

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

In the Matter of the Proposed Adoption
of the Rule of the State of Minnesota
Governing Teacher Licensure.

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

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

Nancy G. Ringold, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed of the state Board of Teaching rulemaking mailing list is accurate, complete, and current as of this 4 day of March, 1988.

That on the 4th day of March, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a rule without a public hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Nancy G. Ringold
Name

Administrative Assistant
Title

Subscribed and sworn to before me this 4 day March, 1988.

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MY COMMISSION EXPIRES OCTOBER 4, 1990

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CAMPBELL PUBLIC SCHOOLS
BOX 8

CAMPBELL MN 56522

REBECCA CONNOLLY
CONTINUING EDUCATION CHAIRPERSON
CARLTON PUBLIC SCHOOLS
BOX 310

CARLTON MN 55718

VAL GAGNON
CONTINUING EDUCATION CHAIRPERSON
CATHEDRAL
702 SUMMIT

CROOKSTON MN 56716

CONTINUING EDUCATION CHAIRPERSON
CENTRAL STEARNS COOP CNTR
ROCORI SENIOR HIGH

COLD SPRING MN 56320

CINA CHAPMAN
CONTINUING EDUCATION CHAIRPERSON
CHASKA PUBLIC SCHOOLS
1700 CHESTNUT

CHASKA MN 55318

ED BECKERS
CONTINUING EDUCATION CHAIRPERSON

BUFFALO PUBLIC SCHOOLS
214 N.E. 1ST AVE.

BUFFALO MN 553

THOMAS TREETER
CONTINUING EDUCATION CHAIRPERSO
BURNSVILLE PUBLIC SCHOOLS
100 RIVER RIDGE COURT

BURNSVILLE MN 553

JANA DITTMER
CONTINUING EDUCATION CHAIRPERSO
CALEDONIA PUBLIC SCHOOLS
W. MAIN ST.

CALEDONIA MN 559

WILLIAM DELANEY
CONTINUING EDUCATION CHAIRPERSO
CANBY PUBLIC SCHOOLS
307 1ST ST. W.

CANBY MN 562

CONTINUING EDUCATION CHAIRPERSO
CARVER-SCOTT COOP CNTR
401 E. 4TH ST.

CHASKA MN 553

J.C. WATTERS
CONTINUING EDUCATION CHAIRPERSO
CENTENNIAL PUBLIC SCHOOLS
4707 NORTH RD.

CIRCLE PINES MN 5501

ROSEMARY ROSENBERG
CONTINUING EDUCATION CHAIRPERSO
CEYLON PUBLIC SCHOOLS
301 W. GRANT

CEYLON MN 5612

MARSHA DUFFY
CONTINUING EDUCATION CHAIRPERSO
CHATFIELD PUBLIC SCHOOLS

CHATFIELD MN 5592

RONALD PAGGEN
CONTINUING EDUCATION CHAIRPERSON

DAN VON BANK
CONTINUING EDUCATION CHAIRPERSON
CLARA CITY PUBLIC SCHOOLS
BOX 590

CLARA CITY MN 56222

SUSAN STEINKE
CONTINUING EDUCATION CHAIRPERSON
CLARKFIELD PUBLIC SCHOOLS

CLARKFIELD MN 56223

PAT GALE
CONTINUING EDUCATION CHAIRPERSON
CLIMAX PUBLIC SCHOOLS
BOX 45

CLIMAX MN 56523

BRIAN ENGELKING
CONTINUING EDUCATION CHAIRPERSON
COLD SPRING PUBLIC SCHOOLS
ROCORI HIGH SCHOOL

COLD SPRING MN 56320

JANA OLSON
CONTINUING EDUCATION CHAIRPERSON
COMFREY PUBLIC SCHOOLS
BOX 68

COMFREY MN 56019

ROY RASMUSSEN
CONTINUING EDUCATION CHAIRPERSON
COOK COUNTY PUBLIC SCHOOLS
BOX F

GRAND MARAIS MN 55604

CONTINUING EDUCATION CHAIRPERSON
COTTONWOOD RIVER COOP CNTR
RT. 1, BOX 184

SPRINGFIELD MN 56087

SANDRA POLICH
CONTINUING EDUCATION CHAIRPERSON
CROSBY PUBLIC SCHOOLS

CROSBY MN 56441

MIKE [illegible]

JON ROSS
CONTINUING EDUCATION CHAIRPERSON
CLAREMONT PUBLIC SCHOOLS
BOX C

CLAREMONT MN 55924

LINDA OSTROM
CONTINUING EDUCATION CHAIRPERSON
CLEARBROOK PUBLIC SCHOOLS

CLEARBROOK MN 56634

KATHY RANDALL
CONTINUING EDUCATION CHAIRPERSON
CLINTON PUBLIC SCHOOLS
BOX 361

CLINTON MN 56225

DONNA ARSENAULT
CONTINUING EDUCATION CHAIRPERSON
COLERAINE PUBLIC SCHOOLS
ROOSEVELT AVE.

COLERAINE MN 55722

JUDY LEDEBOER
CONTINUING EDUCATION CHAIRPERSON
COMMUNITY CHRISTIAN
1300 19TH AVE. S.W.

WILLMAR MN 56201

DALE HUSKA
CONTINUING EDUCATION CHAIRPERSON
COSMOS PUBLIC SCHOOLS
320 N. SATURN ST.

COSMOS MN 56228

DEBRA LEVINSKI
CONTINUING EDUCATION CHAIRPERSON
CROMWELL PUBLIC SCHOOLS

CROMWELL MN 55726

KATHLEEN AXTMANN
CONTINUING EDUCATION CHAIRPERSON
CYRUS PUBLIC SCHOOLS
BOX 39

CYRUS MN 56323

[illegible]

STEPHEN SMALLEY
CONTINUING EDUCATION CHAIRPERSO
CLARISSA PUBLIC SCHOOLS

CLARISSA MN 564

SARAH PETERSON
CONTINUING EDUCATION CHAIRPERSO
CLEVELAND PUBLIC SCHOOLS
BOX 310

CLEVELAND MN 560

JAMES BOYD
CONTINUING EDUCATION CHAIRPERSO
CLOQUET PUBLIC SCHOOLS
509 CARLTON AVE.

CLOQUET MN 557

LINDA ERNST
CONTINUING EDUCATION CHAIRPERSO
COLUMBIA HEIGHTS PUBLIC SCHOOLS
1400 49TH AVE. N.E.

COLUMBIA HEIGHTS MN 554

DARLENE DAILEY
CONTINUING EDUCATION CHAIRPERSO
CONVENT OF THE VISITATION
2455 VISITATION ROAD

ST. PAUL MN 551

ANNE ISAACKSON
CONTINUING EDUCATION CHAIRPERSO
COTTONWOOD PUBLIC SCHOOLS
BOX 107

COTTONWOOD MN 562

SANDI SMITH
CONTINUING EDUCATION CHAIRPERSO
CROOKSTON PUBLIC SCHOOLS
415 JACKSON ST.

CROOKSTON MN 567

JOE LEBENS
CONTINUING EDUCATION CHAIRPERSO
DAKOTA COUNTY INTERM DIST
1300 145TH ST. E.

ROSEMOUNT MN

DEER CREEK MN 56527

VIRGEAN GRIENSEWIC
CONTINUING EDUCATION CHAIRPERSON
DELAVAN PUBLIC SCHOOLS
BOX 125

DELAVAN MN 56023

LINDA CLAPHAN
CONTINUING EDUCATION CHAIRPERSON
DODGE CENTER PUBLIC SCHOOLS
BOX 40

DODGE CENTER MN 55927

KATHERINE MOORE
CONTINUING EDUCATION CHAIRPERSON
DULUTH CATHEDRAL
1215 RICE LAKE ROAD

DULUTH MN 55811

LINDA HAUGE
CONTINUING EDUCATION CHAIRPERSON
EAST CHAIN PUBLIC SCHOOLS
ROUTE 1

BLUE EARTH MN 56013

LARRY SCHUELER
CONTINUING EDUCATION CHAIRPERSON
ECHO PUBLIC SCHOOLS
BOX 246

ECHO MN 56237

MYRA ALBERTSON
CONTINUING EDUCATION CHAIRPERSON
EDGERTON PUBLIC SCHOOLS
BOX 28

EDGERTON MN 56128

F FERDEN
CONTINUING EDUCATION CHAIRPERSON
ELGIN PUBLIC SCHOOLS
70 1ST ST. S.E.

ELGIN MN 55932

DANIEL LORANG
CONTINUING EDUCATION CHAIRPERSON
ELLSWORTH PUBLIC SCHOOLS
BOX 8

ELLSWORTH

DEER RIVER MN 56636

WILLIAM BARTON
CONTINUING EDUCATION CHAIRPERSON
DETROIT LAKES PUBLIC SCHOOLS
702 LAKE AVE.

DETROIT LAKES MN 56501

JAMES HOBBS
CONTINUING EDUCATION CHAIRPERSON
DOVER-EYOTA PUBLIC SCHOOLS
BOX 268

EYOTA MN 55934

LONNA STEVENSON
CONTINUING EDUCATION CHAIRPERSON
EAGLE BEND PUBLIC SCHOOLS
BOX K

EAGLE BEND MN 56446

GLEN TREMBATH
CONTINUING EDUCATION CHAIRPERSON
EAST GRAND FORKS PUBLIC SCHOOLS
BOX 151

EAST GRAND FORKS MN 56721

MARCIA PEDERSON
CONTINUING EDUCATION CHAIRPERSON
EDEN PRAIRIE PUBLIC SCHOOLS
8100 SCHOOL RD.

EDEN PRAIRIE MN 55344

MARILYN BENSON
CONTINUING EDUCATION CHAIRPERSON
EDINA PUBLIC SCHOOLS
5555 W. 70TH ST.

EDINA MN 55435

DOUGLAS WARNEKE
CONTINUING EDUCATION CHAIRPERSON
ELK RIVER PUBLIC SCHOOLS
400 SCHOOL ST.

ELK RIVER MN 55330

DAN BUTLER
CONTINUING EDUCATION CHAIRPERSON
ELMORE PUBLIC SCHOOLS
BOX 98

DELANO MN 553

KEN EMERSON
CONTINUING EDUCATION CHAIRPERSO
DILWORTH PUBLIC SCHOOLS
BOX 188

DILWORTH MN 565

CAROL BACIG
CONTINUING EDUCATION CHAIRPERSO
DULUTH PUBLIC SCHOOLS
LAKE AVE. & 2ND ST.

DULUTH MN 558

RENE STADIN
CONTINUING EDUCATION CHAIRPERSON
EAST CENTRAL COOP
BOX 102

SANDSTONE MN 550

CONTINUING EDUCATION CHAIRPERSON
EAST RANGE VOC COOP CNTR
6TH AVE., TECHNICAL BLDG.

VIRGINIA MN 557

GARY KUNSTAL
CONTINUING EDUCATION CHAIRPERSON
EDEN VALLEY PUBLIC SCHOOLS
BOX 100

EDEN VALLEY MN 553

RICHARD S BOYACK
CONTINUING EDUCATION CHAIRPERSON
ELBOW LAKE PUBLIC SCHOOLS
411 1ST ST. S.E.

ELBOW LAKE MN 565

MARIANNE STONE
CONTINUING EDUCATION CHAIRPERSON
ELLENDALE PUBLIC SCHOOLS
BOX 428

ELLENDALE MN 560

BOB JALONEN
CONTINUING EDUCATION CHAIRPERSON
ELY PUBLIC SCHOOLS
600 E. HARVEY ST.

CONTINUING EDUCATION CHAIRPERSON
EVANSVILLE PUBLIC SCHOOLS
123 2ND AVE.

EVANSVILLE MN 56326

DUANE BELSETH
CONTINUING EDUCATION CHAIRPERSON
FAIRMONT PUBLIC SCHOOLS
115 S. PARK ST.

FAIRMONT MN 56031

NANCY SMITH
CONTINUING EDUCATION CHAIRPERSON
FERGUS FALLS PUBLIC SCHOOLS
600 FRIBERG AVE.

FERGUS FALLS MN 56537

BONNIE NYGREN
CONTINUING EDUCATION CHAIRPERSON
FISHER PUBLIC SCHOOLS
BOX 37

FISHER MN 56723

MARLYS KILEN
CONTINUING EDUCATION CHAIRPERSON
FOND DU LAC OJIBWAY
105 UNIVERSITY ROAD

CLOQUET MN 55720

DANIEL BJOKNE
CONTINUING EDUCATION CHAIRPERSON
FOURTH BAPTIST CHRISTIAN
2105 FREMONT AVE. N.

MINNEAPOLIS MN 55411

GLENNIS OLSON
CONTINUING EDUCATION CHAIRPERSON
FRAZEE PUBLIC SCHOOLS
BOX 186

FRAZEE MN 56544

DONALD FUNK
CONTINUING EDUCATION CHAIRPERSON
FULDA PUBLIC SCHOOLS

FULDA MN 56131

ELAINE HERMANSON
CONTINUING [illegible]

CONTINUING EDUCATION CHAIRPERSON
EVELETH PUBLIC SCHOOLS
801 JONES ST.

EVELETH MN 55734

ELLEN/DENNIS BISPING/GLYNN
CONTINUING EDUCATION CHAIRPERSON
FARIBAULT PUBLIC SCHOOLS
2855 N.W. 1ST AVE.

FARIBAULT MN 55021

RON J SALEER
CONTINUING EDUCATION CHAIRPERSON
FERTILE PUBLIC SCHOOLS
HWY. 32 S.

FERTILE MN 56540

JILL MOODY
CONTINUING EDUCATION CHAIRPERSON
FLOODWOOD PUBLIC SCHOOLS
BOX 237

FLOODWOOD MN 55736

PATRICIA STEICHEN
CONTINUING EDUCATION CHAIRPERSON
FOREST LAKE PUBLIC SCHOOLS
6100 210TH ST. N.

FOREST LAKE MN 55025

SANDRA WALWORTH
CONTINUING EDUCATION CHAIRPERSON
FRANKLIN PUBLIC SCHOOLS
BOX 38

FRANKLIN MN 55333

JOHN DEGNER
CONTINUING EDUCATION CHAIRPERSON
FREEBORN PUBLIC SCHOOLS
BOX 155

FREEBORN MN 56032

EVETTE INGVALSON
CONTINUING EDUCATION CHAIRPERSON
GARDEN CITY PUBLIC SCHOOLS

GARDEN CITY MN 56034

DELORES RATHMAN
CONTINUING EDUCATION CHAIRPERSON

CONTINUING EDUCATION CHAIRPERSON
FAIRFAX PUBLIC SCHOOLS
BOX 489

FAIRFAX MN 5533

GARY BURR
CONTINUING EDUCATION CHAIRPERSON
FARMINGTON PUBLIC SCHOOLS
510 WALNUT ST.

FARMINGTON MN 5502

WILLIAM SKARICH
CONTINUING EDUCATION CHAIRPERSON
FINLAYSON PUBLIC SCHOOLS

FINLAYSON MN 5573

WILLIAM SAMSA
CONTINUING EDUCATION CHAIRPERSON
FOLEY PUBLIC SCHOOLS
520 DEWEY ST.

FOLEY MN 5632

J. WAHLLIN
CONTINUING EDUCATION CHAIRPERSON
FOSSTON PUBLIC SCHOOLS
E. HWY. 2

FOSSTON MN 5654

PAM JUUL
CONTINUING EDUCATION CHAIRPERSON
FRASER SCHOOL, INC.
2400 WEST 64TH ST.

MINNEAPOLIS MN 5542

PAULA GRIEBEL
CONTINUING EDUCATION CHAIRPERSON
FRIDLEY PUBLIC SCHOOLS
6000 W. MOORE LAKE DR.

FRIDLEY MN 5543

MYRTLE HANSON
CONTINUING EDUCATION CHAIRPERSON
GARY PUBLIC SCHOOLS
BOX 47

GARY MN 565[illegible]

GAYLE ROSELL
CONTINUING EDUCATION CHAIRPERSON

ELAINE HERMANSON
CONTINUING EDUCATION CHAIRPERSON
GAYLORD PUBLIC SCHOOLS
BOX 356

GAYLORD MN 55334

BETTY HAUKEBO
CONTINUING EDUCATION CHAIRPERSON
GLENCOE PUBLIC SCHOOLS
1621 E. 16TH ST.

GLENCOE MN 55336

LOIS JENSEN
CONTINUING EDUCATION CHAIRPERSON
GLYNDON PUBLIC SCHOOLS

GLYNDON MN 56547

HELEN ANDERSON
CONTINUING EDUCATION CHAIRPERSON
GOODRIDGE PUBLIC SCHOOLS
BOX 195

GOODRIDGE MN 56725

ILA JOHNSON
CONTINUING EDUCATION CHAIRPERSON
GRAND MEADOW PUBLIC SCHOOLS
BOX 68

GRAND MEADOW MN 55936

RICHARD CHURCHILL
CONTINUING EDUCATION CHAIRPERSON
GREENBUSH PUBLIC SCHOOLS
BOX 70

GREENBUSH MN 56726

ARCHIE WALKER
CONTINUING EDUCATION CHAIRPERSON
GROVES LEARNING CENTER
3200 HWY. 100 SOUTH

ST. LOUIS PARK MN 55416

CEATA COOK
CONTINUING EDUCATION CHAIRPERSON
HALSTAD PUBLIC SCHOOLS

HALSTAD MN 56548

EDWIN [illegible]

DELORES RATHMAN
CONTINUING EDUCATION CHAIRPERSON
GIBBON PUBLIC SCHOOLS
323 E. 11TH ST.

GIBBON MN 55335

SUSAN ETIENNE
CONTINUING EDUCATION CHAIRPERSON
GLENVILLE PUBLIC SCHOOLS
230 5TH ST. S.E.

GLENVILLE MN 56036

KATHY IMLE
CONTINUING EDUCATION CHAIRPERSON
GONVICK PUBLIC SCHOOLS

GONVICK MN 56644

CHERYL TRUNNELL
CONTINUING EDUCATION CHAIRPERSON
GRACEVILLE PUBLIC SCHOOLS
BOX 398

GRACEVILLE MN 56240

HENRY/NANCY JOHNSON/GROSE
CONTINUING EDUCATION CHAIRPERSON
GRAND RAPIDS PUBLIC SCHOOLS
320 N. POKEGAMA AVE.

GRAND RAPIDS MN 55744

HERB JOHNSON
CONTINUING EDUCATION CHAIRPERSON
GREY EAGLE PUBLIC SCHOOLS

GREY EAGLE MN 56336

DEB CLEVEN
CONTINUING EDUCATION CHAIRPERSON
GRYGLA PUBLIC SCHOOLS
BOX 18

GRYGLA MN 56727

TIMOTHY DOLAN
CONTINUING EDUCATION CHAIRPERSON
HANCOCK PUBLIC SCHOOLS
BOX 367

HANCOCK MN 56244

[illegible]

[illegible]
CONTINUING EDUCATION CHAIRPERSON
GILBERT PUBLIC SCHOOLS

GILBERT MN 55741

TERRI ELSEY
CONTINUING EDUCATION CHAIRPERSON
GLENWOOD PUBLIC SCHOOLS
N.E. 2ND AVE.

GLENWOOD MN 56334

RONALD EVJEN
CONTINUING EDUCATION CHAIRPERSON
GOODHUE PUBLIC SCHOOLS
510 3RD AVE.

GOODHUE MN 55027

LYLAH ROSA
CONTINUING EDUCATION CHAIRPERSON
GRANADA-HUNTLEY PUBLIC SCHOOLS
BOX 17

GRANADA MN 56039

TERI NORTON
CONTINUING EDUCATION CHAIRPERSON
GRANITE FALLS PUBLIC SCHOOLS
450 9TH AVE.

GRANITE FALLS MN 56241

JUDITH OLSON
CONTINUING EDUCATION CHAIRPERSON
GROVE CITY PUBLIC SCHOOLS
BOX 278

GROVE CITY MN 56243

DEBORAH FINNEY
CONTINUING EDUCATION CHAIRPERSON
HALLOCK PUBLIC SCHOOLS
BOX L

HALLOCK MN 56728

DOUG CARLSON
CONTINUING EDUCATION CHAIRPERSON
HARMONY PUBLIC SCHOOLS
145 MAIN AVE. S.

HARMONY MN [illegible]

MARY [illegible]

EDWIN LUNDBY
CONTINUING EDUCATION CHAIRPERSON
HASTINGS PUBLIC SCHOOLS
9TH & VERMILLION ST.

HASTINGS MN 55033

CINDY MILLER
CONTINUING EDUCATION CHAIRPERSON
HECTOR PUBLIC SCHOOLS
220 3RD ST. W.

HECTOR MN 55342

CEATA COOK
CONTINUING EDUCATION CHAIRPERSON
HENDRUM PUBLIC SCHOOLS
BOX 39

HENDRUM MN 56550

JEFF PETER
CONTINUING EDUCATION CHAIRPERSON
HERMAN-NORCROSS PUBLIC SCHOOLS

HERMAN MN 56248

NANCY ERICKSON
CONTINUING EDUCATION CHAIRPERSON
HIBBING PUBLIC SCHOOLS
8TH AVE. E. & 21ST ST.

HIBBING MN 55746

FLORENCE DOSE
CONTINUING EDUCATION CHAIRPERSON
HILLS-BEAVER CREEK PUBLIC SCHOOLS
BOX 547

HILLS MN 56138

STEPHEN ERLANDER
CONTINUING EDUCATION CHAIRPERSON
HOLDINGFORD PUBLIC SCHOOLS

HOLDINGFORD MN 56340

LAVAUGHN BANGTSON
CONTINUING EDUCATION CHAIRPERSON
HOPKINS PUBLIC SCHOOLS
1001 STATE HWY. 7

HOPKINS MN 55343

GRACE W JUHL
CONTINUING [illegible]

DALE SKALLERUD
CONTINUING EDUCATION CHAIRPERSON
HAWLEY PUBLIC SCHOOLS
BOX 608

HAWLEY MN 56549

NANCY MILLER
CONTINUING EDUCATION CHAIRPERSON
HENDERSON PUBLIC SCHOOLS
107 N. 8TH ST.

HENDERSON MN 56044

JOYCE ANDREWS
CONTINUING EDUCATION CHAIRPERSON
HENNEPIN TECH CNTR-INTERM DIST
1820 N. XENIUM LANE

PLYMOUTH MN 55441

LINDA BRAY
CONTINUING EDUCATION CHAIRPERSON
HERMANTOWN PUBLIC SCHOOLS
4190 UGSTAD RD.

DULUTH MN 55811

CONTINUING EDUCATION CHAIRPERSON
HIGHLAND VOC COOP CNTR
237 WILLOW ST

TYLER MN 56178

PATTY OLSON
CONTINUING EDUCATION CHAIRPERSON
HINCKLEY PUBLIC SCHOOLS
BOX 308

HINCKLEY MN 55037

ANNA DEVOS
CONTINUING EDUCATION CHAIRPERSON
HOLY REDEEMER
501 SOUTH WHITNEY

MARSHALL MN 56258

SHELLEY JERVISS
CONTINUING EDUCATION CHAIRPERSON
HOUSTON PUBLIC SCHOOLS
306 W. ELM ST.

