education areas:

A. Foundational studies, consisting of basic knowledge that underlies the study of education and teaching. It includes all of the following:

(1) the study of human growth and development, including typical and atypical patterns of development from early childhood through adolescence;

(2) the study of the learning process, with emphasis on physical, intellectual, emotional, and social difference in students; and

(3) the study of education and the school as an institution in the context of a changing pluralistic society.

B. The profession of teaching, consisting of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting. It includes all of the following:

(1) a minimum level of proficiency in the written English language;

(2) skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students;

(3) skills to evaluate self- and peer-teaching performance;

(4) responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;

(5) legal rights of students, parents, administrators, school boards, and teachers;

(6) essential statutes, rules, and legal procedures affecting the preparation, licensure, and relicensure of teachers, and the teacher as a public employee; and

(7) purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program requirements; moderate to severe mentally handicapped.** Each program leading to the licensure of teachers of moderate to severe mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas:

A. Special education perspectives:

(1) understanding of mental retardation and neurological disorders and their educational implications;

(2) knowledge of medical management needs, health difficulties, and drug and chemotherapy treatment of moderate to severe mentally handicapped students;

(3) understanding the impact of moderate to severe mentally handicapped students on the family organization and management;

(4) knowledge of the education implications of sensory impairments and emotional/behavioral problems in serving moderate to severe mentally handicapped students;

(5) understanding of prosthetic and technical devices and their educational implications for the handicapped;

(6) understanding of basic medical conditions associated with moderate to severe mentally handicapped students, including functional behavior and motor performance; and

(7) understanding of the need for transitional planning as it relates to employment, community living, and social opportunities and options as students move to adult agencies and services.

B. Assessment and planning:

(1) ability to assess student performance:

(a) ability to determine educational needs, learning styles, and learning modes of students through the selection, administration, and interpretation of assessment procedures;

(b) ability to observe and analyze student living and learning environments and responses to specific instructional techniques;

(c) ability to utilize comprehensive clinical reports in program planning;

(2) ability to evaluate the effectiveness of instructional strategies and procedures for students with moderate to severe mental handicaps;

(3) knowledge of ways to adapt instruments and procedures for the specialized needs of handicapped students;

(4) ability to observe the social and adaptive behavior of students attributed to handicapping condition and develop a management plan;

(5) ability to plan a sequential learning program for moderate to severe mentally handicapped students;

(a) ability to establish long- and short-term goals in each area of growth and development;

(b) ability to plan and sequence activities which will accomplish objectives; and

(c) ability to prescribe educational outcomes that are realistic in consideration of severity.

C. Instructional management:

(1) understanding of techniques for stimulating language development;

(2) knowledge of alternative and augmentative communication systems and their management;

(3) ability to apply alternative and augmentative communication systems to instruction;

(4) ability to expand student awareness of the environment through stimulation techniques;

(5) ability to elicit a variety of responses appropriate to the capability of students to indicate an awareness of the environment;

(6) ability to utilize behavior management techniques appropriate for moderate to severe mentally handicapped students;

(7) ability to implement recommended mobility techniques and resolve architectural barriers in the educational setting;

(8) ability to assure that personal equipment is functional;

(9) ability to use physical positioning for optimal learning;

(10) ability to manage student self-care, health, and safety needs;

(11) ability to teach self-help maintenance skills;

(12) ability to develop, implement, and evaluate age-appropriate curriculum for moderate to severe mentally handicapped students;

(a) ability to utilize and integrate art, music, and body movement in instruction;

(b) ability to provide for the development of recreation and leisure-time skills;

(c) ability to provide for the development of socialization skills;

(d) ability to provide for the development of functional preacademic, basic academic, and literacy skills;

(e) ability to provide for the development of prevocational skills, career planning, and transition from school to post-secondary training and employment;

(f) ability to provide for the development of independent living skills, to include transition to and integration into the community;

(g) ability to integrate related services in curriculum areas;

(h) ability to design curriculum strategies which are age-appropriate;

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(i) knowledge of current technological aids and equipment available for use with students with concomitant physical handicaps; and

(13) knowledge of implications of limited physical movement and environment stimulation on the learning processes of physically handicapped students.

D. Communication and consultation:

(1) understanding of how to access school/community resources which will enhance programs for moderate to severe mentally handicapped students;

(2) ability to supervise paraprofessionals;

(3) ability to involve parents in the instructional program through planned communication, participation in meetings, and reinforcement of skills in the home;

(4) ability to develop and implement home-based instructional programs;

(5) ability to develop and maintain effective working relationships with teachers, related services, medical, and support personnel; and

(6) understanding of roles of related disciplines and the implications of data provided to educational programming.

E. Prestudent teaching and student teaching experiences:

(1) Prestudent teaching experiences shall include a series of formal observations and directed instructional experiences with moderate to severe mentally handicapped students.

(2) Student teaching experiences shall include full-day experiences for one academic quarter or the equivalent of planning and implementing an instructional program for moderate to severe mentally handicapped students.

(3) Upon completion of prestudent teaching and student teaching requirements, candidates recommended for licensure shall have had experiences with:

(a) service agencies outside of public school programs;

(b) related services such as rehabilitation units, physical therapy, occupational therapy, and speech therapy; and

(c) home- and school-based settings at the elementary and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of moderate to severe mentally handicapped students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Persons holding licensure as teachers of trainable mentally retarded students.** Persons holding current valid Minnesota licenses as teachers of trainable mentally retarded students may apply for and shall be granted licenses as teachers of moderate to severe mentally handicapped students.

Subp. 7. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of moderate to severe mentally handicapped students must comply with this part.

8700.5507 SPECIAL EDUCATION: PHYSICALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach physically handicapped students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. hold a valid Minnesota special education teaching license;

D. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

E. satisfactorily complete a preparation program leading to the licensure of teachers of physically handicapped students approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; physically handicapped.** Each program leading to the licensure of teachers of physically handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas consisting of a minimum of 15 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of human anatomy and kinesiology;

(2) understanding of fine, gross, and sensorimotor development and their implications for selecting curricula; and

(3) understanding of the educational implications of severe motor impairment in physically handicapped students.

B. Assessment and planning:

(1) ability to develop and administer programs that consider the unique needs of physically handicapped students;

(2) ability to assess physical function as it relates to classroom mobility, daily living skills, and educational and prevocational planning;

(3) understanding of major tests utilized to measure motoric, auditory, visual, and other learning modalities; and

(4) ability to select appropriate materials and provide assessment and counseling for physically handicapped students including prevocational and vocational counseling, career planning, and transition from school to post-secondary training and employment.

C. Instructional management:

(1) Attitudes toward the physically handicapped:

(a) understanding of the psychological implications of physical disability and its implications for individuals, family, and society;

(b) understanding roles of parents and siblings in supporting growth and development of the physically handicapped;

(c) understanding the impact of a physical handicap on the ability to meaningfully function in society; and

(d) understanding the unique problems of adolescent physically handicapped students and their social and emotional implications.

(2) Instructional strategies:

(a) understanding of various impairments and their individual effects on learning, including consideration of the technological and physical care needs;

(b) understanding of current machines, technical aids, and prosthetic devices used by the physically handicapped and ability to select appropriate aids for instruction; and

(c) understanding of alternative forms of recording written communication including ability to teach adaptive typing and alternate forms of handwriting.

(3) Instruction and services:

(a) ability to develop, select, and use differentiated program options and instructional strategies for physically handicapped students of differing abilities and needs;

(b) ability to select and use methods and materials in reading and mathematics that are appropriate for specific types of problems inherent in dealing with children with multiple physical handicaps;

(c) knowledge of the implications of limited physical movement and environmental stimulation on the learning processes of physically handicapped students;

(d) ability to develop instructional resources to implement adaptive physical education and sensorimotor programs with physically handicapped students in coordination with therapeutic goals;

(e) ability to select, adapt, use, and maintain equipment and facilities essential for the instruction of physically handicapped students;

(f) ability to integrate independent living, self-help skills, orientation, and mobility into curriculum;

(g) ability to motivate physically handicapped students to utilize physical and mental skills to maximum ability with minimal dependence on others;

(h) ability to adapt and locate adapted versions of standardized tests for use with physically handicapped students; and

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(i) ability to adapt creative and expressive activities in order to enable meaningful participation of physically handicapped students, with emphasis on art, music, adaptive physical education, and leisure-time interests.

D. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with physically handicapped students.

(2) Practicum experiences shall include one academic quarter or the equivalent of planning and implementing an instructional program for physically handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences with:

(a) related services such as rehabilitation units, physical therapy, and occupational therapy; and

(b) elementary and secondary physically handicapped students throughout the range of educational program alternatives.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of physically handicapped students shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 5. **Effective date.** After June 30, 1990, a person who makes application of licensure as a teacher of physically handicapped students must comply with this part.

8700.5508 SPECIAL EDUCATION: MILD TO MODERATE MENTALLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach mild to moderate mentally handicapped students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of mild to moderate mentally handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of mild to moderate mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B.

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; mild to moderate mentally handicapped.** Each program leading to the licensure of teachers of mild to moderate mentally handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of mental retardation and its educational implications;

(2) knowledge of speech, language, hearing, and vision impairments and their educational implications; and

(3) understanding of the need for transitional planning as it relates to employment, community living, and social opportunities and options as students move to adult agencies and services.

B. Assessment and planning:

(1) ability to determine educational performance by selection, administration, and interpretation of appropriate educational assessments;

(2) ability to select, administer, and interpret formal and informal diagnostic instruments to measure skills in social, cognitive, and behavioral areas;

(3) ability to translate assessment data into recommendations for educational programming;

(4) ability to construct long- and short-range goals for individual students; and

(5) ability to plan a sequential learning program for students with mild to moderate mental handicaps.

C. Instruction and management:

(1) ability to develop a scope and sequence for individualized programming in basic reading, mathematics, oral and written expression, and listening comprehension;

(2) ability to teach basic reading, mathematics, oral and written expression, and listening comprehension;

(3) ability to select, design, and modify appropriate developmental, corrective, and remedial curriculum materials;

(4) ability to help students transfer learned skills and monitor their progress in mainstream instructional programs;

(5) ability to help regular classroom teachers implement proposed curriculum modifications;

(6) ability to recognize and manage behavioral, emotional, and social needs of mild to moderate mentally handicapped students;

(7) ability to select, modify, and implement various behavior management strategies;

(8) ability to use materials designed for skill development in the social areas;

(9) ability to construct instructional sequences to teach general prevocational skills;

(10) knowledge of age-appropriate vocational instructional materials;

(11) ability to integrate career/vocational instruction with physical, mental, social, and academic levels of student development, and plan for the transition from school to post-secondary training and employment; and

(12) ability to teach self-help, daily living, and family management skills.

D. Communication and consultation:

(1) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;

(2) ability to help students and their parents develop realistic expectations in academic and occupational areas; and

(3) knowledge of and ability to communicate with community and governmental agencies, volunteer and nonprofit groups, and parent organizations that provide supportive services.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with mild to moderate mentally handicapped students.

(2) Practicum experience shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for mild to moderate mentally handicapped students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary mild to moderate handicapped students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of mild to moderate mentally handicapped students shall comply with part 8700.7700.

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Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Persons holding licensure as teachers of educable mentally retarded students.** Persons holding current valid Minnesota licenses as teachers of educable mentally retarded students may apply for and shall be granted licenses as teachers of mild to moderate mentally handicapped students.

Subp. 7. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of mild to moderate mentally handicapped students must comply with this part.

8700.5509 SPECIAL EDUCATION: EMOTIONALLY/BEHAVIORALLY DISORDERED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach emotionally/behaviorally disordered students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of emotionally/behaviorally disordered students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of emotionally/behaviorally disordered students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading.

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; emotionally/behaviorally disordered.** Each program leading to the licensure of teachers of emotionally/behaviorally disordered students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of normal personality and social development;

(2) understanding the social and emotional impact of cultural differences on behavior;

(3) understanding behavioral/emotional problems and psychopathology of childhood and adolescence;

(4) knowledge of the interaction of emotional disturbance/behavior disorders with other handicaps;

(5) understanding of the relationship between chemical dependency and behavioral/emotional problems; and

(6) understanding of delinquent behavior and theory and processes of the correctional system.

B. Asssessment and planning:

(1) ability to utilize formal and informal assessment techniques in obtaining information necessary for educational and behavioral programming for individual students;

(2) ability to establish and maintain a systematic procedure for compiling data on a student or group of students for the purpose of continuous evaluation of behavior;

(3) ability to implement procedures for assessing both appropriate and problematic social behaviors;

(4) ability to evaluate and document change in pupil behavior in both academic and social areas;

(5) knowledge of psychometric instruments utilized in the assessment of emotional disturbance/behavioral problems;

(6) ability to observe and record pupil behavior utilizing different social rating systems;

(7) ability to work on a team with a psychologist or psychiatrist to plan, explain, direct, and implement procedures for the identification of emotionally/behaviorally disordered children in a school population;

(8) knowledge of major tests utilized to measure motoric, auditory, and visual learning modalities;

(9) ability to administer and interpret results of achievement and diagnostic tests in the areas of reading, language arts, and mathematics;

(10) ability to translate assessment data into recommendations for educational programming;

(11) ability to construct long- and short-range objectives for individual students for each of the three domains: cognitive, affective, and motor;

(12) ability to state instructional goals, set priorities for teaching, and state a criterion level for mastery of each task to be presented to the student;

(13) ability to develop and implement an instructional sequence to teach appropriate social behavior for a child based on assessment and observation;

(14) ability to select and implement a sequence of learning activities to remedy specific deficits in basic skills for each student or group of students; and

(15) ability to establish a reinforcement hierarchy for each student.

C. Instruction and management:

(1) ability to determine for each student a reinforcement preference and to use different reinforcers to change and maintain behavior;

(2) ability to select and implement remedial techniques in academic skill areas with students;

(3) ability to establish and maintain individual student attention while programming for a group;

(4) knowledge of proven teaching techniques including the rationale behind their use and the ability to use them for various academic areas;

(5) knowledge of the theory and rationale underlying various reading approaches;

(6) ability to assist parents in understanding and supporting the implementation of proposed management modifications;

(7) ability to assist regular classroom teachers in the implementation of proposed curriculum/management modifications;

(8) ability to use role playing, individual and group counseling techniques, play groups, behavior modification, contracts, time-out, isolation and other techniques in managing presenting behavior and specific educational-social problems;

(9) knowledge of the rationale, program components, operation, and evaluation of various program models;

(10) ability to use materials designed for skill development in the social areas;

(11) ability to construct instructional sequences to teach general prevocational skills based upon cognitive, affective, and academic strengths of each student;

(12) knowledge of age-appropriate vocational instructional materials and the ability to plan for transition from school to post-secondary training and employment; and

(13) ability to collaborate effectively with clinical personnel in monitoring program appropriateness and effectiveness.

D. Communication and consultation:

(1) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;

(2) knowledge of and ability to communicate with and about community resources that serve students with emotional/behavioral problems; and

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(3) ability to interact and communicate with personnel involved in court services, interagency meetings and placement planning.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with emotionally/behaviorally disordered students.

(2) Practicum experiences shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for emotionally/behaviorally disordered students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary emotionally/behaviorally disordered students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of emotionally-behaviorally disordered students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of emotionally/behaviorally disordered students must comply with this part.

8700.5510 SPECIAL EDUCATION: SPECIFIC LEARNING DISABILITIES.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach specific learning disabled students (kindergarten to grade 12) shall:

A. hold a baccalaureate degree;

B. hold valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

D. satisfactorily complete a preparation program leading to the licensure of teachers of specific learning disabled students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of specific learning disabled students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading;

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; specific learning disabilities.** Each program leading to the licensure of teachers of specific learning disabled students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 30 quarter hours, or the equivalent:

A. Special education perspectives:

(1) knowledge of the concept of specific learning disabilities and its historical development;

(2) understanding of the etiology of specific learning disabilities and the causes of other learning problems;

(3) understanding court decisions and federal and state legislation that have had an effect on the field of specific learning disabilities;

(4) understanding of various theories of cognition and the ability to compare these various theories with respect to explanation of observed behavior;

(5) understanding of the various basic theories of instruction and the ability to compare these basic theories with respect to explanation of observed behavior; and

(6) understanding of the basic theories of behavior and the ability to compare these basic theories with respect to explanation of observed behavior.

B. Assessment and planning:

(1) ability to select, administer, and interpret appropriate instruments and techniques for general screening of learning disabilities;

(2) understanding of formal and informal screening instruments that measure behavior and cognition;

(3) ability to select, administer, and interpret formal and informal diagnostic instruments for the skills of listening comprehension, oral expression, reading decoding, reading comprehension, written expression, mathematics calculation, and mathematics reasoning;

(4) ability to use formal and informal data to develop specific objectives and to plan appropriate instructional intervention strategies;

(5) ability to develop and use formal and informal measures to monitor ongoing progress of students;

(6) ability to observe, record, and analyze behavioral data of student performance in specific settings;

(7) ability to use assessment results of tests administered by other personnel;

(8) ability to observe and analyze skills in problem solving, inferential thinking, and concept development of students in educational settings; and

(9) understanding of entrance and exit criteria for specific learning disability services.

C. Instruction and management:

(1) ability to develop a scope and sequence for individualized programming in basic reading, mathematics, oral and written expression, and listening comprehension;

(2) ability to teach basic reading, mathematics, oral and written expression, and listening comprehension;

(3) ability to teach conceptual skills, such as deductive and inductive reasoning, problem solving skills, study skills, inferential reasoning, logical thought, categorization, and classification skills;

(4) ability to select, design, and modify appropriate developmental, corrective, and remedial curriculum materials;

(5) ability to help students transfer learned skills and monitor their progress in mainstream instructional programs;

(6) ability to relate career/vocational instruction to physical, mental, social, and academic levels of student development and to plan for the transition from school to post-secondary training and employment;

(7) understanding of the affective problems that often accompany learning disabilities;

(8) ability to use clinical teaching to modify social and learning behavior;

(9) ability to refer students with social and emotional problems related to their learning disabilities;

(10) ability to select, modify, and implement various behavior management strategies;

(11) knowledge of projective and media oriented therapies; such as, art, music, play therapies, puppetry, and role playing;

(12) ability to select, modify, and use affective curriculum programs; and

(13) ability to explain program models and instructional strategies used in delivering services to learning disabled students.

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D. Communication and consultation:

(1) ability to communicate with students, professional associates, parents, community resource persons, and professionals from other disciplines in the field of learning disabilities;

(2) ability to communicate the assessment process, goals, teaching strategies, and curriculum activities to teachers, parents, students, and others in both oral and written form;

(3) ability to provide consultation to classroom teachers, parents, and peers in the implementation of learning disabilities services;

(4) ability to assist parents in accepting and understanding their child's disability and how it affects school and community performance; and

(5) ability to effectively communicate due process procedures to parents and assist them in understanding their rights and responsibilities under the law.

E. Prepracticum and practicum experiences:

(1) Prepracticum experiences shall include a series of formal observations and directed instructional experiences with learning disabled students.

(2) Practicum experiences shall include one academic quarter, or the equivalent, of planning and implementing an instructional program for learning disabled students.

(3) Upon completion of prepracticum and practicum requirements, candidates recommended for licensure shall have had experiences throughout the range of program alternatives with elementary and secondary learning disabled students.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of specific learning disabled students shall comply with part 8700.7700.

Subp. 5. **Continuing licensure.** A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

Subp. 6. **Effective date.** After June 30, 1990, a person who makes application for licensure as a teacher of specific learning disabled students must comply with this part.

8700.5511 SPECIAL EDUCATION: MILDLY HANDICAPPED.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure to teach mildly handicapped students (kindergarten to grade 12) shall:

A. hold a master's degree or the equivalent;

B. hold a valid Minnesota elementary, secondary, or K-12 classroom teaching license, or satisfactorily complete the requirements enumerated in part 8700.5512;

C. hold a valid Minnesota special education teaching license;

D. satisfactorily complete core skill requirements in special education enumerated in part 8700.5500; and

E. satisfactorily complete a preparation program leading to the licensure of teachers of mildly handicapped students, approved by the Minnesota Board of Teaching.

Subp. 2. **Program requirements; regular education.** Each program leading to the licensure of teachers of mildly handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in regular education areas as set forth in item A or B:

A. For persons who hold licensure as elementary school classroom teachers:

(1) knowledge of adolescent growth and development; and

(2) understanding of scope and sequence of secondary curriculum.

B. For persons who hold licensure as secondary school classroom teachers or as teachers of kindergarten to grade 12 subjects:

(1) knowledge of child growth and development; and

(2) understanding of scope and sequence of elementary curriculum, including:

(a) understanding of elementary language arts curriculum: listening, speaking, writing, spelling, and reading.

(b) understanding of basic skills in the mathematics curriculum; and

(c) understanding of science and social studies curriculum.

Subp. 3. **Program requirements; mildly handicapped.** Each program leading to the licensure of teachers of mildly handicapped students (kindergarten to grade 12) shall provide candidates recommended for licensure with preparation in the following special education areas, consisting of a minimum of 45 quarter hours, or the equivalent:

A. Special education perspectives:

(1) understanding of specific handicapping conditions and their educational implications, to include mental handicaps, specific learning disabilities, and emotional/behavioral disorders;

(2) understanding of perceptual-motor and visual-motor deficits and their educational implications; and

(3) knowledge of medical treatment programs and their maintenance in educational settings.

B. Assessment and planning:

(1) understanding of the components of a complete assessment to determine educational needs;

(2) understanding of when information suggests or requires the involvement of other professionals for further assessment and planning;

(3) ability to observe, assess, and interpret student performance;

(a) ability to observe, record, and analyze the learning environment of students and their responses to specific instructional techniques; and

(b) ability to determine educational performance, learning style, and learning modes of students by selection, administration, and interpretation of appropriate educational assessments, to include observation and data collection, criterion and norm referenced tests, surveys and inventories, interviews, student records review, and other formal and informal assessment procedures;

(4) ability to participate as a member of a multidisciplinary team in planning an educational program for students with mild educational handicaps:

(a) ability to develop specific behavioral objectives for students based upon observational, behavioral, and diagnostic data;

(b) ability to develop objectives for students in terms of behavioral outcomes in relation to both long- and short-term goals; and

(c) ability to involve students and parents in planning learning and behavior goals;

(5) ability to plan a sequential learning program for students with mild educational handicaps:

(a) ability to establish long- and short-term goals in each academic area;

(b) ability to write behavioral objectives for each goal; and

(c) ability to join and sequence activities which will accomplish each objective; and

(d) ability to make constructive use of teacher aide and volunteer assistants in planning and implementing instructional programs.

C. Instruction and management:

(a) ability to sequence tasks from early to late developing skills and form single to complex behaviors, and design learning activities within a wide range of difficulty so that students with varying abilities can participate at their own level, pace, and style;

(2) ability to develop, implement, and evaluate programs for mildly handicapped students;

(3) ability to provide appropriate support to students to facilitate success in their regular education programs;

(4) ability to modify curriculum to meet individual needs of students:

(a) ability to analyze existing curriculum and its impact on individual learning style and rate;

(b) ability to modify the presentation of the curriculum content to accommodate differences in learning style and rate;

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(c) ability to identify student performance within the sequence of the curriculum and identify the appropriate content level for the student, based upon achievement level; and

(d) ability to develop classroom management strategies in order to assure the curriculum modifications can be implemented;

(5) ability to recognize and manage behavioral, emotional, and social needs of mildly handicapped students;

(6) knowledge of resources which provide current information about transition from school to work or post-secondary and other career opportunities and training; and

(7) ability to teach self-help, daily living, and family management skills.

D. Communication and consultation:

(1) ability to serve as an advocate for least restrictive placements;

(2) ability to develop and maintain effective working relationships with paraprofessionals, teachers, supervisors, administrators, related services personnel, parents, and community resource personnel;

(3) ability to provide consultation to others regarding appropriate educational programs:

(a) ability to identify and gather relevant information;

(b) ability to analyze and synthesize information;

(c) ability to apply information to educational plans;

(d) ability to communicate information to others in a way that is understandable and practical;

(e) ability to use information to develop and carry out demonstration teaching activities; and

(f) ability to assist in the implementation and follow-up of educational plans developed from the information;

(4) ability to design and conduct appropriate in-service education activities for regular education teachers, paraprofessionals, and volunteers;

(5) ability to assist students and their parents in developing realistic expectations in academic and occupational areas; and

(6) knowledge to direct parents to community and governmental agencies, volunteer and nonprofit groups, and parent organizations that provide supportive services.

E. Practicum experiences, which must include one academic quarter or the equivalent of experience with a multidisciplinary team in planning and implementing an instructional program for mildly handicapped students at the elementary and secondary levels.

Subp. 4. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for teachers of mildly handicapped students shall comply with part 8700.7700.

Subp. 5. Continuing licensure. A continuing license shall be issued and renewed according to rules of the Board of Teaching governing continuing licenses.

