

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : August 18, 1987

TO : JOCELYN F. OLSON
Special Assistant
Attorney General

FROM : MIKE MILES
Assistant Attorney General

PHONE : 6-6555

SUBJECT : In the Matter of the Adopted Rules Relating to Low-Level Radioactive Waste Generator Fees

The above-referenced rule has been approved as to its legality by the Attorney General on August 12, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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:nah

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RULE REVIEW CHECKLIST

File No. 1383
DATE RECEIVED 7/29/87
REVIEW DATE 8/7/87
DUE DATE 8/12/87

APPROVED 8/12/87
DISAPPROVED
WITHDRAWN

Docket No. 05.0009, 0705
ADOPTED W/O HEARING /
EMERGENCY RULE

REVISOR APPROVED
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)
✓ Notice to Solicit Outside Information/Opinion
3/30/87 Date published in State Register
none Comments
~~Petition for Adoption of a Rule~~
✓ Board's Authorizing Resolution
✓ Proposed rule
yes Revisor's Certificate
✓ Notice of Intent to Adopt Rule
116C.834 Statutory Authority
yes Small Business Statement
no Expenditure of public money statement
Yes Signature
✓ Statement of Need and Reasonableness
yes Small Business Statement
yes Fees - § 16A.128
✓ Affidavit of Mailing Notice of Intent to Adopt Rule
5/14/87 Date 30/25 days before adoption
✓ Publication in State Register
5/18/87 Date 30/25 days before adoption
✓ Resolution Adopting
✓ Findings of Fact, Conclusions & Order Adopting
7/28/87 Date
✓ Written requests, submissions or comments
✓ Declaration of attorney
Jocelyn Olson Name of SAAG representing agency
~~Notice of Submission to Attorney General~~
✓ Affidavit ~~of Mailing Notice to Attorney General~~ regarding requests of Submission

Pollution Control Agency

Adopted Permanent Rules Relating to Low-Level Radioactive Waste Generator Fees

Rules as Adopted

7042.0030 LOW-LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Amount of fees.** A generator of low-level radioactive waste is subject to the following fees:

A. A generator who ships 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal is subject to a fee of $2.65 per cubic foot of low-level radioactive waste shipped per year.

B. [Unchanged.]

7042.0040 PAYMENT OF FEES.

Subpart 1. **Payment deadline.** A generator must submit to the director the fees and appropriate documentation of the volume of waste shipped no later than September 30 of each year. Fees for wastes shipped in the previous calendar year are payable by September 30 of the next calendar year. Checks shall be made payable to the state treasurer.

Subp. 2. **Prepayment option.** A generator may submit full or partial payment at any time prior to September 30, and the payment will be credited to the generator's obligation to pay fees.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 17 1987
Joan Anderson Growe
Secretary of State
3:23 PM

APPROVED AS TO FORM AND LEGALITY

8/12 1987

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Pts. 7042.0030 and 7042.0040, Low-Level Radioactive Waste Generator Fee Rules

NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The Agency's authority to adopt the rule amendments is set forth in Minn. Stat. § 116C.834 (1986).

All persons have until 4:30 p.m. on June 17, 1987, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Dagmar Romano
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7992

The proposed rule amendments may be modified if the modifications are supported by data and views submitted to the Agency and do not result in a substantial change in the proposed rule amendments as noticed.

The proposed rule amendments, if adopted, will increase fees for generators who ship 1,000 cubic feet or more of low-level

radioactive waste per year to a facility for disposal. The proposed amendments also change the due date for submittal of fees from June 10 of each year to September 30 of each year. Finally, the proposed amendments allow generators to prepay all or a portion of their fees. A copy of the proposed rules is enclosed. One free copy of the rules is available upon request from Dagmar Romano at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed rule amendments has been prepared and is available from Dagmar Romano upon request.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules will have no adverse effect on small businesses.

If no hearing is required, upon adoption of the rule amendments, the rule amendments and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule, must submit the written request to Dagmar Romano.