HOUSTON MN 55943

AUGUST W OLLRICH
CONTINUING EDUCATION [illegible]

MARY KRUEGER
CONTINUING EDUCATION CHAIRPERSON
HAYFIELD PUBLIC SCHOOLS

HAYFIELD MN 5594[illegible]

ORLO BASLINGTON
CONTINUING EDUCATION CHAIRPERSON
HENDRICKS PUBLIC SCHOOLS
200 E. LINCOLN

HENDRICKS MN 5613[illegible]

DON SEIPKES
CONTINUING EDUCATION CHAIRPERSON
HENNING PUBLIC SCHOOLS
BOX 15

HENNING MN 5655[illegible]

MARY POMERENKE
CONTINUING EDUCATION CHAIRPERSON
HERON LAKE-OKABENA PUBLIC SCHOOLS
BOX 378

HERON LAKE MN 5613[illegible]

KARI TORGERSON
CONTINUING EDUCATION CHAIRPERSON
HILL CITY PUBLIC SCHOOLS
BOX 69

HILL CITY MN 5574[illegible]

GLORIA RIMA
CONTINUING EDUCATION CHAIRPERSON
HOFFMAN PUBLIC SCHOOLS
BOX 306

HOFFMAN MN 5633[illegible]

WAYNE PELZEL
CONTINUING EDUCATION CHAIRPERSON
HOLY ROSARY
546 GRANT AVE.

NORTH MANKATO MN 5600[illegible]

CHRIS STARR
CONTINUING EDUCATION CHAIRPERSON
HOWARD LAKE PUBLIC SCHOOLS
BOX 708

HOWARD LAKE MN 5534[illegible]

GARY ALEXANDER
[illegible]

LAURA KIRKEGAARD
CONTINUING EDUCATION CHAIRPERSON
JASPER PUBLIC SCHOOLS

JASPER MN 56144

LYNETTE .HUPPLER
CONTINUING EDUCATION CHAIRPERSON
KASSON-MANTORVILLE PUBLIC SCHOOLS
BOX 158

KASSON MN 55944

EDWARD KROENKE
CONTINUING EDUCATION CHAIRPERSON
KENSINGTON PUBLIC SCHOOLS

KENSINGTON MN 56343

RHONDA KORN
CONTINUING EDUCATION CHAIRPERSON
KIESTER PUBLIC SCHOOLS

KIESTER MN 56051

KEVIN T ANDERSON
CONTINUING EDUCATION CHAIRPERSON
LAKE BENTON PUBLIC SCHOOLS
101 GARFIELD ST.

LAKE BENTON MN 56149

SANDRA EATON
CONTINUING EDUCATION CHAIRPERSON
LAKE OF THE WOODS PUBLIC SCHOOLS
BOX 310

BAUDETTE MN 56623

DIANNE MCKINNEY
CONTINUING EDUCATION CHAIRPERSON
LAKEFIELD PUBLIC SCHOOLS
BOX 338

LAKEFIELD MN 56150

BARB PETERSON
CONTINUING EDUCATION CHAIRPERSON
LANCASTER PUBLIC SCHOOLS
BOX 217

LANCASTER MN 56735

[illegible]

TOM JAMES
CONTINUING EDUCATION CHAIRPERSON
JORDAN PUBLIC SCHOOLS
500 SUNSET DR.

JORDAN MN 55352

FRANK GUENTHER
CONTINUING EDUCATION CHAIRPERSON
KELLIHER PUBLIC SCHOOLS
BOX 259

KELLIHER MN 56650

PAUL SENJEM
CONTINUING EDUCATION CHAIRPERSON
KENYON PUBLIC SCHOOLS
401 FOREST

KENYON MN 55946

MARILYN WIRTH
CONTINUING EDUCATION CHAIRPERSON
KIMBALL PUBLIC SCHOOLS
BOX 368

KIMBALL MN 55353

SHAWN SWEENEY
CONTINUING EDUCATION CHAIRPERSON
LAKE CITY PUBLIC SCHOOLS

LAKE CITY MN 55041

RICHARD HANSON
CONTINUING EDUCATION CHAIRPERSON
LAKE PARK PUBLIC SCHOOLS
BOX 479

LAKE PARK MN 56554

SHARON KRUEGER
CONTINUING EDUCATION CHAIRPERSON
LAKEVILLE PUBLIC SCHOOLS
8670 210TH ST. W.

LAKEVILLE MN 55044

JOSEPH OKOREN
CONTINUING EDUCATION CHAIRPERSON
LANESBORO PUBLIC SCHOOLS
101 RIDGEVIEW

LANESBORO MN 55949

SUSAN JENSEN
[illegible]

[illegible]
CONTINUING EDUCATION CHAIRPERSON
KARLSTAD PUBLIC SCHOOLS
BOX 178

KARLSTAD MN 5673

BETH MORTENSON
CONTINUING EDUCATION CHAIRPERSON
KENNEDY PUBLIC SCHOOLS
BOX 9

KENNEDY MN 5673

DEBBIE ANDERSON
CONTINUING EDUCATION CHAIRPERSON
KERKHOVEN-MURDOCK-SUNBURG PUBLIC

KERKHOVEN MN 5625

ROBERT PITEL
CONTINUING EDUCATION CHAIRPERSON
LACRESCENT PUBLIC SCHOOLS
504 S. OAK ST.

LACRESCENT MN 5594

KEN BECKINDORF
CONTINUING EDUCATION CHAIRPERSON
LAKE CRYSTAL PUBLIC SCHOOLS
BOX F

LAKE CRYSTAL MN 5605

MICHAEL OBRIEN
CONTINUING EDUCATION CHAIRPERSON
LAKE SUPERIOR PUBLIC SCHOOLS
405 4TH AVE.

TWO HARBORS MN 5561

LEONARD RUNCK
CONTINUING EDUCATION CHAIRPERSON
LAMBERTON PUBLIC SCHOOLS
BOX 278

LAMBERTON MN 5615

JAMES CLARK
CONTINUING EDUCATION CHAIRPERSON
LAPORTE PUBLIC SCHOOLS
ROUTE 1, BOX 1

LAPORTE MN 5645

ERVIN RICHARDSON
[illegible]

BOX 217

LANCASTER MN 56735

CONTINUING EDUCATION CHAIRPERSON
LEAF RVR VALLEY COOP CTR
P.O. BOX 644

WADENA MN 56482

SUE HACKER
CONTINUING EDUCATION CHAIRPERSON
LESTER PRAIRIE PUBLIC SCHOOLS
HICKORY AVE. & 2ND ST. N.

LESTER PRAIRIE MN 55354

MARY LENZ
CONTINUING EDUCATION CHAIRPERSON
LITCHFIELD PUBLIC SCHOOLS
901 GILMAN AVE. N.

LITCHFIELD MN 55355

ORVIS DAHLEN
CONTINUING EDUCATION CHAIRPERSON
LONG PRAIRIE PUBLIC SCHOOLS
205 2ND ST. S.

LONG PRAIRIE MN 56347

DORINDA HOLST
CONTINUING EDUCATION CHAIRPERSON
LYLE PUBLIC SCHOOLS
BOX 38

LYLE MN 55953

MARGARET NELSON
CONTINUING EDUCATION CHAIRPERSON
MADELIA PUBLIC SCHOOLS
320 BUCK AVE. S.E.

MADELIA MN 56062

DAVID WORKMAN
CONTINUING EDUCATION CHAIRPERSON
MAHNOMEN PUBLIC SCHOOLS
BOX 319

MAHNOMEN MN 56557

JOANN ZEMKE
CONTINUING EDUCATION CHAIRPERSON
MAPLE LAKE PUBLIC SCHOOLS
133 MO[illegible]

101 RIDGEVIEW

LANESBORO MN 55949

SUSAN JENSEN
CONTINUING EDUCATION CHAIRPERSON
LECENTER PUBLIC SCHOOLS
150 W. TYRONE ST.

LECENTER MN 56057

ELLEN CAUFMAN
CONTINUING EDUCATION CHAIRPERSON
LESUEUR PUBLIC SCHOOLS
901 E. FERRY ST.

LESUEUR MN 56058

GRETCHEN SYLVESTER
CONTINUING EDUCATION CHAIRPERSON
LITTLE FALLS PUBLIC SCHOOLS
1001 S.E. 5TH AVE.

LITTLE FALLS MN 56345

DAVID WATERMAN
CONTINUING EDUCATION CHAIRPERSON
LUTHERAN HIGH SCHOOL
4821 SOUTHVIEW LANE

EDINA MN 55424

MARK GREENWOOD
CONTINUING EDUCATION CHAIRPERSON
LYND PUBLIC SCHOOLS
BOX 64

LYND MN 56157

CARMEN VAALA
CONTINUING EDUCATION CHAIRPERSON
MADISON PUBLIC SCHOOLS
316 4TH ST.

MADISON MN 56256

KATHLEEN MCKEE
CONTINUING EDUCATION CHAIRPERSON
MAHTOMEDI PUBLIC SCHOOLS
814 MAHTOMEDI AVE.

MAHTOMEDI MN 55115

CATHY KOFOED
CONTINUING EDUCATION CHAIRPERSON
MAPLETON PUBLIC SCHOOLS
101 6TH AVE. NE., BOX 365

ROUTE [illegible] BOX [illegible]

LAPORTE MN 564[illegible]

ERVIN RICHARDSON
CONTINUING EDUCATION CHAIRPERSO
LEROY PUBLIC SCHOOLS
BOX N

LEROY MN 559

JOAN MAYER
CONTINUING EDUCATION CHAIRPERSO
LEWISTON PUBLIC SCHOOLS
BOX 741

LEWISTON MN 559

KAREEN BIGGINS
CONTINUING EDUCATION CHAIRPERSO
LITTLEFORK-BIG FALLS PUBLIC SCH
BOX D

LITTLEFORK MN 566

GREG ANTOINE
CONTINUING EDUCATION CHAIRPERSO
LUVERNE PUBLIC SCHOOLS
BOX 278

LUVERNE MN 561

MARY GALLAGHER
CONTINUING EDUCATION CHAIRPERSO
MABEL-CANTON PUBLIC SCHOOLS
316 W. FILLMORE AVE.

MABEL MN 559

JANE COTE
CONTINUING EDUCATION CHAIRPERSO
MAGNOLIA PUBLIC SCHOOLS
BOX 40

MAGNOLIA MN 561

JOAN CHRISTENSEN
CONTINUING EDUCATION CHAIRPERSO
MANKATO PUBLIC SCHOOLS
1000 NORTH BROAD ST.

MANKATO MN 560

BRIAN SULLIVAN
CONTINUING EDUCATION CHAIRPERSO
MARANATHA CHRISTIAN ACADEMY
5701 NORMANDALE RD.

MCINTOSH MN 56556

JENNIFER EIBES
CONTINUING EDUCATION CHAIRPERSON
MENAHGA PUBLIC SCHOOLS
BOX 160

MENAHGA MN 56464

PEGGY PECKS
CONTINUING EDUCATION CHAIRPERSON
MILACA PUBLIC SCHOOLS
500 S.W. 4TH ST.

MILACA MN 56353

RON HUSTVEDT
CONTINUING EDUCATION CHAIRPERSON
MINNEAPOLIS PUBLIC SCHOOLS
807 N.E. BROADWAY

MINNEAPOLIS MN 55413

KAREN SCHUSTER
CONTINUING EDUCATION CHAIRPERSON
MINNESOTA LAKE PUBLIC SCHOOLS
BOX 218

MINNESOTA LAKE MN 56068

MARY KING
CONTINUING EDUCATION CHAIRPERSON
MONTGOMERY PUBLIC SCHOOLS
101 2ND ST. N.E.

MONTGOMERY MN 56069

GWEN JENSEN
CONTINUING EDUCATION CHAIRPERSON
MOOSE LAKE PUBLIC SCHOOLS
413 BIRCH AVE.

MOOSE LAKE MN 55767

GARY BRUNKO
CONTINUING EDUCATION CHAIRPERSON
MORRIS PUBLIC SCHOOLS
201 S. COLUMBIA AVE.

MORRIS MN 56267

SUSAN CASPER
CONTINUING EDUCATION CHAIRPERSON
MOTLEY PUBLIC SCHOOLS
BOX 268

MEDFORD MN 55049

ANN LIAN
CONTINUING EDUCATION CHAIRPERSON
MENTOR PUBLIC SCHOOLS

MENTOR MN 56736

GARY ANDREWS
CONTINUING EDUCATION CHAIRPERSON
MILAN PUBLIC SCHOOLS
BOX 180

MILAN MN 56262

KENNETH GREENER
CONTINUING EDUCATION CHAIRPERSON
MINNEHAHA ACADEMY
3107 47TH AVE. S.

MINNEAPOLIS MN 55406

KENNE PETERSON
CONTINUING EDUCATION CHAIRPERSON
MINNETONKA PUBLIC SCHOOLS
261 SCHOOL AVE.

EXCELSIOR MN 55331

SUE BERARD
CONTINUING EDUCATION CHAIRPERSON
MONTICELLO PUBLIC SCHOOLS
BOX 897

MONTICELLO MN 55362

NORMA HEGGERNES
CONTINUING EDUCATION CHAIRPERSON
MORA PUBLIC SCHOOLS
400 E. MAPLE

MORA MN 55051

DEB SCHMIDT
CONTINUING EDUCATION CHAIRPERSON
MORRISTOWN PUBLIC SCHOOLS
BOX 278

MORRISTOWN MN 55052

JOAN MUNZNER
CONTINUING EDUCATION CHAIRPERSON
MOUNDS PARK ACADEMY
2051 E. LARPENTEUR AVE.

MELROSE MN 5635

CHARLES WOOLCOCK
CONTINUING EDUCATION CHAIRPERSON
MIDDLE RIVER PUBLIC SCHOOLS
BOX 130

MIDDLE RIVER MN 5673

PHYLLIS BROSTROM
CONTINUING EDUCATION CHAIRPERSON
MILROY PUBLIC SCHOOLS
BOX 10

MILROY MN 5626

JUDY HAGEN
CONTINUING EDUCATION CHAIRPERSON
MINNEOTA PUBLIC SCHOOLS
504 N. MONROE ST.

MINNEOTA MN 5626

MELODY WINTER
CONTINUING EDUCATION CHAIRPERSON
MONTEVIDEO PUBLIC SCHOOLS
3RD ST. & EUREKA AVE.

MONTEVIDEO MN 5626

CHUCK FISHER
CONTINUING EDUCATION CHAIRPERSON
MOORHEAD PUBLIC SCHOOLS
310 4TH AVE. S.

MOORHEAD MN 5656

RHONDA EBENHOH
CONTINUING EDUCATION CHAIRPERSON
MORGAN PUBLIC SCHOOLS
BOX 188

MORGAN MN 5626

MARLYS MATHIOWETZ
CONTINUING EDUCATION CHAIRPERSON
MORTON PUBLIC SCHOOLS
BOX 68

MORTON MN 562

LEE PORATH
CONTINUING EDUCATION CHAIRPERSON
MOUNDS VIEW PUBLIC SCHOOLS
2959 HAMLINE AVE. N.

CONTINUING EDUCATION CHAIRPERSON
MORRIS PUBLIC SCHOOLS
201 S. COLUMBIA AVE.

MORRIS MN 56267

SUSAN CASPER
CONTINUING EDUCATION CHAIRPERSON
MOTLEY PUBLIC SCHOOLS
BOX 268

MOTLEY MN 56466

JEAN CARLSTROM
CONTINUING EDUCATION CHAIRPERSON
MOUNTAIN IRON-BUHL PUBLIC SCHOOLS

MOUNTAIN IRON MN 55768

RODNEY DUNN
CONTINUING EDUCATION CHAIRPERSON
NETT LAKE PUBLIC SCHOOLS

NETT LAKE MN 55772

DON ANDERSON
CONTINUING EDUCATION CHAIRPERSON
NEW LONDON-SPICER PUBLIC SCHOOLS
ROUTE 3, BOX A

NEW LONDON MN 56273

ROBERT L PEDERSON
CONTINUING EDUCATION CHAIRPERSON
NEW ULM PUBLIC SCHOOLS
400 S. PAYNE

NEW ULM MN 56073

LINDA LARISON
CONTINUING EDUCATION CHAIRPERSON
NEWFOLDEN PUBLIC SCHOOLS
BOX 277

NEWFOLDEN MN 56738

DONALD HARTZELL
CONTINUING EDUCATION CHAIRPERSON
NORTH BRANCH PUBLIC SCHOOLS
320 MAIN ST.

NORTH BRANCH MN 55056

JAMES KOEHLER
CONTINUING EDUCATION CHAIRPERSON
[illegible]

CONTINUING EDUCATION CHAIRPERSON
MORRISTOWN PUBLIC SCHOOLS
BOX 278

MORRISTOWN MN 55052

JOAN MUNZNER
CONTINUING EDUCATION CHAIRPERSON
MOUNDS PARK ACADEMY
2051 E. LARPENTEUR AVE.

MAPLEWOOD MN 55109

PAM LOGUE
CONTINUING EDUCATION CHAIRPERSON
MOUNTAIN LAKE PUBLIC SCHOOLS
450 12TH ST.

MOUNTAIN LAKE MN 56159

RUTH HAUGLAND
CONTINUING EDUCATION CHAIRPERSON
NEVIS PUBLIC SCHOOLS
BOX 183

NEVIS MN 56467

LINDA FLEMMING
CONTINUING EDUCATION CHAIRPERSON
NEW PRAGUE PUBLIC SCHOOLS
721 CENTRAL AVE. N.

NEW PRAGUE MN 56071

LINDA MERTZ
CONTINUING EDUCATION CHAIRPERSON
NEW ULM CHRISTIAN
THIRD & PAYNE ST.

NEW ULM MN 56073

VIRGINIA JOYAL
CONTINUING EDUCATION CHAIRPERSON
NICOLLET PUBLIC SCHOOLS
BOX 108

NICOLLET MN 56074

RONALD SOUTOR
CONTINUING EDUCATION CHAIRPERSON
NORTH ST. PAUL-MAPLEWOOD PUBLIC SC
2055 E. LARPENTEUR AVE.

NORTH ST. PAUL MN 55109

CONTINUING EDUCATION CHAIRPERSON
MORTON PUBLIC SCHOOLS
BOX 68

MORTON MN 5627

LEE PORATH
CONTINUING EDUCATION CHAIRPERSON
MOUNDS VIEW PUBLIC SCHOOLS
2959 HAMLINE AVE. N.

ST. PAUL MN 5511

DONALD AROLA
CONTINUING EDUCATION CHAIRPERSON
NASHWAUK-KEEWATIN PUBLIC SCHOOLS
400 2ND ST.

NASHWAUK MN 5576

CAROL HARDER
CONTINUING EDUCATION CHAIRPERSON
NEW LIFE CHRISTIAN
6758 BAILEY ROAD

WOODBURY MN 5511

MARLENE SCHOENROCK
CONTINUING EDUCATION CHAIRPERSON
NEW RICHLAND PUBLIC SCHOOLS
BOX 427

NEW RICHLAND MN 5607

EDRIS MEIER
CONTINUING EDUCATION CHAIRPERSON
NEW YORK MILLS PUBLIC SCHOOLS
BOX 218

NEW YORK MILLS MN 5656

CONTINUING EDUCATION CHAIRPERSON
NISWI-NAYAWSHING COOP CTR
S 13TH ST & WILLIAM AVE

MONTEVIDEO MN 5626

LEWIS HOHENTHANER
CONTINUING EDUCATION CHAIRPERSON
NORTHEAST METRO INTERMEDIATE DIS
3300 CENTURY AVE.

WHITE BEAR LAKE MN 5511

DONNA FOSS
CONTINUING EDUCATION CHAIRPERSON
[illegible]

CONTINUING EDUCATION CHAIRPERSON
OAK LAND VOC CNTR
430 NW. 8TH AVE.

CAMBRIDGE MN 55008

JON WOGEN
CONTINUING EDUCATION CHAIRPERSON
OLIVIA PUBLIC SCHOOLS
701 S. 9TH ST.

OLIVIA MN 56277

PATRICIA THOMPSON
CONTINUING EDUCATION CHAIRPERSON
ORTONVILLE PUBLIC SCHOOLS
BOX 247, TROJAN DRIVE

ORTONVILLE MN 56278

KEVIN SAMSEL
CONTINUING EDUCATION CHAIRPERSON
OSSEO PUBLIC SCHOOLS
11200 93RD AVE. N.

MAPLE GROVE MN 55369

RICK SCHAFFER
CONTINUING EDUCATION CHAIRPERSON
PARKERS PRAIRIE PUBLIC SCHOOLS
BOX 46

PARKERS PRAIRIE MN 56361

JAMES BOOS
CONTINUING EDUCATION CHAIRPERSON
PEQUOT LAKES PUBLIC SCHOOLS
BOX 368

PEQUOT LAKES MN 56472

DON FIEDLER
CONTINUING EDUCATION CHAIRPERSON
PIERZ PUBLIC SCHOOLS

PIERZ MN 56364

DAVID SWEEN
CONTINUING EDUCATION CHAIRPERSON
PINE ISLAND PUBLIC SCHOOLS
BOX 398

PINE ISLAND MN 55963

ROLLAND BRANDT
CONTINUING EDUCATION CHAIRPERSON
OGILVIE PUBLIC SCHOOLS
BOX 160

OGILVIE MN 56358

BRIAN WESTERBERG
CONTINUING EDUCATION CHAIRPERSON
ONAMIA PUBLIC SCHOOLS
BOX B

ONAMIA MN 56359

MARK REICKS
CONTINUING EDUCATION CHAIRPERSON
OSAKIS PUBLIC SCHOOLS
14 OAK ST. E.

OSAKIS MN 56360

PAUL K MOLSTRE
CONTINUING EDUCATION CHAIRPERSON
OWATONNA PUBLIC SCHOOLS
515 W. BRIDGE ST.

OWATONNA MN 55060

CHERYL COLBERT
CONTINUING EDUCATION CHAIRPERSON
PAYNESVILLE PUBLIC SCHOOLS
HIGHWAY 23 W.

PAYNESVILLE MN 56362

MARY SCHMIDT
CONTINUING EDUCATION CHAIRPERSON
PERHAM PUBLIC SCHOOLS
200 5TH ST. S.E.

PERHAM MN 56573

DAVID VIETHS
CONTINUING EDUCATION CHAIRPERSON
PILLAGER PUBLIC SCHOOLS
BOX 38

PILLAGER MN 56473

VERN WOLFF
CONTINUING EDUCATION CHAIRPERSON
PINE POINT PUBLIC SCHOOLS
BOX 61

PONSFORD MN 56575

TERESA STAATZ

ELLEN MEGGE
CONTINUING EDUCATION CHAIRPERSON
OKLEE PUBLIC SCHOOLS

OKLEE MN 5674

VERNON LINN
CONTINUING EDUCATION CHAIRPERSON
ORONO PUBLIC SCHOOLS
685 OLD CRYSTAL BAY RD.

LONG LAKE MN 5535

JOSEPH CORRADI
CONTINUING EDUCATION CHAIRPERSON
OSLO PUBLIC SCHOOLS

OSLO MN 5674

LOUIE FALK
CONTINUING EDUCATION CHAIRPERSON
PARK RAPIDS PUBLIC SCHOOLS
BOX 591

PARK RAPIDS MN 5647

DELORES TABBUT
CONTINUING EDUCATION CHAIRPERSON
PELICAN RAPIDS PUBLIC SCHOOLS
BOX V

PELICAN RAPIDS MN 5657

BOB ANDERSON
CONTINUING EDUCATION CHAIRPERSON
PETERSON PUBLIC SCHOOLS
BOX 8

PETERSON MN 5596

JOHN OARE
CONTINUING EDUCATION CHAIRPERSON
PINE CITY PUBLIC SCHOOLS
1400 6TH ST. S.