8700.5512 SPECIAL EDUCATION: CLASSROOM TEACHING LICENSE EXEMPTION.

Subpart 1. **Scope.** This part applies only to those special education licensure parts that authorize a classroom teaching license exemption. Completion of the requirements in subpart 2 do not qualify an applicant for an elementary, secondary, or K-12 classroom teaching license.

Subp. 2. **Requirements.** Each special education licensure part that authorizes a classroom teaching license exemption shall provide candidates recommended for licensure in special education with knowledge, skills, and understandings in all of the following regular education areas:

A. Foundational studies. This category consists of basic knowledge which underlies the study of education and teaching. It includes all of the following:

(1) the study of human growth and development from early childhood through adolescence including typical and atypical patterns of development;

(2) the study of the learning process, with emphasis on physical, intellectual, emotional, and social differences in students;

(3) the study of education and the school as an institution in the context of a changing pluralistic society; and

(4) the study of the philosophy and organization of elementary and secondary schools.

B. Content and methods. This category consists of basic knowledge of content, materials, and scope and sequence of grades kindergarten to 12 curriculum in the following areas:

(1) reading: prereading skills, developmental reading, reading in the content areas, and the diagnosis and correction of reading difficulties;

(2) language arts: listening, speaking, and writing;

(3) mathematics: basic arithmetic operations, problem solving skills, geometric concepts, and computing devices;

(4) science: life science, earth science, physical science; and

(5) social studies: gathering, organizing, reporting, and interpeting social science data.

C. Regular education practica. This category consists of a series of formal observations of teaching and directed instructional experiences in elementary and secondary school classrooms.

D. The profession of teaching. This category consists of basic knowledge of the professional responsibilities of a teacher, both within and beyond the instructional setting, and includes all of the following:

(1) a minimum level of proficiency in the written English language;

(2) skills necessary to communicate and interact with staff members, resource personnel, parents, and other members of the community in order to meet the individual needs of students;

(3) skills to evaluate self- and peer-teaching performance;

(4) responsibilities of the individual teacher to clients served, to the employing school district and its administration, and to the teaching profession;

(5) legal rights of students, parents, administrators, school boards, and teachers;

(6) essential statutes, rules, and legal procedures affecting the preparation and licensure/relicensure of teachers and the teacher as a public employee; and

(7) purposes of the major education professional organizations and learned societies and their contributions to education and the education profession.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of special education preparation programs that authorize a classroom teaching license exemption shall provide evidence of compliance with this part.

8700.6410 SCHOOL SOCIAL WORKER.

Subpart 1. **Licensure requirements.** A candidate recommended for licensure as a school social worker (prekindergarten to grade 12) shall complete the requirements in item A or B.

A. For level I licensure a candidate shall hold a baccalaureate degree and have satisfactorily completed a school social work preparation program approved by the Board of Teaching, consisting of a minimum of 75 quarter hours or the equivalent.

B. For level II licensure a candidate shall hold a master's degree in social work from a program accredited by the Council on Social Work Education, with either one year of field work in a school setting, or one year of experience in school social work, or two years of experience in social work.

Subp. 2. **Program requirements for level I.** Each program leading to the licensure of school social workers, level I, shall provide candidates recommended for licensure with knowledge, skills, and understandings in the following areas:

A. human behavior and social environment, including:

(1) knowledge of psychosocial approaches to understanding individual and group behavior;

(2) knowledge of social learning theories;

(3) knowledge of cultural, racial, and ethnic diversity;

(4) knowledge of typical and atypical growth and development;

(5) knowledge of factors influencing growth and behavior;

(6) knowledge of theories of social interaction; and

(7) knowledge of handicapping conditions and their educational implications;

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B. organization and structure of the public school, the family, and the community, including:

(1) understanding of family and organizational systems theory;

(2) understanding of characteristics and reciprocal influences in school-community-student relations;

(3) knowledge of a broad range of public policy issues and social work concerns in relation to public education; and

(4) understanding of the roles and organizational structures of regular and special education and the part they play in providing total service for the student;

C. intervention with individuals, groups, and systems to enhance social functioning, including:

(1) knowledge of values and ethics of the social work profession;

(2) ability to diagnose needs of clients based on systematic observation and the analysis of other appropriate information relating to various factors which affect the learning process of students;

(3) understanding of basic methods of social work intervention, such as casework, group work, community organization, and how these can be integrated into school social work;

(4) skill in establishing and maintaining purposeful relationships with clients;

(5) skill in determining and applying appropriate methods and techniques of social work intervention to enhance learning opportunities for students, including students with handicapping conditions;

(6) ability to identify client situations which require expertise from other professionals and to secure such assistance;

(7) ability to serve as a liaison or advocate for parents and students; and

(8) ability to assess the effectiveness of social work interventions;

D. collaboration with school personnel and community agencies, including:

(1) knowledge of the roles of other professionals and the social and legal aspects of school and community services;

(2) understanding the interrelatedness of social, educational, and community services;

(3) knowledge of institutional and administrative factors which facilitate or impede delivery of services;

(4) knowledge of due process, data privacy, and laws regarding student and parent rights;

(5) knowledge of state and federal laws, rules, and regulations relating to regular and special education;

(6) ability to use interpersonal skills when interviewing and communicating with parents, professionals, paraprofessionals, agencies, students, and other persons or groups;

(7) ability to identify and develop resources within and outside the school system;

(8) ability to implement referrals to resources within the school system or the community;

(9) ability to function as a member of a child study team in designing appropriate programs for students;

(10) ability to coordinate the efforts of various professionals who can contribute to an effective intervention;

(11) ability to collaborate with community agencies to solve specific problem situations or to develop new resources for students; and

(12) ability to serve in a consultative capacity with individuals and groups, including parents and students;

E. Prepracticum and practicum experiences:

(1) formal observations of teaching in a variety of curricular areas in both an elementary and a secondary school, formal observation of school social work practice performed by a licensed school social worker, and prepracticum school social work experiences under the supervision of a licensed school social worker; and

(2) practicum experience in a school setting under the supervision of a licensed school social worker, consisting of at least 400 contact hours during one school year.

Subp. 3. **Program approval for institutions.** An institution applying to the Board of Teaching for approval of its preparation program for Level I school social workers shall comply with part 8700.7700.

Subp. 4. **Continuing licensure.** A continuing license shall be issued and renewed according to the rules of the Board of Teaching governing continuing licenses.

Subp. 5. **Effective date.** This part is effective July 1, 1990, for an applicant for entrance licensure as a school social worker.

REPEALER. Minnesota Rules, part 8700.3800 is repealed effective July 1, 1989. Parts 8700.5400; 8700.5401; 8700.5402; 8700.5403; 8700.5404; 8700.5405; 8700.5406; and 8700.6400 are repealed effective July 1, 1990.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Commerce

Adopted Rule Authorizing Issuance of Medical Malpractice Insurance by the Minnesota Medical Malpractice Joint Underwriting Association

The rule proposed and published at *State Register*, Volume 9, Number 47, pages 2512-2513, May 20, 1985 (9 S.R. 2512) and Volume 10, Number 5, pages 267-268, July 29, 1985 (10 S.R. 267) is adopted with the following modifications:

Rule as Adopted

2791.0100 AUTHORIZATION TO ISSUE MEDICAL MALPRACTICE INSURANCE.

Pursuant to Minnesota Statutes, section 62F.04, the joint underwriting association is hereby authorized to issue medical malpractice insurance on a primary basis to physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance coverage in the voluntary market. Those classes of physicians, hospitals, and other health care providers who are unable to obtain medical malpractice insurance and whom the joint underwriting association is authorized to issue medical malpractice insurance are:

A. physicians;

B. certified nurse-midwives;

C. licensed psychologists and licensed consulting psychologists; and

D. licensed chemical dependency treatment organizations and licensed half-way houses.

Department of Energy and Economic Development Energy and Economic Development Authority

Extension of Emergency Rules Relating to the Technology Product Loan Program

Notice is hereby given that Minnesota Rules 8300.4100-.4112 (Emergency), which were effective April 3, 1985 and which were proposed in the *State Register* on January 7, 1985, at Volume 9, Number 28, pages 1544-1548 (9 S.R. 1544), and in the *State Register* on January 14, 1985, at Volume 9, Number 29, pages 1612-1613 (9 S.R. 1612), are being continued in effect for an additional 180 days. The rules govern the Technology Product Loan Program under the Minnesota Energy and Economic Development Authority.

The new expiration date for these rules will be February 1, 1986, or whenever replaced by permanent rules, whichever is earlier.

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.

Department of Energy and Economic Development Energy and Economic Development Authority

Extension of Emergency Rules Relating to Tourism Loan Program

Notice is hereby given that Minnesota Rules 8300.3060-.3070 (Emergency), which were effective May 4, 1985 and which were proposed in the *State Register* on March 11, 1985, at Voume 9, Number 37, pages 1996-2000 (9 S.R. 1996), are being continued in effect for an additional 180 days. The rules govern the Tourism Loan Program under the Minnesota Energy and Economic Development Authority.

The new expiration date for these rules will be April 4, 1986, or whenever replaced by permanent rules, whichever is earlier.

Higher Education Coordinating Board

Adopted Emergency Rules Relating to Education; Financial Aid, Grants, Part-time Student

The rules proposed and published at *State Register*, Volume 10, Number 3, pages 90-92, July 15, 1985 (10 S.R. 90) are adopted with the following modifications:

Rules as Adopted, Emergency

PART-TIME STUDENT GRANTS

4830.1554 [Emergency] AMOUNT AND TERM OF GRANTS.

Subp. 2. ~~**Cost of attendance**~~ **Direct educational cost.** The direct educational cost ~~of attendance~~ includes, but is not limited to the following:

A. resident tuition and fees at the institution;

B. educational materials;

C. transportation expenses; and

D. an allowance for child care expenses.

The direct educational cost ~~of attendance~~ must be consistent with the institution's financial aid policies and procedures.

Subp. 3. **Amount.** The amount of the grant when combined with (a) federal, state, institutional, and private ~~financial aid~~ grant assistance that the student receives, (b) employer reimbursement, and (c) the expected parent/student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's direct educational cost ~~of attendance~~ as defined in subpart 2.

Department of Human Services

Adopted Rules Relating to Special Needs Rate Exception for Very Dependent Persons with Special Needs

The rules proposed and published at *State Register*, Volume 10, Number 2, pages 54-65, July 8, 1985 (10 S.R. 54) are adopted with the following modifications:

Rules as Adopted

9510.1090 ESTABLISHING SPECIAL NEEDS RATE EXCEPTION PAYMENT.

Subp. 4. **Limitation.** The combined per diem costs of training and habilitation services, ICF/MR services, and the special needs rate exception payment and any other special needs rate exception payments in effect for the same client, shall not exceed the medical assistance per diem cost of providing services to mentally retarded persons in state hospitals. For the purpose of determining this limitation, items A to F apply.

C. The special needs rate exception amount must not exceed the total ~~allowable~~ of the costs ~~in~~ allowable under subpart 2. If a special needs rate exception is necessary for a client in both the ICF/MR and the training and habilitation service program, the amounts of both special needs rate exceptions must be combined. If the client is currently receiving a special needs rate exception, that amount must also be included.

9510.1120 DURATION OF SPECIAL NEEDS RATE EXCEPTION.

Subp. 2. **Renewals.** If the county determines that a special needs rate exception should be continued after the period initially approved, the county shall submit a new application in accordance with parts 9510.1020 to 9510.1140 at least 30 days prior to the date the special needs rate exception is scheduled to terminate. The county application for a renewal must contain a program and fiscal evaluation demonstrating the effectiveness of the initial special needs rate exception. A special needs rate exception for a staff intervention must be limited to ~~one renewal~~ two renewals, each of one year or less, per identified special need.

Department of Human Services

Adopted Emergency Rules Relating to Work Readiness Program

The rules proposed and published at *State Register*, Volume 10, Number 6, pages 306-313, August 5, 1985 (10 S.R. 306) are adopted with the following modifications:

Rules as Adopted, Emergency

WORK READINESS PROGRAM

9500.1211 [Emergency] DEFINITIONS.

Subp. 2. **Borderline mental retardation.** "Borderline mental retardation" means the condition of a person who ~~is medically certified as having~~ has demonstrated deficits in adaptive behavior and intellectual functioning that is at least one but less than two standard deviations below the mean of a professionally recognized standardized test and the condition limits the person ~~from~~ in obtaining, performing, or maintaining suitable employment.

Subp. 7. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action ~~which~~ that is reasonable and justified when viewed in the context of the surrounding circumstances including but not limited to illness of the person, illness of another family member that requires the person's presence, a family emergency, or inability to obtain transportation.

Subp. 9. **Local labor market.** "Local labor market" means the geographic area in which a registrant can reasonably be expected to search for suitable employment. The geographic area must be limited to an area within two hours' round trip of the registrant's residence, exclusive of time needed to transport his or her children to and from child care.

Subp. 10. **Medical certification.** "Medical certification" means a statement about a person's illness, injury, or incapacity that is signed by a licensed physician ~~or~~, licensed consulting psychologist ~~about a person's illness, injury, or incapacity~~, or licensed psychologist whose professional training and experience qualifies him or her to diagnose or certify the person's condition.

Subp. ~~10.~~ 11. **Mentally ill.** "Mentally ill" means the condition of a person who has a ~~medically certified~~ psychological disorder resulting in behavior that severely limits the person ~~from~~ in obtaining, performing, or maintaining suitable employment.

Subp. ~~11.~~ 12. **Misconduct.** "Misconduct" means conduct that would result in the disqualification of a claimant for unemployment insurance benefits under Minnesota Statutes, section 268.09, subdivision 1, clauses (2) and (3).

Subp. ~~12.~~ 13. **Qualified professional.** "Qualified professional" means a social worker employed by the local agency, a social worker with a master's degree in social work, a licensed consulting psychologist, a licensed psychologist, a licensed physician or psychiatrist, or a public health nurse.

Subp. ~~13.~~ 14. **Registrant.** "Registrant" means a person who has applied for work readiness services and payments, who has been determined eligible for those services and payments by the local agency, and who has elected to begin receiving those services and payments.

Subp. ~~14.~~ 15. **Suitable employment.** "Suitable employment" means a job that:

A. meets existing health and safety standards set by federal, state, or local regulations;

B. is within the physical and mental ability of a person; ~~and~~

C. pays at least the minimum wage prescribed by state or federal law and provides more than 60 hours of work per month; and

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D. does not include temporary day labor.

Subp. 16. **Vocational advisor.** "Vocational advisor" means a person employed by or under contract with the local agency who has sufficient education, training, or experience to enable the person to identify the types of available suitable employment in a registrant's local labor market and the necessary qualifications for that employment; to identify the registrant's physical, social, vocational, and educational barriers to obtaining available suitable employment; and to identify the types of services and activities necessary to enable the registrant to overcome the barriers and obtain suitable employment.

9500.1212 [Emergency] LOCAL AGENCY RESPONSIBILITY TO PROVIDE WORK READINESS PROGRAM AND PLAN.

Subpart 1. **Requirement to provide a work readiness program.** Each local agency shall provide a work readiness program. The program must provide work readiness services and payments to all applicants residing within the local agency's jurisdiction who meet the eligibility conditions of part 9500.1213 [Emergency], and must provide work readiness services to recipients of general assistance who are eligible under part 9500.1104 [Emergency], item B. The local agency may continue to provide work readiness services to recipients of general assistance who are eligible for general assistance under part 9500.1200 [Emergency].

Subp. 2. **Preparation of work readiness program description.** Each local agency shall develop a written ~~plan identifying the~~ description of its work readiness program. The description must meet the standards established in part 9555.3409, and must identify the work readiness program's purpose, service components, ~~requirements,~~ operating procedures, and ~~operation of its work readiness program and the client groups to be served by its program. A copy of the plan must be filed with the commissioner annually.~~ service provider. The description must also contain a summary of work readiness program requirements, including a registrant's responsibility to coooperate in the employability assessment and in the preparation of the employability development plan, and the registrant's responsibility to comply with job registration, work search, and employment acceptance and retention requirements as conditions for continuing eligibility.

Subp. 3. **Distribution of work readiness program description.** The local agency shall give a copy of the work readiness program description to an applicant at the time he or she applies for general assistance or work readiness, and to any person upon request.

Subp. 4. **Filing of program description.** The local agency shall file a copy of its work readiness program description and all amendments to the description with the commissioner.

9500.1213 [Emergency] APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 1. **Assessment of general assistance eligibility.** Prior to determining a work readiness applicant's eligibility for work readiness services and payments, the local agency must determine the applicant's need for emergency general assistance under Minnesota Statutes, section 256D.07, and the applicant's eligibility for the general assistance program under part 9500.1102 [Emergency]. If the applicant is determined eligible for general assistance, the applicant shall be ineligible for work readiness services and payments except as provided in part 9500.1104 [Emergency], item B, and part 9500.1220 [Emergency]. If the applicant is determined ineligible for general assistance, the local agency shall notify the applicant of the determination and of his or her right to appeal the decision ~~under Minnesota Statutes, section 256.045~~ as provided under part 9500.1103 [Emergency].

Subp. 2. **Work readiness application.** A completed application for general assistance shall be considered a completed application for the work readiness program effective on the date that the local agency determines the applicant ineligible for general assistance. A registrant shall not be required to complete a new application for general assistance when the local agency is determining the registrant's eligibility for general assistance under part 9500.1218 [Emergency], subpart 2, or 9500.1200 [Emergency], subpart 1.

Subp. 3. **Eligibility criteria.** If the local agency determines that the applicant is ineligible for general assistance, it must determine the applicant's eligibility or ineligibility for the work readiness program. An applicant or registrant is eligible for the work readiness program if the applicant or registrant meets the conditions in items A to D:

A. The applicant or registrant is ineligible for general assistance under part 9500.1102 [Emergency] or 9500.1220 [Emergency], subpart 1.

B. The applicant or registrant meets the eligibility requirements under part 9500.0530, items A to D. If the applicant or registrant is married and resides with his or her spouse, the income and resources of the applicant or registrant and his or her spouse shall be considered ~~an assistance unit for purposes of assessing whether or not the conditions of part 9500.0530, subparts B and C are met~~ in accordance with the policies and procedures of the general assistance program when determining the applicant's or registrant's eligibility and monthly payment amount.

C. The applicant or registrant has not exhausted his or her eligibility period as provided by part 9500.1216 [Emergency].

D. The applicant or registrant is not in a disqualification period under part 9500.1105 [Emergency], part 9500.1218 [Emergency], or part 9555.3417 [Emergency].

9500.1214 [Emergency] REQUIREMENT TO INFORM APPLICANTS.

Subpart 1. **Duty to inform applicants of eligibility or ineligibility for the work readiness program.** Upon determining an applicant's eligibility or ineligibility for the work readiness program, the local agency must inform the applicant of its determination in writing on a form prescribed by the commissioner. The local agency must also inform an applicant who has been determined ineligible for the work readiness program of the determination and the right to appeal as provided in part ~~9555.1219~~ 9500.1219 [Emergency].

Subp. 2. **Duty to inform applicants of work readiness requirements.** At the time the local agency informs an applicant that he or she is eligible for the work readiness program, the local agency must also provide the applicant with a copy of the program description prescribed under part 9500.1212 [Emergency], subpart 2, and a written notice ~~in plain and easily understood language informing~~ meeting the standards established in part 9555.3409, which informs the applicant of:

C. ~~a summary of the work readiness program including the job registration, work search, employment acceptance, and other work readiness requirements which must be complied with:~~

~~D.~~ the disqualification that will be imposed ~~for failure~~ if a registrant is terminated from suitable employment for misconduct, quits suitable employment without good cause, refuses without good cause to accept an offer of suitable employment, or fails to comply with ~~those~~ other work readiness program requirements; and

~~E.~~ D. the ~~need to assess~~ requirement that a registrant cooperate with the assessment of the registrant's eligibility for continuing work readiness services and payments under part 9500.1216 [Emergency], subpart 1, during the registrant's second month of work readiness services and payments.

9500.1215 [Emergency] WORK READINESS SERVICES AND PAYMENTS.

Subpart 1. **Requirement of concurrent services and payments.** In order for a monthly work readiness payment or a month of work readiness services to count toward the two or six month limitation on eligibility for the work readiness program, as provided by part 9500.1216 [Emergency], the registrant must concurrently receive work readiness services and payments. Upon an eligible applicant's election to begin receiving work readiness services and payments, the local agency shall provide the services and payments to the registrant. A month during which a registrant fails to comply with the requirements of the work readiness program but for which the registrant receives a work readiness payment shall be considered a month during which work readiness services and payments were concurrently received.

Subp 2. **Work readiness services.** The following services must be provided to a work readiness registrant;

A. In consultation with the registrant, ~~the local agency~~ a vocational advisor shall complete a written employability assessment. The assessment must include an examination of the registrant's education, training, ~~and~~ prior work experience, and suitable employment that is or may become available in the registrant's local labor market, and must identify barriers to the registrant successfully seeking and securing suitable employment.

B. The vocational advisor shall develop a written employability development plan for each registrant within the first 30 days that work readiness services are provided to a registrant. The plan must be based ~~upon~~ on the assessment provided under item A and the ~~local agency's~~ vocational advisor's knowledge of the level of competition for employment that is or may become available ~~jobs, the local agency shall develop a written employability development plan~~ and must be designed to address the registrant's barriers to employment and prepare the registrant for suitable employment. The registrant must be given a copy of his or her plan and the plan must:

(3) provide for referral to ~~available~~ appropriate employment assistance programs;

(5) specify the registrant's job search requirements, which must be limited to the local labor market, must be reasonable, and must be based upon the assessment performed under item A;

(6) specify any other reasonable activities designed to prepare the registrant for permanent suitable employment which the registrant must comply with; and

C. No work readiness program shall require a registrant to travel to a potential job, training, or other activity site unless the local agency provides funds to the registrant, in addition to the work readiness payment, to cover the cost of the transportation or unless transportation is unnecessary or is otherwise available to the registrant without cost.

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E. A local agency that requires a registrant to participate in any type of employment experience program shall require that the employment experience program meet the standards established in Minnesota Statutes, section 256D.113, and that the work to be done is not work ordinarily performed by a regular public employee.

F. A local agency may contract with a public or private entity for the performance of any or all of the services prescribed by this subpart if the entity can document that it has the resources and expertise necessary to perform the services. A contract entered into under this item must contain a description of the services to be performed under the contract. Upon request, the local agency shall provide the department with a copy of the contract and a description of the resources and expertise of the entity under contract with the local agency.

Subp. 3. **Work readiness payments.** A registrant who has met the eligibility conditions of part 9500.1213 [Emergency], subpart 3, shall receive work readiness payments during the applicable period of work readiness eligibility. The payment amount must be equal to the amount of assistance that would be paid to the registrant under parts 9555.3410 to 9555.3412 [Emergency] if the registrant was eligible for general assistance. If the registrant is married and lives with his or her spouse, who is also a registrant, the couple shall be considered an assistance unit comprised of two persons for purposes of determining the applicable standard of assistance, the amount of countable or seasonal income, and the monthly work readiness payment amount under parts 9555.3410 to 9555.3412 [Emergency]. If the registrant resides with his or her spouse and the spouse receives general assistance under part 9500.1102 [Emergency] or 9500.1200 [Emergency], subpart 1, the monthly work readiness payment to the registrant under this part must be equal to the amount the general assistance monthly payment made to the registrant's spouse under parts 9555.3410 to 9555.3412 [Emergency] would increase if the registrant were added to the spouse's general assistance grant.

The first work readiness payment must ~~begin~~ be prorated for the period beginning with the effective date of the completed application for the work readiness program, the date that the applicant is determined eligible for work readiness services and payments, or the date that the eligible applicant elects to begin receiving work readiness services and payments, whichever is later, and ending with the last day of that month. ~~Each payment must cover 30 calendar days and must be made without proration or regard to the beginning or ending date of the month. After the first payment is made.~~ Subsequent work readiness payments must be made monthly on the first day ~~following the end of the 30-day period covered by a previous payment~~ of the month. A registrant shall continue to receive work readiness payments during the ~~period of time~~ months that he or she elects to receive work readiness services and payments and meets the eligibility requirements of part 9500.1213 [Emergency]. The final payment must be prorated to cover the number of days equal to the number of days in the registrant's first month of work readiness services and payments which were not covered by the registrant's first work readiness payment. Emergency general assistance is ~~not~~ available to a registrant in accordance with Minnesota Statutes, section 256D.06, subdivision 2.

9500.1216 [Emergency] ASSESSMENT DURING SECOND MONTH; NOTICE OF TERMINATION.