Thom Kalitowski

Dated: May 14, 1987

THOMAS J. KALITOWSKI
Executive Director

CERTIFICATE OF 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 28th day of April, 1987, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Executive Director of the Minnesota Pollution Control Agency (MPCA) is hereby granted the authority to sign and to give notice of the MPCA's intent to adopt without a public hearing, the attached amendments to Minn. Rules Pts. 7043.0030 and 7042.0040, Low-Level Radioactive Waste Generator Fee rules, to all persons who have registered their names with the MPCA for that purpose and publish the notice and the rules in the State Register, 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 Certificate as required by Minn. Stat. § 14.07, subd. 2 (1986).
>
> BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Executive Director is granted the authority and directed to call a hearing for the purpose of promulgating said rule amendments, including but not limited to signing an order for 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 28th day of April, 1987.

Thomas Kalitowski.

THOMAS J. KALITOWSKI
Executive Director

Pollution Control Agency

Proposed Permanent Rules Relating to Low-Level Radioactive Waste Generator Fees

Rules as Proposed

7042.0030 LOW-LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Amount of fees.** A generator of low-level radioactive waste is subject to the following fees:

A. A generator who ships 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal is subject to a fee of ~~85 cents~~ $2.65 per cubic foot of low-level radioactive waste shipped per year.

B. [Unchanged.]

7042.0040 PAYMENT OF FEES.

Subpart 1. **Payment deadline.** A generator must submit to the director the fees and appropriate documentation of the volume of waste shipped no later than ~~June 10~~ September 30 of each year. Fees for wastes shipped in the previous calendar year ~~1984~~ are payable by ~~June 10, 1985~~ September 30 of the next calendar year. Checks shall be made payable to the state treasurer.

Subp. 2. **Prepayment option.** A generator may submit full or partial payment at any time prior to September 30, and the payment will be credited to the generator's obligation to pay fees.

Approved by Revisor DSN/

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Low-Level Radioactive Waste Generator Fees

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapter 7042

The attached rules are approved for publication in the State Register

David S. Niss
Assistant Revisor

Pursuant to Minnesota Statutes, Section 4.035, subd. 2, this Order shall be effective retroactive to April 19, 1987 and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this twenty-second day of April, 1987.



Rudy Perpich
Governor

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.

Pollution Control Agency

Proposed Permanent Rules Relating to Low-Level Radioactive Waste Generator Fees

Notice of Intent to Adopt Rule Amendments without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The Agency's authority to adopt the rule amendments is set forth in Minn. Stat. § 116C.834 (1986).

All persons have until 4:30 p.m. on June 17, 1987, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Dagmar Romano
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7992

The proposed rule amendments may be modified if the modifications are supported by data and views submitted to the Agency and do not result in a substantial change in the proposed rule amendments as noticed.

The proposed rule amendments, if adopted, will increase fees for generators who ship 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal. The proposed amendments also change the due date for submittal of fees from June 10 of each year to September 30 of each year. Finally, the proposed amendments allow generators to prepay all or a portion of their fees. The proposed rule amendments are published below. One free copy of the rule amendments is available upon request from Dagmar Romano at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed rule amendments has been prepared and is available from Dagmar Romano upon request.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

If no hearing is required, upon adoption of the rule, the rule amendments and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule amendments, must submit the written request to Dagmar Romano.

Thomas J. Kalitowski
Executive Director

Rules as Proposed

7042.0030 LOW-LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Amount of fees.** A generator of low-level radioactive waste is subject to the following fees:

A. A generator who ships 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal is subject to a fee of ~~85 cents~~ $2.65 per cubic foot of low-level radioactive waste shipped per year.

B. [Unchanged.]

7042.0040 PAYMENT OF FEES.

Subpart 1. **Payment deadline.** A generator must submit to the director the fees and appropriate documentation of the volume of waste shipped no later than ~~June 10~~ September 30 of each year. Fees for wastes shipped in the previous calendar year ~~1984~~ are payable by ~~June 10, 1985~~ September 30 of the next calendar year. Checks shall be made payable to the state treasurer.

Subp. 2. **Prepayment option.** A generator may submit full or partial payment at any time prior to September 30, and the payment will be credited to the generator's obligation to pay fees.

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.