PINE CITY MN 5506

JEROME JOHNSON
CONTINUING EDUCATION CHAIRPERSON
PINE RIVER PUBLIC SCHOOLS

PINE RIVER MN 5647

RED LAKE FALLS MN 56750

SHARON ROSTEN
CONTINUING EDUCATION CHAIRPERSON
PLUMMER PUBLIC SCHOOLS

PLUMMER MN 56748

GWEN DENNY
CONTINUING EDUCATION CHAIRPERSON
PRESTON PUBLIC SCHOOLS
BOX 407

PRESTON MN 55965

GLENN TRIDGELL
CONTINUING EDUCATION CHAIRPERSON
PROCTOR PUBLIC SCHOOLS
131 9TH AVE.

PROCTOR MN 55810

JILL SUTTON
CONTINUING EDUCATION CHAIRPERSON
RED LAKE PUBLIC SCHOOLS

REDLAKE MN 56671

ROBERT WEIR
CONTINUING EDUCATION CHAIRPERSON
RED WING PUBLIC SCHOOLS
525 EAST AVE.

RED WING MN 55066

ELLEN TROSKA
CONTINUING EDUCATION CHAIRPERSON
RENVILLE PUBLIC SCHOOLS
BOX 338

RENVILLE MN 56234

JAMES KULZER
CONTINUING EDUCATION CHAIRPERSON
ROCHESTER PUBLIC SCHOOLS
615 S.W. 7TH ST.

ROCHESTER MN 55902

LENUS WENZEL
CONTINUING EDUCATION CHAIRPERSON
ROSEAU PUBLIC SCHOOLS
509 3RD ST. NE.

ROSEAU MN 56751

PIPESTONE MN 56164

MARCIA LARCCK
CONTINUING EDUCATION CHAIRPERSON
POWDERHORN CHRISTIAN
4500 CLINTON AVE. SOUTH

MPLS MN 55409

MARGARET MIRON
CONTINUING EDUCATION CHAIRPERSON
PRINCETON PUBLIC SCHOOLS
606 S. 3RD ST.

PRINCETON MN 55371

LARRY NYGAARD
CONTINUING EDUCATION CHAIRPERSON
RANDOLPH PUBLIC SCHOOLS
BOX 38, 29110 DAVISSON AVE.

RANDOLPH MN 55065

WILLIAM JACKSON
CONTINUING EDUCATION CHAIRPERSON
RED LAKE FALLS PUBLIC SCHOOLS
BOX 399

RED LAKE FALLS MN 56750

WAYNE JUNKER
CONTINUING EDUCATION CHAIRPERSON
REDWOOD FALLS PUBLIC SCHOOLS
4TH & LINCOLN

REDWOOD FALLS MN 56283

NANCY HCUTKOOPER
CONTINUING EDUCATION CHAIRPERSON
RICHFIELD PUBLIC SCHOOLS
7001 HARRIET AVE. S.

RICHFIELD MN 55423

TERRI LAWLER
CONTINUING EDUCATION CHAIRPERSON
ROCHESTER CHRISTIAN
921 37TH ST. N.W.

ROCHESTER MN 55901

ALICE EVENSON
CONTINUING EDUCATION CHAIRPERSON
ROSEMOUNT-APPLE VALLEY-EAGAN PUBLI
14445 DIAMOND PATH

ROSEMOUNT MN 55

PLAINVIEW MN 5596

CONTINUING EDUCATION CHAIRPERSON
PRAIRIE LAKES VOC COOP CTR
2011 NOBLES ST.

WORTHINGTON MN 5618

JOHN BUSHLACK
CONTINUING EDUCATION CHAIRPERSON
PRIOR LAKE PUBLIC SCHOOLS
BOX 539

PRIOR LAKE MN 5537

GARY LINDEN
CONTINUING EDUCATION CHAIRPERSON
RAYMOND PUBLIC SCHOOLS
309 DAY ST.

RAYMOND MN 5628

CONTINUING EDUCATION CHAIRPERSON
RED RVR VALLEY COOP CNTR
1505 CENTRAL AVE NW

EAST GRAND FORKS MN 5672

JANE BAKER
CONTINUING EDUCATION CHAIRPERSON
REMER PUBLIC SCHOOLS
ROUTE 1, BOX A

REMER MN 5667

JEAN SCHEU
CONTINUING EDUCATION CHAIRPERSON
ROBBINSDALE PUBLIC SCHOOLS
4148 WINNETKA AVE. N.

NEW HOPE MN 5542

MARIE LINDENFELSER
CONTINUING EDUCATION CHAIRPERSON
ROCKFORD PUBLIC SCHOOLS
BOX 9

ROCKFORD MN 553

GERALD C BACKLUND
CONTINUING EDUCATION CHAIRPERSON
ROSEVILLE PUBLIC SCHOOLS
1251 W. COUNTY RD. B-2

ROSEVILLE MN 55

LARRY SKOGERBOE
CONTINUING EDUCATION CHAIRPERSON
SHERBURN PUBLIC SCHOOLS
16 W. 5TH ST. - BOX 578

SHERBURN MN 56171

TORI KROGER
CONTINUING EDUCATION CHAIRPERSON
SIOUX VALLEY PUBLIC SCHOOLS
ROUTE 2

LAKE PARK IA 51347

CONTINUING EDUCATION CHAIRPERSON
SOUTH CENTRAL VOC CNTR
304 N. MAIN ST.

BLUE EARTH MN 56013

CAROL RUECKERT
CONTINUING EDUCATION CHAIRPERSON
SOUTH WASHINGTON COUNTY PUBLIC SCH
8040 80TH ST. S.

COTTAGE GROVE MN 55016

HENRY KRAMER
CONTINUING EDUCATION CHAIRPERSON
SOUTHWEST CHRISTIAN
550 ELIZABETH

EDGERTON MN 56128

MARK SONNENBERG
CONTINUING EDUCATION CHAIRPERSON
SPRING VALLEY PUBLIC SCHOOLS
BOX 72

SPRING VALLEY MN 55975

BERT CHAMBERLAIN
CONTINUING EDUCATION CHAIRPERSON
ST. ANDREW

FAIRFAX MN 55332

DEAN RASMUSSEN
CONTINUING EDUCATION CHAIRPERSON
ST. CLAIR PUBLIC SCHOOLS

ST. CLAIR MN 56080

CONTINUING EDUCATION CHAIRPERSON
SIBLEY COUNTY COOP CNTR
BOX 868

ARLINGTON MN 55307

DIANE BERGERSON
CONTINUING EDUCATION CHAIRPERSON
SLAYTON PUBLIC SCHOOLS
2420 28TH ST.

SLAYTON MN 56172

DANIEL SHERMAN
CONTINUING EDUCATION CHAIRPERSON
SOUTH KOOCHICHING PUBLIC SCHOOLS
BOX 465

NORTHOME MN 56661

CONTINUING EDUCATION CHAIRPERSON
SOUTHERN MINN COOP (CLOSED 87-88)
250 2ND AVE SW

WELLS MN 56097

LYNN GIERING
CONTINUING EDUCATION CHAIRPERSON
SPRING GROVE PUBLIC SCHOOLS
BOX 620

SPRING GROVE MN 55974

LINDA SKARP
CONTINUING EDUCATION CHAIRPERSON
SPRINGFIELD PUBLIC SCHOOLS
12 SOUTH BURNS

SPRINGFIELD MN 56087

GARY PALM
CONTINUING EDUCATION CHAIRPERSON
ST. ANTHONY-NEW BRIGHTON PUBLIC SCH
3303 33RD AVE. N.E.

ST. ANTHONY MN 55418

SUSAN DOERING
CONTINUING EDUCATION CHAIRPERSON
ST. CLOUD PUBLIC SCHOOLS
628 ROOSEVELT RD.

ST. CLOUD MN 56301

JAN SCHLUETER
CONTINUING EDUCATION CHAIRPERSON
SILVER LAKE PUBLIC SCHOOLS

SILVER LAKE MN 553

LARRY HANSON
CONTINUING EDUCATION CHAIRPERSON
SLEEPY EYE PUBLIC SCHOOLS
400 4TH AVE. S.W.

SLEEPY EYE MN 560

JOHN JERHOFF
CONTINUING EDUCATION CHAIRPERSON
SOUTH ST. PAUL PUBLIC SCHOOLS
700 N. 2ND ST.

SOUTH ST. PAUL MN 550

WAYNE ROBERTSON
CONTINUING EDUCATION CHAIRPERSON
SOUTHLAND PUBLIC SCHOOLS

ADAMS MN 559

PAT RING
CONTINUING EDUCATION CHAIRPERSON
SPRING LAKE PARK PUBLIC SCHOOLS
8000 HWY. 65 N.E.

SPRING LAKE PARK MN 554

BERT CHAMBERLAIN
CONTINUING EDUCATION CHAIRPERSON
ST. ALOYSIUS
1005 WEST FAIRVIEW

OLIVIA MN 562

DIANNA PULLEY
CONTINUING EDUCATION CHAIRPERSON
ST. CHARLES PUBLIC SCHOOLS
HIGHWAY 14 E.

ST. CHARLES MN 559

ANNA DEVOS
CONTINUING EDUCATION CHAIRPERSON
ST. EDWARD
4TH & WASHINGTON

MINNEOTA MN

WAYNE PELZEL
CONTINUING EDUCATION CHAIRPERSON
ST. RAPHAEL
20 W. VAN DUSEN

SPRINGFIELD MN 56087

ROBERT CLAUSEN
CONTINUING EDUCATION CHAIRPERSON
STEPHEN PUBLIC SCHOOLS
BOX 68

STEPHEN MN 56757

NANCY JACOBSON
CONTINUING EDUCATION CHAIRPERSON
STILLWATER PUBLIC SCHOOLS
1875 GREELEY ST. S.

STILLWATER MN 55082

DIANE GROSSO
CONTINUING EDUCATION CHAIRPERSON
SWANVILLE PUBLIC SCHOOLS
BOX 98

SWANVILLE MN 56382

KAY MELLSTROM
CONTINUING EDUCATION CHAIRPERSON
TORAH ACADEMY
2800 JOPPA AVE.

ST LOUIS PARK MN 55426

RANDY TAYLOR
CONTINUING EDUCATION CHAIRPERSON
TRIMONT PUBLIC SCHOOLS
BOX N

TRIMONT MN 56176

MARY BLOMSTROM
CONTINUING EDUCATION CHAIRPERSON
TRUMAN PUBLIC SCHOOLS
BOX 276

TRUMAN MN 56088

RICK OLSON
CONTINUING EDUCATION CHAIRPERSON
ULEN-HITTERDAL PUBLIC SCHOOLS

ULEN MN 56585

MARK COHRS
CONTINUING EDUCATION CHAIRPERSON
STAPLES PUBLIC SCHOOLS
3RD ST.

STAPLES MN 56479

RON SANDELL
CONTINUING EDUCATION CHAIRPERSON
STEWART PUBLIC SCHOOLS

STEWART MN 55385

LEON C STALLS
CONTINUING EDUCATION CHAIRPERSON
STORDEN-JEFFERS PUBLIC SCHOOLS
BOX 68

STORDEN MN 56174

CARL STUELAND
CONTINUING EDUCATION CHAIRPERSON
TAYLORS FALLS PUBLIC SCHOOLS
670 WEST ST.

TAYLORS FALLS MN 55084

PAUL PISHLER
CONTINUING EDUCATION CHAIRPERSON
TOWER-SOUDAN PUBLIC SCHOOLS
BOX 469

TOWER MN 55790

DON LAPE
CONTINUING EDUCATION CHAIRPERSON
FAITH CHRISTIAN
709 SOUTH BROAD

NORTH MANKATO MN 56001

SUSAN MATSON
CONTINUING EDUCATION CHAIRPERSON
TWIN VALLEY PUBLIC SCHOOLS

TWIN VALLEY MN 56584

KARL BECK
CONTINUING EDUCATION CHAIRPERSON
UNDERWOOD PUBLIC SCHOOLS
200 SOUTHERN AVE.

MARY FREDERICKSON
CONTINUING EDUCATION CHAIRPERSON
STARBUCK PUBLIC SCHOOLS
500 JOHN ST.

STARBUCK MN 56381

DIANNE FYNBOH
CONTINUING EDUCATION CHAIRPERSON
STEWARTVILLE PUBLIC SCHOOLS
500 4TH ST. S.W.

STEWARTVILLE MN 55976

KATHY ENGLUND
CONTINUING EDUCATION CHAIRPERSON
STRANDQUIST PUBLIC SCHOOLS
BOX 6

STRANDQUIST MN 56758

ARTHUR WELTER
CONTINUING EDUCATION CHAIRPERSON
THIEF RIVER FALLS PUBLIC SCHOOLS
ZEH & LABREE

THIEF RIVER FALLS MN 56701

CHRIS KAMRUD
CONTINUING EDUCATION CHAIRPERSON
TRACY PUBLIC SCHOOLS
934 PINE ST.

TRACY MN 56175

NO NAME
CONTINUING EDUCATION CHAIRPERSON
TRINITY LUTHERAN
526 N.W. 4TH ST.

FARIBAULT MN 55021

TOM THOMAS
CONTINUING EDUCATION CHAIRPERSON
TYLER PUBLIC SCHOOLS
100 STRONG ST.

TYLER MN 56178

LELAND HOPE
CONTINUING EDUCATION CHAIRPERSON
UPSALA PUBLIC SCHOOLS

UPSALA MN 56384

LES TLOUGAN
CONTINUING EDUCATION CHAIRPERSON
WASECA PUBLIC SCHOOLS
501 ELM AVE. E.

WASECA MN 56093

CRAIG ASP
CONTINUING EDUCATION CHAIRPERSON
WAUBUN PUBLIC SCHOOLS
BOX 98

WAUBUN MN 56589

BRIAN WESLEY
CONTINUING EDUCATION CHAIRPERSON
WELLS PUBLIC SCHOOLS
250 2ND AVE. S.W.

WELLS MN 56097

JERALD GOEHRING
CONTINUING EDUCATION CHAIRPERSON
WESTBROOK PUBLIC SCHOOLS
BOX 128

WESTBROOK MN 56183

RUBY KOSKI
CONTINUING EDUCATION CHAIRPERSON
WHITE BEAR LAKE PUBLIC SCHOOLS
2399 CEDAR AVE.

WHITE BEAR LAKE MN 55110

LINDSEY CARTWRIGHT
CONTINUING EDUCATION CHAIRPERSON
WINDOM PUBLIC SCHOOLS
BOX C-177

WINDOM MN 56101

DONALD LENZEN
CONTINUING EDUCATION CHAIRPERSON
WINONA CHRISTIAN
1363 HOMER RD.

WINONA MN 55987

LARRY SCHUELER
CONTINUING EDUCATION CHAIRPERSON
WOOD LAKE PUBLIC SCHOOLS

WOOD LAKE MN 56297

GARY ALVIG
CONTINUING EDUCATION CHAIRPERSON
WATERTOWN-MAYER PUBLIC SCHOOLS
BOX 368

WATERTOWN MN 55388

RITA LEHNERT
CONTINUING EDUCATION CHAIRPERSON
WAYZATA PUBLIC SCHOOLS
BOX 660

WAYZATA MN 55391

JOHN OPFER
CONTINUING EDUCATION CHAIRPERSON
WEST CONCORD PUBLIC SCHOOLS
BOX 38

WEST CONCORD MN 55985

SUE PLAHN
CONTINUING EDUCATION CHAIRPERSON
WESTONKA PUBLIC SCHOOLS
5600 LYNWOOD BLVD.

MOUND MN 55364

MICHAEL NORBERG
CONTINUING EDUCATION CHAIRPERSON
WILLMAR PUBLIC SCHOOLS
611 W. 5TH ST.

WILLMAR MN 56201

BEV GRAY
CONTINUING EDUCATION CHAIRPERSON
WINNEBAGO PUBLIC SCHOOLS
BOX 65

WINNEBAGO MN 56098

MARGARET EBENSPERGER
CONTINUING EDUCATION CHAIRPERSON
WINSTED PUBLIC SCHOOLS
431 4TH ST. N.

WINSTED MN 55395

LARRY REYNOLDS
CONTINUING EDUCATION CHAIRPERSON
WOODS ACADEMY
5050 INDEPENDENCE ST.

MAPLE PLAIN MN 55359

CELIANN CHRISTIANSON
CONTINUING EDUCATION CHAIRPERSON
WATERVILLE PUBLIC SCHOOLS
500 E. PAQUIN ST.

WATERVILLE MN 5609

MARLYS RENNICK
CONTINUING EDUCATION CHAIRPERSON
WELCOME PUBLIC SCHOOLS

WELCOME MN 5618

DIANE RAPPATH
CONTINUING EDUCATION CHAIRPERSON
WEST ST. PAUL PUBLIC SCHOOLS
1897 DELAWARE

MENDOTA HEIGHTS MN 5511

MELANIE PETERSON
CONTINUING EDUCATION CHAIRPERSON
WHEATON PUBLIC SCHOOLS
1700 3RD AVE. S.

WHEATON MN 562

RENEE STRACHOTA
CONTINUING EDUCATION CHAIRPERSON
WILLOW RIVER PUBLIC SCHOOLS
BOX 66

WILLOW RIVER MN 557

DONNA HELBLE
CONTINUING EDUCATION CHAIRPERSON
WINONA PUBLIC SCHOOLS
166 WEST BROADWAY

WINONA MN 559

DONNA ELSE
CONTINUING EDUCATION CHAIRPERSON
WINTHROP PUBLIC SCHOOLS
N. COTTONWOOD ST.

WINTHROP MN 553

MARY KRAEMER
CONTINUING EDUCATION CHAIRPERSON
WORTHINGTON PUBLIC SCHOOLS
BOX 878

WORTHINGTON MN 561

SUPERINTENDENT
CLARKFIELD
SCHOOL DISTRICT 01-0892
CLARKFIELD MN 56223

SUPERINTENDENT
ECHO
SCHOOL DISTRICT 01-0893
BOX 246
ECHO MN 56237

SUPERINTENDENT
GRANITE FALLS
SCHOOL DISTRICT 01-0894
450 9TH AVE.
GRANITE FALLS MN 56241

SUPERINTENDENT
WOOD LAKE
SCHOOL DISTRICT 01-0896
WOOD LAKE MN 56297

SUPERINTENDENT
CAMBRIDGE
SCHOOL DISTRICT 01-0911
430 N.W. 8TH AVE.
CAMBRIDGE MN 55008

SUPERINTENDENT
MILACA
SCHOOL DISTRICT 01-0912
500 S.W. 4TH ST.
MILACA MN 56353

SUPERINTENDENT
WALDORF-PEMBERTON
SCHOOL DISTRICT 01-0913
WALDORF MN 56091

SUPERINTENDENT
ULEN-HITTERDAL
SCHOOL DISTRICT 01-0914
ULEN MN 56585

SUPERINTENDENT
CHANDLER-LAKE WILSON
SCHOOL DISTRICT 01-0918
BOX 98
CHANDLER MN 56122

SUPERINTENDENT
FRANCONIA
SCHOOL DISTRICT 02-0323
SHAFER MN 55074

SUPERINTENDENT
PRINSBURG
SCHOOL DISTRICT 02-0815
BOX 197
PRINSBURG MN 56281

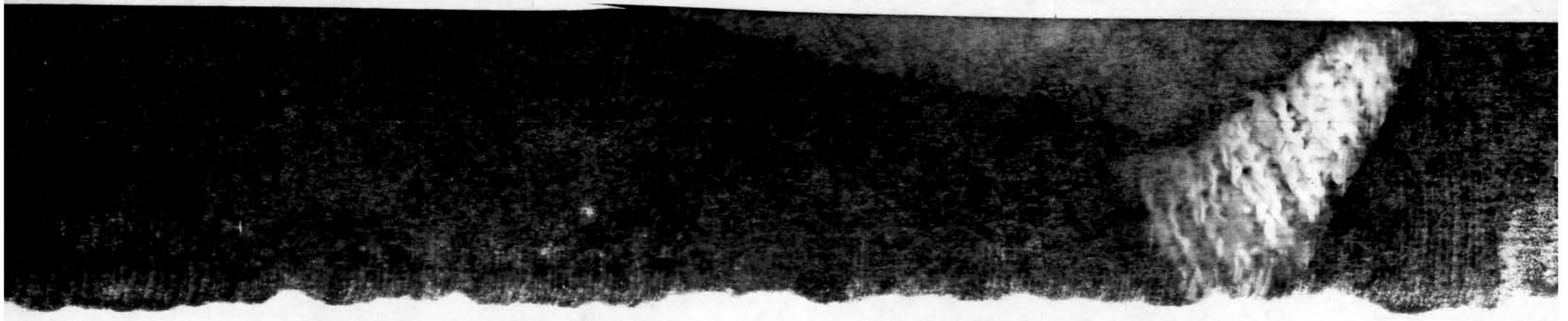
SUPERINTENDENT
MINNEAPOLIS
SCHOOL DISTRICT 03-0001
807 N.E. BROADWAY
MINNEAPOLIS MN 55413