Subpart 1. **Assessment.** During the registrant's second month of work readiness services and payments under part 9500.1215 [Emergency], the local agency in consultation with the registrant shall conduct an assessment of the registrant's progress in securing suitable employment and an assessment of the registrant's eligibility for an additional four months of work readiness services and payments. When the second work readiness payment is mailed or given to the registrant, the local agency shall provide a written notice meeting the standards established under part 9555.3409 that informs the registrant that the local agency will be assessing the registrant's eligibility for an additional four months of work readiness services and payments, the conditions that must be met in order for the registrant to the eligible for an additional four months, the requirement that the registrant cooperate with the local agency's assessment, and that the registrant has a right to submit to the local agency information relevant to the determination within ten days from the date that the notice is mailed or given to the registrant. A registrant shall be eligible for four additional months of work readiness services and payments if the registrant meets one or more of the following conditions:

A. The registrant lives in a distressed county.

B. The registrant is medically certified as having borderline ~~mentally retarded~~ mental retardation.

C. The registrant ~~exhibits~~ is certified by a qualified professional as exhibiting perceptible symptoms of mental illness ~~as certified by a qualified professional~~ but the registrant is not eligible for general assistance under parts 9500.1100 to 9500.1107 [Emergency] because the mental illness interferes with the medical certification process.

D. The registrant ~~is unable~~ as determined by a vocational advisor, cannot reasonably be expected to secure suitable employment ~~because the local agency has determined that no jobs are available that a person with~~ given the registrant's work history, skills, ~~and ability has the~~ education, physical and mental ability ~~to perform,~~ and the availability of suitable employment in the registrant's local labor market.

If the local agency believes that the registrant may ~~meet the conditions in item B or C~~ have borderline mental retardation, or if the registrant or a representative of the registrant asserts that he or she ~~meets the conditions of item B or C~~ has borderline mental retardation, the local agency shall ~~obtain~~ seek medical certification of the registrant's condition. If ~~the registrant's mental illness interferes with the medical certification process, the registrant's condition must be assessed by a qualified professional~~ medical

certification establishes that the registrant has borderline mental retardation, the condition in item B is met. If the registrant's behavior, thought processes, mood, perceptions, conduct, or appearance suggest or demonstrate that the person may have a mental illness, or if the registrant or a representative of the registrant asserts that the registrant has a mental illness, the local agency shall seek medical certification of the registrant's condition. If the registrant fails to cooperate with the medical certification, the local agency shall seek an assessment of the registrant's condition from a qualified professional. If the qualified professional certifies that the registrant is exhibiting symptoms of mental illness, the condition in item C is met.

Subp. 2. **Notice of determination.** If the local agency determines through the assessment ~~or the medical certification~~ that the registrant meets one or more of the conditions in subpart 1, items A to D, the registrant shall be notified that he or she is eligible for work readiness services and payments for a combined total of six months in any consecutive 12-calendar month period. If the local agency determines, upon completion of the assessment under subpart 1, that the registrant does not meet one or more of the conditions in subpart 1, items A to D, the registrant shall be terminated from work readiness services and payments effective at the end of the registrant's second month of participation in the work readiness program. If the local agency determines that the registrant is ineligible for continued work readiness services and payments, the local agency shall notify the registrant of its determination and that the registrant is not eligible to receive work readiness services and payments for more than two months during any consecutive 24-calendar month period.

9500.1217 [Emergency] REGISTRANT DUTIES.

A registrant shall ~~cooperate~~ comply with all ~~aspects~~ requirements of the local agency work readiness program as explained under part 9500.1214 [Emergency], subpart 2, and specified in the employability development plan provided under part 9500.1215 [Emergency], subpart 2, item B. A registrant who ~~does not~~ fails, without good cause, to comply with the local agency work readiness requirements shall be disqualified from the receipt of work readiness services and payments under part 9500.1218 [Emergency].

9500.1218 [Emergency] FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1. **Determination and notice of failure to comply.** If a local agency determines that a registrant has failed to comply with the requirements of the work readiness program, the local agency ~~shall~~ must notify the registrant of its determination. The notice must ~~be written in plain and easily understood language~~ meet the standards established in part 9555.3409, and must contain the information in items A to E.

C. The notice must specify a certain date by which the action must be taken. The registrant must be given a minimum of 15 calendar days to take the specified action following the date the notice is mailed or ~~delivered~~ given to the registrant.

Subp. 2. **Disqualification.** A registrant who is notifed of the local agency determination as provided in subpart 1 shall comply with the requirements of the work readiness program as specified in the notice prior to or on the specified date. If the local agency determines that the registrant has not complied with the requirements on or before the specified date, the local agency ~~shall~~ must assess the registrant's eligibility for general assistance under part 9500.1102 [Emergency] prior to disqualification of the registrant for noncompliance. If the local agency determines that the registrant is eligible for general assistance, the registrant shall be terminated from work readiness services and payments and shall be eligible for general assistance. If the local agency determines that the registrant is ineligible for general assistance under part 9500.1102 [Emergency] and that the ~~conditions in item A, B, C, or D exist~~ registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed, without good cause, to take the required actions by the date specified in the notice provided under subpart I, the registrant shall be disqualified from receiving work readiness services and payments.

~~A. The registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed to take the required actions by the date specified in the notice provided under subpart 1.~~

~~B. The registrant has been terminated from employment for misconduct.~~

~~C. The registrant has quit work without good cause.~~

~~D. The registrant has refused, without good cause, to accept an offer of suitable employment.~~

Subp. 4. **Period of disqualification.** A registrant disqualified under subpart 2 shall be ineligible during the period of disqualification for any remaining or additional work readiness services or payments for which he or she would otherwise be eligible in accordance with the provisions in items A to F.

A. The period of disqualification shall be 60 days.

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B. If the local agency determines that the registrant failed to comply with work readiness requirements under subpart 2, the disqualification period shall begin on the first day of the 30-day work readiness payment period following the date on which the determination was made. If the notice of disqualification is given or mailed so late in a payment period that ten-day prior notice required under part 9500.1219 [Emergency] cannot be given, the disqualification period shall begin on the first day of the second work readiness payment period following the date the determination was made. If the registrant appeals on or before the proposed disqualification date, the disqualification process must stop and work readiness payments and services must continue until a final decision is rendered or until the registrant's period of eligibility is exhausted, whichever is earlier. If the registrant loses the appeal, the disqualification period must begin on the first day of the next ~~30-day~~ work readiness payment period.

D. If the local agency determines that a registrant who received a notice of failure to comply under subpart 1 has taken the required action on or before the ~~proposed disqualification~~ date specified in the notice provided under part 9500.1218 [Emergency], subpart 1, item C, work readiness ~~assistance~~ services and payments must be continued without a period of disqualification.

E. Disqualification under subpart 2 must not affect a person's eligibility for general assistance or general assistance medical care.

F. If a ~~recipient~~ registrant is disqualified under subpart 2, the local agency may use vouchers and vendor payments, or both, to meet the financial needs of the remaining eligible members of the registrant's assistance unit. The assistance standard used must be based on the number of remaining eligible members in the registrant's assistance unit.

9500.1219 [Emergency] NOTICE OF ADVERSE ACTION AND APPEAL RIGHTS.

Subp. 2. **Notice requirements.** The notice required under subpart 1 must meet the standards established in part 9555.3409, and must:

Subp. 3. **Appeal of adverse action.** An applicant or registrant who is the subject of an adverse action under subpart 1 may appeal the local agency determination. The appeal must be a written request for a hearing submitted to the department or the local agency under Minnesota Statutes, section 256.045. If a registrant appeals on or before the effective date of the adverse action, the registrant, if otherwise eligible, shall continue to receive work readiness services and payments while the appeal is pending. If the registrant's appeal of an action specified under subpart 1, item A, B, or D is not upheld, the registrant shall pay back to the local agency the amount of work readiness payments received during the pendency of the appeal.

9500.1220 [Emergency] ELIGIBILITY FOR SIX MONTHS OF GENERAL ASSISTANCE.

Subpart 1. **Eligibility conditions.** An applicant who is not eligible for general assistance under part 9500.1102 [Emergency] but who meets the conditions of part 9500.0530, items A to D, and who has received six months of work readiness services and payments shall be eligible to receive general assistance for a maximum of six months during any consecutive 12-calendar month period if the conditions in item A or B are met:

A. the person is medically certified as having borderline mental retardation; or

B. the person is certified by a qualified professional as exhibiting perceptible symptoms of mental illness and the mental illness ~~prevents~~ interferes with medical certification of the person's condition.

Subp. 2. **Requirements for continuing eligibility.** A recipient of general assistance whose eligibility is based on subpart 1 must comply with the following requirements to remain eligible for general assistance:

A. A person certified as exhibiting perceptible symptoms of mental illness as provided by subpart 1, item B must cooperate with social services, treatment, or other reasonable plans developed by the local agency to address the illness. If the local agency determines that the person has ~~not complied~~ failed, without good cause, to comply with the plan, the person shall be disqualified from receiving general assistance as prescribed in parts 9500.1105 to 9500.1107 [Emergency].

B. The local agency may assign a person who is eligible for general assistance under subpart 1 to the work readiness program for work readiness services. A person so assigned must ~~cooperate~~ comply with the work readiness program requirements established by the local agency. If the local agency determines that the person has failed to comply with work readiness requirements, the person shall be disqualified from receiving general assistance as provided in parts 9500.1105 to 9500.1107 [Emergency].

Subp. 3. **Notice of termination.** After issuing the monthly general assistance payment during the sixth and final month to a recipient who is eligible under subpart 1, and who does not meet the conditions under part 9500.1102 [Emergency], the local agency shall provide the recipient with written notice of his or her termination from general assistance ~~and~~, of his or her appeal rights as specified in ~~Minnesota Statutes, section 256D.10. The local agency shall also inform the recipient of the availability of its work readiness program and the time limitations imposed on eligibility for that program~~ part 9500.1103 [Emergency], and that the recipient may be eligible for work readiness services and payments if he or she meets the criteria of part 9500.1213 [Emergency], subpart 3.

9500.1221 [Emergency] SPECIAL VOUCHER OF VENDOR PAYMENT PROVISIONS.

The local agency may provide general assistance, emergency general assistance, or work readiness payments in the form of

vouchers or vendor payments if the applicant, recipient, or registrant does not have ~~a permanent~~ an address at which he or she resides. The local agency may provide separate vouchers or vendor payments for food, shelter, and other needs and may divide the monthly assistance standard into daily or weekly payments, whether in cash or by voucher or vendor payment, until the applicant, recipient, or registrant has secured ~~a permanent~~ an address at which he or she resides. If the local agency elects to use these provisions, the local agency shall either provide for the person's needs through placement in a negotiated rate facility, or provide for all of the person's food, shelter, or other daily needs, regardless of the standard of assistance. For purposes of this part, "address" includes migrant labor camp as defined in part 4630.4800, subpart 3.

Pollution Control Agency

Adopted Rules Relating to Hazardous Waste

The rules proposed and published at *State Register*, Volume 9, Number 52, pages 2745-2747, June 24, 1985 (9 S.R. 2745) are adopted as proposed.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Energy and Economic Development Financial Management Division

Availability of Issuance Authority in Competitive Pool, October 5, 1985

Pursuant to Minn. Laws 1984, ch. 582, p. 17, subd. 2, to be codified as 474.20, the Department gives notice that the amount of Industrial Development Bond issuance authority available in the Competitive Pool as of October 5, 1985, is $25,340,526.53 and will be available to qualifying Industrial Development Bond Issuers submitting qualification criteria applications by October 10, 1985. Pursuant to Minn. Laws 1984, ch. 582, p. 16, to be codified as 474.19, non Entitlement Issuers must submit an application, a preliminary resolution, an application deposit and any other supporting documents required.

Balance of Competitive Pool on September 5, 1985	$25,489,604.53
Add:	
Unused Entitlement Allocations as of August 31, 1984:	$ N/A
Returned Allocations:	$ 2,630,922.00
Total Pool Available as of September 10, 1985:	$28,120,526.53

Allocations awarded from the Competitive Pool during the month ending October 5, 1985 are:

Issuer	*Project*	*No. of Pts.*	*Amount*
Lake of the Woods Co.	Reed-Rowell	6	$ 250,000.00
City of Rush City	Dennis Kirk, Inc.	7	600,000.00
City of Wadena	Mason Bros.	9	680,000.00
City of Windom	Caldwell Packing Co.	6	1,250,000.00

Total Allocations Awarded:	$2,780,000.00
Amount of Issuance Authority Available as of October 5, 1985:	$25,340,526.53

Metropolitan Council

Order Commencing Review of the Proposed Homart Office Development

Upon receipt of a resolution by the city of Edina, Minnesota, received Sept. 26, 1985, accompanied by an initial information submission, said material complying with and satisfying the requirements of Minn. Rules 5700.1300, Subp. 1 and Subp. 2, and setting forth an arguable claim that the planned Homart Office Development in the city of Bloomington will affect the city of Edina, and there being no indication that the review has been initiated in bad faith or is a sham, capricious or frivolous initiation, or that the matter is exempt within the meaning of Minn. Rules 5700.0700 to 5700.1200; it is hereby ordered:

1. That a metropolitan significance review of the above-captioned matter is hereby commenced effective Sept. 25, 1985.

2. Notice of this order shall be served within five days upon the city of Bloomington, the Homart Development Company, the city of Edina, all adjacent government units, the Regional Transportation Board, the Metropolitan Waste Control Commission, the Metropolitan Land Use Advisory Committee, the Metropolitan Parks and Open Space Commission, and the Environmental Quality Board.

3. Such notice shall contain the order commencing review, the initiating documents, the information submission and order suspending action on the proposed development, and a schedule for the metropolitan significance review. Notice that such review has been commenced shall be published in the next issue of the Council's *Review* and in the *State Register*.

4. In accordance with Minn. Rules 5700.1400 and 5700.3100, Homart Development Company shall suspend action on the proposed matter until the Council's issuance of a final determination concerning the proposed matter.

Oct. 3, 1985

Sandra S. Gardebring
Metropolitan Council
300 Metro Square Bldg.
St. Paul, MN 55101
(612) 291-6359

Metropolitan Council

Preliminary Review Schedule for Metropolitan Significance Review of the Proposed Homart Office Development

Referral File No. 12704-4

Order commencing review	Oct. 3, 1985
Notice to appropriate parties	Oct. 8, 1985
Preliminary statements due	Oct. 23, 1985
Period during which review procedures may be stipulated pursuant to Minn. Rules 5700.1900	Oct. 11-Oct. 28, 1985
Meeting among parties to discuss preliminary statements and to determine if matter can be settled by stipulation	Oct. 22, 1985
Staff report released, notice of public hearing mailed	Nov. 1, 1985
Staff report conference, all parties involved	Nov. 11, 1985
Public hearing	Nov. 18, 1985
Public hearing report, findings and conclusions adopted by Metropolitan Significance Review Committee	Dec. 2, 1985
Metropolitan Systems Committee	Dec. 9, 1985
Metropolitan Council final determination	Dec. 19, 1985

NOTE: This preliminary review schedule places the Council action at the last Council meeting prior to the Dec. 24, 1985 expiration of the 90-day limit during which the metropolitan significant review can be conducted.

Metropolitan Council

Public Hearing on an Amendment to the Right-of-Way Acquisition Loan Fund Guidelines

The Metropolitan Council will hold a public hearing Monday, November 4, 1985 at 4:00 p.m. at the Metropolitan Council, 300 Metro Square Bldg., 7th and Robert St., St. Paul, Minnesota on draft amended guidelines for highway right-of-way acquisition loans. The guidelines are being amended to include loans for "hardship" cases. All interested persons are encouraged to attend the hearing and offer comments. People may register to speak in advance by calling Ann Braden of the Council's Transportation Planning Staff at 291-6525. Questions on the proposed revision should also be directed to her. Copies of the draft guidelines are available free of charge from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning October 4 at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul, Minnesota 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, Minnesota 55401

St. Paul Public Library
Science and Industry Room
900 West Fourth Street
St. Paul, Minnesota 55102

Anoka County Library—Blaine Branch
707 Highway 10
Blaine, Minnesota 55434

Carver County Library—Chaska Branch
314 Walnut Street
Chaska, Minnesota 55318

Dakota County Library—Burnsville Branch
1101 West County Road 42
Burnsville, Minnesota 55337

Hennepin County Library—Southdale Branch
7001 York Avenue
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 North Hamline Avenue
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 South Lewis Street
Shakopee, Minnesota 55379

Washington County Library—Park Grove Branch
7520-80th Street South
Cottage Grove, Minnesota 55106

Sandra S. Gardebring, Chair
Metropolitan Council

Metropolitan Council

Review Schedule for Amendment to Right-of-Way Acquisition Loan Fund Guidelines

The Metropolitan Council administers a program for highway right-of-way acquisition loans for cities, counties and other public

entities within the seven-county area. The loan guidelines are currently being amended to include loans for ''hardship'' cases.

The following is a tentative schedule for review of the guidelines.

November 4, 1985	Public hearing
November 18, 1985	Hearing record closes
December 2, 1985	Metropolitan Systems Committee reviews hearing report and approves final guidelines
December 5, 1985	Metropolitan Council reviews hearing report and adopts final guidelines

This schedule is tentative and subject to change. A notice of public hearing is being published. If you have any questions regarding the schedule or guidelines, call Ann Braden of the Council's Transportation Planning staff at 291-6525.

Office of the Secretary of State

Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is November 5, 1985.

BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES has 1 vacancy open for a licensed private detective. The board licenses private detectives and protective agents. Members are appointed by the Commissioner of Public Safety. Members must file with Ethical Practices Board. Monthly meetings. Members receive $35 per diem plus expenses. For specific information contact the Board of Private Detective and Protective Agent Services, 1246 University Ave., St. Paul 55104; (612) 296-8399.

TASK FORCE ON EXAMINATION OF NEW VOTING SYSTEMS has 1 vacancy open for a member. The task force examines voting machines or electronic voting systems proposed in Minnesota and advises the Secretary of State on certification of this equipment for use at elections in this state. The task force meets only when new equipment is proposed for use. Members are appointed by the Secretary of State. For specific information contact the Task Force on Examination of New Voting Systems, 180 State Office Bldg., St. Paul 55155; (612) 296-2805.

MINNESOTA COUNCIL FOR THE BLIND has 7 vacancies open for members. At least four must be blind or visually handicapped. The council advises the Commissioner on the development of policies, programs, and services affecting the blind and visually impaired; on the use of appropriate federal money; on policies relating to eligibility determinations; on qualifications for the director of services for the blind; to provide the Commissioner with a review of ongoing services, programs and proposed legislation affecting the blind and to create a public awareness of the special needs and potential of blind and visually impaired persons. Members are appointed by the Commissioner of Jobs and Training. Members receive $35 per diem plus expenses in the same manner and amount as authorized by the Commissioner's plan. Terms are staggered. For specific information contact the Minnesota Council for the Blind, Rick Hokanson, 1745 University Ave., St. Paul 55104; (612) 296-6034.

HAZARDOUS WASTE MANAGEMENT PLANNING COUNCIL has 3 vacancies open immediately for 1 local government representative, 1 citizen representative and 1 industry representative. The council makes recommendations to the Waste Management Board on planning for and siting of hazardous waste processing and disposal facilities. Members are appointed by the Chairperson of the Waste Management Board. Monthly meetings. Members are compensated for expenses. For specific information contact the Hazardous Waste Management Planning Council, 123 Thorson Bldg., 7328 58th Ave. N., Crystal 55428; (612) 536-0816.

State Retirement System

Board of Directors' Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System will be held on Friday, October 18, 1985, at 8:30 a.m. in the State Retirement System's office, 529 Jackson Street, St. Paul, Minnesota.

State Council on Vocational Technical Education

Notice of Town Meeting

The State Council on Vocational Technical Education, in cooperation with the Hibbing and Eveleth Area Vocational Technical

Institutes, will hold a town meeting at 7:00 p.m. on October 23, 1985 at the Hibbing Area Vocational Technical Institute, 2900 East Beltline, Hibbing, Minnesota.

The purpose of the town meeting is to provide employers and employees in all sectors of the economy, as well as vocational students and their families, the opportunity to express their opinions and concerns about vocational technical education in Minnesota.

The Council strongly encourages public participation and seeks responses to the following question in particular: How can the quality and delivery of vocational technical education better serve youth and adults, as well as agriculture, business, industry and labor, in your community?

The Council needs the public's help and asks it to respond. Public comment is important to The Council in meeting its responsibility to advise local, state and national officials on public policy for vocational technical education in Minnesota.

Written copies of remarks to The Council are helpful and appreciated, but are not required.

Persons who wish to speak, but are unable to attend the town meeting, may send written statements to the State Council on Vocational Technical Education, 700 Wayzata Boulevard, Minneapolis, Minnesota 55403, by October 30, 1985.

Inquiries regarding the town meeting may be directed to William E. Magajna at Hibbing (218/262-3824); Edward F. Russ at Eveleth (218/744-3302); or John W. Mercer at the State Council on Vocational Technical Education (612/377-6100).

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
78-830-07855 & 07859	Stair Nosing	MN Correctional Facility	St. Cloud	Contact buyer
01-000-04481	Furnish and install Garage Doors	Military Affairs	St. Cloud	Contact buyer
02-310-14214	Telephone System	Anoka-Ramsey Community College—Cambridge Center	Cambridge	Contact buyer
26-071-15804	Fermentor Assembly	Mankato State University	Mankato	Contact buyer
32-100-13851 & 13852	Oxygen Meter	Pollution Control Agency	Roseville	Contact buyer
04-121-29659	Work Station	Agriculture	Crookston	Contact buyer
29-000-42597-2757	1986 Spring Turkey Hunt Ag.	Natural Resources	St. Paul	Contact buyer
07-700-35035-2592	Records of Drivers License Examination	Public Safety	St. Paul	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
65-300-02805-2672	SJIS Civil Transaction Form	Supreme Court	St. Paul	Contact buyer
67-260-11222-3250	Affix Labels to Income Tax Booklets	Revenue	St. Paul	Contact buyer
27-147-44063-1791	College Catalogue 86-88	Vermilion Community College	Ely	Contact buyer
02-310-14122 Rebid	Prison Hinges & Screws	MN Correctional Facility	Oak Park Heights	Contact buyer
79-000-49675	Automatic Levels	Transportation	St. Paul	Contact buyer
79-000-49421	Purchase of CRT Terminals	Transportation	St. Paul	Contact buyer
43-000-06478	Carpeting & Installation	Iron Range Resources & Rehabilitation Board & Public Safety—State Patrol	Eveleth	Contact buyer
Contract	Rubbish Disposal			Contact buyer
79-000-49420	Purchase of Memory Boards	Transportation	St. Paul	Contact buyer
79-000-49944	Electric Fork Lift	Transportation—Central Shop	Minneapolis	Contact buyer
79-000-49603	Industrial Tractor Loader	Transportation	Transportation	Contact buyer
29-000-40567	Drill Holes to Bedrock and Abandonment	Natural Resources	Hibbing	Contact buyer
Contract	Laundry Service	Military Affairs	Little Falls	Contact buyer
07-700-36532-2824	Validation Strips	Public Safety	St. Paul	Contact buyer
63-000-00823-2903	PERA Election Newsletter	Public Employment Relations Board	St. Paul	Contact buyer
67-260-11184-3024	Student Guide	Revenue	St. Paul	Contact buyer
67-270-11200-3041	Sale Tax Envelope	Revenue	St. Paul	Contact buyer
67-270-11201-3042	Blue Granite Window Envelope	Revenue	St. Paul	Contact buyer
12-600-87625-2458	Medical Record-File Folder & Inserts	Health	Minneapolis	Contact buyer
21-607-28904	Prosthesis-Rebid	Jobs & Training—Vocational Rehabilitation	Minneapolis	Contact buyer
Sch. 93-A Rebid	L.P. Gas	Various	Various	Contact buyer
26-071-16076	Light Fixtures	Mankato State University	Mankato	Contact buyer
26-073-18254	Furnish & Install Concrete Exterior Light Bases	St. Cloud State University	St. Cloud	Contact buyer
21-200-10843	Janitorial Service	Jobs & Training	Inver Grove Heights	Contact buyer
Contract	Plastic Furniture Covering	MN Correctional Facility	Lino Lakes & St. Cloud	$5,000-8,000
43-06565	Snow Groomer Drags	Various	Various	Contact buyer
29-005-08398	Quarry Rock	Natural Resources	Preston	Contact buyer
55-000-92985	Lunchroom Tables & Chairs	Human Services	St. Paul	Contact buyer
Contract	Payroll Warrants & Income Tax Refund Envelopes	Various	Various	$25,000-42,000
Contract	State Duplicating Overload	Administration—Duplicating	St. Paul	$100,000-150,000
67-260-11224-3251	Carrier Road Code Address & Print Income Tax Labels	Revenue	St. Paul	Contact buyer
79-650-00406, etc.	Snowwheels	Transportation	Owatonna	Contact buyer
78-890-01771	Wood Furnace	Corrections—Willow River Camp	Willow River	Contact buyer
26-071-16087	Purchase of Electronic Design System	Mankato State University	Mankato	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
29-000-42596-2759	1985-86 Mn Game & Fish Laws	Natural Resources	St. Paul	Contact buyer
78-620-25477	Pressure wash with heat & decreasers-duct system	MN Correctional Facility	Stillwater	Contact buyer
27-143-47978	Purchase of Minn. Draft Digitizer System	Hibbing Community College	Hibbing	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Administration
State Register and Public Documents Division

Reminder About Five Contracts Printed in Last Week's Official Notices Section

Notice to Readers:

Five notices for a total of eight contracts were placed in the wrong section of the *State Register* last week. The contracts were as follows:

Agency Name & Contract Title	Contact Deadline	S.R. Page #
Energy & Economic Development		
Request for Proposals for Delivery of Commercial Energy Auditor Training	October 25, 1985	849
Request for Proposals for Planning and Implementing a Series of Home-Based Business Seminars	November 1, 1985	851
Request for Proposals for Agency to Provide Evaluation and Advisory Services	October 28, 1985	853
Request for Proposals for Marketing and Communications Plan for the Office of Software Technology Department	October 28, 1985	854
State Designer Selection Board		
Request for Proposals for Three Projects for the State University System (All three are for Mankato State University)	October 29, 1985	859

Please refer to last week's *State Register* for descriptions, cost estimates, and contact persons for these projects. Agencies have not been asked to move contact deadlines back one week because of this misplacement, and the original contact deadlines apply.