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Amendments to Minn. Rules
Pts. 7042.0030 and 7042.0040,
Low-Level Radioactive Waste
Generator Fee Rules

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of the proceeding is the proposed amendment of the rules of the Minnesota Pollution Control Agency (hereinafter "MPCA" or "Agency") governing the low-level radioactive waste generator fees. Under Minn. Rules pts. 7042.0010 and 7042.0060, Low-Level Radioactive Waste Generator Fee Rules, effective on May 20, 1985, all generators of low-level radioactive waste shipping 100 cubic feet or more per calendar year of low-level radioactive waste for disposal are subject to fees. These fees cover the costs incurred by the MPCA in carrying out its responsibilities under the Midwest Interstate Low-Level Radioactive Waste Compact (hereinafter "Compact"). The Compact was established pursuant to Minn. Stat. § 116C.831 and its companion legislation Minn. Stat. §§ 116C.833 - 116C.843 (1986). The proposed amendment to the rules governs the amount of the fee, the date of payment, and method of payment.

A Notice of Intent to Solicit Outside Opinion regarding the proposed rule amendments was published in the State Register on March 30, 1987. The notice provided a thirty-day comment period. The four major generators affected by the proposed rule amendment were contacted by telephone concerning the MPCA's intent to amend the rules.

A part of the statutory requirement for the rulemaking process is review and approval of the fee schedules in the rules by the Minnesota Commissioner of Finance. The approval of the Minnesota Commissioner of Finance is attached and incorporated by reference.

II. STATEMENT OF THE AGENCY'S STATUTORY AUTHORITY

These rules are proposed for amendment pursuant to the Agency's authority under Minn. Stat. § 116C.834 (1986).

The appropriation which the fees under the rule amendment are intended to cover was in the amount of $112,900. This appropriation which is set forth in Minn. Laws 1985, ch. 13, § 26, subd. 4, was intended to cover:

1. Minnesota's contribution to the Midwest Interstate Low-Level Radioactive Waste Commission.

2. Costs incurred by the MPCA director and his staff to attend Compact Commission meetings and participate in Compact activities. Pursuant to Minn. Stat. § 116C.833 (1986), the director of the MPCA is Minnesota's voting member on the Commission.

Based on the provision of Minn. Stat. § 116C.834 and the 1985 Legislature's appropriation, the Agency has the statutory authority to adopt fees which would result in the collection of $112,900.00.

III. STATEMENT OF NEED

In 1983, the Minnesota Legislature enacted Minn. Stat. § 116.831 (1986) by which Minnesota joined the Compact. The terms of the Compact require each party state to contribute a sum of money in order to fund the Commission's activities. In addition, funding is required for costs incurred by the State to carry out its activities under the compact. The Legislature in 1985 appropriated $112,900 to cover Minnesota's costs of membership in the Compact as well as the other expenses of the Agency director and his staff in participating in the

Commission's activities. To meet these obligations, the following disbursements have been made during fiscal years 1986 and 1987:

Fiscal Year 1986	$ 56,800
Fiscal Year 1987	56,100
TOTAL	$112,900

Of this amount, the Agency in 1986 collected $37,875.29. Therefore, the Agency must still collect $75,024.71 in order to reimburse the special revenue fund for the full appropriation of $112,900. The fees under the current rules are insufficient to collect the required amount. In order to comply with the Legislature's direction in Minn. Stat. § 116C.834 (1986) to collect these expenses from generators, there is a need to amend the rules to increase the generator fees.

IV. STATEMENT OF REASONABLENESS

Having determined the need for an increase in the low-level radioactive waste generator fees to collect an additional $75,024.71 by September 30, 1987, the Agency then had to decide on an approach to achieve the necessary increase. The existing rules are based on volume of low-level radioactive waste shipped and establish two categories: 1) generators who ship 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal; and 2) generators who ship at least 100 cubic feet but less than 1,000 cubic feet of low-level radioactive waste per year to a facility for disposal. The former category of generators are charged a fee of 85 cents per cubic foot of low-level radioactive waste shipped per year. The latter category of generators are charged a fee of $100 per year.

There are only four generators in Minnesota who ship 1,000 cubic feet or more of low-level radioactive waste per year: Honeywell, Northern States Power Company (NSP), the University of Minnesota, and Minnesota Mining and Manufacturing Company (3M). The Agency decided to increase the fees for this category of generators from 85 cents to $2.65 per cubic foot of low-level radioactive waste shipped per year. This means that all of the increase in fees will be borne by the four major generators. This is reasonable because those who generate and ship the large volumes of low-level radioactive waste are contributing the most to the need to manage, dispose of, and regulate these wastes. The four generators were contacted regarding the proposed rule amendment and they do not oppose the fee increase.