SUPERINTENDENT
SOUTH ST. PAUL
SCHOOL DISTRICT 03-0006
700 N. 2ND ST.
SOUTH ST. PAUL MN 55075

SUPERINTENDENT
HENNEPIN TECH CNTR-INTERM DIST
SCHOOL DISTRICT 06-0287
1820 N. XENIUM LANE
PLYMOUTH MN 55441

SUPERINTENDENT
NORTHEAST METRO INTERMEDIATE DIST
SCHOOL DISTRICT 06-0916
3300 CENTURY AVE.
WHITE BEAR LAKE MN 55110

SUPERINTENDENT
DAKOTA COUNTY INTERM DIST
SCHOOL DISTRICT 06-0917
1300 145TH ST. E.
ROSEMOUNT MN 55068



SCHOOL DISTRICT
SLOCKA
MN 56477

BOX 160
MENAHGA MN 56464

BOX 427
NEW RICHLAND MN 5607

SUPERINTENDENT
WASECA
SCHOOL DISTRICT 01-0829
501 ELM AVE. E.
WASECA MN 56093

SUPERINTENDENT
JANESVILLE
SCHOOL DISTRICT 01-0830
110 E. 3RD ST.
JANESVILLE MN 56048

SUPERINTENDENT
FOREST LAKE
SCHOOL DISTRICT 01-083
6100 210TH ST. N.
FOREST LAKE MN 5502

SUPERINTENDENT
MAHTOMEDI
SCHOOL DISTRICT 01-0832
614 MAHTOMEDI AVE.
MAHTOMEDI MN 55115

SUPERINTENDENT
SOUTH WASHINGTON COUNTY
SCHOOL DISTRICT 01-0833
8040 80TH ST. S.
COTTAGE GROVE MN 55016

SUPERINTENDENT
STILLWATER
SCHOOL DISTRICT 01-083
1375 GREELEY ST. S.
STILLWATER MN 5508

SUPERINTENDENT
BUTTERFIELD
SCHOOL DISTRICT 01-0836
BOX 189
BUTTERFIELD MN 56120

SUPERINTENDENT
MADELIA
SCHOOL DISTRICT 01-0837
220 BUCK AVE. SE.
MADELIA MN 56062

SUPERINTENDENT
ST. JAMES
SCHOOL DISTRICT 01-084
10TH AVE. N.
ST. JAMES MN 5608

SUPERINTENDENT
BRECKENRIDGE
SCHOOL DISTRICT 01-0846
13TH ST. & DOUGLAS AVE.
BRECKENRIDGE MN 56520

SUPERINTENDENT
ROTHSAY
SCHOOL DISTRICT 01-0850
BOX 247
ROTHSAY MN 56579

SUPERINTENDENT
CAMPBELL
SCHOOL DISTRICT 01-085
BOX 8
CAMPBELL MN 5652

SUPERINTENDENT
LEWISTON
SCHOOL DISTRICT 01-0857
BOX 741
LEWISTON MN 55952

SUPERINTENDENT
ST. CHARLES
SCHOOL DISTRICT 01-0858
HIGHWAY 14 E.
ST. CHARLES MN 55972

SUPERINTENDENT
WINONA
SCHOOL DISTRICT 01-086
120 JOHNSON ST.
WINONA MN 5593

SUPERINTENDENT
ANNANDALE
SCHOOL DISTRICT 01-0876
BOX 190
ANNANDALE MN 55302

SUPERINTENDENT
BUFFALO
SCHOOL DISTRICT 01-0877
214 N.E. 1ST AVE.
BUFFALO MN 55313

SUPERINTENDENT
DELANO
SCHOOL DISTRICT 01-087
DELANO MN 5532

SUPERINTENDENT
HOWARD LAKE
SCHOOL DISTRICT 01-0880
BOX 708
HOWARD LAKE MN 55349

SUPERINTENDENT
MAPLE LAKE
SCHOOL DISTRICT 01-0881
133 MOLAND AVE.
MAPLE LAKE MN 55358

SUPERINTENDENT
MONTICELLO
SCHOOL DISTRICT 01-088
BOX 897
MONTICELLO MN 5536

SUPERINTENDENT
ROCKFORD
SCHOOL DISTRICT 01-0883
BOX 9

SUPERINTENDENT
ST. MICHAEL-ALBERTVILLE
SCHOOL DISTRICT 01-0884

SUPERINTENDENT
CANBY
SCHOOL DISTRICT 01-088

SUPERINTENDENT
COLD SPRING
SCHOOL DISTRICT
ROCORI HIGH SCHOOL
COLD SPRING
01-0750
MN 56320

SUPERINTENDENT
ELLENDALE
SCHOOL DISTRICT
BOX 428
ELLENDALE
01-0762
MN 56026

SUPERINTENDENT
MORRIS
SCHOOL DISTRICT
201 S. COLUMBIA AVE.
MORRIS
01-0769
MN 56267

SUPERINTENDENT
BENSON
SCHOOL DISTRICT
1400 MONTANA AVE.
BENSON
01-0777
MN 56215

SUPERINTENDENT
BROWERVILLE
SCHOOL DISTRICT
BOX 185
BROWERVILLE
01-0787
MN 56438

SUPERINTENDENT
GREY EAGLE
SCHOOL DISTRICT
GREY EAGLE
01-0791
MN 56336

SUPERINTENDENT
BROWNS VALLEY
SCHOOL DISTRICT
BOX N
BROWNS VALLEY
01-0801
MN 56219

SUPERINTENDENT
MAZEPPA
SCHOOL DISTRICT
BOX 222
MAZEPPA
01-0809
MN 55956

SUPERINTENDENT
BLOOMING PRAIRIE
SCHOOL DISTRICT
202 4TH AVE. N.W.
BLOOMING PRAIRIE
01-0756
MN 55917

SUPERINTENDENT
MEDFORD
SCHOOL DISTRICT
BOX 38
MEDFORD
01-0763
MN 55049

SUPERINTENDENT
CHOKIO-ALBERTA
SCHOOL DISTRICT
BOX 87
CHOKIO
01-0771
MN 56221

SUPERINTENDENT
APPLETON
SCHOOL DISTRICT
128 S. HERING ST.
APPLETON
01-0784
MN 56208

SUPERINTENDENT
CLARISSA
SCHOOL DISTRICT
CLARISSA
01-0789
MN 56440

SUPERINTENDENT
LONG PRAIRIE
SCHOOL DISTRICT
205 2ND ST. S.
LONG PRAIRIE
01-0792
MN 56347

SUPERINTENDENT
WHEATON
SCHOOL DISTRICT
1700 3RD AVE. S.
WHEATON
01-0803
MN 56296

SUPERINTENDENT
PLAINVIEW
SCHOOL DISTRICT
500 W. BROADWAY
PLAINVIEW
01-0810
MN 55964

SUPERINTENDENT
OWATONNA
SCHOOL DISTRICT
515 W. BRIDGE ST.
OWATONNA
01-076
MN 5506

SUPERINTENDENT
HANCOCK
SCHOOL DISTRICT
BOX 367
HANCOCK
01-076
MN 5624

SUPERINTENDENT
KERKHOVEN
SCHOOL DISTRICT
KERKHOVEN
01-077
MN 5625

SUPERINTENDENT
BERTHA-HEWITT
SCHOOL DISTRICT
BERTHA
01-078
MN 5643

SUPERINTENDENT
EAGLE BEND
SCHOOL DISTRICT
BOX K
EAGLE BEND
01-079
MN 5644

SUPERINTENDENT
STAPLES
SCHOOL DISTRICT
3RD ST.
STAPLES
01-079
MN 5647

SUPERINTENDENT
ELGIN
SCHOOL DISTRICT
1ST ST. S.E.
ELGIN
01-080
MN 5593

SUPERINTENDENT
WABASHA
SCHOOL DISTRICT
611 BROADWAY AVE.
WABASHA
01-081
MN 559

SUPERINTENDENT
PROCTOR
SCHOOL DISTRICT 01-0704
131 9TH AVE.
PROCTOR MN 55810

SUPERINTENDENT
TOWER-SOUDAN
SCHOOL DISTRICT 01-0708
BOX 469
TOWER MN 55790

SUPERINTENDENT
MOUNTAIN IRON-BUHL
SCHOOL DISTRICT 01-0712
MOUNTAIN IRON MN 55768

SUPERINTENDENT
PRIOR LAKE
SCHOOL DISTRICT 01-0719
BOX 539
PRIOR LAKE MN 55372

SUPERINTENDENT
BECKER
SCHOOL DISTRICT 01-0726
700 HANCOCK ST.
BECKER MN 55308

SUPERINTENDENT
ARLINGTON
SCHOOL DISTRICT 01-0731
BOX 1000
ARLINGTON MN 55307

SUPERINTENDENT
HENDERSON
SCHOOL DISTRICT 01-0734
107 N. 8TH ST.
HENDERSON MN 56044

SUPERINTENDENT
EROCTEN
SCHOOL DISTRICT 01-0737
BOX 39
EROCTEN MN 56316

SUPERINTENDENT
VIRGINIA
SCHOOL DISTRICT 01-0706
TECHNICAL BLDG.
VIRGINIA MN 55792

SUPERINTENDENT
DULUTH
SCHOOL DISTRICT 01-0709
LAKE AVE. & 2ND ST.
DULUTH MN 55802

SUPERINTENDENT
BELLE PLAINE
SCHOOL DISTRICT 01-0716
220 S. MARKET ST.
BELLE PLAINE MN 56011

SUPERINTENDENT
SHAKOPEE
SCHOOL DISTRICT 01-0720
505 S. HOLMES
SHAKOPEE MN 55379

SUPERINTENDENT
BIG LAKE
SCHOOL DISTRICT 01-0727
BIG LAKE MN 55309

SUPERINTENDENT
GAYLORD
SCHOOL DISTRICT 01-0732
BOX 356
GAYLORD MN 55334

SUPERINTENDENT
WINTHROP
SCHOOL DISTRICT 01-0735
N. COTTONWOOD ST.
WINTHROP MN 55396

SUPERINTENDENT
HOLDINGFORD
SCHOOL DISTRICT 01-0738
HOLDINGFORD MN 56340

SUPERINTENDENT
NETT LAKE
SCHOOL DISTRICT 01-070
NETT LAKE MN 5577

SUPERINTENDENT
ST. LOUIS COUNTY
SCHOOL DISTRICT 01-071
731 3RD ST. S.
VIRGINIA MN 5579

SUPERINTENDENT
JORDAN
SCHOOL DISTRICT 01-071
500 SUNSET DR.
JORDAN MN 5535

SUPERINTENDENT
NEW PRAGUE
SCHOOL DISTRICT 01-072
721 CENTRAL AVE. N.
NEW PRAGUE MN 5607

SUPERINTENDENT
ELK RIVER
SCHOOL DISTRICT 01-072
400 SCHOOL ST.
ELK RIVER MN 5533

SUPERINTENDENT
GIBBON
SCHOOL DISTRICT 01-073
323 E. 11TH ST.
GIBBON MN 5533

SUPERINTENDENT
BELGRADE-ELROSA
SCHOOL DISTRICT 01-073
BELGRADE MN 5631

SUPERINTENDENT
KIMBALL
SCHOOL DISTRICT 01-073
BOX 368
KIMBALL MN 5535

BIRD ISLAND MN 55310

BUFFALO LAKE MN 55314

DANUBE

SUPERINTENDENT
FAIRFAX
SCHOOL DISTRICT 01-0649
BOX 489
FAIRFAX MN 55332

SUPERINTENDENT
FRANKLIN
SCHOOL DISTRICT 01-0650
BOX 38
FRANKLIN MN 55333

SUPERINTENDENT
HECTOR
SCHOOL DISTRICT 01-0651
220 3RD ST. W.
HECTOR MN 55342

SUPERINTENDENT
MORTON
SCHOOL DISTRICT 01-0652
BOX 68
MORTON MN 56270

SUPERINTENDENT
OLIVIA
SCHOOL DISTRICT 01-0653
701 S. 9TH ST.
OLIVIA MN 56277

SUPERINTENDENT
RENVILLE
SCHOOL DISTRICT 01-0654
BOX 338
RENVILLE MN 56284

SUPERINTENDENT
SACRED HEART
SCHOOL DISTRICT 01-0655
SACRED HEART MN 56285

SUPERINTENDENT
FARIBAULT
SCHOOL DISTRICT 01-0656
2855 N.W. 1ST AVE.
FARIBAULT MN 55021

SUPERINTENDENT
MORRISTOWN
SCHOOL DISTRICT 01-0657
BOX 278
MORRISTOWN MN 55052

SUPERINTENDENT
NORTHFIELD
SCHOOL DISTRICT 01-0659
301 UNION ST.
NORTHFIELD MN 55057

SUPERINTENDENT
MAGNOLIA
SCHOOL DISTRICT 01-0669
BOX 40
MAGNOLIA MN 56158

SUPERINTENDENT
LUVERNE
SCHOOL DISTRICT 01-0670
BOX 278
LUVERNE MN 56156

SUPERINTENDENT
HILLS-BEAVER CREEK
SCHOOL DISTRICT 01-0671
BOX 547
HILLS MN 56138

SUPERINTENDENT
BADGER
SCHOOL DISTRICT 01-0676
BOX 68
BADGER MN 56714

SUPERINTENDENT
GREENBUSH
SCHOOL DISTRICT 01-0678
BOX 70
GREENBUSH MN 56726

SUPERINTENDENT
ROSEAU
SCHOOL DISTRICT 01-0682
509 3RD ST. NE.
ROSEAU MN 56751

SUPERINTENDENT
WARROAD
SCHOOL DISTRICT 01-0690
BOX 130
WARROAD MN 56763

SUPERINTENDENT
AURORA
SCHOOL DISTRICT 01-0691
601 N. 1ST ST. W.
AURORA MN 55705

SUPERINTENDENT
BABBITT
SCHOOL DISTRICT 01-0692
SOUTH DR.
BABBITT MN 55706

SUPERINTENDENT
BIWABIK
SCHOOL DISTRICT 01-0693
BOX 669
BIWABIK MN 55708

SUPERINTENDENT
CHISHOLM
SCHOOL DISTRICT 01-0695
3RD AVE. S.W. & 3RD ST.
CHISHOLM MN 55719

SUPERINTENDENT
ELY
SCHOOL DISTRICT 01-0696
600 E. HARVEY ST.
ELY

SUPERINTENDENT
EVELETH
SCHOOL DISTRICT 01-0697

SUPERINTENDENT
FLOODWOOD
SCHOOL DISTRICT 01-0698

SCHOOL DISTRICT 01-0614
500 JOHN ST.
STARBUCK MN 56381

SCHOOL DISTRICT 01-0615
BOX 66
VILLARD MN 56385

MOUNDS VIEW
SCHOOL DISTRICT 01-062
2959 HAMLINE AVE. N.
ST. PAUL MN 5511

SUPERINTENDENT
NORTH ST. PAUL-MAPLEWOOD
SCHOOL DISTRICT 01-0622
2055 E. LARPENTEUR AVE.
NORTH ST. PAUL MN 55109

SUPERINTENDENT
ROSEVILLE
SCHOOL DISTRICT 01-0623
1251 W. COUNTY RD. B-2
ROSEVILLE MN 55113

SUPERINTENDENT
WHITE BEAR LAKE
SCHOOL DISTRICT 01-0624
2390 CEDAR AVE.
WHITE BEAR LAKE MN 5511C

SUPERINTENDENT
ST. PAUL
SCHOOL DISTRICT 01-0625
360 COLBORNE ST.
ST. PAUL MN 55102

SUPERINTENDENT
OKLEE
SCHOOL DISTRICT 01-0627
OKLEE MN 56742

SUPERINTENDENT
PLUMMER
SCHOOL DISTRICT 01-0628
PLUMMER MN 56748

SUPERINTENDENT
RED LAKE FALLS
SCHOOL DISTRICT 01-0630
BOX 399
RED LAKE FALLS MN 56750

SUPERINTENDENT
BELVIEW
SCHOOL DISTRICT 01-0631
BOX 5
BELVIEW MN 56214

SUPERINTENDENT
LAMBERTON
SCHOOL DISTRICT 01-0633
BOX 278
LAMBERTON MN 56152

SUPERINTENDENT
MILROY
SCHOOL DISTRICT 01-0635
BOX 10
MILROY MN 56263

SUPERINTENDENT
MORGAN
SCHOOL DISTRICT 01-0636
BOX 188
MORGAN MN 56266

SUPERINTENDENT
REDWOOD FALLS
SCHOOL DISTRICT 01-0637
4TH & LINCOLN
REDWOOD FALLS MN 56283

SUPERINTENDENT
SANBORN
SCHOOL DISTRICT 01-0638
SANBORN MN 56083

SUPERINTENDENT
WABASSO
SCHOOL DISTRICT 01-0640
1333 MAY ST.
WABASSO MN 56293

SUPERINTENDENT
WALNUT GROVE
SCHOOL DISTRICT 01-0641
WALNUT GROVE MN 56180

SUPERINTENDENT
BIRD ISLAND
SCHOOL DISTRICT 01-0646
110 S. 9TH ST.
BIRD ISLAND MN 55310

SUPERINTENDENT
BUFFALO LAKE
SCHOOL DISTRICT 01-0647
BOX 278
BUFFALO LAKE MN 55314

SUPERINTENDENT
DANUBE
SCHOOL DISTRICT 01-0648
BOX 157
DANUBE MN 56230

SUPERINTENDENT
FAIRFAX
SCHOOL DISTRICT 01-0649
BOX 489
FAIRFAX MN 55332

SUPERINTENDENT
FRANKLIN
SCHOOL DISTRICT 01-0650
BOX 38
FRANKLIN MN 55333

SUPERINTENDENT
HECTOR
SCHOOL DISTRICT 01-0651
220 3RD ST. W.
HECTOR MN 5534

SUPERINTENDENT
MORTON
SCHOOL DI

SUPERINTENDENT

SUPERINTENDENT

ROCHESTER
SCHOOL DISTRICT 01-0535
615 S.W. 7TH ST.
ROCHESTER MN 55902

SUPERINTENDENT
FERGUS FALLS
SCHOOL DISTRICT 01-0544
600 FRIBERG AVE.
FERGUS FALLS MN 56537

SUPERINTENDENT
PELICAN RAPIDS
SCHOOL DISTRICT 01-0548
BOX V
PELICAN RAPIDS MN 56572

SUPERINTENDENT
NEW YORK MILLS
SCHOOL DISTRICT 01-0553
BOX 218
NEW YORK MILLS MN 56567

SUPERINTENDENT
ASKOV
SCHOOL DISTRICT 01-0566
ASKOV MN 55704

SUPERINTENDENT
SANDSTONE
SCHOOL DISTRICT 01-0576
SANDSTONE MN 55072

SUPERINTENDENT
EDGERTON
SCHOOL DISTRICT 01-0581
BOX 28
EDGERTON MN 56128

SUPERINTENDENT
RUTHTON
SCHOOL DISTRICT 01-0584
BOX B
RUTHTON MN 56170

SUPERINTENDENT
[illegible]

BATTLE LAKE
SCHOOL DISTRICT 01-0542
BOX 1280
BATTLE LAKE MN 56515

SUPERINTENDENT
HENNING
SCHOOL DISTRICT 01-0545
BOX 15
HENNING MN 56551

SUPERINTENDENT
PERHAM
SCHOOL DISTRICT 01-0549
200 5TH ST. S.E.
PERHAM MN 56573

SUPERINTENDENT
GOODRIDGE
SCHOOL DISTRICT 01-0561
BOX 195
GOODRIDGE MN 56725

SUPERINTENDENT
FINLAYSON
SCHOOL DISTRICT 01-0570
FINLAYSON MN 55735

SUPERINTENDENT
WILLOW RIVER
SCHOOL DISTRICT 01-0577
BOX 66
WILLOW RIVER MN 55795

SUPERINTENDENT
JASPER
SCHOOL DISTRICT 01-0582
JASPER MN 56144

SUPERINTENDENT
CLIMAX
SCHOOL DISTRICT 01-0592
BOX 45
CLIMAX MN 56523

SUPERINTENDENT
[illegible]

DEER CREEK
SCHOOL DISTRICT 01-05[illegible]
BOX 235
DEER CREEK MN 565

SUPERINTENDENT
PARKERS PRAIRIE
SCHOOL DISTRICT 01-05[illegible]
BOX 46
PARKERS PRAIRIE MN 563

SUPERINTENDENT
UNDERWOOD
SCHOOL DISTRICT 01-05[illegible]
200 SOUTHERN AVE.
UNDERWOOD MN 565

SUPERINTENDENT
THIEF RIVER FALLS
SCHOOL DISTRICT 01-05[illegible]
ZEH & LABREE
THIEF RIVER FALLS MN 567

SUPERINTENDENT
HINCKLEY
SCHOOL DISTRICT 01-05[illegible]
BOX 308
HINCKLEY MN 550

SUPERINTENDENT
PINE CITY
SCHOOL DISTRICT 01-05[illegible]
1400 6TH ST. S.
PINE CITY MN 550[illegible]

SUPERINTENDENT
PIPESTONE
SCHOOL DISTRICT 01-05[illegible]
BOX 71
PIPESTONE MN 561[illegible]

SUPERINTENDENT
CROOKSTON
SCHOOL DISTRICT 01-05[illegible]
415 JACKSON ST.
CROOKSTON MN 567[illegible]

SUPERINTENDENT
[illegible]

WELCOME
SCHOOL DISTRICT 01-0459
WELCOME MN 56181

SUPERINTENDENT
EDEN VALLEY
SCHOOL DISTRICT 01-0463
BOX 47
EDEN VALLEY MN 55329

SUPERINTENDENT
DASSEL-COKATO
SCHOOL DISTRICT 01-0466
HIGHWAY 12 & CO. RD. 10C
COKATO MN 55321

SUPERINTENDENT
CNAMIA
SCHOOL DISTRICT 01-0480
BOX 8
CNAMIA MN 56359

SUPERINTENDENT
PIERZ
SCHOOL DISTRICT 01-0484
PIERZ MN 56364

SUPERINTENDENT
UPSALA
SCHOOL DISTRICT 01-0487
UPSALA MN 56384

SUPERINTENDENT
LYLE
SCHOOL DISTRICT 01-0497
BOX 38
LYLE MN 55953

SUPERINTENDENT
SLAYTON
SCHOOL DISTRICT 01-0504
2420 28TH ST.
SLAYTON MN 56172

SUPERINTENDENT
ST. [illegible]

GRANADA-HUNTLEY
SCHOOL DISTRICT 01-0460
BOX 17
GRANADA MN 56039

SUPERINTENDENT
GROVE CITY
SCHOOL DISTRICT 01-0464
BOX 278
GROVE CITY MN 56243

SUPERINTENDENT
ISLE
SCHOOL DISTRICT 01-0473
BOX 25
ISLE MN 56342

SUPERINTENDENT
LITTLE FALLS
SCHOOL DISTRICT 01-0482
1001 S.E. 5TH AVE.
LITTLE FALLS MN 56345

SUPERINTENDENT
ROYALTON
SCHOOL DISTRICT 01-0485
BOX 5
ROYALTON MN 56373

SUPERINTENDENT
AUSTIN
SCHOOL DISTRICT 01-0492
202 4TH AVE. N.E.
AUSTIN MN 55912

SUPERINTENDENT
LEROY
SCHOOL DISTRICT 01-0499
BOX N
LEROY MN 55951

SUPERINTENDENT
FULDA
SCHOOL DISTRICT 01-0505
FULDA MN 56131

[illegible]

COSMOS
SCHOOL DISTRICT 01-046
320 N. SATURN ST.
COSMOS MN 5622

SUPERINTENDENT
LITCHFIELD
SCHOOL DISTRICT 01-046
901 GILMAN AVE. N.
LITCHFIELD MN 5535

SUPERINTENDENT
PRINCETON
SCHOOL DISTRICT 01-047
606 S. 3RD ST.
PRINCETON MN 5537

SUPERINTENDENT
MOTLEY
SCHOOL DISTRICT 01-048
BOX 268
MOTLEY MN 5646

SUPERINTENDENT
SWANVILLE
SCHOOL DISTRICT 01-048
BOX 98
SWANVILLE MN 5638

SUPERINTENDENT
GRAND MEADOW
SCHOOL DISTRICT 01-049
BOX 68
GRAND MEADOW MN 5593

SUPERINTENDENT
SOUTHLAND
SCHOOL DISTRICT 01-050
ADAMS MN 5590

SUPERINTENDENT
NICOLLET
SCHOOL DISTRICT 01-050
BOX 108
NICOLLET MN 5607

SUPERINTENDENT

COTTONWOOD

SUPERINTENDENT
LYND
SCHOOL DISTRICT 01-0415
BOX 64
LYND MN 56157

SUPERINTENDENT
TRACY
SCHOOL DISTRICT 01-0417
934 PINE ST.
TRACY MN 56175

SUPERINTENDENT
RUSSELL
SCHOOL DISTRICT 01-041
RUSSELL MN 5616

SUPERINTENDENT
BROWNTON
SCHOOL DISTRICT 01-0421
BOX 338, 335 3RD ST. S.
BROWNTON MN 55312

SUPERINTENDENT
GLENCOE
SCHOOL DISTRICT 01-0422
1021 E. 16TH ST.
GLENCOE MN 55336

SUPERINTENDENT
HUTCHINSON
SCHOOL DISTRICT 01-042
30 GLEN ST. N.
HUTCHINSON MN 5535

SUPERINTENDENT
LESTER PRAIRIE
SCHOOL DISTRICT 01-0424
HICKORY AVE. & 2ND ST. N.
LESTER PRAIRIE MN 55354

SUPERINTENDENT
SILVER LAKE
SCHOOL DISTRICT 01-0425
SILVER LAKE MN 55381

SUPERINTENDENT
STEWART
SCHOOL DISTRICT 01-042
STEWART MN 5538

SUPERINTENDENT
WINSTED
SCHOOL DISTRICT 01-0427
431 4TH ST. N.
WINSTED MN 55395

SUPERINTENDENT
MAHNOMEN
SCHOOL DISTRICT 01-0432
BOX 319
MAHNOMEN MN 56557

SUPERINTENDENT
WAUBUN
SCHOOL DISTRICT 01-043
BOX 98
WAUBUN MN 5658

SUPERINTENDENT
ALVARADO
SCHOOL DISTRICT 01-0436
BOX 816
ALVARADO MN 56710

SUPERINTENDENT
ARGYLE
SCHOOL DISTRICT 01-0437
BOX 279
ARGYLE MN 56713

SUPERINTENDENT
MIDDLE RIVER
SCHOOL DISTRICT 01-044
BOX 130
MIDDLE RIVER MN 5673

SUPERINTENDENT
NEWFOLDEN
SCHOOL DISTRICT 01-0441
BOX 277
NEWFOLDEN MN 56738

SUPERINTENDENT
OSLO
SCHOOL DISTRICT 01-0442
OSLO MN 56744

SUPERINTENDENT
STEPHEN
SCHOOL DISTRICT 01-044
BOX 68
STEPHEN MN 5675

SUPERINTENDENT
STRANDQUIST
SCHOOL DISTRICT 01-0444
BOX 6
STRANDQUIST MN 56758

SUPERINTENDENT
WARREN
SCHOOL DISTRICT 01-0446
224 E. BRIDGE ST.
WARREN MN 56762

SUPERINTENDENT
GRYGLA
SCHOOL DISTRICT 01-044
BOX 18
GRYGLA MN 5672

SUPERINTENDENT
CEYLON
SCHOOL DISTRICT 01-0451
301 W. GRANT
CEYLON

SUPERINTENDENT
EAST CHAIN
SCHOOL DISTRICT 01-0453
ROUTE 1

SUPERINTENDENT
FAIRMONT
SCHOOL DISTRICT 01-045
115 S. PARK ST.