We apologize for our error.

Department of Labor and Industry
Code Enforcement Division

Request for Proposals for Computerization of Recordkeeping Functions

The Minnesota Department of Labor and Industry is requesting bids for consultants to assist in the computerization of the recordkeeping functions of its Code Enforcement Division. The project will encompass review and analysis of transactions and documents, design of a computerized support system that will decrease duplication and redundancy of processing activities, improve access to required data and provide employees with basic training in run design and use of a Sperry 1100 MAPPER System.

Respondents should have prior experience in working with Sperry MAPPER Systems. This experience should include working with private industry or governmental agencies to design, develop and implement computerized recordkeeping support systems.

This request for proposals does not obligate the State to complete the project and the State reserves the right to cancel solicitation if it is not considered to be in its best interest.

The Department has estimated that the cost of the project should not exceed $20,000.

Questions and submission of proposals should be directed to:

Kathy Novosad
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101
Phone: (612) 296-6529

Proposals must be received not later than November 4, 1985.

State University System

Request for Proposals for State University System Academic Database Development

The State University Board is soliciting proposals to provide the analysis and computer programming support necessary to complete the development of its academic database project. Once created, this database will support strategic planning, academic program review, and other management responsibilities of the Chancellor's office.

This request for proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. The successful respondent will be expected to enter into a contract with the State University Board.

A. SCOPE OF THE PROJECT—The purpose of this project is to create a centralized information resource to support the decision-making and reporting responsibilities of the State University Board.

The computer system used is a Data General MV 4000 that is networked using XODIAC to other Data General minicomputers on each of the seven state universities. The database is being built using COBOL programs and the INFOS II Database Management System (DBAM).

This project requires providing each campus with data entry screens to build and edit transaction files for each data record type and with procedures for sending those files to the State University Board computer for additional review and for updating the database. Campuses may also create their own programs for generating the initial version of a transaction file and then use the data entry screen for editing the file into final form.

The new programs and procedures should be compatible with those that have been completed already—although recommendations for enhancements will be expected and welcomed. The current form of the index structure is illustrated in Appendix A. The Description File is provided in Appendix B. (Copies of Appendices A through G are available from Dr. Larry R. Selin, Minnesota State University System.

The following list of major components indicates the status of each and refers to the Appendix where the related data elements are displayed.

Campus Departments
Partial record associating department names with department codes.
Status: Complete. (See DEPARTMENT-NAME-RECORD description in Appendix B.)

Department Programs
Record contains identification information for programs in each of the departments of each of the campuses.
Status: The data are in for each campus, but require further editing. Additional programming may be required to address situations where multiple license codes are associated with a single program. (See PROGRAM-IDENTIFICATION-RECORD description in Appendix B.)

Program Concentrations
Record contains identification information for concentrations related to each of the programs for each campus.
Status: The data are in for each campus except Moorhead. Further editing is also required for these data. (See CONCENTRATION-IDENT-RECORD description in Appendix B.)

Program Activity
Record contains information on majors, graduates, and placement for the programs in the database.
Status: No data have been collected for this record. The programs for creating the transaction file are complete, but progress

has been halted on this record due to a problem in transferring database files across the XODIAC system to the campuses. This problem must be solved. (See ACTIVITY-RECORD description in Appendix B.)

Department Enrollments

Record contains student credit hour information by level of instruction (lower, upper and graduate) for on-campus, off-campus and extension instruction.

Status: No programming has been begun for this record. (See Appendix C for elements.)

Campus Enrollments

Record contains summary data from the HECB student data tape based on 10th day figures. Comparable end of quarter data may also be added. While a data entry screen will be required for this record, the primary data entry will be from a computer file which holds summary data from the detailed student record tapes.

Status: No programming has been begun for this record. (See Appendix D for data elements.)

Department Budget

Record contains expenditure information for the regular academic year and for summer sessions.

Status: No work has been begun on this record. (See Appendix E for data elements.)

Campus Budget

Record contains information on expenditure categories by program for each campus.

Status: No programming has been begun for this record. (See Appendix F for data elements.)

Department Personnel

Record contains summary information on staffing counts, course credits hours taught, and appointment types.

Status: No programming has been begun on this item. (See Appendix G for data elements.)

Field Translation

Records in this section will contain English language interpretations of codes in the database.

Status: Developmental work has been accomplished in this area but final decisions on how it should be structured remain.

The results of the project will be a database of useful information about the state universities that is accessible by COBOL programs and by the "friendlier" report generator provided by Data General, PRESENT.

B. GOAL OF THE PROJECT—The goal of the project is to obtain the programs, procedures, and documentation necessary to complete the development of the database. The programs, procedures, and documentation must be useable by State University Board staff to actually enter data into the database and perform appropriate maintenance and security activities.

C. PROJECT TASKS—Tasks to be completed during the project include:

1. Review and advise on the design and implementation of the portion of the database already completed.

2. Design each of the new components of the database. (Each component is comprised of the programs and procedures necessary to add one new data record type to the database.) Each component requires the programming and procedures necessary to accomplish data entry, transaction editing, database and database updating. Moreover, each new component should be characterized by menu driven access to programs and by general compatibility with the existing portions of the database. Advice on redesign and enhancements will be expected and welcomed.

3. Program creation.

4. Program testing.

5. Documentation of computer programs must follow the standard format used by the St. Cloud Computer Center. Documentation must also be provided for users.

6. Installation of each component. Successful implementation of each component involves transmitting the appropriate data entry programs to each campus site, having the campuses install those programs on their campus sites, create files of transactions, and successfully transmit those newly created files back to the State University Board office for eventual updating to the database.

D. PROJECT COSTS—The department has estimated that the cost of this project should not exceed $43,000. Billing, however, will be on a time and materials basis, and not a completed task basis.

E. PROJECT COMPLETION DATE—The project will be completed within six months of the date of project authorization.

F. PROPOSAL CONTENTS—The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals and tasks to show or demonstrate the respondent's view of the nature of the project.

2. Identify and describe the deliverables to be provided by the respondent.

3. Outline the respondent's background and experience with particular emphasis on database development using INFOS II (DBAM) and on work in a university setting or for another government agency. Identify personnel to conduct the project and detail their training and work experience. No changes in personnel assigned to the project will be permitted without the written approval of the Project Director.

4. Respondent will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing.

5. Identify the expected or anticipated level of the Department's participation in the project as well as any other services to be provided by the Department.

G. EVALUATION—All proposals received by the deadline will be evaluated by representatives of the State University Board. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project requirements.

2. Project work plan.

3. Project cost and detail. (Note: This will be a time and materials contract.)

4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

5. Ability to provide programs in the COBOL programming language.

6. Ability to develop programs without requiring extensive access to the computing facilities of the State University Board. (i.e., off-site development facility.)

7. Ability to provide Twin Cities based personnel for ease of communication.

Evaluation and selection will be completed by November 18, 1985. Results will be sent immediately by mail to all respondents.

H. DEPARTMENT CONTACTS—Prospective respondents who have any questions regarding this Request for Proposal, or who need copies of Appendices A-G on the Database Index structure, may call or write:

Dr. Larry R. Selin
Database Project Director
Minnesota State University System
555 Park Street Suite 230
St. Paul, MN 55103
612/296-6870

Please Note: Other Department personnel are not allowed to discuss the project with respondents before the submittal of proposal deadline.

I. SUBMISSION OF PROPOSALS—All proposals must be sent to and received by:

Dr. Larry R. Selin
Database Project Director
Minnesota State University System
555 Park Street Suite 230
St. Paul, MN 55103

Not later than 5:00 p.m. (CST), November 4, 1985. Proposals will not be opened before this deadline.

Late proposals will not be accepted. Submit five copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Energy and Economic Development Energy Finance Division

Cycle VIII of the Institutional Building Grants Program

Applications are now available for cycle VIII of the Institutional Building Grants Program (IBGP). Public and private non-profit schools and hospitals are eligible to compete for approximately $1.3 million in federal funds for maxi-audits (technical assistance) or energy conservation measures. Grants will be awarded on a competitive basis for 50% of project costs. The remaining 50% must be from non-federal resources. Hardship grants for more than 50% may be possible.

The cycle VIII deadline is 4:30 p.m., Monday, December 16, 1985. For more information, call (612) 297-2103 or write: IBGP, Energy Finance Division, Department of Energy and Economic Development, 900 American Center, 150 East Kellogg Boulevard, St. Paul, MN 55101.

SUPREME COURT DECISIONS

Decisions Filed Friday, October 4, 1985

Compiled by Wayne O. Tschimperle, Clerk

C5-82-466 In the Matter of the Application for the Discipline of James V. Beal, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Per Curiam.

Orders

C1-85-1368 In the Matter of the Application for the Discipline of John J. Flanagan, an Attorney at Law of the State of Minnesota. Supreme Court.

Trustee Appointment Confirmed. Amdahl, C. J.

C2-85-1329 In the Matter of the Application for the Discipline of Roger L. Oldenkamp, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspension Denied. Yetka, J.

C3-83-1299 State v. Howard Roy Kitto, Appellant. Supreme Court.

Rehearing Denied. Wahl, J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota Tax Court
Regular Division

Bernard J. Klein and Barbara J. Klein, Appellants, vs. Commissioner of Revenue, Appellee, Docket No. 4249

Findings of Fact, Conclusions of Law and Order for Judgement Dated September 30, 1985

The above-entitled matter came on for hearing before Judge M. Jean Stepan of the Minnesota Tax Court, on September 16, 1985, in the Tax Court Courtroom in St. Paul, Minnesota.

Mr. Robert W. Owens, Jr., of the firm of Thompson and Hawkins, appeared for appellants.

Mr. Thomas K. Overton, Special Assistant Attorney General, appeared for appellee.

Findings of Fact and Conclusions of Law

1. Appellants have failed to meet their burden of proving that the Order of the Commissioner of Revenue from which this appeal was taken is in any way incorrect.

2. The attached Memorandum is hereby made a part of these Findings of Fact.

3. The Order of the Commissioner of Revenue dated November 5, 1984, from which this appeal was taken, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

September 30, 1985

By the Court,
M. Jean Stepan, Judge
Minnesota Tax Court

State of Minnesota Tax Court
Regular Division

Harold W. Ehrich, Appellant, vs. Commissioner of Revenue, Appellee, Docket No. 4195

Findings of Fact, Conclusions of Law, and Order for Judgement Dated October 1, 1985

The above-entitled matter came on before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, upon the written stipulation of the parties. Appellant appeals from the Order of the Commissioner of Revenue dated August 1, 1984, assessing additional Gift Tax to Harold W. Ehrich for the calendar year ending December 31, 1977.

Mark A. Madsen, Attorney at Law, appeared for appellant.

James W. Neher, Special Assistant Attorney General, appeared for appellee.

The Court, having duly considered the briefs submitted by counsel and upon all of the files, records and proceedings herein, now makes the following:

Findings of Fact

1. Through a series of transfers, Harold W. Ehrich transferred 152 acres of bare farmland in Faribault County, Minnesota, to his daughter and son-in-law, Nancy Lee Peterson and Dion Peterson. In connection with these transfers, the land was appraised on October 7, 1977, by Faribault County appraisers, Henry Mertens and Fred Fenske. The appraisers' opinion of value for the 152 acres was $236,000.

2. Harold W. Ehrich gifted an undivided 1/20 interest in the 152-acre property to the Petersons on December 29, 1977. Mr. Ehrich reported these gifts on his 1977 Minnesota Gift Tax Return, which, together with payment of $142.00 in gift tax, was received by the Department of Revenue on January 25, 1978.

3. On December 29, 1977, Harold W. Ehrich sold an undivided 9/10 interest in the 152-acre property to the Petersons for a total sale price of $212,400. No gift tax return was filed in connection with this transfer.

4. Harold W. Ehrich gifted the remaining 1/20 interest in the property to the Petersons on January 5, 1978. Mr. Ehrich reported these gifts on his 1978 Minnesota Gift Tax Return, which, together with payment of $253.53 in gift tax, was filed with the Department of Revenue in January, 1979.

5. The valuation of the 152 acres for the purposes of the 1/20 interest gifted in 1977 ($11,800) and the 1/20 interest gifted in 1978 ($11,800), as well as the 9/10 interest sold in 1977 ($212,400) was based on the 1977 appraisal referred to in paragraph no. 1 above.

6. Both the 1977 and 1978 Minnesota Gift Tax Returns were audited and accepted as filed by the Minnesota Department of Revenue, and no adjustment to either return was made within three-and-one-half years after it was filed, as required under Minn. Stat. § 292.08, subd. 6 (1978).

7. On or about May 7, 1984, the Internal Revenue Service increased the values of these transfers in conjunction with the audit of the Federal Estate Tax Return of decedent, Harold W. Ehrich, who died on September 12, 1981. The values of the December 29, 1977 and January 5, 1978 transfers of 1/20 interests in the property were individually increased from $11,800 to $15,800. The value of the December 29, 1977 transfer of a 9/10 interest in the property was increased from $212,400 to $280,440, resulting in a taxable gift for federal gift tax purposes of $68,040 ($280,440 less the $212,400 in consideration paid by the donees). The estate has consented to these increases.

8. On or about May 15, 1984, the Internal Revenue Service notified the Minnesota Department of Revenue of the aforesaid increases in value. On August 1, 1984, the Commissioner of Revenue for the State of Minnesota issued his order assessing gift tax on the above-described December 29, 1977 and January 5, 1978 transfers. On or about September 27, 1984, the appellant timely filed its Notice of Appeal with respect to said order.

9. For purposes of this litigation, the Commissioner concedes that the assessment of additional tax on the December 29, 1977 and January 5, 1978 transfers of a 1/20 interest in the property is barred by the period of limitations set out in Minn. Stat. § 292.08, subd. 7(d) (1978), but takes the position that the assessment of tax on the December 29, 1977 transfer of a 9/10 interest in the property is valid and correct under the provisions of Minn. Stat. § 292.08, subd. 7(b) (1978).

Conclusions of Law

1. Under Minn. Stat. § 292.08, subd. 7(a) (1978), the Commissioner of Revenue may assess gift tax at any time on a taxable transfer of property where there has been a failure to file a gift tax return with the Department of Revenue.

2. Under Minn. Stat. § 292.08, subd. 7(b) (1978), the Commissioner of Revenue may assess gift tax at any time on a taxable transfer of property which has been omitted from a gift tax return filed with the Department of Revenue.

3. The Commissioner's Order dated August 6, 1984, assessing gift tax on an unreported gift made on December 29, 1977, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

October 1, 1985

By the Court,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

State of Minnesota Tax Court
Regular Division

Sterling Custom Homes, Inc., Appellant, vs. Commissioner of Revenue, Appellee, Docket No. 4052

Findings of Fact, Conclusions of Law, and Order for Judgement Dated September 30, 1985

The above-entitled matter was submitted on a Stipulation of Facts and briefs. A hearing for oral arguments was held at the Hennepin County Government Center in Minneapolis, Minnesota, on July 9, 1985, before Judge M. Jean Stepan of the Minnesota Tax Court.

Gary D. Blackford, of the firm of Popham, Haik, Schnobrich, Kaufman and Doty, Ltd., appeared for appellant.

Amy Eisenstadt, Special Assistant Attorney General, appeared for appellee.

Syllabus

A company that prepares plans for custom-designed homes, then constructs components of those homes including wall sections, deck and floor sections, roofs, interiors and trim, and delivers them to the construction site of the home, unloads the components there and oversees the erection of the components on the site as needed to ensure that they are affixed in the correct sequence and position, but which does not assume responsibility for construction or labor at the job site, is not a contractor or subcontractor within the meaning of Minn. Stat. § 297A.01, subd. 4, but is a "supplier of building materials" under that statute and is therefore engaged in taxable retail sales at the construction site.

Findings of Fact

1. During the tax periods in question, Sterling Homes was in the business of prefabricating custom-designed home packages, which ranged in price from $20,000 to $200,000. The packages sold in Minnesota were produced at Sterling Homes' Fond du Lac, Wisconsin plant.

2. Sterling Homes marketed its home packages through regional managers, who sold them to local builders. The builders executed separate agreements with the homeowners and determined the eventual price to be charged for the finished homes.

3. In most instances the homeowner and builder would come to Sterling Homes with rough sketches and ideas for Sterling Homes to incorporate into formal drawings. Once the drawings were completed by Sterling Homes, the builder, and sometimes the homeowner, would specify in detail the materials that were to be incorporated into the home. Sterling Homes and the builder would then complete a detailed specification sheet for the house. After that agreement was reached, Sterling Homes would prepare and supply to the builder a detailed plan for the house foundation. The builder was responsible for the actual installation of the foundation and Sterling Homes coordinated its foundation plans with its construction to ensure that the house fit the foundation properly.

4. The prefabricated components for any one house were not interchangeable with the components for any other house. The prefabricated components of each home were used only in the construction of the particular house for which Sterling Homes and the builder had contracted.

5. Sterling Homes prefabricates each home at its plant in Fond du Lac in a regular sequence. It first produces the wall sections, then the deck and floor sections, the roof, and finally the interior and trim. The home packages prefabricated by Sterling Homes did not include "mechanicals," such as plumbing, wiring, heating and drywall. The builders hired subcontractors to perform this work.

6. When the foundation was completed, Sterling Homes loaded the components in the sequence conformed to the order that the components would be erected at the job site. The components were delivered to the job site by Sterling Homes' trucks and drivers. Each driver was accompanied by up to two Sterling Homes employees who would assist in the unloading of the components. At the job site the larger components were unloaded by crane. The crane operators were hired by the builder, but were usually selected by one of Sterling Homes' salesmen. The smaller components, such as trim, were unloaded by Sterling Homes employees and were placed in the portion of the house where they would be installed. The drivers were required to keep a report with respect to the erection of the prefabricated components.

7. The drivers were involved in the erection of such homes on a daily basis. The drivers have basic carpentry knowledge, and are able to read a blueprint. Although the actual erection ordinarily took about one day, if the home did not go up smoothly the drivers were required to spend additional time at the site. In such instances, the trucks and delivery vehicles were returned to the Fond du Lac plant, while the drivers remained on the job site to oversee the construction of the home.

8. The driver's assigned on-site duties were limited to the following:

a. Supervision and direction of the crane operator in:

(1) removing the larger components from the trucks in proper sequence without damage to the other components;

(2) placing of the larger components on the site in proper sequence and position.

b. Supervision of other Sterling Homes employees in unloading smaller components and placing them in the portion of the house where they would be installed.

c. Supervision of the contractor's employees in affixing the components to the foundation and attaching the components to each other.

d. To repair or reconstruct any defective components.

9. Sterling Homes was not contractually responsible for the erection of the house components under its contracts with the builders.

10. Sterling Homes' customer is the general contractor. It is the general contractor who assumes responsibility for and provides labor for erection of the prefabricated components.

11. During the periods in question, Sterling Homes remitted to the State of Minnesota a use tax on the cost of the materials purchased to prefabricate the components sold to such builders.

12. By Order of the Commissioner of Revenue, dated September 20, 1983, the Sales and Use Tax Division of the Department of Revenue assessed Sterling Homes an additional $21,942.84 for the taxable periods January 1, 1980 through December 31, 1982. The Commissioner of Revenue assessed the sales tax on the full contract price of home packages sold in Minnesota, claiming that the sales by Sterling Homes were ''sales of building materials, supplies and equipment to owners, contractors, subcontractors or builders for the erection of buildings or the alteration, repair or improvement of real property,'' under the provisions of Minn. Stat. § 297A.01, subd. 4.

13. On October 19, 1983, Sterling Homes appealed the assessment to the Director of the Sales and Use Tax Division of the Minnesota Department of Revenue. In his Order dated December 16, 1983, the Commissioner, after hearing oral argument, affirmed the assessment.

Conclusions of Law

1. Appellant is a ''supplier of building materials'' within the meaning of Minn. Stat. § 297A.01, subdivision 4.

2. Sales by appellant to the builder at the home site are sales at retail subject to the Minnesota sales tax under Minn. Stat. § 297A.01, subd. 4.

3. Minn. Stat. § 297A.01, subd. 4, does not violate the United States or Minnesota Constitutions either on its face or in its application herein.

4. The Order of the Commissioner of Revenue dated December 16, 1983, from which this appeal was taken, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

September 30, 1985

By the Court,
M. Jean Stepan, Judge
Minnesota Tax Court

ERRATA

Higher Education Coordinating Board

Notice Concerning Last Week's Correction Notice About Proposed Emergency Rules Relating to Education, Financial Aid, Grants, Part-time Students

Last week's correction notice was an accidental reprinting of an Errata previously published in the *State Register* on August 5, 1985. The original Errata was also listed in the Minnesota Rules Amendments and Additions list, and corrects printing errors in the original printing of the proposed emergency rules.

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STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075, Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 17th day of December, 1985. After affording all interested persons the opportunity to present comments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness and the written comments submitted to the Agency, after considering 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 published its notice of intent to adopt the above-captioned rules, together with the proposed rules, in the State Register on October 14, 1985 (10 S.R. 884).

2. On October 11, 1985, the Agency gave the same notice by United States mail to all persons who registered their names with the Agency pursuant to Minn. Stat. §14.14 (1984) and to interested persons, including the mayors of every city in Minnesota.

3. The notice of the Agency's intent to amend the rules afforded all interested persons 30 days to submit data and views on the proposed rules. The notice was in all respects in compliance with the requirements of Minn. Stat. §14.22 (Supp. 1985).

4. The Agency prepared a Statement of Need and Reasonableness and made it available to the public upon the date of mailing of the notice of intent to adopt the rules.

5. The 30 day comment period, as set out in the notice, expired on November 15, 1985.

6. During the comment period, the Agency received written comments from the following municipalities: the City of St. Paul, the City of South St. Paul, the City of Hibbing, the City of Worthington, the City of Ashby, and the La Crosse, Wisconsin, Chamber of Commerce. In addition, the MPCA staff prepared written comments on the amendments to the supplemental grant provisions and these comments are part of the record.

7. The Agency finds that the comments received support two changes in the rules as proposed. These changes relate to the commitment required to assure the Agency that the City will proceed with CSO abatement work if financial assistance is awarded and the provisions for determining the amount of a supplemental grant a city is entitled to.

Commitment to Conduct CSO Abatement Work

8. The proposed language in Minn. Rules Part 7075.0428, "Grant Amounts," Subpart 2a, "State financial assistance for combined sewer overflow projects," Item C provides that recipients of financial assistance for combined sewer overflow

projects must award construction contracts by March 31 each year if they are contracting out the combined sewer overflow work. The language was proposed as such so that, if cities are unable to utilize their pro rata shares, sufficient time remained in the construction season for the funds to be redistributed by the Agency and utilized by other cities. This would assure prompt and continued use of all available funds.

The Cities of St. Paul and South St. Paul submitted comments objecting to the March 31 deadline for award of construction contracts. Because of the time required for receiving Agency approval of plans and specifications, conducting local hearings, and proceeding through the bidding process, the cities were concerned that they could not award the contracts by March 31. The cities requested that the language be changed to require only City Council resolutions by March 31, rather than actual construction contracts. The cities also suggested that the rule be changed to require only the adoption of final orders by the City Council, rather than the award of actual contracts, by May 31, in the event that additional funds are made available to one city when one of the others is not prepared to utilize its full allotment.

9. The modification is reasonable in that it allows the cities additional time to complete all the steps necessary to award construction contracts, and yet the Council resolutions will provide the Agency with adequate assurance that the cities will be able to utilize their pro rata shares of available funds, and that any reallotted funds will be utilized in the same construction season. The new language still provides the needed

incentive to the cities to proceed expeditiously so that no funds lie dormant. This modification is not substantially different from the rules as proposed.