The level of the fee increase is reasonable because it will generate enough additional revenue so that the needed $75,024.71 will be collected by September 30, 1987. The breakdown of the revenue estimated to be generated from the four major generators is as follows:

Table 1: Estimated Revenues

Major Generators/ Shippers	Reported Volume Shipped (in ft.^{3})*	Estimated Fee
Northern States Power Co.	14,800	$39,220.00
Honeywell	7,965.5	21,108.58
University of Minnesota	4,050	10,732.50
3M	1,260	3,339.00
TOTAL	28,075.5	TOTAL $74,400.08

* Volume of waste shipped in calendar year 1986 as reported in a telephone survey conducted by the Agency's Division of Solid and Hazardous Waste.

The additional amount needed to make up the full $75,024.71 is expected to be collected from the second category of generators who pay the $100 per year flat fee.

The following discussion addresses the specific provisions of the proposed amendments to Minn. Rules pts. 7042.0030 and 7042.0040.

Part 7042.0030, subp. 2, item A, Amount of Fees

The Agency proposes to amend Minn. Rules pt. 7042.0030, subp. 2, item A to increase fees for generators who ship 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal. The proposed amendment increases the fee from 85 cents per cubic foot of low-level radioactive waste shipped per year to $2.65 per cubic foot of low-level radioactive waste shipped per year. As previously discussed, the proposed fee increase is reasonable because it will raise the necessary amount of revenue and because it imposes the fee increases on the generators whose low-level radioactive wastes are contributing the most to the need to manage, dispose of, and regulate these wastes.

Part 7042.0040, Payment of Fees

The Agency proposes to amend the existing rule to change the due date for submittal of fees and appropriate documentation from June 10 of each year to September 30 of each year. The Agency also proposes to amend the rule to provide that fees for waste shipped in the previous calendar year are payable by September 30 of the next calendar year. The change in the due date is proposed in order to give the Agency enough time to complete the rulemaking process, which will enable it to increase the fees. The September 30 due date is reasonable because it provides sufficient time for major low-level radioactive waste generators to calculate the volume of waste shipped in the previous calendar year, and for the Agency based on these calculations to complete the rulemaking process to increase the amount of generator fees.

The agency proposes to number the existing rule as subpart 1 and to add a new subp. 2. The proposed subp. 2 provides that full or partial payment of the fees may be submitted at any time before September 30, and that the payment will be credited to the generators' obligation to pay the fees. It is reasonable to provide the prepayment option because generator fee payments under the existing rules are due by June 10, 1987. Under Minn. Rules pt. 7042.0060, if the generator fails to pay the generator fee by the due date, a penalty will be assessed. The fee paid on June 10 will not be the total payment due for waste shipped during the calendar year 1986, due to the proposed increases in these amendments. Therefore, the prepayment option allows the generators to pay the fees due under the existing rules on June 10, with the remainder due September 30. This proposal is reasonable because it provides a logical way for generators to stay in compliance with the fee rules.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1986) requires the Agency, when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses:

a) the establishment of less stringent compliance or reporting requirements for small businesses;

b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

c) the consolidation or simplification of compliance or reporting requirements for small businesses;

d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

e) the exemption of small businesses from any or all requirements of the rule.

The proposed amendment to Minn. Rule pt. 7042.0030, subp. 2, item A, affects only the four major generators; namely, Honeywell, Northern States Power Company, the University of Minnesota and 3M and therefore has no impact on small business. The proposed amendments to Minn. Rule pt 7042.0040 may help small businesses in future years by allowing them to make partial prepayments of their fees, thereby avoiding having to pay a larger sum at a later date.

VI. CONCLUSION

Based on the foregoing, the proposed amendments to Minn. Rules, pts. 7042.0030 - 7042.0040 are both needed and reasonable.

Dated: April 15, 1987

THOMAS J. KALITOWSKI
Executive Director

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Finance

DATE : April 27, 1987

TO : Thomas J. Kalitowski, Executive Director
Pollution Control Agency

FROM : Bruce J. Reddemann, Director
Budget Operations and Support

BJR.