SCHOOL DISTRICT 01-0346
309 DAY ST.
RAYMOND MN 56282

SCHOOL DISTRICT 01-0347
611 W. 5TH ST.
WILLMAR MN 56201

HALLOCK
SCHOOL DISTRICT 01-035
BOX L
HALLOCK MN 5672

SUPERINTENDENT
HUMBOLDT
SCHOOL DISTRICT 01-0352
BOX 54
HUMBOLDT MN 56731

SUPERINTENDENT
KARLSTAD
SCHOOL DISTRICT 01-0353
BOX 178
KARLSTAD MN 56732

SUPERINTENDENT
KENNEDY
SCHOOL DISTRICT 01-035
BOX 127
KENNEDY MN 5673

SUPERINTENDENT
LANCASTER
SCHOOL DISTRICT 01-0356
BOX 217
LANCASTER MN 56735

SUPERINTENDENT
INTERNATIONAL FALLS
SCHOOL DISTRICT 01-0361
4TH ST. & 6TH AVE.
INTERNATIONAL FALLS MN 56649

SUPERINTENDENT
LITTLEFORK-BIG FALLS
SCHOOL DISTRICT 01-036
BOX D
LITTLEFORK MN 5665

SUPERINTENDENT
SOUTH KOOCHICHING
SCHOOL DISTRICT 01-0363
BOX 465
NORTHOME MN 56661

SUPERINTENDENT
BELLINGHAM
SCHOOL DISTRICT 01-0371
BOX 6155
BELLINGHAM MN 56212

SUPERINTENDENT
MARIETTA-NASSAU
SCHOOL DISTRICT 01-037
MARIETTA MN 5625

SUPERINTENDENT
MADISON
SCHOOL DISTRICT 01-0377
316 4TH ST.
MADISON MN 56256

SUPERINTENDENT
DAWSON
SCHOOL DISTRICT 01-0378
BOX S
DAWSON MN 56232

SUPERINTENDENT
LAKE SUPERIOR
SCHOOL DISTRICT 01-038
405 4TH AVE.
TWO HARBORS MN 5561

SUPERINTENDENT
LAKE OF THE WOODS
SCHOOL DISTRICT 01-0390
BOX 310
BAUDETTE MN 56623

SUPERINTENDENT
CLEVELAND
SCHOOL DISTRICT 01-0391
BOX 310
CLEVELAND MN 56017

SUPERINTENDENT
LECENTER
SCHOOL DISTRICT 01-039
150 W. TYRONE ST.
LECENTER MN 5605

SUPERINTENDENT
LESUEUR
SCHOOL DISTRICT 01-0393
901 E. FERRY ST.
LESUEUR MN 56058

SUPERINTENDENT
MONTGOMERY
SCHOOL DISTRICT 01-0394
101 2ND ST. N.E.
MONTGOMERY MN 56069

SUPERINTENDENT
WATERVILLE
SCHOOL DISTRICT 01-039
500 E. PAQUIN ST.
WATERVILLE MN 5609

SUPERINTENDENT
HENDRICKS
SCHOOL DISTRICT 01-0402
200 E. LINCOLN
HENDRICKS MN 56136

SUPERINTENDENT
IVANHOE
SCHOOL DISTRICT 01-0403
BOX 9
IVANHOE MN 56142

SUPERINTENDENT
LAKE BENTON
SCHOOL DISTRICT 01-040
101 GARFIELD ST.
LAKE BENTON MN 5614

SUPERINTENDENT
VERDI

SUPERINTENDENT

SUPERINTENDENT

SUPERINTENDENT
EDEN PRAIRIE
SCHOOL DISTRICT 01-0272
8100 SCHOOL RD.
EDEN PRAIRIE MN 55344

SUPERINTENDENT
EDINA
SCHOOL DISTRICT 01-0273
5555 W. 70TH ST.
EDINA MN 55435

SUPERINTENDENT
MINNETONKA
SCHOOL DISTRICT 01-027
261 SCHOOL AVE.
EXCELSIOR MN 5533

SUPERINTENDENT
WESTONKA
SCHOOL DISTRICT 01-0277
5600 LYNWOOD BLVD.
MOUND MN 55364

SUPERINTENDENT
ORONO
SCHOOL DISTRICT 01-0278
685 OLD CRYSTAL BAY RD.
LONG LAKE MN 55356

SUPERINTENDENT
OSSEO
SCHOOL DISTRICT 01-027
11200 93RD AVE. N.
MAPLE GROVE MN 5536

SUPERINTENDENT
RICHFIELD
SCHOOL DISTRICT 01-0280
7001 HARRIET AVE. S.
RICHFIELD MN 55423

SUPERINTENDENT
ROBBINSDALE
SCHOOL DISTRICT 01-0281
4146 WINNETKA AVE. N.
ROBBINSDALE MN 55427

SUPERINTENDENT
ST. ANTHONY-NEW BRIGHTON
SCHOOL DISTRICT 01-028
3303 33RD AVE. N.E.
ST. ANTHONY MN 5541

SUPERINTENDENT
ST. LOUIS PARK
SCHOOL DISTRICT 01-0283
6425 W. 33RD ST.
ST. LOUIS PARK MN 55426

SUPERINTENDENT
WAYZATA
SCHOOL DISTRICT 01-0284
BOX 660
WAYZATA MN 55391

SUPERINTENDENT
BROOKLYN CENTER
SCHOOL DISTRICT 01-028
6500 HUMBOLDT AVE. N.
BROOKLYN CENTER MN 5543

SUPERINTENDENT
HOUSTON
SCHOOL DISTRICT 01-0294
306 W. ELM ST.
HOUSTON MN 55943

SUPERINTENDENT
SPRING GROVE
SCHOOL DISTRICT 01-0297
BOX 626
SPRING GROVE MN 55974

SUPERINTENDENT
CALEDONIA
SCHOOL DISTRICT 01-029
W. MAIN ST.
CALEDONIA MN 5592

SUPERINTENDENT
LA CRESCENT
SCHOOL DISTRICT 01-0300
504 S. OAK ST.
LA CRESCENT MN 55947

SUPERINTENDENT
AKELEY
SCHOOL DISTRICT 01-0301
BOX 129
AKELEY MN 56433

SUPERINTENDENT
LAPORTE
SCHOOL DISTRICT 01-030
ROUTE 1, BOX 1
LAPORTE MN 5646

SUPERINTENDENT
NEVIS
SCHOOL DISTRICT 01-0308
BOX 183
NEVIS MN 56467

SUPERINTENDENT
PARK RAPIDS
SCHOOL DISTRICT 01-0309
BOX 591
PARK RAPIDS MN 56470

SUPERINTENDENT
BRAHAM
SCHOOL DISTRICT 01-031
BOX 488
BRAHAM MN 5500

SUPERINTENDENT
COLERAINE
SCHOOL DISTRICT 01-0316
ROOSEVELT AVE.
COLERAINE MN 55722

SUPERINTENDENT
DEER RIVER
SCHOOL DISTRICT 01-0317
DEER RIVER MN 56636

SUPERINTENDENT
GRAND RAPIDS
SCHOOL DISTRICT 01-031
820 N. POKEGAMA AVE.
GRAND RAPIDS MN 557

SUPERINTENDENT

SUPERINTENDENT
MABEL-CANTON
SCHOOL DISTRICT
316 W. FILLMORE AVE.
MABEL
01-0238
MN 55954

SUPERINTENDENT
BLUE EARTH
SCHOOL DISTRICT
EAST 6TH ST.
BLUE EARTH
01-0240
MN 56013

SUPERINTENDENT
ALBERT LEA
SCHOOL DISTRICT
211 W. RICHWAY DR.
ALBERT LEA
01-0241
MN 56007

SUPERINTENDENT
ALDEN
SCHOOL DISTRICT
BOX 99
ALDEN
01-0242
MN 56009

SUPERINTENDENT
EMMONS
SCHOOL DISTRICT
BOX 13
EMMONS
01-0243
MN 56029

SUPERINTENDENT
FREEBORN
SCHOOL DISTRICT
BOX 155
FREEBORN
01-0244
MN 56032

SUPERINTENDENT
GLENVILLE
SCHOOL DISTRICT
230 5TH ST. S.E.
GLENVILLE
01-0245
MN 56036

SUPERINTENDENT
CANNON FALLS
SCHOOL DISTRICT
820 E. MINNESOTA ST.
CANNON FALLS
01-0252
MN 55009

SUPERINTENDENT
GOODHUE
SCHOOL DISTRICT
510 3RD AVE.
GOODHUE
01-0253
MN 55027

SUPERINTENDENT
KENYON
SCHOOL DISTRICT
401 FOREST
KENYON
01-0254
MN 55946

SUPERINTENDENT
PINE ISLAND
SCHOOL DISTRICT
BOX 398
PINE ISLAND
01-0255
MN 55963

SUPERINTENDENT
RED WING
SCHOOL DISTRICT
525 EAST AVE.
RED WING
01-0256
MN 55066

SUPERINTENDENT
WANAMINGO
SCHOOL DISTRICT
WANAMINGO
01-0258
MN 55983

SUPERINTENDENT
ZUMBROTA
SCHOOL DISTRICT
705 MILL ST.
ZUMBROTA
01-0260
MN 55992

SUPERINTENDENT
ASHBY
SCHOOL DISTRICT
BOX C
ASHBY
01-0261
MN 56309

SUPERINTENDENT
BARRETT
SCHOOL DISTRICT
411 FIRST S.E.
ELBOW LAKE
01-0262
MN 56531

SUPERINTENDENT
ELBOW LAKE
SCHOOL DISTRICT
411 1ST ST. S.E.
ELBOW LAKE
01-0263
MN 56531

SUPERINTENDENT
HERMAN-NORCROSS
SCHOOL DISTRICT
HERMAN
01-0264
MN 56248

SUPERINTENDENT
HOFFMAN
SCHOOL DISTRICT
BOX 306
HOFFMAN
01-0265
MN 56339

SUPERINTENDENT
HOPKINS
SCHOOL DISTRICT
1001 STATE HWY. 7
HOPKINS
01-0270
MN 55343

SUPERINTENDENT
BLOOMINGTON
SCHOOL DISTRICT
8900 PORTLAND AVE. S.
BLOOMINGTON
01-0271
MN 55420

SUPERINTENDENT
EDEN PRAIRIE
SCHOOL DISTRICT
8100 SCHOOL RD.
EDEN PRAIRIE
01-0272
MN 55344

SUPERINTENDENT
EDINA
SCHOOL DISTRICT
5555 W. 70TH ST.
EDINA
01-0273
MN 55435

SUPERINTENDENT
MINNETONKA
SCHOOL DISTRICT
261 SCHOOL AVE.
EXCELSIOR
01-0276
MN 55331

SUPERINTENDENT

SUPERINTENDENT

SUPERINTENDENT

SUPERINTENDENT
INVER GROVE
SCHOOL DISTRICT 01-0199
9875 INVER GROVE TR. E.
INVER GROVE HEIGHTS MN 55075

SUPERINTENDENT
HASTINGS
SCHOOL DISTRICT 01-0200
9TH & VERMILLION ST.
HASTINGS MN 55033

SUPERINTENDENT
CLAREMONT
SCHOOL DISTRICT 01-0201
BOX C
CLAREMONT MN 55924

SUPERINTENDENT
DODGE CENTER
SCHOOL DISTRICT 01-0202
BOX 40
DODGE CENTER MN 55927

SUPERINTENDENT
HAYFIELD
SCHOOL DISTRICT 01-0203
HAYFIELD MN 55940

SUPERINTENDENT
KASSON-MANTORVILLE
SCHOOL DISTRICT 01-0204
BOX 158
KASSON MN 55944

SUPERINTENDENT
WEST CONCORD
SCHOOL DISTRICT 01-0205
BOX 38
WEST CONCORD MN 55985

SUPERINTENDENT
ALEXANDRIA
SCHOOL DISTRICT 01-0206
BOX 308
ALEXANDRIA MN 56308

SUPERINTENDENT
BRANDON
SCHOOL DISTRICT 01-0207
BOX 185
BRANDON MN 56315

SUPERINTENDENT
EVANSVILLE
SCHOOL DISTRICT 01-0208
EVANSVILLE MN 56326

SUPERINTENDENT
KENSINGTON
SCHOOL DISTRICT 01-0209
KENSINGTON MN 56343

SUPERINTENDENT
OSAKIS
SCHOOL DISTRICT 01-0213
14 OAK ST. E.
OSAKIS MN 56360

SUPERINTENDENT
BRICELYN
SCHOOL DISTRICT 01-0217
BOX 277
BRICELYN MN 56014

SUPERINTENDENT
DELAVAN
SCHOOL DISTRICT 01-0218
BOX 125
DELAVAN MN 56023

SUPERINTENDENT
ELMORE
SCHOOL DISTRICT 01-0219
BOX 98
ELMORE MN 56027

SUPERINTENDENT
KIESTER
SCHOOL DISTRICT 01-0222
KIESTER MN 56051

SUPERINTENDENT
MINNESOTA LAKE
SCHOOL DISTRICT 01-0223
BOX 218
MINNESOTA LAKE MN 56068

SUPERINTENDENT
WELLS
SCHOOL DISTRICT 01-0224
250 2ND AVE. S.W.
WELLS MN 56097

SUPERINTENDENT
WINNEBAGO
SCHOOL DISTRICT 01-0225
BOX 65
WINNEBAGO MN 56098

SUPERINTENDENT
CHATFIELD
SCHOOL DISTRICT 01-0227
CHATFIELD MN 55923

SUPERINTENDENT
HARMONY
SCHOOL DISTRICT 01-0228
145 MAIN AVE. S.
HARMONY MN 55939

SUPERINTENDENT
LANESBORO
SCHOOL DISTRICT 01-0229
101 RIDGEVIEW
LANESBORO MN 55949

SUPERINTENDENT
PETERSON
SCHOOL DISTRICT 01-0232
BOX 8
PETERSON MN 55962

SUPERINTENDENT
PRESTON
SCHOOL DISTRICT 01-0237
BOX 407
PRESTON MN 55965

SUPERINTENDENT
MONTEVIDEO
SCHOOL DISTRICT 01-0129
3RD ST. & EUREKA AVE.
MONTEVIDEO MN 56265

SUPERINTENDENT
NORTH BRANCH
SCHOOL DISTRICT 01-0138
320 MAIN ST.
NORTH BRANCH MN 55056

SUPERINTENDENT
RUSH CITY
SCHOOL DISTRICT 01-0139
RUSH CITY MN 55069

SUPERINTENDENT
TAYLORS FALLS
SCHOOL DISTRICT 01-0140
670 WEST ST.
TAYLORS FALLS MN 55084

SUPERINTENDENT
CHISAGO LAKES
SCHOOL DISTRICT 01-0141
13750 LAKE BLVD.
LINDSTROM MN 55045

SUPERINTENDENT
GLYNDON
SCHOOL DISTRICT 01-0145
GLYNDON MN 56547

SUPERINTENDENT
BARNESVILLE
SCHOOL DISTRICT 01-0146
BOX 189
BARNESVILLE MN 56514

SUPERINTENDENT
DILWORTH
SCHOOL DISTRICT 01-0147
BOX 188
DILWORTH MN 56529

SUPERINTENDENT
HAWLEY
SCHOOL DISTRICT 01-0150
BOX 608
HAWLEY MN 56549

SUPERINTENDENT
MOORHEAD
SCHOOL DISTRICT 01-0152
810 4TH AVE. S.
MOORHEAD MN 56560

SUPERINTENDENT
GONVICK
SCHOOL DISTRICT 01-0158
GONVICK MN 56644

SUPERINTENDENT
CLEARBROOK
SCHOOL DISTRICT 01-0161
CLEARBROOK MN 56634

SUPERINTENDENT
BAGLEY
SCHOOL DISTRICT 01-0162
308 N. BAGLEY AVE.
BAGLEY MN 56621

SUPERINTENDENT
COOK COUNTY
SCHOOL DISTRICT 01-0166
BOX F
GRAND MARAIS MN 55604

SUPERINTENDENT
MOUNTAIN LAKE
SCHOOL DISTRICT 01-0173
450 12TH ST.
MOUNTAIN LAKE MN 56159

SUPERINTENDENT
WESTBROOK
SCHOOL DISTRICT 01-0175
BOX 128
WESTBROOK MN 56183

SUPERINTENDENT
WINDOM
SCHOOL DISTRICT 01-0177
BOX C-177
WINDOM MN 56101

SUPERINTENDENT
STORDEN-JEFFERS
SCHOOL DISTRICT 01-0178
BOX 68
STORDEN MN 56174

SUPERINTENDENT
BRAINERD
SCHOOL DISTRICT 01-0181
300 QUINCE ST.
BRAINERD MN 56401

SUPERINTENDENT
CROSBY
SCHOOL DISTRICT 01-0182
CROSBY MN 56441

SUPERINTENDENT
PEQUOT LAKES
SCHOOL DISTRICT 01-0186
BOX 368
PEQUOT LAKES MN 56472

SUPERINTENDENT
BURNSVILLE
SCHOOL DISTRICT 01-0191
100 RIVER RIDGE COURT
BURNSVILLE MN 55337

SUPERINTENDENT
FARMINGTON
SCHOOL DISTRICT 01-0192
510 WALNUT ST.
FARMINGTON MN 55024

SUPERINTENDENT
LAKEVILLE
SCHOOL DISTRICT 01-0194
8670 210TH ST. W.
LAKEVILLE MN 55044

SCHOOL DISTRICT
1000 NORTH BROAD
MANKATO
01-0077
MN 56001

SCHOOL DISTRICT
GARDEN CITY
MN 56034

BOX 96
AMBOY
MN 56010

SUPERINTENDENT
COMFREY
SCHOOL DISTRICT
BOX 68
COMFREY
01-0081
MN 56019

SUPERINTENDENT
SLEEPY EYE
SCHOOL DISTRICT
400 4TH AVE. S.W.
SLEEPY EYE
01-0084
MN 56085

SUPERINTENDENT
SPRINGFIELD
SCHOOL DISTRICT
12 SOUTH BURNS
SPRINGFIELD
01-0085
MN 56087

SUPERINTENDENT
NEW ULM
SCHOOL DISTRICT
400 S. PAYNE
NEW ULM
01-0088
MN 56073

SUPERINTENDENT
BARNUM
SCHOOL DISTRICT
BOX 227
BARNUM
01-0091
MN 55707

SUPERINTENDENT
CARLTON
SCHOOL DISTRICT
BOX 310
CARLTON
01-0091
MN 5571

SUPERINTENDENT
CLOQUET
SCHOOL DISTRICT
509 CARLTON AVE.
CLOQUET
01-0094
MN 55720

SUPERINTENDENT
CROMWELL
SCHOOL DISTRICT
CROMWELL
01-0095
MN 55726

SUPERINTENDENT
MOOSE LAKE
SCHOOL DISTRICT
413 BIRCH AVE.
MOOSE LAKE
01-0097
MN 55767

SUPERINTENDENT
ESKO
SCHOOL DISTRICT
ESKO
01-0099
MN 55733

SUPERINTENDENT
ARENSHALL
SCHOOL DISTRICT
BOX 63
ARENSHALL
01-0100
MN 55797

SUPERINTENDENT
NORWOOD
SCHOOL DISTRICT
531 CENTRAL AVE.
NORWOOD
01-010
MN 5536

SUPERINTENDENT
WACONIA
SCHOOL DISTRICT
24 S. WALNUT ST.
WACONIA
01-0110
MN 55387

SUPERINTENDENT
WATERTOWN-MAYER
SCHOOL DISTRICT
BOX 803
WATERTOWN
01-0111
MN 55388

SUPERINTENDENT
CHASKA
SCHOOL DISTRICT
1700 CHESTNUT
CHASKA
01-011
MN 5531

SUPERINTENDENT
BACKUS
SCHOOL DISTRICT
BOX 47
BACKUS
01-0114
MN 56435

SUPERINTENDENT
CASS LAKE
SCHOOL DISTRICT
RT. 3, BOX 4
CASS LAKE
01-0115
MN 56633

SUPERINTENDENT
PILLAGER
SCHOOL DISTRICT
BOX 38
PILLAGER
01-011
MN 5647

SUPERINTENDENT
PINE RIVER
SCHOOL DISTRICT
PINE RIVER
01-0117
MN 56474

SUPERINTENDENT
REMER
SCHOOL DISTRICT
ROUTE 1, BOX A
REMER
01-0118
MN 56672

SUPERINTENDENT
WALKER
SCHOOL DISTRICT
WALKER
01-011
MN 564

SUPERINTENDENT
BEMIDJI

SUPERINTENDENT
VILLARD

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXX TASK # 3611 XXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
vvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvv

SUPERINTENDENT
AITKIN
SCHOOL DISTRICT 01-0001
306 2ND ST. N.W.
AITKIN MN 56431

SUPERINTENDENT
ANOKA
SCHOOL DISTRICT 01-0011
11299 HANSON BLVD. N.W.
COON RAPIDS MN 55433

SUPERINTENDENT
FRIDLEY
SCHOOL DISTRICT 01-0014
6000 W. MOORE LAKE DR.
FRIDLEY MN 55432

SUPERINTENDENT
AUDUBON
SCHOOL DISTRICT 01-0021
BOX 38
AUDUBON MN 56511

SUPERINTENDENT
LAKE PARK
SCHOOL DISTRICT 01-0034
BOX 479
LAKE PARK MN 56554

SUPERINTENDENT
BLACKDUCK
SCHOOL DISTRICT 01-0032
BLACKDUCK MN 56630

SUPERINTENDENT
SAUK RAPIDS
SCHOOL DISTRICT 01-0047
BOX 520
SAUK RAPIDS MN 56379

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXX TASK # 3611 XXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
vvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvv

SUPERINTENDENT
HILL CITY
SCHOOL DISTRICT 01-0002
BOX 69
HILL CITY MN 55748

SUPERINTENDENT
CENTENNIAL
SCHOOL DISTRICT 01-0012
4707 NORTH RD.
CIRCLE PINES MN 55014

SUPERINTENDENT
ST. FRANCIS
SCHOOL DISTRICT 01-0015
3325 BRIDGE ST.
ST. FRANCIS MN 55070

SUPERINTENDENT
DETROIT LAKES
SCHOOL DISTRICT 01-0022
700 LAKE AVE.
DETROIT LAKES MN 56501

SUPERINTENDENT
PINE POINT
SCHOOL DISTRICT 01-0025
BOX 21
PONSFORD MN 56575

SUPERINTENDENT
KELLIHER
SCHOOL DISTRICT 01-0036
BOX 259
KELLIHER MN 56650

SUPERINTENDENT
FOLEY
SCHOOL DISTRICT 01-0051
500 DEWEY ST.
FOLEY MN 56329

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXX TASK # 3611 XXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
vvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvv

SUPERINTENDENT
MCGREGOR
SCHOOL DISTRICT 01-0004
MAIN ST.
MCGREGOR MN 55760

SUPERINTENDENT
COLUMBIA HEIGHTS
SCHOOL DISTRICT 01-0017
1400 49TH AVE. N.E.
COLUMBIA HEIGHTS MN 55421

SUPERINTENDENT
SPRING LAKE PARK
SCHOOL DISTRICT 01-0018
6000 HWY. 65 N.E.
SPRING LAKE PARK MN 55432

SUPERINTENDENT
FRAZEE
SCHOOL DISTRICT 01-0021
BOX 186
FRAZEE MN 56544

SUPERINTENDENT
BEMIDJI
SCHOOL DISTRICT 01-0031
201 15TH ST. N.W.
BEMIDJI MN 56601

SUPERINTENDENT
RED LAKE
SCHOOL DISTRICT 01-0038
REDLAKE MN 56671

SUPERINTENDENT
BEARDSLEY
SCHOOL DISTRICT 01-0021
BEARDSLEY MN 56211

CERTIFICATE OF THE
MINNESOTA BOARD OF TEACHING
RESOLUTION ADOPTING RULES

I, Dale R. Rapp, do hereby certify that I am a member and the chairman of the Board of Teaching, a board 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 Board, duly and properly called and held on the 22nd of April, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"Resolved, that the rules relating to Part 8700.7600 Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and, Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers are approved and adopted, pursuant to authority vested in the Board by Minnesota Statutes section 125.05, subd. 1 and 125.185, subd. 4. Kenneth L. Peatross, the executive secretary of the Board, is authorized to sign the findings of fact, conclusions, and order adopting the rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the attorney general and to perform the necessary acts to provide that the rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of April, 1988.