10. The proposed modification is as follows:

C. By no later than March 31 each year, beginning in 1987, the Agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered into construction contracts for the work~~ the city council has adopted final orders for construction if the work is to be contracted out, or the city has issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the Agency determines that a municipality has not submitted a complete financial assistance application and ~~entered into construction contracts or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the Agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For ~~Any~~ any municipality that is awarded additional funds ~~shall enter into construction contracts or~~, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

11. In addition, the Agency proposes to modify the language in the second paragraph of Item C to correspond with the language in paragraph 1. The language as published provides that a city is entitled to be repaid any previously forfeited funds unless the city has "not made firm commitments to utilize the funds in that fiscal year." For clarity and consistency, this language should refer to the passage of Council resolutions adopting final orders for construction and the issuance of work proceed orders, as does the language in the first paragraph. The proposed modification is as follows:

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that, for the municipality entitled to the repayment funds, the city council still has not ~~made firm commitments~~ adopted final orders for construction or the city has not issued work proceed orders to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

p.9

The modification is reasonable in that the substance of the provision remains that cities need not repay previously reallotted funds if the cities which forfeited them are not yet ready to use the funds. This modification is not substantially different from the rules as proposed.

Supplemental State Grants

12. The proposed language in Minn. Rules Part 7075.0428, "Grant Amounts," Subpart 4, "Significant financial hardship," Items A, B and C provide that most grantees under both the federal and state wastewater treatment grants programs would receive increased supplemental grants over what the current rules allow. The proposal was made due to legislation passed in the 1985 Special Session that raised supplemental grants from a range of 0% - 15% to a range of 0% - 30% and raised the maximum available to one grantee in combined state and federal funding from 75% to 90%. Minn. Stat. §116.18, Subdivisions 2a and 3a (Supp. 1985). Supplemental grants are awarded to cities for which construction of wastewater treatment facilities would impose a significant financial hardship. The three factors upon which the grant amounts are based are per connection capital cost, median household income, and per capita adjusted assessed valuation. Minn. Stat. §116.18, Subdivisions 2a and 3a (Supp. 1985).

The proposed revisions to the supplemental grant formulas were generated based on minimum yearly state appropriations of $25 million. The Fiscal Year 1985 appropriation was $12 million, and the appropriations for Fiscal Years 1986 and 1987 are

approximately $11.1 million per year. The cost of providing supplemental grants to all grantees on the Fiscal Year 1985, 1986 and the anticipated 1987 Municipal Project (funding) Lists to the maximum entitlement under the proposed rules would be $9,772,308. Approximately $8,545,000 of the $11,100,000 Fiscal Year 1987 state appropriation is expected to be available for award of supplemental grants and independent state grants. Therefore, the entire Fiscal Year 1987 available funds would not cover the supplemental grants requirements through that year. This means that no independent state grants would be awarded in Fiscal Year 1987 and a deficit of $1,227,308 would be carried into Fiscal Year 1988, for which no appropriation has yet been made.

The City of Hibbing submitted comments objecting to the low supplemental grant amount to which the City would be entitled under the proposed language. Special concern was expressed about the requirement that the latest federal census figures be used in calculating median household income, in view of the significant changes that have occurred in that area since 1980.

13. For these reasons, the Agency is withdrawing the proposed language regarding supplemental grants in Part 7075.0428, Subpart 4, Items A, B and C. This modification is reasonable in that cities will still receive supplemental grants as provided under current rules, although most will receive less than provided under the proposed rules, and some will receive substantially less. The Agency feels that reassessment of the formulas is necessary because it is possible that the cities that expect to receive independent state grants in Fiscal Year 1987

would not receive grants and would be unable to proceed with their projects. Withdrawal of the proposed language does not constitute a substantial change to the rules as proposed. p.9

Other Comments

14. The City of South St. Paul requested that the language in Part 7075.0414, "Grant Applications," Subpart 2, "Timing and form of application," Item B be modified to require submittal of plans and specifications for combined sewer overflow projects by December 31 each year, rather than December 1. They state, "... CSO projects will be under construction in many cases up through November 1st and sometimes later. Although plans will be in the development stages prior to this date, the final work and coordination will be required."

The Agency does not concur with this modification because the added thirty days would jeopardize the initiation of sufficient construction to enable cities to utilize their entire pro rata shares of available funds. Review by the Agency, local public hearings and the bidding process must be completed after submittal of plans and specifications and before construction is initiated. The construction season in Minnesota is short and must be fully utilized if the combined sewer overflow abatement goals set forth by the Legislature are to be met.

15. South St. Paul also objected to the language in Part 7075.0411, "Project Eligibility," Subpart 5, "Eligible costs," Item B, which provides that storm water conveyance facilities that are necessary to convey up to the five-year storm

occurrence are eligible for funding. The City has, since the inception of its combined sewer overflow abatement program, based its design on a ten-year storm occurrence. They state, "The majority of the separation in our City has occurred on the hill areas above the outfalls. To design the lower areas with less than a 10 year design will cause the system to fail. If the intent of the 5-year storm design is economics, it is our judgement that the cost differential does not justify the restrictive 5-year design."

The Agency does not concur with the proposed modification because the City is free to design for the ten-year storm occurrence. The proposed rules simply provide that only a five-year storm design is eligible for funding. The cost of facilities necessary for a five-year storm would be determined, and the City would fund only the difference, not the entire cost of the ten-year facilities. The cost differential is not substantial, and the five-year criterion was discussed with and agreed to by the Cities and the U.S. Environmental Protection Agency, which jointly administers federal funds with this Agency.

16. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the amendments to the rules. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings.

CONCLUSIONS

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

2. The Agency published and served due, timely and adequate notice of the intent to adopt amendments to the rules without a public hearing.

3. The Minnesota Pollution Control Agency has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive and procedural requirements of statute and rule.

4. The changes that are being made in the rules do not result in rules that are substantially different from what was proposed in the State Register.

5. Any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

Dated this 10th day of January, 1985

MINNESOTA POLLUTION CONTROL AGENCY

Duane A. Dahlberg

DUANE A. DAHLBERG
Chairman

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075, Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 17th day of December, 1985. After affording all interested persons the opportunity to present comments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness and the written comments submitted to the Agency, after considering 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.

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2. On October 11, 1985, the Agency gave the same notice by United States mail to all persons who registered their names with the Agency pursuant to Minn. Stat. §14.14 (1984) and to interested persons, including the mayors of every city in Minnesota.

3. The notice of the Agency's intent to amend the rules afforded all interested persons 30 days to submit data and views on the proposed rules. The notice was in all respects in compliance with the requirements of Minn. Stat. §14.22 (Supp. 1985).

4. The Agency prepared a Statement of Need and Reasonableness and made it available to the public upon the date of mailing of the notice of intent to adopt the rules.

5. The 30 day comment period, as set out in the notice, expired on November 15, 1985.

6. During the comment period, the Agency received written comments from the following municipalities: the City of St. Paul, the City of South St. Paul, the City of Hibbing, the City of Worthington, the City of Ashby, and the La Crosse, Wisconsin, Chamber of Commerce. In addition, the MPCA staff prepared written comments on the amendments to the supplemental grant provisions and these comments are part of the record.

7. The Agency finds that the comments received support two changes in the rules as proposed. These changes relate to the commitment required to assure the Agency that the City will proceed with CSO abatement work if financial assistance is awarded and the provisions for determining the amount of a supplemental grant a city is entitled to.

Commitment to Conduct CSO Abatement Work

8. The proposed language in Minn. Rules Part 7075.0428, "Grant Amounts," Subpart 2a, "State financial assistance for combined sewer overflow projects," Item C provides that recipients of financial assistance for combined sewer overflow

projects must award construction contracts by March 31 each year if they are contracting out the combined sewer overflow work. The language was proposed as such so that, if cities are unable to utilize their pro rata shares, sufficient time remained in the construction season for the funds to be redistributed by the Agency and utilized by other cities. This would assure prompt and continued use of all available funds.

The Cities of St. Paul and South St. Paul submitted comments objecting to the March 31 deadline for award of construction contracts. Because of the time required for receiving Agency approval of plans and specifications, conducting local hearings, and proceeding through the bidding process, the cities were concerned that they could not award the contracts by March 31. The cities requested that the language be changed to require only City Council resolutions by March 31, rather than actual construction contracts. The cities also suggested that the rule be changed to require only the adoption of final orders by the City Council, rather than the award of actual contracts, by May 31, in the event that additional funds are made available to one city when one of the others is not prepared to utilize its full allotment.

9. The modification is reasonable in that it allows the cities additional time to complete all the steps necessary to award construction contracts, and yet the Council resolutions will provide the Agency with adequate assurance that the cities will be able to utilize their pro rata shares of available funds, and that any reallotted funds will be utilized in the same construction season. The new language still provides the needed

incentive to the cities to proceed expeditiously so that no funds lie dormant. This modification is not substantially different from the rules as proposed.

10. The proposed modification is as follows:

C. By no later than March 31 each year, beginning in 1987, the Agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered-into-construction-contracts-for-the-work~~ the city council has adopted final orders for construction if the work is to be contracted out, or the city has issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the Agency determines that a municipality has not submitted a complete financial assistance application and ~~entered-into-construction-contracts-or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the Agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For ~~Any~~ any municipality that is awarded additional funds ~~shall-enter-into-construction-contracts-or~~, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

11. In addition, the Agency proposes to modify the language in the second paragraph of Item C to correspond with the language in paragraph 1. The language as published provides that a city is entitled to be repaid any previously forfeited funds unless the city has "not made firm commitments to utilize the funds in that fiscal year." For clarity and consistency, this language should refer to the passage of Council resolutions adopting final orders for construction and the issuance of work proceed orders, as does the language in the first paragraph. The proposed modification is as follows:

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds shall be awarded to the municipality that was initially entitled to them. In the event that, for the municipality entitled to the repayment funds, the city council still has not ~~made firm commitments~~ adopted final orders for construction or the city has not issued work proceed orders to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

The modification is reasonable in that the substance of the provision remains that cities need not repay previously reallotted funds if the cities which forfeited them are not yet ready to use the funds. This modification is not substantially different from the rules as proposed.

Supplemental State Grants

12. The proposed language in Minn. Rules Part 7075.0428, "Grant Amounts," Subpart 4, "Significant financial hardship," Items A, B and C provide that most grantees under both the federal and state wastewater treatment grants programs would receive increased supplemental grants over what the current rules allow. The proposal was made due to legislation passed in the 1985 Special Session that raised supplemental grants from a range of 0% - 15% to a range of 0% - 30% and raised the maximum available to one grantee in combined state and federal funding from 75% to 90%. Minn. Stat. §116.18, Subdivisions 2a and 3a (Supp. 1985). Supplemental grants are awarded to cities for which construction of wastewater treatment facilities would impose a significant financial hardship. The three factors upon which the grant amounts are based are per connection capital cost, median household income, and per capita adjusted assessed valuation. Minn. Stat. §116.18, Subdivisions 2a and 3a (Supp. 1985).

The proposed revisions to the supplemental grant formulas were generated based on minimum yearly state appropriations of $25 million. The Fiscal Year 1985 appropriation was $12 million, and the appropriations for Fiscal Years 1986 and 1987 are

approximately $11.1 million per year. The cost of providing supplemental grants to all grantees on the Fiscal Year 1985, 1986 and the anticipated 1987 Municipal Project (funding) Lists to the maximum entitlement under the proposed rules would be $9,772,308. Approximately $8,545,000 of the $11,100,000 Fiscal Year 1987 state appropriation is expected to be available for award of supplemental grants and independent state grants. Therefore, the entire Fiscal Year 1987 available funds would not cover the supplemental grants requirements through that year. This means that no independent state grants would be awarded in Fiscal Year 1987 and a deficit of $1,227,308 would be carried into Fiscal Year 1988, for which no appropriation has yet been made.

The City of Hibbing submitted comments objecting to the low supplemental grant amount to which the City would be entitled under the proposed language. Special concern was expressed about the requirement that the latest federal census figures be used in calculating median household income, in view of the significant changes that have occurred in that area since 1980.

13. For these reasons, the Agency is withdrawing the proposed language regarding supplemental grants in Part 7075.0428, Subpart 4, Items A, B and C. This modification is reasonable in that cities will still receive supplemental grants as provided under current rules, although most will receive less than provided under the proposed rules, and some will receive substantially less. The Agency feels that reassessment of the formulas is necessary because it is possible that the cities that expect to receive independent state grants in Fiscal Year 1987

would not receive grants and would be unable to proceed with their projects. Withdrawal of the proposed language does not constitute a substantial change to the rules as proposed.

Other Comments

14. The City of South St. Paul requested that the language in Part 7075.0414, "Grant Applications," Subpart 2, "Timing and form of application," Item B be modified to require submittal of plans and specifications for combined sewer overflow projects by December 31 each year, rather than December 1. They state, "... CSO projects will be under construction in many cases up through November 1st and sometimes later. Although plans will be in the development stages prior to this date, the final work and coordination will be required."

The Agency does not concur with this modification because the added thirty days would jeopardize the initiation of sufficient construction to enable cities to utilize their entire pro rata shares of available funds. Review by the Agency, local public hearings and the bidding process must be completed after submittal of plans and specifications and before construction is initiated. The construction season in Minnesota is short and must be fully utilized if the combined sewer overflow abatement goals set forth by the Legislature are to be met.

15. South St. Paul also objected to the language in Part 7075.0411, "Project Eligibility," Subpart 5, "Eligible costs," Item B, which provides that storm water conveyance facilities that are necessary to convey up to the five-year storm

occurrence are eligible for funding. The City has, since the inception of its combined sewer overflow abatement program, based its design on a ten-year storm occurrence. They state, "The majority of the separation in our City has occurred on the hill areas above the outfalls. To design the lower areas with less than a 10 year design will cause the system to fail. If the intent of the 5-year storm design is economics, it is our judgement that the cost differential does not justify the restrictive 5-year design."

The Agency does not concur with the proposed modification because the City is free to design for the ten-year storm occurrence. The proposed rules simply provide that only a five-year storm design is eligible for funding. The cost of facilities necessary for a five-year storm would be determined, and the City would fund only the difference, not the entire cost of the ten-year facilities. The cost differential is not substantial, and the five-year criterion was discussed with and agreed to by the Cities and the U.S. Environmental Protection Agency, which jointly administers federal funds with this Agency.

16. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the amendments to the rules. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings.

CONCLUSIONS

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

2. The Agency published and served due, timely and adequate notice of the intent to adopt amendments to the rules without a public hearing.

3. The Minnesota Pollution Control Agency has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive and procedural requirements of statute and rule.

4. The changes that are being made in the rules do not result in rules that are substantially different from what was proposed in the State Register.

5. Any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

Dated this _____ day of _____, 1985

MINNESOTA POLLUTION CONTROL AGENCY

_____
DUANE A. DAHLBERG
Chairman

_____
THOMAS J. KALITOWSKI
Executive Director

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075, Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 17th day of December, 1985. After affording all interested persons the opportunity to present comments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness and the written comments submitted to the Agency, after considering 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 published its notice of intent to adopt the above-captioned rules, together with the proposed rules, in the State Register on October 14, 1985 (10 S.R. 884).

2. On October 11, 1985, the Agency gave the same notice by United States mail to all persons who registered their names with the Agency pursuant to Minn. Stat. §14.14 (1984) and to interested persons, including the mayors of every city in Minnesota.

3. The notice of the Agency's intent to amend the rules afforded all interested persons 30 days to submit data and views on the proposed rules. The notice was in all respects in compliance with the requirements of Minn. Stat. §14.22 (Supp. 1985).

4. The Agency prepared a Statement of Need and Reasonableness and made it available to the public upon the date of mailing of the notice of intent to adopt the rules.

5. The 30 day comment period, as set out in the notice, expired on November 15, 1985.

6. During the comment period, the Agency received written comments from the following municipalities: the City of St. Paul, the City of South St. Paul, the City of Hibbing, the City of Worthington, the City of Ashby, and the La Crosse, Wisconsin, Chamber of Commerce. In addition, the MPCA staff prepared written comments on the amendments to the supplemental grant provisions and these comments are part of the record.

7. The Agency finds that the comments received support two changes in the rules as proposed. These changes relate to the commitment required to assure the Agency that the City will proceed with CSO abatement work if financial assistance is awarded and the provisions for determining the amount of a supplemental grant a city is entitled to.

Commitment to Conduct CSO Abatement Work

8. The proposed language in Minn. Rules Part 7075.0428, "Grant Amounts," Subpart 2a, "State financial assistance for combined sewer overflow projects," Item C provides that recipients of financial assistance for combined sewer overflow

projects must award construction contracts by March 31 each year if they are contracting out the combined sewer overflow work. The language was proposed as such so that, if cities are unable to utilize their pro rata shares, sufficient time remained in the construction season for the funds to be redistributed by the Agency and utilized by other cities. This would assure prompt and continued use of all available funds.

The Cities of St. Paul and South St. Paul submitted comments objecting to the March 31 deadline for award of construction contracts. Because of the time required for receiving Agency approval of plans and specifications, conducting local hearings, and proceeding through the bidding process, the cities were concerned that they could not award the contracts by March 31. The cities requested that the language be changed to require only City Council resolutions by March 31, rather than actual construction contracts. The cities also suggested that the rule be changed to require only the adoption of final orders by the City Council, rather than the award of actual contracts, by May 31, in the event that additional funds are made available to one city when one of the others is not prepared to utilize its full allotment.

9. The modification is reasonable in that it allows the cities additional time to complete all the steps necessary to award construction contracts, and yet the Council resolutions will provide the Agency with adequate assurance that the cities will be able to utilize their pro rata shares of available funds, and that any reallotted funds will be utilized in the same construction season. The new language still provides the needed

incentive to the cities to proceed expeditiously so that no funds lie dormant. This modification is not substantially different from the rules as proposed.

10. The proposed modification is as follows:

C. By no later than March 31 each year, beginning in 1987, the Agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered-into-construction-contracts-for-the-work~~ the city council has adopted final orders for construction if the work is to be contracted out, or the city has issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the Agency determines that a municipality has not submitted a complete financial assistance application and ~~entered-into-construction-contracts-or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the Agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For ~~Any~~ any municipality that is awarded additional funds ~~shall-enter-into-construction-contracts-or~~, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

11. In addition, the Agency proposes to modify the language in the second paragraph of Item C to correspond with the language in paragraph 1. The language as published provides that a city is entitled to be repaid any previously forfeited funds unless the city has "not made firm commitments to utilize the funds in that fiscal year." For clarity and consistency, this language should refer to the passage of Council resolutions adopting final orders for construction and the issuance of work proceed orders, as does the language in the first paragraph. The proposed modification is as follows:

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12. The proposed language in Minn. Rules Part 7075.0428, "Grant Amounts," Subpart 4, "Significant financial hardship," Items A, B and C provide that most grantees under both the federal and state wastewater treatment grants programs would receive increased supplemental grants over what the current rules allow. The proposal was made due to legislation passed in the 1985 Special Session that raised supplemental grants from a range of 0% - 15% to a range of 0% - 30% and raised the maximum available to one grantee in combined state and federal funding from 75% to 90%. Minn. Stat. §116.18, Subdivisions 2a and 3a (Supp. 1985). Supplemental grants are awarded to cities for which construction of wastewater treatment facilities would impose a significant financial hardship. The three factors upon which the grant amounts are based are per connection capital cost, median household income, and per capita adjusted assessed valuation. Minn. Stat. §116.18, Subdivisions 2a and 3a (Supp. 1985).

The proposed revisions to the supplemental grant formulas were generated based on minimum yearly state appropriations of $25 million. The Fiscal Year 1985 appropriation was $12 million, and the appropriations for Fiscal Years 1986 and 1987 are

approximately $11.1 million per year. The cost of providing supplemental grants to all grantees on the Fiscal Year 1985, 1986 and the anticipated 1987 Municipal Project (funding) Lists to the maximum entitlement under the proposed rules would be $9,772,308. Approximately $8,545,000 of the $11,100,000 Fiscal Year 1987 state appropriation is expected to be available for award of supplemental grants and independent state grants. Therefore, the entire Fiscal Year 1987 available funds would not cover the supplemental grants requirements through that year. This means that no independent state grants would be awarded in Fiscal Year 1987 and a deficit of $1,227,308 would be carried into Fiscal Year 1988, for which no appropriation has yet been made.

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13. For these reasons, the Agency is withdrawing the proposed language regarding supplemental grants in Part 7075.0428, Subpart 4, Items A, B and C. This modification is reasonable in that cities will still receive supplemental grants as provided under current rules, although most will receive less than provided under the proposed rules, and some will receive substantially less. The Agency feels that reassessment of the formulas is necessary because it is possible that the cities that expect to receive independent state grants in Fiscal Year 1987

would not receive grants and would be unable to proceed with their projects. Withdrawal of the proposed language does not constitute a substantial change to the rules as proposed.

Other Comments

14. The City of South St. Paul requested that the language in Part 7075.0414, "Grant Applications," Subpart 2, "Timing and form of application," Item B be modified to require submittal of plans and specifications for combined sewer overflow projects by December 31 each year, rather than December 1. They state, "... CSO projects will be under construction in many cases up through November 1st and sometimes later. Although plans will be in the development stages prior to this date, the final work and coordination will be required."

The Agency does not concur with this modification because the added thirty days would jeopardize the initiation of sufficient construction to enable cities to utilize their entire pro rata shares of available funds. Review by the Agency, local public hearings and the bidding process must be completed after submittal of plans and specifications and before construction is initiated. The construction season in Minnesota is short and must be fully utilized if the combined sewer overflow abatement goals set forth by the Legislature are to be met.

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occurrence are eligible for funding. The City has, since the inception of its combined sewer overflow abatement program, based its design on a ten-year storm occurrence. They state, "The majority of the separation in our City has occurred on the hill areas above the outfalls. To design the lower areas with less than a 10 year design will cause the system to fail. If the intent of the 5-year storm design is economics, it is our judgement that the cost differential does not justify the restrictive 5-year design."

The Agency does not concur with the proposed modification because the City is free to design for the ten-year storm occurrence. The proposed rules simply provide that only a five-year storm design is eligible for funding. The cost of facilities necessary for a five-year storm would be determined, and the City would fund only the difference, not the entire cost of the ten-year facilities. The cost differential is not substantial, and the five-year criterion was discussed with and agreed to by the Cities and the U.S. Environmental Protection Agency, which jointly administers federal funds with this Agency.

16. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the amendments to the rules. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings.

CONCLUSIONS

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

2. The Agency published and served due, timely and adequate notice of the intent to adopt amendments to the rules without a public hearing.

3. The Minnesota Pollution Control Agency has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive and procedural requirements of statute and rule.

4. The changes that are being made in the rules do not result in rules that are substantially different from what was proposed in the State Register.

5. Any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

Dated this 10th day of January, 1985

MINNESOTA POLLUTION CONTROL AGENCY

Duane A. Dahlberg

DUANE A. DAHLBERG
Chairman

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

CERTIFICATE OF BOARD'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 17th day of December, 1985, that a quorum was present at said meeting, that a majority of the Board voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

BE IT RESOLVED, that the Minnesota Pollution Control Agency hereby approves and adopts the amendments to Minnesota Rules, Chapter 7075 as published at 10 State Register 884 - 890 (October 14, 1985) with the changes specified in the staff memorandum to the Board dated December 17, 1985, pursuant to the authority vested in the Agency by Minnesota Statutes §§ 116.16 and 115.03 (1984).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Executive Director is authorized to make any form changes in the rules that the Revisor of Statutes requires the MPCA to make in order to obtain the Revisor's Certificate as required by Minnesota Statutes § 14.07, subdivision 2 (1984).

BE IT FURTHER RESOLVED, that the Agency adopts the Findings of Fact and Conclusions and the Order Adopting Rules and that the Chairperson

and the Executive Director are hereby authorized to sign the above-named documents.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of January, 1986.

THOMAS J. KALITOWSKI
Executive Director

Subscribed and sworn to before me this 15th day January, 1986.

NOTARY PUBLIC

MARYANNE GIBBONS
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 9-24-91

STATE OF MINNESOTA
COUNTY OF RAMSEY

MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Revision to Minnesota Rules, Chapter 7075, Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment Projects and Combined Sewer Overflow Abatement Projects

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Chapter 7075 of Minnesota Rules contains the rules of the Minnesota Pollution Control Agency (hereinafter "Agency") that provide for the administration of federal grant funds and state grant and loan funds for municipal sewage treatment projects. Chapter 7075, which was earlier called WPC 34, was first adopted by the Agency in 1972 and was amended in 1973, 1978, 1983, 1984 and 1985. The Agency is proposing to amend the rule again at this time.

The construction grants program enables municipalities in Minnesota to construct wastewater treatment facilities through a combination of federal, state, and local funds. These rules, Chapter 7075, establish criteria for determining priority for the awarding of state and federal funds for sewage treatment projects.