PHONE : 296-5188

SUBJECT : Fee Schedule Approval and Request for Indirect Cost Waiver (APID 42000-80-12)

RECEIVED
MAY 13 198
ATTORNEY GENERAL'S OFFICE
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155

The low-level radioactive waste generation fee proposal for fiscal year 1987 is approved as submitted.

The request for a waiver of statewide and agency indirect costs is also approved for fiscal year 1987, as the appropriation did not include an amount for indirect costs.

Rates for fiscal year 1988 should be adjusted to include statewide and agency indirect costs.

BO/BJR/BN/SC/319T

Pollution Control Agency
Solid and Hazardous Waste Division

Notice of Intent to Solicit Outside Opinions Concerning Proposed Amendments to Rules for Establishing Fee Systems for Generators of Low-Level Radioactive Waste

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) is seeking information and opinions from sources outside the Agency in preparing amendments to rules adopted pursuant to Minn. Stat. § 116C.834 (1986), which requires establishment of a fee system for generators of low-level radioactive waste (LLRW), to provide funds for carrying out Minnesota's responsibilities in the Midwest Interstate Low-Level Radioactive Waste Compact.

The Agency requests information and comments concerning the subject matter of the proposed amendments. Written or oral statements and comments concerning these matters will be accepted for consideration until April 29, 1987 and should be addressed to:

Ms. Dagmar M. Romano
Solid and Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone Number: 612/296-7992

Oral statements will be accepted during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, at 612/296-7992 or in person at the above address.

Any written material received by the Agency shall become part of the record regarding the amendments to these rules.

Dated: 24 March 1987

Thomas J. Kalitowski, Executive Director

Department of Public Safety

Notice to All Minnesota Businesses Regarding Requirements of the Superfund Amendments and Reauthorization Act of 1986

The Superfund Amendments and Reauthorization Act (SARA) of 1986 includes a section (Title III) on emergency planning and community right-to-know. The federal legislation requires that any company that has a chemical or chemicals on the list of 402 extremely hazardous chemicals found in 40 CFR 300 in excess of the Threshold Planning Quantity must notify the state commission by May 17, 1987. Those notifications and all future required notifications should be made to the following address in Minnesota:

State Emergency Response Commission
% Thomas Motherway, Director
Division of Emergency Services
Room B5, State Capitol
St. Paul, Minnesota 55155

The Division of Emergency Services has been designated as the lead state agency for the law, and emergency reporting of a chemical release should be made to the state emergency number 612/778-0800.

Department of Public Service
Energy Division

Outside Opinion Sought for Proposed Amendments to Residential Thermal Insulation Standards

Notice is hereby given that the Department of Public Service (DPS) is seeking information or opinions from sources outside the agency in preparing amendments to Minn. Rules Chapter 4155, Residential Thermal Insulation Standards (as proposed at 9 S.R. 2424 and as adopted at 10 S.R. 1208). The adoption of these rules is authorized by Minnesota Statutes, sections 325F.20, subdivision 1 and 325F.21, subdivisions 1 and 2.

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Pts. 7042.0030 and 7042.0040 Low-Level Radioactive Waste Generator Fee Rules

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE AMENDMENTS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 28th day of July, 1987. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, 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, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on May 18, 1987 (11 S.R. 2106), and was sent by mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) on May 14, 1987.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

3. All persons were given the opportunity to submit comments on the rule amendments for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on June 17, 1987.

4. During the comment period the Agency received one written comment from the North American Water Office. Although the letter expressed the author's intention to request a public hearing at a later date, no requests for public hearing on the proposed rule amendments were subsequently received.

5. No requests for notice of submission to the Attorney General were received by the Agency.

6. The Agency finds that no modifications to the proposed rule amendments are justified by the record in this proceeding.

7. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rule amendments. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings.

8. The above-captioned rule amendments are needed and reasonable.

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 the rule amendments without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules pts. 7042.0030 and 7042.0040 governing low-level radioactive waste generator fees are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116C.834 (1986).

MINNESOTA POLLUTION CONTROL AGENCY

Dated: July 28, 1987

Barbara Lindsey Sims for
Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Pts. 7042.0030 and 7042.0040 Low-Level Radioactive Waste Generator Fee Rules

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE AMENDMENTS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 28th day of July, 1987. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, 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, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on May 18, 1987 (11 S.R. 2106), and was sent by mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) on May 14, 1987.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

3. All persons were given the opportunity to submit comments on the rule amendments for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on June 17, 1987.