Dale R. Rapp
Chairman of the Board

Norman C. Olson
Attest by one other Board member

STATE OF MINNESOTA

BOARD OF TEACHING

In the matter of the Proposed Adoption of the Rules of the State Board of Teaching Governing Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULES WITHOUT A PUBLIC HEARING

Notice of the Board's intent to adopt the above-mentioned rules was published in the State Register on March 7, 1988, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 on March 4, 1988.

The statement of need and reasonableness was prepared before the notice of intent to adopt rules without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The agency receive one request, of which one was subsequently withdrawn. Therefore, the agency did not receive requests for a public hearing from 25 or more persons which were not withdrawn.

No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, the Board of Teaching finds the following:

The above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as Part 8700.7600 Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers, are adopted this 22nd day of April, 1988, pursuant to authority vested in the Board by Minnesota Statutes, section 125.05, subd. 1, and 125.185, subd. 4.

4-22-88

/Kenneth L Peatross

Kenneth L. Peatross
Executive Secretary

In the matter of the Proposed Adoption of the Rules of the State Board of Teaching Governing Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

DECLARATIONS OF COUNSEL

I, Laura E. Mattson, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0771.

Laura E. Mattson
Special Assistant Attorney General

4-25-88
Date

CERTIFICATE OF THE

MINNESOTA BOARD OF TEACHING

AUTHORIZING RESOLUTION

I, Dale R. Rapp, do hereby certify that I am a member and the Chairman of the Minnesota Board of Teaching, a board 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 Board of Teaching duly and properly called and held on the 19th day of February, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that Kenneth L. Peatross, Executive Secretary of the Minnesota Board of Teaching, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt Rules Without a Public Hearing governing amendments to institutional approval and program approval rules to all persons who have registered their names with the board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of February, 1988.

Dale R. Rapp

Chairman, Minnesota Board of Teaching

Norman C. Olson

Attest by one other Board member

State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



Published every Monday

14 December 1987

Volume 12, Number 24

Pages 1201-1240

STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

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, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 12 Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
24	Monday 30 November	Monday 7 December	Monday 14 December
25	Monday 7 December	Monday 14 December	Monday 21 December
26	Monday 14 December	Monday 21 December	Monday 28 December
27	Monday 21 December	Monday 28 December	Monday 4 January

*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 State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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Department of Administration

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Minnesota Documents Division

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(612) 296-0504

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Room 175 State Office Building, St. Paul, MN 55155
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NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register.*** Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers. Every odd-numbered year the ***Minnesota Rules*** are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register.***

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register.*** When rules are first drafted, state agencies publish them as **Proposed Rules,** along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register.*** After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules.** These final adopted rules are not printed in their entirety in the ***State Register,*** only the changes made since their publication as **Proposed Rules.** To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register,*** the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services.***

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the ***State Register,*** a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services,*** contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

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.

Ethical Practices Board

Proposed Permanent Rules Relating to Ethics in Government

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Ethical Practices Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 10A.02, subd. 13.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30-day period ends January 14, 1988. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw the request in writing. Any person requesting a public hearing should state the person's name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520.

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

A copy of the proposed rule is attached to this notice.

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

Please be advised that *Minnesota Statutes*, Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in *Minnesota Statutes*, 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 month or more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials; or (b) who spends more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Board at the address above, telephone (612) 296-5615.

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.

Minnesota Statutes, 14.115 requires the Board to provide an opportunity for small businesses to participate in the rulemaking process. It appears that the proposed amendments do not directly affect small business, for by definition, the regulations are imposed on individuals. However, small businesses may be affected indirectly by these regulations, for example a lobbyist may disclose information on her or his registration which may affect small businesses. For more information on the possible small business impact, see the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 adopted rule, must submit the written request to Ceil Gerlach, at the Board Office address listed above.

Dated: 30 November 1987

Mary Ann McCoy
Executive Director

Rules as Proposed

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. ~~**Tax credit and**~~ **Public financing** ~~**agreements**~~ agreement. ~~A candidate may sign a tax credit agreement for the calendar year for each office sought until December 31.~~ A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. **Aggregate contributions.** Contributions to a candidate for district court or county court which in aggregate exceed ~~$50~~ $100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

Subp. 2. **Contributions from one source.** Contributions to a candidate for district court or county court from any one source totaling ~~$200 or~~ more than $400 received between the last day covered in the last report prior to an election and the election shall be reported to the board in person ~~or,~~ by telegram or mailgram, or by certified mail sent within 48 hours after receipt and also in the next required report.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

Subpart 1. **Public financing** ~~**or tax credit agreements**~~ agreement. ~~A candidate seeking the endorsement for lieutenant governor who signs a tax credit agreement does not bind either the candidate for governor or his own candidacy to campaign expenditure limits following their joining of candidacies.~~ Following their joint endorsement or filing for office, ~~the~~ candidates for governor and lieutenant governor must jointly sign ~~either~~ the public financing agreement ~~or the tax credit agreement or both agreements~~ if they wish to participate in public financing.

Subp. 2. [Unchanged.]

4505.0300 LATE FILING FEES.

The board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after a filing date. A certified letter returned by the post office to the board as refused is considered received by the addressee on the date refused. The late filing fee begins accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered or refused must be forwarded by first class mail to the public official or candidate. An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing. ~~The late filing fee for an undelivered notice begins accumulating on the eighth day after the notice is deposited in first class mail.~~ A late filing fee must be charged through the business day preceding the day of filing of a late statement. A late filing fee may not be assessed for Saturday, Sunday, or legal holidays.

4510.1200 LATE FILING FEES.

The late filing fee shall commence the eighth day following receipt of a late filing notice, unless the eighth day falls on Saturday, Sunday, or a legal holiday. The late filing fee shall then commence the next business day. A late filing fee shall not be assessed for Saturday, Sunday, or legal holidays.

A certified letter returned to the board by the United States Post Office marked "refused" shall be deemed to have been received by the addressee on the date of refusal.

Except as provided in the preceding paragraph, a certified letter returned to the board by the United States Post Office undelivered

for any reason shall be forwarded by first class mail to the lobbyist, addressed to the lobbyist at the address shown on his latest registration statement or disbursement report. ~~The late filing fee shall then commence the first business day following the seventh day after deposit in first class United States mail~~ An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing.

A late filing fee shall be charged through the business day preceding the day of filing of a late statement or late periodic report.

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS.

Any public official who, in the discharge of official duties, would be required to take action or make a decision which would substantially affect the official's financial interests, or those of ~~a business with which he is~~ an associated business, as that term is defined in Minnesota Statutes, section 10A.01, subdivision 4, must file a potential conflict of interest notice, unless the effect on the official is no greater than on other members of the official's business classification, profession, or occupation.

4525.0200 COMPLAINTS OF VIOLATIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Hearings.** At any time during an investigation of a complaint, the board ~~in its discretion,~~ may hold a contested case hearing before making a finding on the complaint.

4525.0500 INVESTIGATIONS AND AUDITS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Contested case hearing.** At any time during an investigation or audit, the board ~~in its discretion~~ may hold a contested case hearing before making a finding on any investigation or audit.

Subp. 4. and 5. [Unchanged.]

REPEALER. Minnesota Rules, parts 4500.0500; 4500.1800; 4500.4100; 4500.4200; and 4500.4300, subpart 3, are repealed.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Revisions to the Occupational Safety and Health Standards

Request for Comments

Notice is hereby given that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Minnesota Occupational Safety and Health Standards, as authorized under *Minnesota Statutes* § 182.655 (1986) amending the Occupational Safety and Health Standards that have already been proposed and adopted by the federal Occupational Safety and Health Administration (Federal OSHA).

Complete copies of the specific revisions are available by writing: Occupational Safety and Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101; or by calling (612) 297-3254.

Interested persons are hereby afforded a period of 30 days to submit written data or comments on the described standards. Any interested person may file with the Commissioner written objections to the proposed standards stating the grounds for those objections. Such person may request a public hearing on those objections.

Ray Bohn
Commissioner of Labor and Industry

Standards as Proposed

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE. The Minnesota Department of Labor and Industry, Occupational Safety and Health standards and rules are amended by incorporating

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and adopting by reference, and thereby making a part thereof, Title 29, of the Code of Federal Regulations as follows:

Part 1910—Occupational Safety and Health Standards, as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to ~~June 1, 1987~~ December 1, 1987.

Federal Register, Vol. 52, No. 176, dated September 11, 1987; "Occupational Exposure to Benzene, Final Rule—1910.1028."

Federal Register, Vol. 52, No. 186, dated September 25, 1987; "Servicing of Single Piece and Multi-Piece Rim Wheels at Marine Terminals, Final Rule—1917.44."

Federal Register, Vol. 52, No. 187, dated September 28, 1987; "Revision of Telecommunications Training Records, Final Rule—1910.268."

Federal Register, Vol. 52, No. 187, dated September 28, 1987; "Revision of Construction Industry Test and Inspection Records, Final Rule—1926.550, 1926.552, and 1926.903."

Summary of Standards: The following summary of the proposed standards is very brief; persons interested in reviewing any of these standards in their entirety may obtain a copy as noted above.

A) "Occupational Exposure to Benzene, Final Rule." On September 11, 1987, Federal OSHA amended its existing standard for occupational exposure to benzene. The revised standard lowers the 8-hour time-weighted average (TWA) for occupational exposures to benzene from 10 parts per million (10 ppm) to 1 ppm and the short-term exposure limit (STEL) from 25 ppm to 5 ppm. The standard will result in a substantial reduction in the workers' risk of developing leukemia and other diseases of the blood and blood-forming organs. The standard incorporates an action level of 0.5 ppm below which many industrial hygiene and medical surveillance provisions are not required. Many employers having workplaces in which such reductions are feasible will reduce employee exposures below 0.5 ppm in order to have a high degree of confidence that they are protecting their employees, to avoid the costs of the industrial hygiene and medical surveillance provisions, and to have an adequate margin for exposure variability when there is an inspection.

This standard applies to all industries covered by the Occupational Safety and Health Act including general industry locations, construction and maritime industries. Some subsegments of industry where exposures are consistently under the action level are exempt or partially exempt. These include distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing and the percentage exclusion for liquid mixtures. Exemption from methods of compliance and some monitoring provisions are included for barge cleaning and repair.

This standard also provides for methods of compliance, personal protective equipment, employee monitoring, medical surveillance, medical removal protection, communication of hazards to employees, regulated areas, and recordkeeping. When the action level is exceeded, employers must initiate certain compliance activities, such as monitoring and medical surveillance. Employers with exposures above the action level are required to implement a variety of industrial hygiene provisions which will increase employee protection. The monitoring provisions increase the probability that overexposures will be detected and reduced. The medical surveillance provisions will aid in the early detection of employees with abnormal blood counts. Where the employer can demonstrate, by means of exposure monitoring results or historical data, that the exposures of his or her employees do not exceed the action level, the employer is not obligated to comply with many of the requirements of this standard. The 1 ppm 8-hour TWA substantially reduces significant risk from exposure and is considered by OSHA, based upon substantial evidence in the record, to be the lowest level feasible.

The standard requires employers to set up regulated areas where exposures are over 1 ppm or the STEL to warn employees of the need to wear respirators and discourage employees who have no need to do so, from entering those areas.

The standard requires initial monitoring, semi-annual monitoring if exposures are over 1 ppm, and annual monitoring if exposures are between 0.5 and 1 ppm. Periodic monitoring is not required when exposures are under 0.5 ppm, but remonitoring is required if products or processes change which might lead to increase exposures.

The standard places a preference on engineering and work practice controls for production activities or where exposures to benzene over 1 ppm are more frequent than intermittent. However, the employer may choose a compliance strategy including use of respirators in maintenance and repair activities, when exposures are intermittent in nature and limited in duration, during the time before engineering controls can be installed or where they are not feasible, and when benzene will be present in the area less than 30 days a year.

The standard requires employers with 8-hour TWA exposure over 1 ppm or 15 minute short-term exposures of over 5 ppm to have a compliance program to indicate a schedule for and the methods to be used to reduce exposure below the limits. No program is required if exposures are under the limits.

The standard sets forth requirements for selection of proper respirators, their use, proper fit-testing, and other elements of a good respirator program. Protective clothing and equipment must be worn to prevent eye exposure and limit skin exposure to benzene since benzene is absorbed through the skin.

A medical surveillance program is required for employees exposed over the action level. This requires an initial medical examination to establish a baseline, subsequent yearly examinations and also examinations after exposures resulting from emergency situations. A complete blood count is required to determine if the blood elements remain normal. Since abnormal blood levels are a possible indicator of the development of a benzene-related blood disease, an additional examination by a hematologist or internist is required if an abnormal blood count persists.

If the physician believes it medically justified, employees will be removed from benzene exposure in order to improve the chance that blood disease will not progress. To encourage employees to participate in medical surveillance, employers are to provide alternate jobs in areas where the benzene exposure does not exceed the action level. Certain medical removal protection provisions are included for a short period of time or until it is determined whether the condition is permanent.

A medical evaluation also is required to determine if an employee who must, can safely wear a respirator. Appropriate provisions are also included for signs and labels, training, communication of benzene hazards to employees, and observation of monitoring. They are necessary so that employees are aware of the risks of benzene, will be better able to take precautions to protect themselves, and will understand the need for the standard's provisions. Requirements are also included to keep and make available medical and exposure monitoring records.

The Federal OSHA standard will become effective on December 10, 1987. When adopted by Minnesota, the standard will become effective 30 days after publication of the adoption notice in the *State Register*. All provisions, except for engineering controls, must be completed 60 days after the effective date. This three-month period should be adequate time for Minnesota employers to complete initial monitoring and medical surveillance, purchase respirators, etc., especially since the standard will have been in effect, and well-publicized, at the Federal level before that time. Completion of the installation of engineering controls is not required until December 10, 1989; an extended compliance period of five years (or until December 1992) is allowed for installation of engineering controls by-product plants and BTX units at coke facilities.

By this notice, Minnesota OSHA proposes to adopt the final rule for Occupational Exposure to Benzene, 1910.1028, as published in the *Federal Register* on September 11, 1987.

B) "Servicing of Single Piece and Multi-Piece Rim Wheels at Marine Terminals, Final Rule." On September 25, 1987, Federal OSHA published an amendment to rules for the servicing of rim wheels at marine terminals to include safety measures to be taken for the servicing of both single piece and multi-piece rim wheels. Prior to this regulatory action, only multi-piece rim wheel servicing was addressed in OSHA's rules for marine terminals. This action adopts by reference the General Industry Standard, 1910.177, that is specific to the servicing of both single piece and multi-piece rim wheels, for application within the marine terminal environment. This action deletes the current multi-piece rim wheel servicing requirements in 1917.44(o) and replaces it with a reference to the General Industry Standard, 1910.177, making that standard applicable to marine terminals. A reference to 1910.177 is also inserted in 1917.1 and 1910.16 which contain lists of those Part 1910 provisions having application at marine terminals. In addition, paragraph (a)(2) of 1910.177, which previously indicated that the General Industry Standard did not apply to any maritime employments covered by Parts 1915 to 1919 to reflect that marine terminals covered by Part 1917 are now covered by 1910.177.

By this notice, Minnesota OSHA proposes to adopt the amendments to 1910.16(b)(2)(ix), 1910.177(a)(2), 1917.1(a)(2)(ix), and 1917.44(o) as published in the *Federal Register* on September 25, 1987.

C) "Revision of Telecommunications Training Records, Final Rule." Federal OSHA published a final rule revising the record-keeping requirements in the training provisions of the Telecommunications Standards, 1910.268(c), in order to minimize the paperwork burdens imposed on employers and to clarify what information is required. The existing provisions of 1910.268(c) require the employer to train employees in the precautions and safe practices required by the standard before the employer assigns employees to perform work covered by the standard. To demonstrate compliance, employers are currently required to prepare a written description of their training program, including a list of subject courses and the types of personnel to be trained. The final rule eliminates that requirement. It also revises the requirement that the employer maintain a record of employees trained, substituting a requirement that the employer prepare a certification record to demonstrate compliance with the training requirements. This certification record will be prepared at the time the training is completed and will include the identity of the employee trained, the signature of the employer or the person who conducted the training, and the date the training was completed. This change is intended to minimize the paperwork burden on employers as required by the Paperwork Reduction Act of 1980, without reducing protection of employee safety and health because the existing requirement that employers train their employees before they engage in activities covered by 1910.268 has not been revised.

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By this notice, Minnesota OSHA proposes to adopt the amendments to 1910.268 described above as published in the *Federal Register* dated September 25, 1987.

D) "Revision of Construction Industry Test and Inspection Records, Final Rule." On September 28, 1987, Federal OSHA revised three construction industry recordkeeping requirements to minimize the paperwork burdens imposed on employers and to clarify what information is required. The final rule eliminates certain requirements under which an employer must prepare and maintain written records. The revised provisions require, instead, that the employer simply prepare a certification record at the time the required work (inspection or test) is done, which includes the date the inspection or test was performed; the signature of the person who performed the work; and the identity of the equipment or machinery that was inspected or tested. Implementation of this revision is intended to minimize the paperwork burden on employers as required by the Paperwork Reduction Act of 1980, without reducing the protection of employee safety and health.

The three construction standards revised by this notice are:

- **1926.550(b)(2)**—Crawler, locomotive and truck cranes
- **1926.552(c)(15)**—Material hoists, personnel hoists and elevators
- **1926.903(e)**—Underground transportation of explosives

In each case, the amendments revise the recordkeeping portions of the above standards by replacing that requirement with provisions requiring the employer to prepare a "certification record." The certification record for cranes under 1926.550(b)(2) must contain the date the inspection was performed, the signature of the person performing the inspection, and the identity of the crane inspected. The rule does not alter the existing requirements to comply with the crane inspection procedures outlined in ANSI B30.5-1968, which has been adopted by reference. ANSI B30.5 requires that written, dated, and signed inspection reports and records be prepared monthly on critical items such as brakes, crane hooks and ropes. The ANSI standard does not, however, specify the information to be included in the record or report. Employee protection is not reduced because the existing inspection requirements are retained and employers are still required to correct any defects found at the time of inspection.

The recordkeeping provisions of 1926.552(c)(15) for material hoists, personnel hoists and elevators has been revised to eliminate unnecessary recordkeeping burdens and clarify what information is to be recorded. The certification record for this type of equipment must contain the date the work was performed, the signature of the person who performed the inspection and test, and the identity of the hoist. This revision does not alter the inspection and test requirements. The revised standard will not reduce the protection of employee safety and health because the existing testing and inspection requirements are retained. Employers are still required to detect, and correct, any defects in hoist functions or safety devices during these tests and inspections.

The recordkeeping requirements of 1926.903(e) covering underground transportation of explosives have also been revised to require the employer to prepare a certification record. The revised standard clarifies what information the employer must record; i.e., the certification record must contain the date the inspection was performed, the signature of the person who checked the electrical system, and the identity of the truck inspected. Inspection requirements are not altered in this revision to the standard. The existing standard requires employers to conduct a weekly check of the electrical systems of trucks used to transport explosives underground to detect failure which may constitute electrical hazards and further provides that a written record of the inspection must be kept, but does not specify what information this written record must contain. Revisions made here will not reduce employee safety and health because it retains the requirement that employers conduct the weekly check of covered electrical systems.

By this notice, Minnesota OSHA proposes to adopt the amendments to 1926.550(b)(2), 1926.552(c)(15), and 1926.903(e) as published in the *Federal Register* on September 28, 1987.

Department of Human Services

Proposed Permanent Rules Relating to Diagnostic Categories

Notice to Adopt Rule Amendments 30 Days After Publication

The proposed amendments to *Minnesota Rules* 9500.1100 result from the implementation of the Consolidated Chemical Dependency Treatment Fund and are published under authority of *Minnesota Statutes*, 256.969, subdivision 2. These changes are to be effective 30 days after publication for hospital in-patient reimbursement under the General Assistance Medical Care and Medical Assistance (MA) Programs. However, the proposed amendments will be effective for MA only if federal waivers that have been applied for under *Minnesota Statutes*, 254B.08 are approved. Information regarding the waiver will be provided prior to implementation. Hospital specific rates, relative values and other rate setting information that change as a result of the proposed amendments will be sent to all hospitals and, upon request, other interested parties. Admissions are assigned to a diagnostic related group (DRG) using version 4 of the Health Systems International, Inc. DRG assignment.

Written comments should be forwarded to following address by Wednesday, January 13, 1988.

Paul Olson
Hospital Reimbursement Section
Audit Division
520 Lafayette Road
St. Paul, MN 55101

Rules as Proposed.

9500.1100 DEFINITIONS.

Subpart 1. to 19. [Unchanged.]

Subp. 20. **Diagnostic categories.** "Diagnostic categories" means the classification of inpatient hospital services according to the diagnostic related groups (DRGs) under medicare with adjustments as follows:

Diagnostic Categories	DRG Numbers Within the Diagnostic Category
A. to S. [Unchanged.]	
T. Substance Use and Substance Induced Organic Mental Disorders (Ages 0-20)	(433-~~438~~, 434, 435)
U. Substance Use and Substance Induced Organic Mental Disorders (Ages over 21)	(433-~~438~~, 434, 435)
V. to JJ. [Unchanged.]	

Subp. 21. to 52. [Unchanged.]

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, 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.