The federal construction grants program is authorized by the Clean Water Act, 33 U.S.C., Section 1251 et seq. The U. S. Environmental Protection Agency has promulgated regulations and developed guidelines for the administration of the federal program. See 40 CFR Parts 30, 33 and 35 (1985). The state

independent construction grant program and the state loan program are funded from the Minnesota State Water Pollution Control Fund, created by the Legislature in 1971. Minnesota Laws 1971, Ex. Sess., ch. 20. See Minnesota Statutes, Section 116.16 - 116.18 (1984). The Agency's statutory authority to adopt Chapter 7075 is found in Minnesota Statutes, Section 116.16 (1984), which authorizes the Agency to adopt rules governing the allocation of federal grants and state grants and loans for municipal sewage treatment projects, and in Minnesota Statutes, Section 115.03, Subdivision 1(c) (1984), which authorizes the Agency to adopt rules in order to prevent, control, or abate water pollution.

In the 1985 Legislative Session, the Legislature created a state financial assistance program for the abatement of combined sewer overflows into the Mississippi River in the Twin Cities Metropolitan Area. Minnesota Laws 1985, Ex. Sess., Chapter 14, Article 19, Section 3. (A copy of the pertinent parts of Minnesota Laws 1985, Ex. Sess., Chapter 14, Article 19 is attached at the end of this document. Future citations to provisions in that Act are given to the particular statute in which the provision will be codified. For example, Article 19, Section 3 of the Session Law is cited as Minnesota Statutes, Section 116.162.) The Agency was given authority to promulgate emergency and permanent rules for the administration of the combined sewer overflow abatement program. Minnesota Statutes, Section 116.162, Subdivision 8. Rather than draft a new Chapter of Minnesota Rules, the Agency has elected to propose revisions to Chapter 7075 for the following reason. While the newly

created financial assistance program is somewhat different from the grant programs currently administered through Chapter 7075, many of the same provisions are applicable. Therefore, rather than repeat in a new Chapter the numerous provisions that apply to the new program as well as the ongoing programs, the Agency reasoned that it could provide for administration of the combined sewer overflow abatement program more quickly and with less confusion by proposing revisions to Chapter 7075.

The Agency is proposing further revisions to Chapter 7075 to accommodate several changes made to the independent state grants program by the Legislature in the 1985 Legislative Session. The two major changes are: (1) The supplemental grant awarded to cities that are experiencing financial hardship has been raised from a range of 0 to 15 percent to a range of 0 to 30 percent. See Minnesota Statutes, Section 116.18, Subdivisions 2a and 3a. Correspondingly, the maximum allowed to one municipality in combined state and federal grants was raised from 75 percent to 90 percent. (2) The reimbursement provisions of the program have been changed such that cities can proceed with construction without grants and be reimbursed in any future year, not just the following year as the previous language provided. This means that more cities will be eligible to proceed under the reimbursement provisions. See Minnesota Statutes, Section 116.18, Subdivision 3a (c).

The impact of the proposed revisions falls primarily on municipalities, counties, townships, sewer districts, and sanitary districts, with secondary impacts on engineering

consulting firms and construction contractors.

In accordance with Minnesota Statutes, Section 14.115, Subdivision 2 (1984), the Agency has assessed the impact of the proposed rules on small businesses. The rules do impact small businesses in that EPA procurement regulations in 40 CFR 33.240 require grant recipients to give special consideration to small, minority and women's businesses when procuring engineering and other services and when advertising for construction bids. Also, the new combined sewer overflow abatement program will provide numerous opportunities for small businesses to bid on construction projects throughout the next ten years. Therefore, the rules should be of economic benefit to small businesses.

This document contains the Agency's affirmative presentation of facts on the need for and reasonableness of the proposed amendments. The next section of this document describes the need for amendments to the rules and the following section describes the Agency's reasons for the changes proposed.

II. NEED FOR AMENDMENTS

The need for the proposed amendments to Chapter 7075 arises from the following factors:

1. Creation of a state financial assistance program for the abatement of combined sewer overflow. See Minnesota Statutes, Section 116.162.

2. An increase in the maximum amounts of state supplemental grants awarded to municipalities based on the extent to which

construction of the treatment works imposes a significant financial hardship. See Minnesota Statutes, Section 116.18, Subdivision 2a.

3. Changes in the reimbursement provisions of the independent state grants program to encourage cities to proceed with construction with the possibility of reimbursement in a future year.

Each of these factors is discussed below.

1. Creation of a state financial assistance program for the abatement of combined sewer overflow.

In the 1985 Legislative Session, the Legislature created a state financial assistance program for the abatement of combined sewer overflow. The Agency proposes amendments to Chapter 7075 to allow the administration of this new program. The program was established on a ten year schedule for completion. Administrative rules must be in place to allow timely implementation of this program for initiation of construction in 1986. The rules outline the necessary requirements of applicants for financial assistance.

The state financial assistance program was created as a part of a massive effort to abate the discharge of combined sewage into the Mississippi River in the Metropolitan Area. The cities eligible for assistance are Minneapolis, St. Paul, and South St. Paul. Assistance is provided in the form of a grant to South St. Paul. The Cities of Minneapolis and St. Paul must repay half of the assistance beginning ten years after the first payment. Minnesota Statutes, Section 116.162, Subdivision 6. The yearly

appropriation is divided among the three Cities based on the prorata share of each City's abatement costs compared to the total abatement costs. In today's dollars, the total cost of solving the problem is $215 million.

2. Increase to state supplemental grants.

In the 1985 Legislative Session, the Legislature raised the amount of grant assistance available to municipalities which experience significant financial hardship due to construction expenses. Formerly, the grant was available to a maximum of 15 percent of eligible costs. The grant is now available to a maximum of thirty percent. Administrative rules must be in place to allow implementation of these increased percentages so municipalities experiencing financial hardship may receive the allowable grant amounts.

3. Changes in the reimbursement provisions.

In the 1985 Legislative Session, the Legislature removed some of the restrictions to the reimbursement provisions of the state grants program to encourage more municipalities to utilize the opportunity to progress into construction. For eligibility, a municipality needs to be listed on a reimbursement list and can be reimbursed in any future year, rather than only the following fiscal year.

III. REASONABLENESS OF THE AMENDMENTS

This section describes the Agency's reasons for suggesting each of the changes proposed. Each of the provisions in the new

rules that is proposed to be changed is discussed in the order it appears in the Chapter.

It should be noted that throughout the rules a distinction is made between grant requirements for combined sewer overflow (cso) abatement projects, and financial assistance requirements for cso abatement projects. Two separate programs are referenced, and requirements are not necessarily applicable to both. Where requirements differ, the rules specify to which type of applicant they apply. The financial assistance program is that described in Minnesota Statutes, Section 116.162, and briefly described in Section II. The grant requirements are applicable to cso abatement projects funded under the Federal Clean Water Act or the Independent State Grant Program.

7075.0100 Purpose. (Hereafter only the last four digits will be used to identify Parts. The first four digits are identical in all cases.) This Part is changed to include the new state program of financial assistance for abatement of combined sewer overflow.

0400 Types of Programs.

Item E. This Item specifies the financial assistance program for the abatement of combined sewer overflow as a type of program for which the Agency may disburse funds from the water pollution control fund.

0401 Summary of the Construction Grants Programs.

Item H. This Item incorporates the additional program of financial assistance for the abatement of combined sewer overflow into the rules. This Item also exempts the financial assistance

program from the award of funds on a priority basis. The Legislature created a distinct program at specific levels of funding each fiscal year for ten years. Allocation of funds for this program is done on a prorata basis and is separate from the method of allocation of funds for the construction grants program. See Minnesota Statutes, Section 116.162, Subdivision 5.

0409 Municipal Project List.

Subpart 1. Adoption of municipal project list.

This Subpart is expanded to provide that projects receiving financial assistance for abatement of combined sewer overflow as established by the Legislature are to be included in the municipal project list. Rather than conduct a separate public participation process for the projects to be funded by the new program each year, the Agency is proposing to compile one funding list for all programs administered through Chapter 7075 in the interests of saving time and minimizing confusion.

Subpart 2. Requirements for placement on list.

Item F. This Item is proposed to be created to exempt combined sewer overflow (cso) abatement projects from document submittal dates applicable to other grant projects. Step 3 grantees under the federal and the independent state grants programs must submit plans and specifications and user charge systems by December 1 prior to drafting of the Municipal Project List (MPL), and must make all corrections necessary to bring these documents into compliance with all state and federal rules and regulations by June 1 prior to drafting the MPL. However, the cso projects do not lend themselves to these deadlines for

two reasons: (1) they are numerous and relatively simple, and scheduling that far in advance is almost impossible; and (2) compliance with these deadlines would not allow completion within the ten years mandated by the Legislature in Minnesota Statutes, Section 116.162, Subdivision 7.

Separate conditions for submittal of plans and specifications for cso projects are established in Part 0414, Subparts 6 and 7. For projects receiving financial assistance for cso abatement, the Agency proposes to require by June 1 a schedule of construction to enable inclusion of specific projects on the subsequent fiscal year's MPL, and construction of those projects during that fiscal year.

The above referenced statute provides that scheduling shall be done according to the National Pollutant Discharge Elimination System Permit and/or the State Disposal System Permit. While the Agency feels that the requirements described above are necessary to effective overall program management, it may be necessary to change the June 1 date due to the complicated interplay of the numerous design and construction projects and the ten year program completion time. Thus, the rules as proposed allow for the permits, rather than the rules, to govern because permits can be revised much more quickly than rules. Also, the June 1, 1985 date applicable to the FY 1986 MPL will have passed before the rules become effective.

Subpart 3. Preparation of proposed municipal project list.

Item E. See the explanation of Part 0409, Subpart 1.

Subpart 4. Procedures for drafting list.

Item D. This Item has been added to provide the Agency with the ability to include projects for financial assistance for abatement of combined sewer overflow on the Municipal Project List to the extent that funds are available.

Subpart 5. Reimbursement project list.

The proposed changes in this Subpart accomplish the following.

(1) The intent is to relieve a city that wishes to proceed under the reimbursement provisions from submitting plans and specifications and a user charge system by December 1 and receiving an approvable designation by June 1 prior to being placed on the reimbursement project list. The proposed language provides that the list may be amended at any time that a city receives approval of its plans and specifications and user charge system, and wishes to proceed with construction. The purpose of this is to enable as many cities as possible to meet the July 1, 1988 statutory date for compliance with water quality standards (33 U.S.C., Section 1311 i(1)), provided they are willing to risk that future state funds may not be available. These changes are not intended to relieve a city from complying with all rules and regulations governing adequate plans and specifications, the procurement process (bidding), and construction of adequate facilities. The Agency will review and approve all actions and give written permission to a city before construction may commence.

(2) Minnesota Statutes, Section 116.18, Subdivision 3a (c) now provides that a city may proceed with construction without a

grant and be reimbursed in any future year, rather than only the following fiscal year. In accordance with the past language of the referenced Subdivision, the rules currently restrict reimbursement grants to the amount expected to be appropriated the following year. Because of the statutory change, and because the July 1, 1988 compliance date is rapidly approaching, the Agency proposes to delete the additional restriction.

0411 Project eligibility.

Subpart 1. Steps eligible.

This Part is proposed to be amended to include projects in the new program of financial assistance for abatement of combined sewer overflow as eligible for design and construction, as is provided in Minnesota Statutes, Section 116.162, Subdivision 4.

Subpart 2. General eligibility.

Minnesota Statutes, Section 116.162, explicitly details conditions for receipt of state financial assistance. These conditions are as follows:

1. A recipient must construct the combined sewer overflow (cso) abatement facilities in accordance with the construction schedule contained in a permit, stipulation agreement, consent decree, or order issued by the Agency.

2. The Agency shall require that, with federal, state, and local funds, the construction schedule would complete abatement of combined sewer overflow within ten years of the issuance of the permit, agreement, decree, or order.

3. A recipient shall implement a program approved by the Agency to disconnect any structures or devices, excluding catch

basins on public property, constructed to direct or convey storm water, snow melt, or surface water from private or public property into a public sanitary or combined sewer.

The Agency issued NPDES/SDS permits to regulate combined sewer overflows in the Twin Cities Metropolitan Area on April 27, 1984. Three separate permits were issued, one to Minneapolis, the Metropolitan Waste Control Commission (MWCC) and the Metropolitan Council as joint permittees; one to St. Paul, the MWCC and the Metropolitan Council as joint permittees; and one to South St. Paul. On September 25, 1984, the Agency modified the permits to include additional conditions requested by the U.S. Environmental Protection Agency (EPA), Region 5. The basic requirement of the issued permits is for the permittees to develop the necessary plans for an implementable cso control program that will eliminate cso as a cause of non-compliance with water quality standards in the Metropolitan stretch of the Mississippi River. At present the permittees are proceeding with development of the facilities plans in accordance with the permit requirements. The cso permits expire on June 30, 1986.

By December 31, 1985, or as soon thereafter as possible, it is the Agency's intent to reissue the three NPDES/SDS permits regulating the cso discharges. The proposed permits will include a schedule for construction of the cso abatement program, language referencing the statutory requirement for a 10 year program and conditions for implementation of an approved rain leader elimination program.

Given the Agency's past record of issuing the necessary NPDES/SDS permits, which were upheld by the Minnesota Court of Appeals following a petition by the State of Wisconsin to further modify them, it is reasonable to expect that the Agency will again be able to reissue these permits. Consequently, it is reasonable to expect that the use conditions required by Minnesota Statutes, Section 116.162, Subdivision 7, will also be satisfied by this action. If unforeseen problems arise or unexpected delays occur in the permit reissuance process, it is the Agency's intent to then consider one of the other mechanisms authorized by the statute in order to satisfy its use conditions.

Subpart 3. Initiation of construction.

Item A. As explained in the discussion of Part 0409, Subpart 5, restrictions on eligibility for reimbursement are proposed to be reduced to encourage municipalities to progress to construction. The requirement that the municipality be on the reimbursement project list in the fiscal year in which construction began has proven to be confusing due to the difference between state (July 1 - June 30) and federal (October 1 - September 30) fiscal years, and is unnecessarily restrictive. The Agency proposes that if a city is listed on any year's reimbursement project list when construction begins, it remains eligible for reimbursement.

Item B. The proposed change makes clear that if a reimbursement project list is amended during the year to include additional projects, the cities added must submit applications 90 days after adoption of the revised list, not the original list.

Subpart 5. Eligible costs.

Item A. The proposed language makes clear that the eligible cost of any project shall be in accordance with all applicable rules and regulations. The change is for clarification only and does not represent any change in procedure.

Item B. The Cities of Minneapolis, St. Paul and South St. Paul have indicated that the most cost effective solution to most sewer separation projects will be to construct a storm sewer rather than a sanitary sewer. Existing state and federal grant eligibility guidelines do not define storm sewer eligibility for combined sewer overflow correction. Also, in general, storm sewers are not eligible as part of a municipal wastewater treatment system improvement project. Therefore, there is a need to define storm sewer conveyance facility eligibility.

It is reasonable for grant funds to be used for storm water conveyance facilities where they will be part of the most cost effective alternative for a combined sewer overflow abatement project. It would not be reasonable or prudent to require the construction of a sanitary sewer at a greater expense where there would be no additional environmental benefit.

It is not reasonable to fund solutions for local flooding and street improvement projects. It is reasonable to define the extent to which the government will participate in storm sewer construction, a multipurpose project. The proposed rules make catch basins, pipes, appurtenances and outlets eligible. The intent is to exclude surface water conveyance structures. Normally, this is part of the function of street curb and gutter

and alleys. The Agency on other municipal sewer projects pays for street restoration. Restoration will also be eligible for cso correction projects. CSO projects will be coordinated with ongoing city street paving projects. If the government were to pay for surface water conveyance, there may be an argument for grant eligibility of curb and gutter. It would not be consistent to pay for curb and gutter and is reasonable to exclude it from grant eligibility.

7075.0414 Grant Applications.

Subpart 2. Timing and form of application.

Item A. This rule is proposed to be qualified to exempt projects for grants and financial assistance for abatement of combined sewer overflow (cso) from the submittal date of applications for state and federal wastewater treatment construction grants. Application deadline dates specific to such projects have been established in Item B of this Part to provide for the distinctive nature of the effort involved in cso abatement in the Metropolitan Area. Further explanation is offered below.

Item B. This Item and Subpart 6, Item N, Subitem (3), and Subpart 7, Subitem C, combine to require submittal of a grant or financial assistance application for combined sewer overflow (cso) projects, plus plans and specifications and a user charge system (applicable only to grant applicants) by December 1 of the fiscal year for which the Municipal Project List (MPL) is adopted. The current rules require grantees to submit plans and specifications by December 1 prior to the fiscal year of funding.

However, for the reasons outlined in the explanation of Part 0409, Subpart 2, Item F, this date is too restrictive for cso abatement projects. The proposed date will allow the Agency to review plans and specifications during the winter, and construction to begin the following spring. Plans and specifications for cso projects are relatively uncomplicated and do not require extensive review time, as do those for wastewater treatment facilities. The December 1 date will allow a smooth flow of design and construction projects. The same date is also proposed as the application deadline to avoid confusion. The discussion of Part 0409, Subpart 2, Item F also provides an explanation of why the NPDES/SDS permit schedule takes precedence.

Items C, D and E. The proposed language clarifies that federal grant recipients must submit the federal grant application Form 5700-32, and that state grant and financial assistance recipients must submit the forms provided by the Agency.

Subpart 6. Additional information for Step 3 grant.

Item N, Subitems (1), (2) and (3). The proposed language clarifies that an applicant for a federal grant for combined sewer overflow abatement (cso) projects must apply for funding for the scope of work approved on the Municipal Project List (MPL). This facilitates appropriate planning and scheduling, and better assures construction of priority projects first; that is, those projects that will have the greatest impact on cso abatement. The Agency also proposes to require cities, as part

of their initial applications by December 1, to submit plans and specifications for any additional work they are prepared to do if additional money becomes available.

This will require some anticipation by one municipality of what another municipality is going to do, but if a municipality is going to be able to utilize additional funds in the present fiscal year, it will have to be at least at the plans and specifications stage by December 1 in order to be in construction the next spring. The Agency believes this is a reasonable requirement to impose on municipalities that seek additional funding. Moreover, it will help to promote communication between the Agency and the cities.

See the discussion of Part 0414, Subpart 2, Item B for an explanation of the language in Subitem (3).

Subpart 7. Additional information for state financial assistance for combined sewer overflow abatement.

This Subpart as proposed differentiates between the state financial assistance program for combined sewer overflow (cso) abatement projects and the federal grants program for cso projects. Because of the unique aspects of the overall effort to reduce cso into the Mississippi River, especially the relatively short time span required by the Legislature to solve this massive problem, many of the requirements of the federal and state grants programs are not proposed to apply to the state financial assistance program, in order to facilitate rapid progress. The requirements outlined in Items A, B and C are considered by the

Agency to be the minimum necessary for program integrity and protection of state dollars.

0418 Preparation of Plans Without a Grant.

The current rules provide that a city shall notify the Agency before proceeding with preparation of a facilities plan and shall obtain written approval from the Agency prior to proceeding with the preparation of plans and specifications. The rules were originally intended to protect a city from incurring costs for inappropriate planning or for design of an unapprovable alternative. However, in view of the rapidly approaching deadline for municipal compliance with water quality standards, the Agency feels that these restrictions may slow projects down. Cities and their Engineering Consultants have access to all rules and regulations regarding approvable facilities plans and plans and specifications and will be expected to comply with them.

0419 Advances of Allowance.

Subpart 3a. Submittal and approval of facilities plan.

The proposed change allows award of an advance of allowance for design whenever the facilities plan is approved. Current rules require submittal of the facilities plan by December 1 and an approvable designation by June 1 prior to award of the advance. The change is proposed to allow as many cities as possible to meet the federally mandated July 1, 1988 deadline for compliance with water quality standards.

0428 Grant Amounts.

Subpart 1. State matching grants; and Subpart 2. Independent state grants.

These Subparts are proposed for revision to reflect the Legislative increase to the maximum state supplemental grant amount from 15 percent to 30 percent, and the increase to the maximum allowed to one grantee in combined state and federal grants from 75 percent to 90 percent. See Minnesota Statutes, Section 116.18, Subdivisions 2a and 3a.

Subpart 3. State financial assistance for combined sewer overflow abatement projects.

Item A. The proposed language provides that financial assistance for design of combined sewer overflow (cso) abatement projects under the state financial assistance program will be calculated in the same way as are allowances for design under the federal and state grants programs. This method has drastically reduced application review and processing time and has removed subjective judgment from the calculation.

Item B. Minnesota Statutes, Section 116.162, Subdivision 5 requires that available funds be distributed to eligible cities according to their proportionate share, based on their respective combined sewer overflow (csc) abatement program costs. To date the cso abatement program financial needs have been based on estimates provided in the draft facilities plan. This plan, as updated October 31, 1984, was prepared by the Metropolitan Waste Control Commission (MWCC) and contains cost estimates independently prepared by the cities of Minneapolis, St. Paul and South St. Paul. These estimates formed the basis for the enabling Legislation and are shown below.

Minneapolis	$ 52,000,000	24.2%
St. Paul	154,000,000	71.6%
South St. Paul	9,000,000	4.2%
Total	$215,000,000	100.0%

Minneapolis has separated 87% of its combined sewers, St. Paul 64%, and South St. Paul 65%.

The above referenced statutes provide for a ten year program beginning in 1986. In order for the cities to implement a ten year program, the cities must develop a ten year project list broken down into annual increments. Plans and specifications must be developed for the upcoming year's projects. Cities must establish budgets and staffing levels and let construction contracts. Budgets for this work must be based on actual costs taking into consideration what is expected in state and federal financial assistance.

This work could not be completed in the time allowed if the yearly funding were unknown. Therefore, because the estimates provided by the cities were utilized in creating the program, the proposed rules reflecting each City's proportionate share based on these estimates are reasonable. The proposed proportionate share ratios represent the best available information, and it is reasonable to define those ratios in the rules to facilitate implementation of the cso abatement program.

Item C. The primary intent of this proposed provision is to ensure that all state funds available for combined sewer overflow (cso) control are utilized expeditiously to keep the program on schedule. In order to do this, it is necessary to establish a deadline for each eligible recipient to make the necessary commitments for obligating its total prorata share. If such

commitments cannot be met, then any remaining funds not able to be utilized by the intended recipient should go to the other eligible cities. As the program progresses, however, any city that is not able to initially utilize its funds should be afforded the opportunity to have such funds returned at a later date in order to comply with the 10 year completion requirement for the total program.

In order for an eligible recipient to demonstrate that it will obligate its prorata share on schedule, a financial assistance application and the plans and specifications for all projects to be constructed with a fiscal year's funds will be required to be submitted to the Agency by December 1 of the same fiscal year. If a city submits an application and plans and specifications for only a portion of the projects necessary to utilize its prorata share, the remaining funds will be redistributed to other eligible cities that did by December 1 submit applications and plans and specifications for work to be constructed in that fiscal year beyond their prorata shares.

By March 31 each year, a city must either sign construction contracts or issue work proceed orders for projects that will utilize its prorata share of that fiscal year's funds. If it does not do so for some portion of its prorata share, the amount not to be expended will be distributed to other eligible cities that applied for and submitted plans and specifications for that amount of additional funds. Cities receiving additional funds must sign construction contracts or work proceed orders by May 31 if they are to retain the additional funds.

It is necessary and reasonable that these deadlines be imposed so that timely award of financial assistance can be made to allow construction during the spring, summer and fall construction season, and also so that sufficient time is available for full utilization of available funds by other cities, in the event of a reallocation of unused funds under this provision. Also, the Agency needs the December 1 to March 31 period to review the plans and specifications to determine whether or not they are acceptable.

In general, award of a sufficient number of construction contracts will be a good indicator of ability to use all funds for the Cities of St. Paul and South St. Paul. However, Minneapolis intends to do much of the construction with its own work forces. Therefore, the indicator of ability to use all funds for Minneapolis will generally be the approval of specific construction projects by the City Council and issuance of work proceed orders for those projects signed by the City Engineer.

The reason for waiting until 1987 to implement this provision is because all of the cities will need time at the beginning of the program to gear up internal staffing to a sufficient level for conducting the accelerated ten year program. With the provision becoming effective in 1987, the cities will have the remainder of 1985 and all of 1986 to bring their programs to the necessary accelerated level, yet the Agency will still be able to redistribute funds, if necessary, before the next biennial Legislative appropriation is considered in 1987. Concerning the Fiscal Year 1986 appropriation, the Agency will

closely track the progress of each city and either make multiple grant offers for groups of construction projects as they are ready to proceed, or take other steps necessary to assure full obligation of available funds.

While it is important to obligate all funds on an annual basis as they become available, it is also important not to lose sight of the fact that the entire program needs to be completed in ten years. The Legislature structured the initial appropriation for FY 1986 and FY 1987 in accordance with construction estimates provided by the three eligible cities. Based upon expected federal assistance and an estimated amount for local contributions, the Legislature determined the amount of state funds that would be required to complete the program in ten years, and appropriated that amount for the biennium.