4. During the comment period the Agency received one written comment from the North American Water Office. Although the letter expressed the author's intention to request a public hearing at a later date, no requests for public hearing on the proposed rule amendments were subsequently received.

5. No requests for notice of submission to the Attorney General were received by the Agency.

6. The Agency finds that no modifications to the proposed rule amendments are justified by the record in this proceeding.

7. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rule amendments. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings.

8. The above-captioned rule amendments are needed and reasonable.

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 the rule amendments without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules pts. 7042.0030 and 7042.0040 governing low-level radioactive waste generator fees are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116C.834 (1986).

MINNESOTA POLLUTION CONTROL AGENCY

Dated: July 28, 1987

Barbara Lindsey Sims
for Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Pts. 7042.0030 and 7042.0040, Low-Level Radioactive Waste Generator Fee Rules

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Dagmar Romano, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) that their names be placed on the Minnesota Pollution Control Agency's rulemaking mailing list is accurate, complete, and current as of this 14th day of May, 1987.

That on the 14th day of May, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rule Amendments Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States Mail or in the United States mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Dagmar Romano

Subscribed and sworn to before me this 14th day of May, 1987.

Mary Ann Hammer
Notary Public

MARY ANN HAMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 10, 1991

ADHESIVE & SEALANT COUNCIL
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ATTN JOSEPH HENSEL
506 FIRST AVE N E
BOX 6057
ROCHESTER MN 55901 7

ROOSEVELT JR HIGH
MARK GUGISBERG
650 N E MAIN ST
BLAINE MN 55434 7

RUTH SAARI
3901 49TH ST W #305
MINNEAPOLIS MN 55424 7

SID SANFORD
7000 PORTLAND AVE
RICHFIELD MN 55423 7

SARGENT & LUNDY ENGINEERS
55 EAST MONROE ST
CHICAGO IL 60603 7

A B SCHAEFER JR
14900 61ST ST N
STILLWATER MN 55082 7

FORREST W SEYMOUR
2870 HUMBOLDT AVE S #2
MINNEAPOLIS MN 55408 7

SHELDAHL
ATTN DAVID MILLER
N HWY 3
NORTHFIELD MN 55057 7

SHELL ENGINEERING & ASSOC
1804 VANDIVER DR
P O BOX 548
COLUMBIA MO 65205 7

THE SHERWIN-WILLIAMS CO
ATTN D A COHAGAN
101 PROSPECT AVE N W
CLEVELAND OH 44115 7

SIERRA CLUB-PROJ ENV
NELSON FRENCH
SUITE 323
1313 5TH ST S E
MINNEAPOLIS MN 55414 7

BETTY SIMS
2149 GOODRICH AVE
ST PAUL MN 55105 7

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

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

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

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

TECH SALES CO.
ATTN: DAN ENGSTRAND
311 W 44th St.
Minneapolis, MN 55409

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

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

TWIN CITY ASSN OF METAL
FINISHERS PHILLIP KLEIN
300 HANOVER BLDG
480 CEDAR ST
ST PAUL MN 55101 7

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

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

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

UNION CARBIDE CORP
ATTN M WILKINS
39 OLD RIDGEBURY RD E2289
DANBURY CT 06817 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

WASHINGTON CO ADMIN
CHARLES SWANSON
14900 61ST ST N
STILLWATER MN 55082 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 8