Ethical Practices Board

Request for Advisory Opinion Re: Hennepin County Disclosure Law

The Ethical Practices Board solicits comments regarding the following request for an advisory opinion received from James Johnson, treasurer, John Sarna Volunteer Committee. Written comments should arrive at the Board office, 625 N. Robert St., St. Paul, MN 55101 prior to January 5, 1988, for consideration at the Board's meeting of January 21, 1988. **November 23, 1987**—I wish to obtain your advice relative to the applicability of *Minnesota Statutes* 383B.046 to the John Sarna Volunteer Committee (the "Committee"). *Minnesota Statutes* 383B.046 is, of course, special legislation relating to local Hennepin County elections. The Committee is subject to *Minnesota Statutes* 10A governing reporting by all committees, political funds, etc. in general elections for state office.

The Committee is the principal campaign committee of Representative John J. Sarna. The Committee has been in existence since 1972 and became registered with the State Ethical Practices Board upon adoption of the Ethics in Government Act, *Minnesota Statutes* 10A. In accordance with said law, the Committee annually files detailed reports of receipts and expenditures. The major purpose of the Committee is and has been the elections of Representative Sarna since 1972.

This year, the Committee made incidental contributions to candidates for elections, held or to be held in Hennepin County, including contributions to the campaign committee of one state representative whose district lies within Hennepin County and to several Minneapolis school board candidates. Each of the campaign funds which received a contribution from the Committee was required

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to report the fact and the amount of the Committee contribution. In its own regular filing with the State Ethical Practices Board, the Committee is required to report both the fact and the amount of each of these contributions.

Minnesota Statutes 383B.046, subd. 1 provides: "Every political committee, political fund and principal campaign committee shall register within 14 days after the date by which the committee or fund has received contributions or made expenditures in excess of $100". Under the statutory provision, reporting is required of a principal campaign committee, a political committee, and a political fund. Clearly, the Committee is not a principal campaign committee of anyone but Representative Sarna, and is therefore not required to report under this local statute since it is already reporting under *Minnesota Statutes* 10A.

"Political fund" is defined by *Minnesota Statutes* 383B.042, subd. 14, as: "any accumulation of dues or voluntary contributions by an association other than a political committee, which accumulation is collected or expended for the purpose of influencing the outcome of any election". The Committee clearly is not an "association", such as a PAC or other affiliation whose purpose is to raise and distribute funds to various candidates, and is therefore not required to report under this statute as a political fund. The Committee, as previously stated, is instead the principal campaign committee of one state representative.

"Political committee" is defined by *Minnesota Statutes* 383B.042, subd. 13 as: "any political party, association, or person other than an individual that seeks as its major purpose to influence the outcome of any election". Under this statutory language the question whether the Committee is a "political committee" for purposes of reporting under this statute (in addition to the extensive reports already filed) is answered by a definition of the words "seeks as its major purpose to influence the outcome of any election".

At first reading, it would seem that the words "any election" means every election and would therefore require the Committee to report under this statute. Such a conclusion, however, is not logical because it would require in the Committee's own case reporting of its legislative election under both the State Ethical Practices Act and under this statute. Duplicative reporting of this kind is certainly not the intent of the act. Moreover, literally applied, *Minnesota Statutes* 383B.048 would require continual and repeated filings by the Committee under this local statute. Each time an election occurred in Hennepin County regardless of whether the Committee had or had not made any contribution to any candidate in that particular election.

Certainly the limiting words "major purpose" in the definition of "political committee" is intended to limit the applicability of the otherwise duplicative and unnecessary reporting requirements when applied to a campaign committee already reporting under *Minnesota Statutes* Sec. 10A. The words "major purpose" are clearly intended to have some limiting effect on this broad definition. In addition to the logic precluding duplicative reporting and in addition to the plain language ("major purpose") limiting the applicability of this local statute, the public policy underlying the disclosure statutes is not harmed by adopting this position.

The conclusion that the Committee is not required to report under this statute because it is not a principal campaign committee, a political fund or a political committee for purposes of this statute is consistent with the public purpose underlying this law. The public purpose is, of course, full disclosure of campaign receipts and expenditures. In the Committee's case, all of its receipts and expenditures are already reported and are already public records. In the case of each recipient of the Committee's contribution (the previously mentioned state representative and several school board candidates), each such contribution is again reported. The sole issue then is whether these same receipts and expenditures must be reported again a third time under this local statute.

We respectfully request you to render us your opinion that the Committee is not required to file as separate report under *Minnesota Statutes* Sections 383B.041 to 383B.058 because *Minnesota Statutes* 383B.046 does not apply to incidental contributions by a principal campaign committee already filing with the Minnesota Ethical Practices Board.

Department of Human Services

Health Care Programs Division

Public Notice Regarding Changes in Minnesota's Medical Assistance Program

Notice is hereby given to all providers and recipients of Minnesota Medical Assistance, and to the public, of changes in the reimbursement procedures for Medical Assistance and General Assistance Medical Care Chemical Dependency rehabilitative services. This notice is published pursuant to the federal regulations which govern the administration of the Medical Assistance program, 42 CFR 447.205 (1986). The purpose of this notice is to inform the public of changes in Minnesota Medical Assistance and General Assistance Medical Care reimbursement pursuant to the implementation of the Consolidated Chemical Dependency Treatment Fund program, January 1, 1987.

Information on implementation of these changes will be sent as needed to local welfare agencies and health care providers enrolled in the program via provider manual.

Written comments and questions may be addressed to:

Larry Woods
Department of Human Services
Health Care Management Division
Medical Assistance Services Section
444 Lafayette Road
6th Floor Space Center
St. Paul, MN 55155

Comments and suggestions from the public may be viewed at the same address during normal working hours. Copies of appropriate rules and manuals may also be viewed at any of the 87 county human services agencies in the State of Minnesota or at the Minnesota Department of Human Services at 444 Lafayette Road, St. Paul, Minnesota.

BACKGROUND

Chemical dependency services are covered under the Medical Assistance Program when a chemical use assessment is done by the county assessor and limitations, prior authorization and certification requirements of the Medical Assistance Program are met. Services may be obtained as an inpatient at a licensed, Medicare certified acute hospital or as an outpatient at a facility approved by the Department of Human Services. Currently the Medical Assistance Program also covers chemical dependency services under RamseyCare (GAMC), the HMO Demonstration Project (MA) and pilot projects in Cook, Hubbard and Beltrami counties (GAMC). Detoxification, unless there is also a medical need, chemical co-dependency, aftercare and halfway houses are not covered services.

In 1986, Legislation was passed to authorize statewide implementation of a Consolidated Chemical Dependency Treatment Fund (CCDTF). The statewide CCDTF will be created by combining existing state appropriations for chemical dependency treatment from the following sources: General Assistance, General Assistance Medical Care, Regional Treatment Centers, and state and federal grants administered by the Department of Human Services.

The State is also seeking a federal waiver which would allow the use of Medical Assistance monies in the CCDTF. Money from the CCDTF will be allocated to counties based on population, income and welfare caseload.

The CCDTF Legislation includes authorization for pilot projects to design and test procedures for statewide implementation of the CCDTF. Pilot projects are currently in place in Cook, Beltrami and Hubbard counties.

Consolidated Chemical Dependency Treatment Fund

Effective January 1, 1988 the provisions of the Consolidated Chemical Dependency Treatment Fund (CCDTF) legislation will be implemented. Each county will be responsible for the assessment and placement of recipients who need chemical dependency treatment services, the establishment of contracts with facilities and/or programs to provide chemical dependency services, and the certification of invoices for forwarding to the Department of Human Services.

Services covered under this new system will include primary rehabilitative services, outpatient rehabilitative services, extended care, and transitional care. Chemical dependency services mandated and funded under the Community Social Services Act (e.g., detox, assessment, aftercare) will not be covered by the CCDTF. All inpatient hospital and rehabilitative programs licensed under *Minnesota Rules* 9530.2500 through 9530.4000 (Rule 35) and outpatient programs licensed under *Minnesota Rules* 9530.5000 through 9530.6500 (Rule 43) will be eligible to receive reimbursements. Counties and Indian reservations will be responsible for negotiating reimbursement rates based on their needs and the services available in their area.

"Assessor" means any person qualified under Rule 25 (9530.6600) to perform an assessment of chemical use. Rule 25 (9530.6600-9530.6655) establishes the criteria for the appropriate level of chemical dependency care for public assistance recipients.

"Chemical dependency" means a pattern of pathological use, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use.

"Chemical dependency services" means a planned program of care for the treatment of chemical dependency or chemical abuse to minimize or prevent further chemical abuse by the person. Diagnostic, evaluation, prevention, referral, detoxification, and aftercare services that are not part of a program of care licensable as a rehabilitative chemical treatment program are not chemical dependency services for purposes of this section.

CHEMICAL USE ASSESSMENT—"Chemical use assessment" means an assessment interview and written listing of the client's specific strengths, and problems related to chemical use which enables the assessor to determine a level of chemical involvement. The following levels are on this rating:

A. Level 0, no apparent problem.

B. Level 1, risk status. While demonstrating no current pattern of pathological use, the individual's behavior suggests that he or she is at risk of developing future problems associated with chemical use as evidenced by two or more of the following:

(1) family or peer group glamorizes substance use or tolerates alcohol or drug related deviance;

(2) time, money, and relationships are predominantly associated with substance use;

(3) at least two instances of blackouts; or

(4) a history of alcoholism in one or more of the biological parents.

C. Level 2, chemical abuse. A pattern of inappropriate and harmful chemical use.

Chemical abuse also means inappropriate and harmful patterns of chemical use that are linked to specific situations in a client's life such as loss of a job, death of a loved one, or sudden change in life circumstances.

Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.

D. Level 3, chemical dependency. A pattern of pathological use accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use.

"Transitional Rehabilitative services" means a chemical dependency program that is provided in a semi-independent living arrangement and provides at least two hours a week of therapy/counseling, including group, collateral, and individual therapy/counseling.

"Outpatient rehabilitative services" means a treatment program with a defined regimen serving at one time five or more persons experiencing problems related to alcohol or other drugs for the main purpose of providing primary or post-primary treatment care. The regimen must provide a minimum of ten hours of therapy/counseling including group, collateral, and individual therapy/counseling scheduled at a minimum of one hour per week and must provide time-limited therapeutic services to a recipient while the recipient resides in a supervised living facility, board and lodging facility, or his/her own home.

Outpatient (Code X0690) chemical dependency programs must be approved by DHS as eligible for MA/GAMC reimbursement.

"Primary treatment" means a chemical dependency rehabilitative program with 24-hour nursing surveillance and physician availability that provides intensive, primary therapeutic services following detoxification in an acute care facility. At least 30 hours a week per client of chemical dependency service must be provided, including group and individual counseling, lectures, and other services specific to chemical dependency rehabilitation.

Treatment episode extends from the date of admission to the date of discharge. Duration of the episode may be very short, e.g., 3 hours, or longer, many days.

DETOXIFICATION:

Effective January 1, 1988, Detoxification is covered only when inpatient hospitalization is medically necessary because of conditions in addition to or resulting from withdrawal (e.g., conditions resulting from injury or accident or medical complications during detoxification such as delirium which necessitates the constant availability of physicians and/or complex medical equipment found only in hospital settings).

PAYMENT OF PROVIDERS

Effective January 1, 1988, all chemical dependency treatment services will only be paid through the CCDTF invoice and payment system. All clients receiving public monies must be placed for services by the county of financial responsibility. When the county determines that a client is eligible for the CCDTF and places a client for treatment, the county completes a CCDTF "Client Placement Authorization" form which specifies the type and amount of services to be provided and specifies the service provider. Upon receipt of its copy of the "Authorization", DHS sends an appropriate CCDTF "Invoice" to the provider. When the service provider completes the provider portion of the "Invoice", the provider forwards the "Invoice" to the county. The county completes and signs the "Invoice" and returns it to DHS and DHS pays the provider. The "Forms Completion Manual for Providers" contains complete details about provider responsibilities for proper completion of invoices.

No payment for these chemical dependency services will be reimbursable through Medical Assistance or General Assistance Medical Care for treatment begun on or after January 1, 1988. Chemical dependency treatment services begun before January 1, 1988 and completed after January 1, 1988 will be paid through MMIS. MMIS will continue to pay for services for DRG's 434 and 435 (detoxification or other symptomatic treatment with or without complication or comorbidity).

Physicians fees for services provided through the CCDTF must either appear on the CCDTF "Invoice" or be part of an overall rate for services. These fees or rates should be part of the service provider's "Host County Contract". Physicians will not be able to bill MMIS for any treatment services provided through the CCDTF.

CONSEQUENCES OF INAPPROPRIATE PLACEMENT

Payment shall not be made for chemical dependency services provided to eligible persons who have not been assessed by the county as being in need of that level of service.

LEGAL REFERENCES:

Minnesota Rules 9530.6600 (Rule 25), *Minnesota Rules* Subp. (2) 9505.0540 (Rule 48), *Minnesota Rules* 9530.5000 (Rule 43), *Minnesota Statutes*, Chapter 254A.03, *Minnesota Statutes*, Chapter 394, *Minnesota Statutes*, Chapter 254B.

Department of Public Safety

Driver and Vehicle Services

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the State Department of Public Safety Governing Alcohol Problem Assessment Reimbursement

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to amend rules governing Alcohol Assessment Reimbursement.

The promulgation of these rules is authorized by *Minnesota Statutes* sections 169.124 Subd. 2, and 169.126, which requires the agency to promulgate rules and standards for reimbursement of county expenses related to Alcohol Problem Screenings and Assessments. The State Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Jeff Bruce
Management Analyst
Room 205
Transportation Building
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-9503 and in person at the above address.

All statements of information and comment shall be accepted until January 14, 1988. Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

Paul J. Tschida
Commissioner of Public Safety

Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning Proposed Amendments Relating to *Minnesota Rules*, Part 8700.7600 Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and *Minnesota Rules*, Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the adoption of amendments to the rules governing the approval of Minnesota institutions to prepare persons for teacher licensure and the approval of teacher licensure programs in Minnesota institutions approved to prepare teachers. Any interested persons may submit data or views on this submit in writing or orally to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-2415

Any written material received by the Board shall become part of the hearing record in the event that the amendments to the rules governing this subject are promulgated.

Dated: 7 December 1987

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $15,000 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Copier equipment (BT)	December 16	Attorney General	St. Paul	06000 06756
Copier (BT)	December 16	State University	Bemidji	27152 46487
Traffic marking paint (PA)	December 16	Transportation	Various	79100 03872 thru 900
Laerdal resusci annies & related repair (DK)	December 17	Various	Various	Price Contract
Miscellaneous office supplies (AW)	December 17	Various	Various	Price Contract
Paint brushes (AW)	December 17	Various	Various	Price Contract
Aggregates—annual bid (PA)	December 18	Transportation	Mankato	79700
Washed sand—annual bid (PA)	December 18	Transportation	Crookston	79250
Analysis, transportation, storage and disposal of hazardous waste (JJ)	December 18	Various	Various	Price Contract
Aggregates—annual bid (PA)	December 21	Transportation	Rochester	79600
Ceiling tile (PA)	December 21	Regional Treatment Center	St. Peter	55105 07942
IBM Mini System 36, 38 & Intermediate 43XX & Peripherals	December 22	Various	Various	Price Contract
Fluorescent fixtures—rebid (ES)	December 22	Various	Various	Price Contract
Slide projectors and slide trays (DO)	December 22	Various	Various	Price Contract
AT compatible computers (BV)	December 22	Finance	St. Paul	10 000 03156
Sound reproduction equipment (PA)	December 22	Jobs & Training	St. Paul	21 200 16831

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
College Catalog 1988-89	December 17	Normandale Community College	Bloomington	3531
Div. of Rehab. Services Overview 1987	December 17	Jobs & Training	St. Paul	3539

Bemidji State University

Minnesota State University Board

Notice of Request for Proposals for Developing and Conducting a Set of Focus Group Sessions

Bemidji State University is seeking individuals or organizations that have expertise in the use of a concept called Focus Groups. The purpose of these sessions will be to identify the perceived image of Bemidji State University and to determine the factors and concerns of two adult groups that exercise influence on high school students as they choose a college/university to attend. The Project, which will be provided under contract, is outlined in detail in the Request for Proposals (RFP) Statement of Work.

The formal RFP may be requested and inquiries should be directed to:

David M. Tiffany
Vice President for Development
Bemidji State University
1500 Birchmont Drive NE
Bemidji, MN 56601

It is anticipated that the activities to accomplish this Project will not exceed a total cost to the State of $10,000. The deadline for the submission of completed proposals will be the close of the working date January 5, 1988. The Project is expected to be completed by April 15, 1988.

Iron Range Resources and Rehabilitation Board

Request for Proposal for a Consultant to Assist in Business Development and Recruitment

The Iron Range Resources and Rehabilitation Board requests proposals from qualified consultants to assist in the identification and attraction of bonafide candidates for industrial and commercial development within the Taconite Tax Relief Area of northeastern Minnesota. The consultant shall concentrate its efforts primarily in the Twin Cities Metro Area.

To this aim, the consultant shall identify specific individuals or groups whose task will be to work directly and singularly with IRRRB staff to attract potential business leads for the Taconite Tax Relief Area.

The IRRRB requests that respondents address the following general areas of consideration, explaining in detail their proposed plans to accomplish stated objectives in each field. Respondents should estimate what percentage of the total time and total cost allotted will be devoted to each area of consideration, correspondingly breaking down each general area of consideration into specific tasks and detailing the respective time and money needed to accomplish each specific task.

General Areas of Consideration

1. Identification and contact of qualified candidates for industrial and commercial development within the Taconite Tax Relief Area.

a. From the noted target sectors or other sectors which the consultant and IRRRB mutually ascertain as viable options for northeastern Minnesota.

b. While IRRRB suggests that this candidate search be limited to the upper Midwest, Minnesota or even the Twin Cities Metro area; the consultant should propose a specific geographic search area, justifying same.

2. Assistance to the IRRRB staff in researching and development proposals necessary to attract and secure such industrial and commercial development.

3. Formulation of strategies, detailing specific objectives, for same.

4. Coordination of preliminary negotiations with qualified business development candidates.

5. Progress reports covering all of the above.

Statutory Proposal Requirements

In accordance with the provisions of *Minnesota Statutes* § 363.073, for state contracts in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have a certificate of compliance issued by the Commissioner of Human Rights before a proposal may be accepted. The proposal will not be accepted unless it includes one of the following:

A. A copy of the firm's current certificate issued by the Commissioner of Human Rights.

B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.

C. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

The total cost of the contract for all services and for all costs, both direct and indirect, shall not exceed $100,000.

For further information and formal RFP documents, contact Iron Range Resources and Rehabilitation Board, P.O. Box 441, Eveleth, MN 55734, 218-744-2993.

The deadline for receipt of proposals is 4:30 p.m., Monday, January 11, 1988.

Office of the Secretary of State

Request for Proposal on Statewide Computer Database for Voter Registration Records

Description

The Office of the Secretary of State is requesting proposals for the development and implementation of a statewide computer database for Voter Registration Records as required by *Laws of 1987*, Chapter 361. The department seeks expert technical assistance in database design, programming, documentation, testing and implementation of the system based on the detailed design, logical database design and physical database design currently being completed.

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.

I. SCOPE OF PROJECT

The purpose of this project will be to provide the department with computer programs, documentation and procedures, implementation testing, installation assistance and associated project management for the state computerized voter registration system in a manner that permits it to properly operate on installed and ordered Unisys hardware using MAPPER functions.

The required outcome of the development project is the implementation of the basic system by April 1, 1988 with selected pilot counties operational on the system by that date. The system must have, as a minimum, the capabilities which have been identified by the following module names (see Capabilities and Features summary) and, further, **these capabilities must be functional by the date indicated:**

MODULE	COMPLETION DATE
1. System Administration and Audit Modules*	March 1, 1988
2. Registration Records Maintenance	April 1, 1988
3. Public Sector Services	May 15, 1988
4. Election Specific Processing*	June 15, 1988
5. Voting History Maintenance	August 1, 1988
6. Registration Database Annual Purging #	January 1, 1989
7. Street Table Maintenance #	March 1, 1989

*NOTE: Capabilities identified as optional under modules #1 and #4 may be completed later than the required completion date for that module, but must be completed prior to March 1, 1989.

#NOTE: The completion dates reflect the time that these capabilities will be required to be functional. Modules #6 and #7 may be completed at a time earlier than the required completion dates.

II. OBJECTIVE

The objective of the project is to complete all identified tasks in such a manner that the system will meet all system design requirements necessary for the conduct of the 1988 state primary and general elections. The contract duties will be completed in a way that takes maximum advantage of the available and to be installed Unisys hardware and software and provides a soundly developed and fully documented system.

III. PROJECT TASKS

The anticipated tasks to fulfill the requirements and objectives of the department are as follows:

A. Review the detailed design, logical database design, and physical database design to ensure that they take maximum advantage of the installed and to be installed Unisys hardware and software capabilities. Recommend, in writing, any changes necessary to fulfill the system requirements.

B. Review the program specifications which have been prepared; Identify and recommend, in writing, any changes required to ensure maximum effective use of the Unisys hardware and software capabilities; Prepare additional technical materials necessary to make the appropriate program specification changes and additions.

C. Prepare, test, and make any necessary corrections to the computer programs required as a result of the final program specifications and provide full documentation for each computer program in writing and on Sperrylink PC diskette files.

D. Review the telecommunications network design. Identify and recommend, in writing, any changes that may be required or be desirable to ensure maximum effective use of the Unisys hardware and software capabilities in order to provide minimum response time for the system users.

E. Prepare all required systems documentation. Include a final detailed design document that reflects the following: any and all changes, additions and deletions to the system design; manual procedures and controls; central operating procedures; County Auditors user procedures; and public sector services user instructions. Documentation should be provided in writing and on Sperrylink PC diskette files.

F. Prepare a written document that describes in detail all system implementation tests necessary to ensure that all modules and functions of the system operate properly. Conduct implementation tests and demonstrations of the system for the department and County Auditors that show the full operational capabilities of the system and fully document that all capability requirements have been met. Tests should be conducted upon the completion of each module and demonstrations should be conducted upon the completion of modules #2, #4, and #7.

G. Review the data conversion procedures developed as a prior work product. Identify and recommend, in writing, any changes that may be required or desirable to ensure maximum effective use of the Unisys hardware and software capabilities and minimize conversion time and cost.

H. Prepare and maintain a current, complete and accurate detailed project work plan and maintain a schedule and record of assignments for all tasks required to complete and implement the system. Provide technical and operational project management direction and assistance to ensure that the system is properly completed and implemented in the required time.

Responder may propose additional tasks which would substantially improve the results of the project.

IV. DEPARTMENT CONTACTS

Prospective responders having questions regarding this request for proposal or who would like copies of the conceptual design, capabilities and features summary, and/or draft detail design may call or write:

Tom Durand
Room 180, State Office Bldg.
St. Paul, MN 55155
(612) 296-9219

Please note: Other department personnel are not allowed to discuss the project with responders before submittal of proposal deadline.

V. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Tom Durand (VR-RFP)
Room 180, State Office Bldg.
St. Paul, MN 55155

Not later than 4:00 p.m. January 5, 1988.

Late proposals will not be accepted. Three copies of the proposal are required. Proposals are to be sealed in mailing envelopes or packages with the responder'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.

VI. PROJECT COSTS

The department has estimated the cost of this project, to be no more than $200,000.

VII. PROJECT COMPLETION DATE

It is required that the project modules be completed by the dates specified in Article I and that the entire project be completed no later than March 1, 1989 or within 13 months of authorization.

VIII. QUALIFICATIONS

The following qualifications are desired and are believed by the department to be necessary for the successful completion of the project within the required time frame.

*Programmers with a minimum two years MAPPER run writing experience per programmer including a familiarity with MAPPER Level 33 (writing runs using Level 33) plus at least one programmer with COBOL programming experience.