Consequently, even though the total amount necessary to complete the program may change over the years due to inflation, it is still important to make sure that the state and federal dollars are distributed over the long run to the cities that have demonstrated a need for it through the facilities planning effort. If their needs are not met, the ten year program cannot be achieved. For this reason, it is necessary to return any funds that may be taken from a city that is not able to initially utilize them in a timely manner. However, when returning the funds, it has to be done over a period of time that will not cause severe interruptions or oscillations in the programs of any of the cities involved.

Three years is a reasonable period of time to make the transition for returning additional funds. One or two years may not be enough in that the number of city forces would have to fluctuate significantly over such a short time frame in order to accommodate the changed levels of funding and construction. Such oscillations are not conducive to a steady state, long range program. A longer period of time may not allow the city to catch up and comply with the ten year program requirements.

The repayment method would function as follows. City A is entitled to $2 million in a fiscal year, but can only use $1 million. Cities B and C are awarded an additional $500,000 each, provided they can use it. The next year, or in 1988, whichever is later, Cities B and C each repay one third of $500,000 to City A. This continues for 3 years. If, during the repayment period, City A is unable to use the funds that it is entitled to recover, repayment does not occur. Non repayment will continue until the next year or until City A can demonstrate a firm commitment to utilize the funds to be repaid.

In addition, if City A is unable to use $200,000 of its entitlement during the repayment period, Cities B and C each receive an additional $100,000, provided they are able to use it. The following year, Cities B and C would each repay one third of $600,000. Repayment continues until City A has been repaid the $1,200,000. If City B completes its cso abatement projects before repayment is completed, the City's repayments stop. The following year, City A would receive a revised prorata allocation to recover the amount not repaid by City B. If funding for the

program ceases, all repayments cease and the entire cso abatement program is reassessed.

Subpart 4. Local share.

The proposed language reflects the Legislative change in the maximum allowed per grantee in combined state and federal grants from 75 percent to 90 percent. See Minnesota Statutes, Section 116.18, Subdivisions 2a and 3a.

Subpart 5. Significant financial hardship.

Items A, B and C. In the 1985 Legislative Session, the Legislature raised the state supplemental grants awarded for significant financial hardship from 0 - 15 percent to 0 - 30 percent. The proposed formulas reflect that change. Because the indicator for per connection capital cost has the least correlation with the financial status of the community, the grant percentages based on the three indicators is weighted toward the median household income indicator and the adjusted assessed valuation indicator. The grant percentage based on median household income is given the most weight.

Also, in contrast to the current maximum of 5 percent in grant funds per indicator, the proposed language allows 15 percent per indicator. Thus, if a city is extremely needy according to one indicator, it can receive a proportionately higher percentage despite good ratings on the other two indicators. The maximum, of course, will still be 30 percent.

Under the proposed formulas, 81.5 percent of the projects on the Municipal Needs List would receive some additional funding. 89.9 percent of the projects on the Municipal Needs List with

populations less than 10,000 would receive additional funds. 18.5 percent would receive from 0 to 10 percent; 26.9 percent would receive from 10.1 percent to 20 percent; 22.8 percent would receive from 20.1 percent to 29.9 percent; and 13.3 percent would receive 30 percent in additional funding.

0433. Payment of State Financial Assistance for Combined Sewer Overflow Abatement Projects.

The proposed payment requirements are considered by the Agency to be the minimum necessary to ensure construction in accordance with the approved plans and specifications, while allowing rapid progress toward the ten year deadline for abatement of combined sewer overflow into the Mississippi River.

IV. CONCLUSION

The Agency believes that the explanation and discussion of the proposed amendments to the Construction Grants Rule, Minnesota Rules, Chapter 7075, presented in this Statement of Need and Reasonableness establish the need for and reasonableness of the proposed amendments.

Respectfully submitted,

Th - K

Thomas J. Kalitowski
Executive Director
Minnesota Pollution Control Agency

Dated: October 2, 1985

Minnesota Pollution Control Agency
Division of Water Quality

PROPOSED REVISIONS TO CHAPTER 7075 OF MINNESOTA RULES

Impact of Proposed Revisions to Supplemental Grants Rules
November 15, 1985

Chapter 7075 of Minnesota Rules governs the award of state and federal grants for construction of wastewater treatment facilities. Among the revisions to this Chapter which were published in the State Register on October 14, 1985, are changes to the method of calculating the amounts of supplemental grants which may be provided to cities that are experiencing financial hardship.

Part 7075.0428, Subpart 4, Items A, B and C contain the rules according to which supplemental grants are awarded. In the 1985 Special Session, the Legislature raised the maximum supplemental grant from 15% to 30% and raised the maximum combined state and federal funding available to one grantee from 75% to 90%. Therefore, the above rules are proposed to be revised to allow more grantees to receive higher supplemental grants.

As detailed on the attached tables, under the rules as proposed, approximately $13,350,264 would be required to provide all grantees on the Fiscal Years 1985, 1986 and 1987 Municipal Project Lists with their full supplemental grant entitlements. $3,577,956 has been reserved from the FY 1985 and 1986 state appropriations for this purpose. This leaves $9,772,308. Funds available for FY 1987 for the award of supplemental grants and independent state grants is expected to be approximately $8,545,000. Awarding all available FY 1987 funds in the form of supplemental grants would leave no funding for independent state grants during FY 1987 and would still leave a deficit of $1,227,308 needed for supplemental grants.

Minnesota Pollution Control Agency
Division of Water Quality
Wastewater Treatment Facilities Construction Grants Program
November 15, 1985

PROPOSED REVISIONS TO STATE SUPPLEMENTAL GRANTS
Impact on Independent State Grants Funds

SUMMARY OF STATE GRANT FUNDS FOR FISCAL YEARS 1985 AND 1986

Fiscal Year	1985	1986
Reserve for Supplemental grants	1,977,956	1,600,000
Reserve for grant increases to previously awarded state grants	4,987,937	3,300,000
Reserve for future grant increases	251,705	555,000
New independent state grants	4,782,402	5,645,000
State appropriation	$12,000,000	$11,100,000

ESTIMATES OF SUPPLEMENTAL GRANTS UNDER PROPOSED RULE CHANGES

Fiscal Year	1985		1986		1985 & 1986
Supplemental grants under proposed rules	$4,328,769	+	$3,371,987	=	$7,700,756
Currently reserved for Supplemental grants	1,977,956	+	1,600,000	=	3,577,956
Shortfall of current reserves for Supplemental grants (Line 1 minus Line 2)	$2,350,813	+	$1,771,987	=	$4,122,800
Estimated Supplemental grants to federal grantees in FY 1987 under proposed rules			+5,649,508	+	5,649,508
Balance of Supplemental grants needs through FY 1987			$7,421,495		$9,772,308

ANTICIPATED STATE FUNDING FOR FISCAL YEAR 1987

State appropriation	$11,100,000
Reserve for past and future grant increases	2,555,000
Expected to be available for award of Supplemental and independent state grants	8,545,000
BALANCE AVAILABLE FOR AWARD OF INDEPENDENT STATE GRANTS:	
After award of Supplemental grants for FY 1985, 1986 and 1987:	-1,227,308
After award of Supplemental grants for FY 1986 and 1987 only:	1,123,505

ALTERNATIVES TO SUPPLEMENTAL GRANTS FORMULAS IN PROPOSED RULES

	Formulas as proposed with 75% maximum	Formulas as proposed with 5% maximum per indicator	Formulas as proposed with both 5% and 75% maximums
Supplemental grants for FY 1985	3,853,172	2,934,431	2,782,631
Supplemental grants for FY 1986	1,357,283	1,742,631	904,147
Supplemental grants for expected FY 1987 federal grantees	4,747,135	3,070,094	2,780,242
Totals	9,957,590	7,747,156	6,487,020
Reserved in FY 1985 and 1986 for Supplemental grants	-3,577,956	-3,577,956	-3,577,956
Supplemental grants needs through FY 1987	6,379,634	4,169,200	2,909,064
Expected state funds available for award of Supplemental and independent state grants	8,545,000	8,545,000	8,545,000
Balance available for award of independent state grants	2,165,366	4,375,800	5,635,936

Balance available under current rules: $7,498,698

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment and Combined Sewer Overflow Projects

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Alan R. Mitchell, do hereby declare that I have examined the above-captioned rules and all related documents, and that based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act and the rules of the Office of the Attorney General have been followed.

Dated: January 15, 1986

Alan R. Mitchell

ALAN R. MITCHELL
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment and Combined Sewer Overflow Projects

AFFIDAVIT OF MAILING AND NOTICE OF SUBMISSION OF CONSTRUCTION GRANTS RULE AMENDMENTS TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Alan R. Mitchell, being duly sworn on oath, deposes and says that on the 15th day of January, 1986, he served the attached Notice of Submission of Construction Grants Rule Amendments to the Attorney General and the final rules on those persons whose names are contained in the attached list by depositing in the United States mail at said City of Roseville, true and correct copies thereof, properly enveloped, with postage prepaid.

Alan R. Mitchell

ALAN R. MITCHELL

Subscribed and sworn to before me this 15 day of January, 1986.

Mary Ann Hammer

Notary Public

MARY ANN HAMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 10, 1991

Mr. Harlin O. Owens
Mayor
City of Worthington
303 Ninth Street
Worthington, MN 56187

Mr. Thomas J. Eggum
Deputy Director of Public Works
City of St. Paul
600 City Hall Annex
St. Paul, MN 55102

Mr. Orville J. Jacobson
Mayor
City of Asby
Asby, MN 56309

Mr. Quinn Johnson
Executive Vice President
Greater LaCrosse Area Chamber
of Commerce
710 Main Street
P.O. Box 219
LaCrosse, WI 54602-0219

Mr. Richard A. Nordvold
Mayor
City of Hibbing
Hibbing, MN 55746

Mr. Robert G. Simon
City Engineer
City of South St. Paul
125 Third Avenue North
South St. Paul, MN 55075

Mr. Lyall Schwarzkopf
City Coordinator
301 M City Hall
Minneapolis, MN 55415

Mr. Lou Breimhurst
Chief Administrator
Metropolitan Waste Control Comm.
350 Metro Square Building
St. Paul, MN 55101

Mr. Ron Bonton
Metropolitan Waste Control
Commission
350 Metro Square Building
St. Paul, MN 55101

Ms. Sandra Gardenbring
Chair
Metropolitan Council
300 Metro Square Bldg.
St. Paul, MN 55101

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment and Combined Sewer Overflow Projects

NOTICE OF SUBMISSION OF CONSTRUCTION GRANTS RULE AMENDMENTS TO THE ATTORNEY GENERAL

PLEASE TAKE NOTICE that on January 15, 1986, the above-captioned rules were submitted to the Office of the Attorney General for review as to form and legality. The entire rulemaking record was submitted, including the proposed rules, the rules as adopted, the notices, the Statement of Need and Reasonableness, the written comments received, and the other documents in the record.

The proposed rules which were published in the State Register on October 14, 1985 have been modified. The rules finally adopted by the Minnesota Pollution Control Agency are different in some respects from what was proposed. One modification to take note of is that all the proposed amendments to Part 7075.0428 relating to supplemental grants have been deleted. A copy of the rules as finally adopted is attached. Free copies of the findings of fact and conclusions and the order adopting rules are available upon request by contacting Sharon Meyer, Division of Water Quality, Minnesota Pollution Control

Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; telephone (612) 296-7230. Ms. Meyer can also explain the changes that have been made in the rules.

The rules must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the Attorney General. You may submit written comments to the Attorney General on the legality of the rules. Any written comments must be submitted within eight calendar days of the date of submissions of the rule to the Attorney General. Your comments must address only the issue of legality of the rules or the legality of specific parts or subparts of the rules. Your comments must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Telephone Number: (612) 296-1288

Any written comments submitted to the Attorney General must also be submitted simultaneously to Ms. Sharon Meyer at the address above.

Dated: January 15, 1986.

THOMAS J. KALITOWSKI
Executive Director

Minnesota Pollution Control Agency

Water Quality Division

Adopted Rules Relating to Wastewater Treatment

Rules as Adopted

7075.0100 PURPOSE.

This chapter provides for the administration of the federal construction grant program, the independent state construction grant program, the state matching construction grant program, the state loan program for the construction of municipal disposal systems, and the state financial assistance program for combined sewer overflow abatement.

7075.0400 TYPES OF PROGRAMS.

Under this chapter and Minnesota Statutes, section 116.16 et seq., the agency may disburse funds from the pollution control fund for the following:

A. and B. [Unchanged.]

C. independent state grants for planning and construction of municipal disposal systems;

D. loans for the construction of municipal disposal systems; and

E. financial assistance for the abatement of combined sewer overflow.

7075.0401 SUMMARY OF CONSTRUCTION GRANTS PROGRAMS.

The following provisions apply to the municipal construction grant programs:

A. to G. [Unchanged.]

H. State financial assistance is available for design and construction of combined sewer overflow abatement projects. This assistance is awarded on a pro rata basis to qualifying municipalities separately from the priority ranking process for other construction grants.

7075.0409 MUNICIPAL PROJECT LIST.

Subpart 1. **Adoption of municipal project list.** The agency shall adopt a municipal project list each fiscal year which shall list in order of priority projects for which federal grant funds will be requested from current allotments and for which state grants will be awarded from current appropriations. The municipal project list shall also contain those projects for which state financial assistance will be available for combined sewer overflow abatement projects. The municipal project list shall also list any nonproject uses of the state's allotment of federal grant funds and of the appropriation of state grant funds, including but not limited to, training grants and costs of administration.

Subp. 2. **Requirements for placement on list.** A municipality that requests project placement on the municipal project list shall meet the following requirements:

A. to E. [Unchanged.]

F. A municipality seeking a Step 3 federal grant for combined sewer overflow abatement projects or state financial assistance for combined sewer overflow abatement projects shall not be subject to the conditions contained in items C and D. The municipality shall submit by June 1 prior to the beginning of the fiscal year for which the grant or financial assistance is sought, a list and schedule of construction projects to be initiated in the following fiscal year. If the municipality's NPDES/SDS permit provides a different date for submission of the list and schedule, the date in the permit shall take precedence.

Subp. 3. **Preparation of proposed municipal project list.** The agency shall prepare a municipal project list that lists in order of priority the municipalities that are eligible to apply for construction grants for their projects from funds allotted to the state for the current fiscal year by the federal government or appropriated into the fund for the current fiscal year.

In drafting the proposed municipal project list, the agency shall consider the following factors in the order given:

A. and B. [Unchanged.]

C. restrictions on obligations mandated by these parts and applicable state and federal statutes, including but not limited to set asides for administration of certain types of projects, and the percentage of the cost of construction that will be paid by state and federal grants;

D. the municipalities' preference for funding sources; and

E. the amount of state financial assistance available for combined sewer overflow abatement projects.

Subp. 4. **Procedures for drafting list.** In drafting the proposed municipal project list, the agency shall list projects on the proposed list according to the following procedures:

A. to C. [Unchanged.]

D. The agency shall then list combined sewer overflow abatement projects for which state financial assistance will be awarded in the fiscal year from funds available for those kinds of projects.

E. The agency may list projects which will receive Step 1 and 2 grants and advances of allowance in such a manner as to permit funding to proceed in an orderly fashion to fully utilize all allocated and appropriated funds.

Subp. 5. **Reimbursement project list.** The agency shall prepare a reimbursement project list that lists those municipalities that are willing to proceed with projects and are willing to be reimbursed in a subsequent year conditioned upon appropriation of sufficient money for that year. No municipality may be listed on the reimbursement project list unless the municipality has requested placement on the list and has received approval of the documents listed in subpart 2, item C. The total cost of these reimbursement projects may not exceed the amount newly appropriated to the independent state grant program. Reimbursement projects must be listed in the same order of priority as they appear on the municipal needs list. A reimbursement project may appear on both the reimbursement project list and the reserve project list.

7075.0411 PROJECT ELIGIBILITY.

Subpart 1. **Steps eligible.** Federal grants and state matching grants shall be awarded only for Step 2+3 and Step 3 projects. Advances of allowance for Step 1 and 2 projects may also be provided from federal funds. Independent state grants may be awarded for Step 1, Step 2, Step 2+3, and Step 3 projects. Financial assistance for combined sewer overflow abatement shall be awarded only for design and construction work.

Subp. 2. **General eligibility.** No project is eligible for a federal grant or a state matching grant unless it is eligible for funding under the act and applicable federal regulations. No project is eligible for an independent state grant unless it is eligible under this chapter and applicable state statutes. No municipality is eligible for state financial assistance for combined sewer overflow abatement projects unless the municipality complies with the conditions of Minnesota Statutes, section 116.162, subdivision 7.

Subp. 3. **Initiation of construction.** A municipality is not eligible for a federal grant or a state matching grant if construction on the project has been initiated prior to the award of the grant.

A municipality may be eligible for an independent state grant after initiation of construction, provided that:

A. the municipality was listed on a reimbursement project list when construction began;

B. the municipality submitted a complete grant application to the agency within 90 days after adoption or revision of the reimbursement project list; and

C. [Unchanged.]

Subp. 4. [Unchanged.]

Subp. 5. **Eligible costs.** The following provisions govern eligible costs:

A. The eligible cost of any project for which a grant or state financial assistance will be awarded shall be determined by the application of applicable state and federal statutes and rules.

B. In addition to other eligible costs established by state law for combined sewer overflow abatement projects, storm water conveyance facilities that are part of the most cost effective alternative for combined sewer overflow abatement shall be eligible for state financial assistance. Such facilities shall include those structures, pipes, and appurtenances from the point of entry at the catch basin to the outlet structure which are necessary to convey up to the five-year storm.

7075.0414 GRANT APPLICATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Timing and form of application.** The following provisions govern the timing and form of grant applications:

A. A municipality on the final municipal project list for other than a combined sewer overflow project shall submit a completed construction grant application to the agency within 90 days after the date on which the agency adopts that fiscal year's municipal project list.

B. A municipality on the final municipal project list for a combined sewer overflow abatement project shall submit a completed construction grant application, or a completed application for state financial assistance, whichever is being applied for, by December 1 following agency adoption of that fiscal year's municipal project list, unless a different date is provided in the municipality's NPDES/SDS permit, in which case the deadline in the permit shall take precedence.

C. The application for federal grant funds shall be on EPA's form 5700-32, as provided by the agency.

D. The application for state grant funds shall be on the form as provided by the agency.

E. The application for state financial assistance for combined sewer overflow abatement projects shall be on the form as provided by the agency.

Subp. 3. to 5. [Unchanged.]

Subp. 6. **Additional information for Step 3 grant.** A

municipality that applies for a Step 3 grant shall, in addition to submitting the completed application form, submit the following information for agency review and approval:

A. to M. [Unchanged.]

N. For municipalities applying for Step 3 federal grants for combined sewer overflow abatement projects, the following information shall also be submitted:

(1) the scope of work outlined in the list and schedule submitted the previous June 1, or in accordance with the NPDES/SDS permit;

(2) such additional scope of work that the municipality could proceed with if any additional funds become available; and

(3) the items listed in part 7075.0409, subpart 2, item C. The plans and specifications shall be for the scope of work described in subitems (1) and (2).

Subp. 6a. **Additional information for state financial assistance for combined sewer overflow abatement.** A municipality that applies for state financial assistance for a combined sewer overflow abatement project shall submit the following information for agency review and approval:

A. the scope of work contained in the list and schedule submitted the previous June 1, or in accordance with the NPDES/SDS permit, plus such additional scope of work as may be necessary to utilize any additional funds that may become available;

B. that information required for a Step 3 grant under subpart 6, items A, F, G, I, and L; and

C. plans and specifications for the scope of work described in item A.

Subp. 7. and 8. [Unchanged.]

7075.0419 ADVANCES OF ALLOWANCE.

Subpart 1. to 3. [Unchanged.]

Subp. 3a. **Submittal and approval of facilities plan.** In order to receive a Step 2 advance, a municipality shall submit

the documents listed in part 7075.0409, subpart 2, item B. The facilities plan must be approved before the advance will be awarded.

Subp. 4. to 7. [Unchanged.]

7075.0428 GRANT AMOUNTS.

Subpart 1. **State matching grants.** For projects tendered on or after October 1, 1984, a federal grant at 55 percent or more of the eligible cost for construction of a treatment works, the agency shall award a state matching grant for up to an additional 30 percent of the eligible cost if construction of the treatment works would otherwise impose a significant financial hardship on the municipality.

Subp. 2. **Independent state grants.** The agency may award independent state grants as follows:

A. [Unchanged.]

B. The agency may award Step 2+3 and Step 3 independent state grants to municipalities to pay for 50 percent of the eligible cost of construction, or, if the agency requires and the municipality is constructing advanced treatment, 65 percent of the eligible cost of construction. If construction of a treatment works would otherwise impose a significant financial hardship on a municipality, the agency may award an independent state grant to pay for up to an additional 30 percent of the eligible cost of construction, or if the agency requires and the municipality is constructing advanced treatment, an additional 25 percent of the eligible cost of construction.

Subp. 2a. **State financial assistance for combined sewer overflow abatement projects.** The agency may award state financial assistance for combined sewer overflow abatement projects as follows:

A. The agency may award state financial assistance for design of combined sewer overflow abatement projects to municipalities in an amount determined according to the same procedures for calculating an allowance under Code of Federal

Regulations, title 40, part 35, appendix B.

B. Each fiscal year, municipalities eligible for financial assistance for combined sewer overflow abatement projects shall be awarded a proportionate share of the appropriation available for such projects in that fiscal year. The proportionate share for each eligible municipality is as follows:

(1) Minneapolis, 24.2 percent;

(2) Saint Paul, 71.6 percent;

(3) South Saint Paul, 4.2 percent.

C. By no later than March 31 each year, beginning in 1987, the agency shall determine whether or not each municipality that is eligible for financial assistance under this program has submitted a complete financial assistance application and either ~~entered into construction contracts for the work~~ the city council has adopted final orders for construction if the work is to be contracted out, or issued work proceed orders if the municipality will do the work with its own employees, for enough work to allow the municipality to utilize its total pro rata share for the present fiscal year. If the agency determines that a municipality has not submitted a complete financial assistance application and ~~entered into construction contracts or~~ the city council has not adopted final orders for construction or the city has not issued work proceed orders, the agency shall distribute such unuseable funds to other eligible municipalities that have submitted complete financial assistance applications to utilize such additional funds. For any municipality that is awarded additional funds ~~shall enter into construction contracts or~~, the city council shall adopt final orders for construction or the city shall issue work proceed orders to utilize such funds by May 31 of the present fiscal year in order to retain the funds.

Each fiscal year, beginning in 1988, allocations to a municipality that has received additional funds shall be reduced by one-third of the total amount of additional funds that have been awarded to the municipality in earlier years. These funds

shall be awarded to the municipality that was initially entitled to them. In the event that, for the municipality entitled to the repayment funds, the city council still has not ~~made firm commitments~~ adopted final orders for construction or the city has not issued work proceed orders to utilize the funds in that fiscal year, the municipality awarded the additional funds is not required to make the repayment. The repayment procedure set forth in this item shall continue until the municipality has repaid all additional funds that it has been awarded or until the municipality has completed its combined sewer overflow abatement projects in their entirety.

Subp. 3. **Local share.** Except as provided in part 7075.0425, in no event may a municipality that obtains a state matching grant or independent state grant be responsible for less than ten percent of the eligible cost of the project.

Subp. 4. [Unchanged.]

7075.0433 PAYMENT OF STATE FINANCIAL ASSISTANCE FOR COMBINED SEWER OVERFLOW ABATEMENT.

The municipality may request in writing periodic payments as work on the project progresses up to 80 percent of the total amount of the financial assistance. After final inspection, the agency shall pay the remaining 20 percent after the municipality has complied with part 7075.0430, subpart 5, item C, subitems (1), (4), and (9).

REPEALER. Minnesota Rules, part 7075.0418, is repealed.

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA POLLUTION

CONTROL AGENCY

In the Matter of the Proposed Revisions to Minnesota Rules, Chapter 7075 Relating to the Administration of Federal Grant Funds and State Grant and Loan Funds for Municipal Sewage Treatment and Combined Sewer Overflow Projects

NOTICE OF SUBMISSION OF CONSTRUCTION GRANTS RULE AMENDMENTS TO THE ATTORNEY GENERAL

PLEASE TAKE NOTICE that on January 15, 1986, the above-captioned rules were submitted to the Office of the Attorney General for review as to form and legality. The entire rulemaking record was submitted, including the proposed rules, the rules as adopted, the notices, the Statement of Need and Reasonableness, the written comments received, and the other documents in the record.