EDWARD F FAIRBANKS
ROUTE 3 BOX 867
BEMIDJI MN 56601 8

WILLIAM MITCHGELL COLLEGE
OF LAW
ATTN PROF MARCIA GELPE
875 SUMMIT AVE
ST PAUL MN 55102 8

RUSSELL W DOMINO
23 WEST RD
CIRCLE PINES MN 55014 8

CITY OF WINONA
ATTN ROBERT J BOLLANT
4TH & LAFAYETTE ST
WINONA MN 55987 8

WINTHROP WEINSTINE &
SEXTON
1800 CONWED TOWER
444 CEDAR ST
ST PAUL MN 55101 8

DANIEL D FOLEY M D
427 SOUTH O'DAY CIRCLE
MAPLEWOOD MN 55119 8

JANET C GREEN
10550 OLD N SHORE RD
DULUTH MN 55804 8

DUANE A DAHLBERG PH D
421 HORN AVENUE S
MOORHEAD MN 56560 8

KEITH H LANGMO
618 WEST CRESCENT LANE
LITCHFIELD MN 55355 8

ARNOLD ONSTAD
204 SECOND ST S E
SPRING GROVE MN 55974 8

RUTH ERICSON
80 EDISON BLVD
SILVER BAY MN 55614 8

ANGIO MEDICS
ATTN RICK BENNETT
2905 N W BLVD
MINNEAPOLIS MN 55441

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

AL BALDUS
CENEX
BOX 43089
ST PAUL MN 55164 SHW

JOHN FINDLEY
BRAUN ENVIRONMENTAL LAB
6800 S COUNTY RD 18
MINNEAPOLIS MN 55435 SHW

DONALD BURGER
501 22ND AVE N E
MINNEAPOLIS MN 55418 SHW

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

JAMES CORBETT delete
703 S 10[illegible]T
MINNEAPOLIS MN 55404 SHW

C J SCHULTZ LEGAL ASST
DEWITT SUNDBY HUGGETT
SCHUMACHER & MORGAN
6515 GRAND TETON PLAZA #120
MADISON WI 53719 SHW

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

ECRDC
119 SOUTH LAKE STREET
MORA MN 55051 SHW

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

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

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

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

HARSTAD & RAINBOW
PATRICIA LEONARD-MAYER
1036 NORWEST MIDLAND BLDG
MINNEAPOLIS MN 55401 SHW

HAYES CONTRACTORS
PATSY ANDERSON
1010 CURRIE AVE N
MINNEAPOLIS MN 55403 SHW

EDITOR
HAZARDOUS MATERIALS
P O BOX 535
CAMBRIDGE MA 02238 SHW

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

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

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

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

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

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

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

BARBARA LUKERMAN
2211 FOLWELL ST
ST PAUL MN 55103 SHW

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

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

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

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

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

GREGORY WERSAL
7841 WAYZATA BLVD
MINNEAPOLIS MN 55426 SHW

GAIL SUCHMAN
MPIRG
2412 UNIVERSITY AVE SE
MINNEAPOLIS MN 55414 SHW

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

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

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

PORTAGE SANITARY LANDFILL
AUTHORITY
CRANE LAKE MN 55725 SHW

DOUG PROEHL
R F D 2
WINTHROP MN 55396 SHW

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

TOM REES
22300 PENN AVENUE
LAKEVILLE MN 55044 SHW

CITY OF RICHFIELD
PAULA OKERSTROM
6700 PORTLAND AVE S
RICHFIELD MN 55423 SHW

SALLY EVERT
CHAIRMAN WASHINGTON CO
BOARD OF COMMISSIONERS
14900 61ST ST NO
STILLWATER MN 55082 SHW

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

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
ST PAUL MN 55155

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 & ECON DVLPMT
ATTN DAVID SPEER
900 AMERICAN CENTER BLDG
150 E KELLOGG BLVD
ST PAUL MN 55101

DEPT OF ENERGY & ECON DVLPMT
ATTN CHARLES SCHAFFER
900 AMERICAN CENTER BLDG
150 E KELLOGG BLVD
ST PAUL MN 55101

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

MN DNR
SAFETY DIR
BOX 16
500 LAFAYETTE RD
ST PAUL MN

LEGISLATIVE COMM ON
WASTE MANAGEMENT
ATTN: KIM AUSTRIAN
ROOM 85
STATE OFFICE BLDG.

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

MEEB CENTRAL OFFICE
ATTN RAY QUINN
BOX 5 500 LAFAYETTE RD
ST PAUL MN 55146

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

MWCC
ATTN HELEN BOYER
350 METRO SQUARE BLDG
ST PAUL MN 55101

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

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Pts. 7042.0030 and 7042.0040, Low-Level Radioactive Waste Generator Fee Rules

AFFIDAVIT REGARDING REQUESTS FOR NOTICE OF SUBMISSION OF RULE AMENDMENTS TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Dagmar Romano, being duly sworn, deposes and says as follows:

1. That she is the person named in the "Notice of Intent to Adopt Rule Amendments Without a Public Hearing" (11 S.R. 2106, May 18, 1987) as the person to receive requests for notice of submission of the above-entitled rule amendments to the Attorney General.