The proposed rules which were published in the State Register on October 14, 1985 have been modified. The rules finally adopted by the Minnesota Pollution Control Agency are different in some respects from what was proposed. One modification to take note of is that all the proposed amendments to Part 7075.0428 relating to supplemental grants have been deleted. A copy of the rules as finally adopted is attached. Free copies of the findings of fact and conclusions and the order adopting rules are available upon request by contacting Sharon Meyer, Division of Water Quality, Minnesota Pollution Control

Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; telephone (612) 296-7230. Ms. Meyer can also explain the changes that have been made in the rules.

The rules must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the Attorney General. You may submit written comments to the Attorney General on the legality of the rules. Any written comments must be submitted within eight calendar days of the date of submissions of the rule to the Attorney General. Your comments must address only the issue of legality of the rules or the legality of specific parts or subparts of the rules. Your comments must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Telephone Number: (612) 296-1288

Any written comments submitted to the Attorney General must also be submitted simultaneously to Ms. Sharon Meyer at the address above.

Dated: January 15, 1986.

THOMAS J. KALITOWSKI
Executive Director

Minnesota Pollution Control Agency
Division of Water Quality

PROPOSED REVISIONS TO CHAPTER 7075 OF MINNESOTA RULES

Impact of Proposed Revisions to Supplemental Grants Rules
November 15, 1985

Chapter 7075 of Minnesota Rules governs the award of state and federal grants for construction of wastewater treatment facilities. Among the revisions to this Chapter which were published in the State Register on October 14, 1985, are changes to the method of calculating the amounts of supplemental grants which may be provided to cities that are experiencing financial hardship.

Part 7075.0428, Subpart 4, Items A, B and C contain the rules according to which supplemental grants are awarded. In the 1985 Special Session, the Legislature raised the maximum supplemental grant from 15% to 30% and raised the maximum combined state and federal funding available to one grantee from 75% to 90%. Therefore, the above rules are proposed to be revised to allow more grantees to receive higher supplemental grants.

As detailed on the attached tables, under the rules as proposed, approximately $13,350,264 would be required to provide all grantees on the Fiscal Years 1985, 1986 and 1987 Municipal Project Lists with their full supplemental grant entitlements. $3,577,956 has been reserved from the FY 1985 and 1986 state appropriations for this purpose. This leaves $9,772,308. Funds available for FY 1987 for the award of supplemental grants and independent state grants is expected to be approximately $8,545,000. Awarding all available FY 1987 funds in the form of supplemental grants would leave no funding for independent state grants during FY 1987 and would still leave a deficit of $1,227,308 needed for supplemental grants.

Minnesota Pollution Control Agency
Division of Water Quality
Wastewater Treatment Facilities Construction Grants Program
November 15, 1985

PROPOSED REVISIONS TO STATE SUPPLEMENTAL GRANTS
Impact on Independent State Grants Funds

SUMMARY OF STATE GRANT FUNDS FOR FISCAL YEARS 1985 AND 1986

Fiscal Year	1985	1986
Reserve for Supplemental grants	1,977,956	1,600,000
Reserve for grant increases to previously awarded state grants	4,987,937	3,300,000
Reserve for future grant increases	251,705	555,000
New independent state grants	4,782,402	5,645,000
State appropriation	$12,000,000	$11,100,000

ESTIMATES OF SUPPLEMENTAL GRANTS UNDER PROPOSED RULE CHANGES

Fiscal Year	1985		1986		1985 & 1986
Supplemental grants under proposed rules	$4,328,769	+	$3,371,987	=	$7,700,756
Currently reserved for Supplemental grants	1,977,956	+	1,600,000	=	3,577,956
Shortfall of current reserves for Supplemental grants (Line 1 minus Line 2)	$2,350,813	+	$1,771,987	=	$4,122,800
Estimated Supplemental grants to federal grantees in FY 1987 under proposed rules			+5,649,508	+	5,649,508
Balance of Supplemental grants needs through FY 1987			$7,421,495		$9,772,308

ANTICIPATED STATE FUNDING FOR FISCAL YEAR 1987

State appropriation	$11,100,000
Reserve for past and future grant increases	2,555,000
Expected to be available for award of Supplemental and independent state grants	8,545,000
BALANCE AVAILABLE FOR AWARD OF INDEPENDENT STATE GRANTS:	
After award of Supplemental grants for FY 1985, 1986 and 1987:	-1,227,308
After award of Supplemental grants for FY 1986 and 1987 only:	1,123,505

ALTERNATIVES TO SUPPLEMENTAL GRANTS FORMULAS IN PROPOSED RULES

	Formulas as proposed with 75% maximum	Formulas as proposed with 5% maximum per indicator	Formulas as proposed with both 5% and 75% maximums
Supplemental grants for FY 1985	3,853,172	2,934,431	2,782,631
Supplemental grants for FY 1986	1,357,283	1,742,631	904,147
Supplemental grants for expected FY 1987 federal grantees	4,747,135	3,070,094	2,780,242
Totals	9,957,590	7,747,156	6,487,020
Reserved in FY 1985 and 1986 for Supplemental grants	-3,577,956	-3,577,956	-3,577,956
Supplemental grants needs through FY 1987	6,379,634	4,169,200	2,909,064
Expected state funds available for award of Supplemental and independent state grants	8,545,000	8,545,000	8,545,000
Balance available for award of independent state grants	2,165,366	4,375,800	5,635,936

Balance available under current rules: $7,498,698

MINNESOTA POLLUTION CONTROL AGENCY
Division of Water Quality

Agenda Item Control Sheet

BAB MR T.K

AGENDA # 19

MEETING DATE: September 24, 1985

APPEARANCE REQUESTED - YES: ___ NO: X

SCHEDULED TIME: ___

PREPARED BY: Sharon Meyer SCM 9/9/85 (2-2) 9/09/85

DATE PREPARED: September 6, 1985

DATE MAILED: September 13, 1985

SUBJECT: Request for Authorization to Initiate Noncontroversial Rulemaking on Chapter 7075 of Minnesota Rules Regarding State and Federal Funds for Wastewater Treatment Facilities and Abatement of Combined Sewer Overflow

LOCATION: NA (City) NA (County)

TYPE OF ACTION:

Permit	___	Request for hearing	___	New	___
Stipulation	___	Request for legal action	___	Modification	___
Contract	___	Variance request (feedlot)	___	Extension	___
Policy	___	Rulemaking	X	Revocation	___
Information	___	Administrative order	___	Other	___

RECOMMENDED ACTION: OK SCM 9/10

Issuance	___	Approval	___	No action needed	___
Denial	___	Authorization	X		

ISSUE STATEMENT:

During the 1985 Legislative Session, the Legislature created a financial assistance program to aid the Cities of Minneapolis, St. Paul, and South St. Paul in the abatement of combined sewer overflows (CSO) into the Mississippi River. Minnesota Statutes, Section 116.162, Subdivision 8 requires the Agency to promulgate rules for the administration of that program. Changes made by the Legislature to the State Independent Grants Program for construction of wastewater treatment facilities also necessitate revisions to Chapter 7075 of Minnesota Rules. The staff proposes to amend Chapter 7075 to incorporate the new CSO abatement program and the changes to the state grants program. Therefore, it is recommended that the Agency Board authorize noncontroversial rulemaking on Chapter 7075.

ATTACHMENTS:

1. Proposed revisions to Chapter 7075
2. Statement of Need and Reasonableness
3. Minnesota Statutes, Section 116.162 and portions of Section 116.16 and 116.18.

MINNESOTA POLLUTION CONTROL AGENCY
Division of Water Quality
Grants Section

Request for Authorization to Initiate Noncontroversial Rulemaking on Chapter 7075 of Minnesota Rules Regarding State and Federal Funds for Wastewater Treatment Facilities and Abatement of Combined Sewer Overflow

September 24, 1985

ISSUE STATEMENT

During the 1985 Legislative Session, the Legislature created a financial assistance program to aid the Cities of Minneapolis, St. Paul, and South St. Paul in the abatement of combined sewer overflows (CSO) into the Mississippi River. Minnesota Statutes, Section 116.162, Subdivision 8 requires the Agency to promulgate rules for the administration of that program. Changes made by the Legislature to the State Independent Grants Program for construction of wastewater treatment facilities also necessitate revisions to Chapter 7075 of Minnesota Rules. The staff proposes to amend Chapter 7075 to incorporate the new CSO abatement program and the changes to the state grants program. Therefore, it is recommended that the Agency Board authorize noncontroversial rulemaking on Chapter 7075.

I. Background:

In June, 1985 the Minnesota Legislature, during special session, passed a law creating a state financial assistance program for combined sewer overflow abatement (Minnesota Statutes, Section 116.162, Subdivisions 1 through 8). The Law makes the Cities of Minneapolis, St. Paul and South St. Paul eligible for a combination of state grants and loans to abate combined sewer overflow (CSO) to the Mississippi River from its confluence with the Rum River to its confluence with the St. Croix River. The financial assistance is provided to enable the three Cities to complete the abatement of combined sewer overflows in the Metropolitan Area in ten years, beginning in 1986.

Concurrent with passage of the CSO financial assistance program, the Legislature also established dedicated funds for the program from revenues generated by the cigarette tax. Based on cost estimates presented by the Cities for correcting their CSO problems, $6,750,000 was appropriated to the CSO abatement program for each of the Fiscal Years 1986 and 1987. According to Subdivision 5 of the above referenced statutes, the funding is divided among the three Cities based on the prorata share of each City's abatement costs to the total abatement costs. The total cost on which the Legislation is based is $215 million. Minneapolis' cost estimates represent 24.2% of this figure, St. Paul's 71.6%, and South St. Paul's 4.2%.

South St. Paul's portion of the appropriations is to be given in the form of a grant. Minneapolis and St. Paul must repay half of all state financial assistance beginning ten years after the first payment is made.

As part of the massive effort needed to solve the CSO problem in the Metropolitan Area, the Governor has requested that $8 million of the State's federal allotment from the U.S. Environmental Protection Agency (EPA) for award of wastewater treatment grants be utilized for CSO projects. Therefore, the Fiscal Year (FY) 1986 Municipal Project List, as approved by the Agency Board on August 27, 1985, lists Minneapolis, St. Paul and South St. Paul as eligible for federal grants in FY 1986 of $1,936,000, $5,728,000, and $336,000, respectively, which

represent each City's prorata share of the $8 million. The Cities are not eligible for CSO grants under the Independent State Grants Program, per Minnesota Statutes, Section 116.162, Subdivision 7 (b).

As part of the same Legislation discussed above, the Legislature also made changes to the Independent State Grants Program. The two major changes are: (1) The supplemental grant awarded to cities that are experiencing financial hardship has been raised from a range of 0 to 15 percent to a range of 0 to 30 percent (Minnesota Statutes, Section 116.18, Subdivisions 2a and 3a). Correspondingly, the maximum allowed to one municipality in combined state and federal grants was raised from 75 percent to 90 percent. (2) The reimbursement provisions of the program have been changed such that cities can proceed with construction without grants and be reimbursed in any future year, not just the following year as the previous language provided. This means that more cities will be eligible to proceed under the reimbursement provisions (Minnesota Statutes, Section 116.18, Subdivision 3a (c).

II. Discussion:

The staff is recommending revisions to Chapter 7075, which contains the rules which provide for the award of federal and state grants for wastewater treatment facilities, to accommodate the above changes to the Independent State Grants Program, and is also recommending a few other changes discussed below. Rather than draft a new Chapter of Minnesota Rules, the staff has elected to propose additional revisions to Chapter 7075 to

provide for administration of the CSO abatement program. While the newly created financial assistance program is somewhat different from the grant programs currently administered through Chapter 7075, many of the same provisions are applicable. Therefore, rather than repeat in a new Chapter the numerous provisions that apply to the new program as well as the ongoing programs, the staff reasoned that the Agency could provide for administration of the combined sewer overflow abatement program more quickly and with less confusion by proposing revisions to Chapter 7075.

The proposed rule revisions were discussed with the Board Committee for CSO and the Committee for Construction Grants and Municipal Compliance on July 22, 1985 and August 26, 1985. The Committee members expressed concern that if any of the three eligible Cities is unable to use its share of the yearly appropriation, the funds should be awarded to the other Cities, provided they are able to use them, and that payback of those funds should be done over a reasonable time period. The Committee members were also concerned that, at the beginning of each year, it might appear that the Cities would be able to use their funds and subsequently would not.

To address these concerns, Part 7075.0428, Subpart 3, Item C provides that if a City has not made firm commitments to use its share by March 31 each year, the funds will be redistributed to those Cities that can use them, and that payback will occur over 3 years to avoid disruptive fluctuations in construction. The Committee members recommended that the rules be presentd to the full Board.

Following is a discussion of the major changes proposed to Chapter 7075. All proposed changes are discussed in the attached Statement of Need and Reasonableness; therefore, the following discussion is limited to the important items.

Revisions to accommodate the CSO abatement program

It should be noted that throughout the rules a distinction is made between grant requirements for CSO abatement projects, and financial assistance requirements for CSO abatement projects. Two separate programs are referenced, and requirements are not necessarily applicable to both. Where requirements differ, the rules specify to which type of applicant they apply. The financial assistance program for the abatement of CSO in the Twin Cities Metropolitan Area is that program for grants and loans described in Minnesota Statutes, Section 116.162, and briefly described in Section I. The grant requirements are applicable to CSO abatement projects funded under the Federal Clean Water Act or the Independent State Grants Program.

7075.0409 Municipal project list.

Subpart 2. Requirements for placement on list.

Item F. This Item as proposed exempts the CSO abatement projects from document submittal dates applicable to other grant projects. Step 3 grantees under the Federal Grants Program and the Independent State Grants Program must submit plans and specifications and user charge systems by December 1 prior to drafting of the Municipal Project List (MPL), and must make all corrections necessary to allow the staff to give the documents an approvable designation by June 1 prior to drafting the MPL.

However, the CSO projects do not lend themselves to these deadlines for two reasons: (1) they are numerous and relatively simple, and scheduling that far in advance is almost impossible; and (2) compliance with these deadlines would not allow completion within the ten years required by Statute.

Separate conditions for submittal of plans and specifications for CSO projects are established in Part 7075.0414, Subparts 6 and 7. For projects receiving financial assistance for CSO abatement, the staff proposes to require by June 1 a schedule of construction to enable inclusion of specific projects on the subsequent fiscal year's MPL, and construction of those projects during that fiscal year.

Minnesota Statutes, Section 116.162, Subdivision 7 provides that scheduling shall be done according to the NPDES/SDS permits. While the staff feels that the requirements described above are necessary to effective overall program management, it may be necessary to change the June 1 date due to the complicated interplay of the numerous design and construction projects and the ten year program completion time limit. Thus, the rules as proposed allow for the permits, rather than the rules, to govern because permits can be revised much more quickly than can rules. Also, the June 1, 1985 date applicable to the FY 1986 MPL will have passed before the rules become effective.

7075.0411 Project eligibility.

Subpart 5. Eligible costs.

Item B. The Cities have indicated that the most cost effective solution to most sewer separation projects will be

construction of a storm sewer rather than a sanitary sewer. Existing state and federal grant eligibility guidelines do not define storm sewer eligibility for CSO correction, but in general they are not eligible as part of a wastewater treatment project. The staff feels that it is reasonable that grant funds be used for storm water conveyance facilities where they will be part of the most cost effective alternative for a CSO abatement project. It would not be prudent to encourage construction of a sanitary sewer at greater expense with no additional environmental benefit. The proposed rules therefore provide that storm water conveyance facilities that are part of the most cost effective alternative for CSO abatement are eligible.

The staff also feels it is necessary to define the extent to which the State will participate in storm sewer construction, which is a multipurpose project. The proposed rules make catch basins, pipes, appurtenances and outlets eligible. The intent is to exclude surface water conveyance structures, such as street curb and gutter and alleys, from eligibility as part of a storm sewer.

Defining this exclusion is important since CSO projects will often be coordinated with street improvement projects, where the most cost effective solution will involve construction of storm water conveyance facilities. This exclusion is consistent with the state and federal municipal wastewater treatment construction grants programs in that the cost of restoring the street to its original condition is eligible. Full street construction is not. Only that portion of street restoration directly related to sewer installation is eligible. Therefore, if curb, gutter and alleys

are damaged or destroyed for the express purpose of constructing grant eligible sewers, and the repair or replacement of the curb, gutter or alley restores them to their original conditions, the costs are eligible. If no curb or gutter existed before the sewer construction, the proposed rules provide that the costs for their construction are not eligible.

7075.0414 Grant applications.

Subpart 2. Timing and form of application.

Item B. This Item and Subpart 6, Item N, Subitem (3), and Subpart 7, Subitem C, combine to require submittal of a grant or financial assistance application for CSO projects, plus plans and specifications and a user charge system by December 1 of the fiscal year for which the MPL is adopted. Current rules require submittal by December 1 of the previous fiscal year. As explained in Part 7075.0409, this date is too restrictive for CSO projects and the ten year schedule. The proposed date will allow the staff to review plans and specifications during the winter, and construction to begin the following spring. Plans and specifications for CSO projects are not expected to take extensive review time, as do those for wastewater treatment facilities. The proposed date will allow a smooth flow of design and construction projects. The same date is proposed as the application deadline to avoid confusion.

Subpart 6. Additional information for a Step 3 grant.

Item N, Subitems (1), (2) and (3). The staff proposes to require the Cities, in their applications required by December 1

each year, to apply for any additional funds that may become available that year if other Cities cannot use their funds. Additional application submittal and review will then be unnecessary and additional funds can be used quickly.

Subpart 7. Additional information for state financial assistance for combined sewer overflow abatement.

This Subpart differentiates between the state financial assistance program and the federal grants program for CSO abatement projects. Because of the unique aspects of the overall effort to reduce CSO into the Mississippi River, especially the relatively short time span required by Statute to solve this massive problem, the requirements contained in Part 7075.0414, Subpart 6, Items B, C, D, E, H, J, K and M, which are applicable to Step 3 grant applicants under the federal and state wastewater treatment grants programs, are not proposed to apply to the financial assistance program, in order to facilitate rapid progress. The remaining Items A, F, G, I and L are considered by the staff to be the minimum necessary to provide for adequate construction in conformance with the approved plans and specifications, and to protect state funds.

7075.0428 Grant amounts.

Subpart 3. State financial assistance for combined sewer overflow abatement projects.

Item B. Minnesota Statutes, Section 116.162, Subdivision 5 requires that available funds be distributed to eligible cities according to their proportionate share, based on their respective CSO abatement program costs. Cost estimates provided by the

Cities formed the basis for the Legislation. Therefore, the staff feels that the proportionate shares should be placed into the rules so that State participation will be firm and can be used as the basis for the ten year planning required.

Item C. The proposed rules provide that if a City has not made firm commitments to use its share of the funds by March 31 each year, the unused portion shall be distributed to the other Cities so that they can add the additional projects to their construction schedule for that season. The City losing funds shall be paid back to enable the ten year schedule to be met, and the payback shall be done over a period of three years to minimize interruptions or oscillations in the programs of any of the Cities involved. The primary intent of these provisions is to ensure that all state funds available for CSO abatement projects are utilized expeditiously to keep the program on schedule.

Revisions to accommodate other Legislative changes

7075.0409 Municipal project list.

Subpart 5. Reimbursement project list.

The proposed changes in the Subpart accomplish the following. (1) The intent is to relieve a city that wishes to proceed under the reimbursement provisions from submitting plans and specifications and a user charge system by December 1 and receiving an approvable designation on these documents by June 1 prior to being placed on the reimbursement project list. The proposed rules therefore provide that the reimbursement project

list may be amended at any time that a city receives approval of the foregoing documents and wishes to proceed to construction. Written approval must still be obtained on the bidding process, and the city must still be authorized by the Agency to proceed to construction.

7075.0419 Advances of allowance.

Subpart 3a. Submittal and approval of facilities plan. The proposed change allows award of an advance of allowance for design whenever the facilities plan is approved, and does not require the city to meet the December 1 and June 1 deadline dates for submittal, and receipt of an approvable designation. It is hoped this will facilitate as many cities as possible to meet the July 1, 1988 regulatory deadline for compliance with water quality standards.

7075.0428 Grant amounts.

Subpart 1. State matching grants.

Subpart 2. Independent state grants.

These Subparts are proposed for revision to reflect the Legislative increase to the maximum state supplemental grant amount from 15 percent to 30 percent, and the increase in the maximum allowed to one grantee in combined state and federal grants from 75 percent to 90 percent.

Subpart 5. Significant financial hardship.

The revisions to the formula for calculating the supplemental grant amounts based on financial hardship are proposed for change to accommodate the Legislative increase to the maximum state supplemental grant amount from 15 percent to 30

percent, and the increase in the maximum allowed to one grantee in combined state and federal grants from 75 percent to 90 percent. Also, the changes will allow the poorest cities to receive proportionately more than they receive under the current system.

III. Conclusions:

The staff has elected to utilize the noncontroversial rulemaking process, rather than to hold a public hearing, to provide for the administration of the state financial assistance program for combined sewer overflow abatement. The rules must be effective before financial assistance can be awarded. The Legislation governing the program requires completion in ten years, with initiation in 1986. This means rules must be effective before the 1986 construction season. Because noncontroversial rulemaking can be done more quickly than holding a public hearing, and because it is in the best interests of everyone involved to have the rules effective by next Spring, the staff has chosen the noncontroversial process. The Statutes creating the program are extensive and the rule changes relatively few; therefore, the staff feels that the rules will not generate enough public controversy to result in a hearing.

IV. Recommendations:

The staff recommends that the Agency Board adopt the following resolution authorizing noncontroversial rulemaking to amend Chapter 7075 of Minnesota Rules governing the award of

state and federal grants and loans for wastewater treatment facilities for the purpose of providing for the administration of a newly created state financial assistance program for the abatement of combined sewer overflows in the Mississippi River.

SUGGESTED STAFF RESOLUTION

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 the notice be given of the MPCA's intent to adopt without a public hearing, the attached amendments to Minnesota Rules Parts 7075.0100 through 7075.0433 governing the award of financial assistance to municipalities for the construction of wastewater treatment and combined sewer overflow abatement facilities, 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 Minnesota Statutes, Section 14.07, Subdivision 2.

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Executive Director is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as to perform any and all acts incidental thereto, including but not limited to signing an Order and Notice for Hearing, as well as acting as the MPCA's representative at all 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

January 15, 1986

RECEIVED
JAN 15 1986
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

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

Re: Amendments to MPCA Construction Grants Rules, Minn. Rules Ch. 7075, Adopted Without a Public Hearing

Dear Ms. Wehrwein:

In accordance with Minn. Stat. § 14.26 (1984) and Minn. Rules Part 2000.0400, we are submitting to the Attorney General's Office noncontroversial rule amendments to Minn. Rules Ch. 7075, the Minnesota Pollution Control Agency's construction grants rule. These amendments were adopted by the MPCA on December 17, 1985.

The following documents are enclosed:

1. Notice of Intent to Solicit Outside Opinion (10 S.R. 224) (July 22, 1985).

2. Comments received in response to Notice to Solicit Outside Opinion.

   a. August 13, 1985, letter from City of Worthington to Tom Kalitowski.

   b. August 13, 1985, letter from City of Worthington to Sharon Meyer.

   c. August 19, 1985, letter from City of Ashby to Sharon Meyer.

   d. August 27, 1985, letter from City of Worthington to Duane Anderson.

3. Certificate of Board's Authorizing Resolution

4. Order for Notice of Intent to Adopt Amendments to Rules Without a Public Hearing (October 2, 1985).

5. Affidavit of Mailing.

6. Mailing List Certificate.

7. Notice of Intent to Adopt Rules Without a Public Hearing.

8. 10 S.R. 884-890 (October 14, 1985). The Revisor's Office published a revised edition of the October 14 issue of the State Register on October 16, 1985, and a copy of that issue is also enclosed, but there were no changes in the pages containing these rules.

9. Statement of Need and Reasonableness.

10. Written comments received:

    a. November 12, 1985, letter from City of Hibbing to Sharon Meyer;

    b. November 14, 1985, letter from City of St. Paul to Sharon Meyer;

    c. November 13, 1985, letter from City of South St. Paul to Sharon Meyer;

    d. November 11, 1985, letter from Greater LaCrosse Area Chamber of Commerce to Sharon Meyer; and

    e. Memorandum with two tables prepared by MPCA staff and dated November 15, 1985, on the impact of the proposed revisions to supplemental grant rules.

11. Memorandums submitted to the MPCA Board for the Board meetings of September 24, 1985, when the Board authorized publishing notice of intent to adopt the rules, and December 17, 1985, when the Board adopted the final rules.

12. Findings of Fact and Conclusions.

13. Order Adopting Rules (two copies).

14. Certificate of Board's Resolution Adopting Rules.

15. Rules as adopted (four copies).

16. Certificate of Compliance with Rulemaking Procedures.

17. Notice of Submission to the Attorney General.

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

These documents constitute the entire record in this matter.

Please advise us when you have completed your review.

Very truly yours,

Alan Mitchell

ALAN R. MITCHELL
Special Assistant
Attorney General

ARM:pje
Enclosures