2. That no requests for notice of submission of the rule amendments to the Attorney General have been received.

Dagmar Romano

Subscribed and sworn to before me
this 28TH day of July, 1987.

Darlene C. Williams
Notary Public

DARLENE C. WILLIAMS
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 9-5-92

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Amendments to Minn. Rules
Pts. 7042.0030 and 7042.0040,
Low-Level Radioactive Waste
Generator Fee Rules

DECLARATION OF COUNSEL

I, Jocelyn F. Olson, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 75.F216.0705.

Jocelyn F. Olson

Jocelyn F. Olson
Special Assistant
Attorney General

CERTIFICATE OF RESOLUTION ADOPTING RULES

I, Thomas J. Kalitowski, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 28th day of July, 1987, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Minnesota Pollution Control Agency (Agency) hereby approves and adopts the attached amendments to Minn. Rules pts. 7042.0030 and 7042.0040, Low-Level Radioactive Waste Generator Fee Rules, pursuant to the authority vested in the Agency by Minn. Stat.§ 116C.834 (1986).
>
> BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Executive Director is authorized to make any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.28 (1986).
>
> BE IT FURTHER RESOLVED, that the Agency adopts the attached Findings of Fact, Conclusions, and Order Adopting Rule Amendments and that the Executive Director is hereby authorized to sign the above-mentioned document on behalf of the Agency and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28th day of July, 1987.

for Barbara Lindsey Sims
THOMAS J. KALITOWSKI
Executive Director

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Pts. 7042.0030 and 7042.0040, Low-Level Radioactive Waste Generator Fee Rules

AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Dagmar Romano, being duly sworn, deposes and says as follows:

1. That she is the person named as the persons to receive written statements solicited in the "Notice of Intent to Solicit Outside Opinions Concerning Proposed Amendments to Rules for Establishing Fee Systems for Generators of Low-Level Radioactive Waste" (hereinafter "Notice to Solicit Outside Opinion") as published in the State Register on March 30, 1987 (11 S.R. 1797).

2. That no written comments were received pursuant to the Notice of Intent to Solicit Outside Opinion.

Dagmar Romano

Subscribed and sworn to before me this 22nd day of June, 1987.

Notary Public

MARY ANN HAMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 10, 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

ADDRESS REPLY TO:
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155
TELEPHONE: (612) 297-1075

RECEIVED
ATTORNEY GENERAL'S OFFICE
JUL 29 1987
204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

July 29, 1987

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

Re: In the Matter of Proposed Amendments to Minn. Rules pts. 7042.0030 and 7042.0040, Low-Level Radioactive Waste Generator Fee Rules

Dear Mr. Miles:

On July 28, 1987, the Minnesota Pollution Control Agency adopted the above-captioned rule amendments governing low-level radioactive waste generator fees. Enclosed for your review are the following:

1. Rule amendments as adopted (original and three copies).

2. Findings of Fact, Conclusions, and Order Adopting Rule Amendments (two copies).

3. Certificate of Resolution Adopting Rules.

4. Notice of Intent to Solicit Outside Opinion (11 S.R. 1797, March 30, 1987).

5. Affidavit Regarding Comments Received Pursuant to Notice of Intent to Solicit Outside Opinion.

6. Certificate of Authorizing Resolution.

7. Notice of Intent to Adopt Rule Amendments Without a Public Hearing and rules as proposed (11 S.R. 2106, May 18, 1987).

8. Comment received during the comment period.

9. Notice of Intent to Adopt Rule Amendments Without a Public Hearing, as mailed.

10. Affidavit of Mailing the Notice of Intent to Adopt Rule Amendments Without a Public Hearing and Certificate of Mailing List.

11. Rule amendments as proposed.

12. Statement of Need and Reasonableness.

13. Declaration of Counsel.

14. Affidavit Regarding Requests for Notice of Submission of Rule Amendments to the Attorney General.

Very truly yours,

Jocelyn F. Olson

JOCELYN F. OLSON
Special Assistant
Attorney General

Environmental Protection
Division

Fees well approved by Commissioner of Finance
- see attachment to St. of Need & Reasonableness.

Rule

See proposed - only few changes.

Authority

116 c. 834 Indirect, but I think ok