*Project manager(s) who have coordinated at least two medium to large MAPPER development projects. (Medium is defined as a 6-12 person month project and large is defined as a project over 12 person months). In addition, experience in project development in the area of a large scale computerized voter registration system is highly desirable.

*Project team members, with combined background and experience at the following level are, in the department's judgment, very important to the success of the project.

A. Minimum of one person on the team with at least three years OS-1100 experience. Specific knowledge should include:
- ECL
- Operations
- Recovery
- Booting
- Operating Procedures

B. Minimum of one person that has experience with the Sort/Merge product. This experience should include:
- A minimum of two projects where it has been used
- Building ANSI tapes
- Use of the Sort parameters

C. Minimum of one person that is familiar with:
- 3270 vs. Uniscope MAPPER restrictions
- Experience with 3270 native mode in MAPPER Level 33

D. A minimum of one person that is familiar with loading Telcon and configuring terminals.
- Downline loading procedures
- DCP operations
- DCP keyins

- Telcon generating process
- SNA networking knowledge
- Dynamic terminal allocation

E. A minimum of one person who has used "File Convert" or DTU software packages

- Specifically, experience with creating and retrieving EBCDIC files.

F. A minimum of one person with experience in the following:

- ELT
- Batch Port
- Retrieve Processes within MAPPER/OS-1100
- External MAPPER files
- Experience with data bases requiring multi-indexed retrieval techniques from multiple MAPPER modes and report types
- Experience with the following on-line products

  On-line extract
  On-line disk
  On-line transfer

- Use of terminal emulation software to transfer data (i.e. STEP software)

IX. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal.

A. Restatement of the objectives to show or demonstrate the responder's view of the nature of the project.

B. Identify and describe the deliverables to be provided by the responder.

C. Outline the responder's background and experience with particular emphasis on local and state government systems development and implementation projects, development and implementation of custom voter registration and election systems, development and programming experience using MAPPER language, experience in the establishment of on-line systems using statewide communications networks and medium to large project management using the full range of Unisys 2200 hardware, OS1100 operating system and MAPPER software. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without approval of the state project director or manager.

D. A detailed cost and work plan which will identify the major tasks to be accomplished and date they will be completed. The plan will be used as a scheduling and managing tool as well as the basis for invoicing. The plan must also anticipate the potential need for up to 5% effort for refinement, enhancement or correction of programs after development.

E. Identification of the level of the department's participation in the project and any services provided by the department.

F. The ability of the responder to utilize its own, or commercially available, compatible computer hardware and software capabilities outside the department to prepare and test the computer programs developed prior to the full installation of the department computer(s).

G. Identity of responder's firm(s) and an indication of its legal status (i.e. corporation, partnership, etc). If the response is from a corporation not qualified to do business the responder must indicate that they will become qualified prior to execution of the contract. Further, if the response is from a joint venture, this information must be provided for firms comprising the joint venture.

H. A commitment to begin the work promptly and to strictly adhere to the required completion dates.

I. Pursuant to *Minnesota Statutes*, Section 363.073, for all contracts estimated to be in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. The proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

X. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the Office of the Secretary of State. An interview may be a part of the evaluation process. Interviews, if necessary, will be conducted on January 13-January 14, 1988 in the Office of the Secretary of State. Factors upon which proposals will be judged include, but are not limited to:

A. Expressed understanding of project objectives.

B. Project work plan.

C. Project cost detail.

D. Qualifications of both company and personnel.

E. Experience in medium to large systems development using MAPPER functions and experience in the development and implementation of large voter registration systems.

F. The level of resources (hardware/software) the responder is committing to the project.

G. Relative ability, based upon number and qualifications of persons assigned, to complete the task by the scheduled deadlines.

Evaluation and selection will be completed by January 15, 1988. Results will be sent immediately by mail to all responders.

Department of Transportation

Notice to Marketing/Public Relations Agencies

I-94 Reconstruction Project
Phase 1: Conceptual Marketing Plan

The Minnesota Department of Transportation (Mn/DOT) is planning to rebuild Interstate 94 (I-94) from Mounds Boulevard in St. Paul to the Lowry Tunnel in Minneapolis between April 1988 and the fall of 1991.

Mn/DOT is requesting a letter of interest and proposals for an overall, long-range conceptual marketing plan for the I-94 reconstruction project. Implementation of the marketing plan will be addressed as Phase II. Phase II marketing programs for individual I-94 elements will be implemented either by Mn/DOT, or a marketing agency, or a combination of both.

For background information a pre-bid briefing will be held Wednesday, December 16, at 9:30 in the State Office Building, Room 300 South, 100 Constitution Avenue, St. Paul, Minnesota.

Mn/DOT will review the proposals and conduct interviews with the finalists. Questions on the technical nature of this work should be directed to:

Jan Ekern
Communications Director
3485 Hadley Ave. North
Oakdale, Minnesota 55109

The deadline for proposals is 4:00 p.m. Monday, January 4, 1988. Submit to:

J. F. Weingartz
Consultant Agreements Engineer
Room 612C
State Transportation Building
St. Paul, Minnesota 55155

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact the editor for further details.

Anoka County

Request for Proposals for Consulting Engineer for Acceptance Testing of RDF Facility

Anoka County is seeking bids from engineers qualified to assist the County in the following activities: (1) to negotiate specific acceptance testing procedures with Northern States Power Company and United Power Association (the owners/operators of a 1500 ton per day refuse derived fuel processing and burn facility to be completed in January 1988); (2) to participate in conducting the negotiated acceptance tests; and, (3) to determine whether the processing and burn facilities meet certain performance standards and construction criteria set forth in Anoka's contracts. Firms interested in bidding should request a complete copy of the Request for Proposals from:

Tim Yantos
Deputy County Administrator
Anoka County
325 East Main Street
Anoka, MN 55303
(612) 421-4760

RESPONSES TO THE RFP ARE DUE ON JANUARY 8, 1988.

Metropolitan Council

Request for Audiovisual Consultant Services

The Metropolitan Council is seeking an audiovisual communication consultant to prepare a system design and coordinate the bidding and installation of audiovisual and video systems. The systems are to be installed in the public meeting room area and conference rooms in office space to be occupied in May of 1988. Copies of this request can be obtained by contacting James E. Barton at 291-6417. All proposals received on or before 4 p.m. on Monday, January 4, 1988, will be considered.

All proposals should be addressed to the Metropolitan Council, 300 Metro Square Bldg., St. Paul, MN 55101, Attention: James E. Barton.

Metropolitan Waste Control Commission

Request for Proposals for Professional Consultant Services for the Development and Delivery of a Training Program on Sexual Harassment

The Metropolitan Waste Control Commission is accepting Bid Proposals for Professional Consultant Services for the development of a training program on Sexual Harassment.

Those persons interested in receiving a detailed copy of the request for proposal may write to the address above or contact Jean Erickson at (612) 222-8423 extension 185.

Copies of the request for proposal will be available by December 10, 1987.

Bid Proposals are due by 4:30 p.m., December 28, 1987.

BY ORDER OF THE METROPOLITAN WASTE CONTROL COMMISSION

Louis J. Breimhurst, Chief Administrator

Supreme Court Decisions

Decisions Filed Friday, 11 December 1987

CX-86-1878 Dennis Brevik, et al., State of Minnesota v. Kite Painting, Inc., petitioner, Appellant. Court of Appeals.

Minnesota Occupational Safety and Health Act, *Minnesota Statutes* ch. 182 (1984), authorizes a private civil action for retaliatory discharge for exercising rights under that act.

Plaintiffs' state law claim for retaliatory discharge is not pre-empted by federal labor law because the claim is independent of the applicable collective bargaining agreement, and resolution of the claim does not require an interpretation of the terms of the agreement.

The doctrine of primary jurisdiction does not require dismissal of plaintiffs' suit because plantiffs' claim is not outside the conventional experience of judges and does not require the exercise of administrative discretion.

Affirmed. Yetka, J.

C9-87-1154 Gladys and Jacob Tackleson v. Abbott-Northwestern Hospital, Inc., Melody LaFrance, Debra Meyer and Sharon Dingmann (Sharon Hapenny), Appellants. Court of Appeals.

The 2-year statute of limitations contained in *Minnesota Statutes* 541.07(1) (1980) applies to a claim of negligent care and supervision against nurses which arose prior to the 1982 amendment which expressly provides coverage to nurses.

Reversed. Yetka, J.

Took no part, Amdahl, C.J.

C7-86-1482 In the Matter of the Petition of Northern States Power Company for Authority to Change its Schedule of Rates for Electric Service in Minnesota. Court of Appeals.

The fair preponderance of the evidence burden in ratemaking substantially differs from the similarly named burden in civil court cases.

In appellate review of ratemaking decisions of the Minnesota Public Utility Commission (MPUC) application of the substantial evidence analysis requires that the court determine whether the agency has adequately explained how it arrived at its conclusion and whether the conclusion is reasonable on the basis of the record.

The MPUC's decision to reject a utility's proposed capital structure in a rate application and to substitute in its stead a hypothetical capital structure is based on the record and in compliance with statutes governing ratemaking.

The MPUC did not err in rejecting a utility's proposed rate of return on common equity, and substituting its own.

The MPUC properly rejected a utility's proposed allocation of its rate base, expenses and revenues among the three states it serves when the proposed allocation would place an unfair burden on Minnesota ratepayers.

The MPUC properly excluded a utility's proposed "delay in payment" recoupment from its rate base.

The MPUC appropriately exercised its judgment in excluding from the proposed rate base carrying charges on the cost of public utility conservation programs in the year in which the ratepayers pay those costs.

Kelley, J.

C2-86-837 Arnold Mervin v. Magney Construction Company, et al., petitioners, Appellants. Court of Appeals.

Absent extrinsic evidence of prior or contemporaneous negotiations bearing on the meaning of a provision in a safety manual incorporated into a construction contract, construction and application of the provision is a question of law.

A safety manual which was not designed as a law or an administrative regulation and has never been subjected to either the legislative process or the rulemaking safeguards of the Administrative Procedure Act does not have the force and effect of law.

Violation of the requirements of a safety manual incorporated by reference into a construction contract is not negligence per se and admission of the manual into evidence is discretionary with the trial court.

The simple tool doctrine does not relieve an employer of liability when a third party is injured; the employer is vicariously liable for his employee's negligence in using a defective tool, whether simple or complex, as well as for the employee's negligent use of a perfect tool.

Where a reasonable return on that portion of a damage award intended to compensate plaintiff for future wage and pension loss would not exceed plaintiff's pre-injury earning capacity, the trial court did not abuse its discretion in permitting the verdict to stand.

Affirmed. Coyne, J.

Took no part, Popovich, J.

Orders

C8-87-2120 In Re Petition for Disciplinary Action Against Geoffrey B. Larson, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Amdahl, C.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.

Tax Court—Regular Division: Docket No. 4127—Dated: November 4, 1987

Norton M. Hatlie and Loretta R. Hatlie, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, at 1:30 p.m. on October 26, 1987 at the Courtroom of the Tax Court, 520 Lafayette Road in St. Paul, Minnesota. Appellant moved for amended Findings of Fact and Conclusions of Law, or alternatively, for correction of mistake, and for a stay of entry and enforcement of order for judgment herein.

Kent G. Harbison, of Fredrikson & Byron, P.A., appeared on behalf of appellants.

Michele M. Owen, Special Assistant Attorney General, appeared on behalf of appellee.

The Court, having heard and considered the arguments of counsel, and upon all the files and records herein, DOES HEREBY ORDER:

1. This Court's Finding of Fact No. 15 (Item No. 11) contained on page 5 of its Findings of Fact, Conclusions of Law and Order for Judgment dated September 16, 1987, is hereby amended as follows:

"ITEM NO. 11—1982 Bad Debt Expense: $1,000 bad debt expense properly disallowed; $5,000 must be allowed as a deduction."

2. Enforcement of this Court's judgment dated September 16, 1987, is hereby stayed pending commencement of an appeal to the Minnesota Supreme Court or for 30 days following the date of this order, whichever is longer.

IT IS SO ORDERED.

BY THE COURT,

Earl B. Gustafson, Chief Judge
Minnesota Tax Court

Tax Court—Regular Division: Docket No. 4559—Dated: November 30, 1987

Estate of Delmer L. Luttmer, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, on September 15, 1987 at the Chippewa County Courthouse in Montevideo, Minnesota.

Donald L. Maland, Attorney at Law, appeared for appellant.

James W. Neher, Special Assistant Attorney General, appeared for appellee.

Post-trial letter briefs were filed and the case was submitted to the Court for decision on October 2, 1987.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. The appellant is the Estate of Delmer Luttmer, deceased, who died a Minnesota resident on August 17, 1984.

2. The gross value of decedent's estate was $502,465.69.

3. The executor filed both a United States Estate Tax Return and a Minnesota Estate Tax Return which reported no federal or state tax payable.

4. Under the terms of decedent's Last Will and Testament, the estate was divided into two trusts, Trust A and Trust B, to take maximum advantage of both the federal and state marital deduction which exempted up to one-half of any estate that passed to a surviving spouse.

5. Article Four of the Last Will and Testament contains the following pertinent language:

TRUST A shall consist of property that has a value in excess of the value of property that will be exempt from Federal Estate Tax when the debts and expenses of my estate are deducted and the credits available to my estate are applied against the Federal Estate Tax.

My Personal Representative shall allocate to TRUST A only property that will qualify for the marital deduction. The values used shall be the finally determined Federal Estate Tax values in my estate. Property allocated to "TRUST A" shall have an aggregate market value fairly representative of the net appreciation or depreciation of the available property on the date or dates of distribution. It is my intention that TRUST A shall qualify for the marital deduction allowance under the Federal Estate Tax provisions of the Internal Revenue Code in effect at the time of death. The provisions shall be so construed and questions pertaining to TRUST A shall be resolved accordingly.

TRUST B shall consist of all property not allocated to TRUST A.

6. The testator intended that federal and state estate taxes upon his death be minimized.

CONCLUSIONS OF LAW

1. Minnesota estate tax credit should not be applied against the federal estate tax unless it is necessary to eliminate the federal tax.

2. The Minnesota Estate Tax under *Minnesota Statutes*, § 291.03 resulted from an erroneous application of state tax credits by the Internal Revenue Service.

3. The Order of the Commissioner of Revenue dated February 12, 1986, relating to estate tax liability, is hereby reversed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,

Earl B. Gustafson, Chief Judge
Minnesota Tax Court

Tax Court—Regular Division: Docket No. 4615—Dated: December 7, 1987

Fridlund Securities Co. and Scott Fridlund, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter was submitted to the Tax Court on the basis of a written Stipulation of Facts, testimony by oral deposition, and briefs. Oral arguments were also presented before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, on November 6, 1987 at the Courtroom of the Tax Court in St. Paul, Minnesota.

Steven T. Hetland, of Holmes and Graven, Attorneys at Law, appeared for appellant.

James W. Neher, Special Assistant Attorney General, appeared for appellee.

The Court, having heard and considered the arguments of counsel and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Fridlund Securities Company (hereinafter "Fridlund") is a Minnesota corporation and a licensed securities broker-dealer under Minnesota and federal laws.

2. Scott Fridlund is President and sole shareholder of Fridlund.

3. At all times relevant herein Fridlund maintained an office in Moorhead, Minnesota.

4. The taxable periods with respect to the sales tax issues in this case are 12/79, 1/80, 3/80 through 7/80, 9/80 through 3/81, 5/81 through 3/82, and 7/82 through 10/83.

5. Sales tax for these periods has been assessed by the Commissioner against both Fridlund and Scott Fridlund, individually, in the amount of $65,480.18, plus penalty and interest in the respective amounts of $25,591.43 and $46,221.46.

6. As part of its business, Fridlund regularly conducted precious metal transactions, including the transactions on which the sales tax assessment is based.

7. The following steps took place with respect to each precious metal transaction in question:

(a) A customer contacted Fridlund to inquire about purchasing a certain type of precious metal.

(b) Fridlund contacted A-Mark Precious Metals Incorporated ("A-Mark"), a precious metals supplier located in Beverly Hills, California, to inquire about the current price of the precious metal.

(c) Fridlund informed the prospective customer as to the current price of the precious metal.

(d) If satisfied with the price, the customer ordered the precious metal and paid a specific amount to Fridlund consisting of the base cost of the precious metal, the shipping cost, and an additional amount ultimately retained by Fridlund. Payment was made either in cash or by check payable to Fridlund.

(e) Fridlund contacted A-Mark and placed the customer's precious metal order.

(f) The customer's full payment was deposited in an account at a bank located in Moorhead, Minnesota, the account's title being "Special Account for the Exclusive Benefit of Customers; Fridlund Securities Co." At all times relevant herein, Scott Fridlund had deposit and withdrawal privileges with respect to this account.

(g) Fridlund paid to A-Mark both the base cost and the shipping cost referred to in subparagraph (d) by check or wire transfer drawn on the bank account.

(h) Fridlund paid itself the additional amount referred to in subparagraph (d) by a check drawn on the bank account.

(i) A-Mark shipped the precious metal either to the bank in Moorhead or to Fridlund's post office box at the Moorhead post office.

(j) Upon arrival of the precious metal in Moorhead, a Fridlund employee picked it up at either the bank or the post office. The customer was then informed that his order had arrived, and he either picked it up at Fridlund's office in Moorhead, or it was delivered to him by a Fridlund employee.

(k) In some cases A-Mark commenced shipment of precious metals prior to payment therefor by Fridlund. In other cases A-Mark commenced shipment of precious metals subsequent to payment therefor.

8. In an undetermined number of the transactions in question herein, more than 20 days elapsed from the date of purchase of the precious metal by the customer and the date when the precious metal was delivered either to the bank in Moorhead or to Fridlund's post office box in Moorhead.

9. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. None of the sales at issue constitute sales of an investment metal contract as defined in *Minnesota Statutes,* § 80A.14, subd. 12 (ii) (1986).

2. All of the sales at issue are taxable sales at retail made by Fridlund in the regular course of its business.

3. The Order of the Commissioner of Revenue dated March 26, 1986, assessing sales tax liability in the amount of $65,480.18 [plus penalty and interest], is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

Tax Court—Regular Division: Docket No. 4706—Dated: December 7, 1987

Landon B. Swyningan, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for trial before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court, on July 13 and 20, 1987, at the Courtroom of the Tax Court in St. Paul, Minnesota.

Harold L. Stolpestad, Attorney at Law, appeared on behalf of the appellant.

Neil F. Scott, Special Assistant Attorney General, appeared on behalf of appellee.

Post-trial briefs were filed and the case was submitted to the Court for decision on September 15, 1987.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. The appellant, Landon B. Swyningan, is a cash basis, calendar year taxpayer who was a resident of St. Paul, Minnesota during 1983 through 1985, the time period here at issue.

2. On or about July 25, 1986, a tax examiner from the Minnesota Department of Revenue received a telephone call from the St. Paul Police Department informing the Department of Revenue that a large amount of cash (over $10,000) had been seized from the appellant pursuant to search warrants executed upon his person and his residence for the purpose of finding evidence of narcotic sales.

3. The tax examiner reviewed the appellant's records and found that he had filed no income tax returns for the years 1983 through 1985. The examiner then made a "jeopardy assessment" pursuant to *Minnesota Statutes*, § 290.48, subd. 4, for each of those three years, notifying the appellant of the amount due.

4. On August 6, 1986, the appellant filed his own returns for 1983 through 1985. On August 18, 1986, Mr. Swyningan also filed an amended return for 1983 with the Department for review.

5. On September 30, 1986 this appeal from the original jeopardy assessment was brought by Mr. Swyningan.

6. The Department of Revenue has accepted, for purposes of this appeal, certain parts of the returns filed by the appellant. The issues remaining in dispute and this Court's rulings on them are as follows:

1983:

a) The appellant owned a commercial building on the corner of Selby Avenue and Dale Street in St. Paul which was sold by condemnation in 1983: The basis in the building for tax purposes in 1983 is zero dollars.

b) The legal expenses in the amount of $7,250 and the appraisal fee of $904 incurred in the condemnation process are capital items which may be used to reduce the capital gain on the sale of the building. They are not deductible as ordinary business expenses.

1984:

a) The bank deposits method of arriving at income may be used to determine gross income. By that method the appellant had $33,014 of gross income in 1984.

1985:

a) The bank deposits method of arriving at income may be used to determine gross income. By that method the appellant's gross income in 1985 was $27,995. The Commissioner has failed to prove that there was additional income from the sale of drugs in 1985.

7. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The assessment of income taxes against appellant by authority of *Minnesota Statutes* § 290.48, subd. 4 for the years 1983 through 1985 was lawful.

2. The Order of the Commissioner of Revenue making that assessment on August 1, 1986 is hereby affirmed as modified by the portions of appellant's filed returns which the Commissioner has agreed to accept and in accordance with the items specifically ruled on herein which differ therefrom.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
M. Jean Stepan, Judge
Minnesota Tax Court

Announcements

Minnesota Grown Directory in Planning Stage: Grower, producer and farmers market participation is now being solicited for the 1988 Directory of Roadside Stands, Orchards, Pick Your Own Farms and Farmers Markets. This publication, produced by the Minnesota Department of Agriculture and the Minnesota Grown Promotion Group, is a county-by-county guide to direct retail sellers of agricultural products such as fruit, vegetables, maple syrup, honey, meat, poultry, eggs, dried flowers and Christmas trees. The group expects to publish 60,000 directories available for distribution in April. To be listed in the directory, persons should contact Kevin Edberg, Marketing Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, 612-296-6382. The response deadline is February 1, 1988.

Tobacco Use Prevention Grants for 1988-89 Announced: Sister Mary Madonna Ashton, Minnesota Commissioner of Health, has approved $500,000 in grants for programs to prevent tobacco use in the state. The two-year grants will be used to fund a statewide program encouraging the adoption of a "smoke-free" policy at hospitals and chemical dependency treatment facilities—as well as community-based programs at five local public health agencies in the state. The grant monies will become available on January 1. Each of the community-based programs will attempt to prevent tobacco use in one or more of three groups: 1) those adolescents, aged 10-15, who are most likely to take up the smoking habit; 2) women 18-30 who already smoke, or are likely to begin; and 3) boys 9-15 who are likely to become users of chewing tobacco. The statewide program will be run by the Minnesota Coalition for a Smoke-Free Society 2000, which also received a tobacco use prevention grant for 1985-86. Also chosen to receive grants for the second time were the Aitkin-Itasca-Koochiching Community Health Services Board, Grand Rapids, and the Clay-Wilkin Community Health Services Agency, Moorhead.

Oglebay Norton Company North Mine Extension Announced in Environmental Assessment Worksheet: The Minnesota Department of Natural Resources (DNR) has published an Environmental Assessment Worksheet (EAW) for the expansion of the existing taconite mine known as Eveleth Mines' North Mine near the cities of Eveleth and Virginia in St. Louis County. The project is proposed by the Oglebay Norton Company. The project will create approximately 400 acres of additional open-pit mine areas. Surface overburden and rock moved in the course of mining will be stockpiled by creating three new stockpile areas and expanding the use of four other stockpile areas. The project will produce 210 million tons of crude taconite ore over a 50-year mine life. The EAW provides a detailed description of the proposed project and identifies expected noise impacts from blasting and impacts on surface water, groundwater, and wildlife resources. The public is invited to review the EAW and submit written comments on the project. Copies of the EAW are available for inspection at the city offices of Eveleth and Virginia, MN. Comments should be sent to: Minnesota Department of Natural Resources, Office of Planning, Box 10, Attn: Donald Buckhout, 500 Lafayette Road, St. Paul, MN 55155-4010, (612) 296-8212.

Fish Management Guide is Here: The Section of Fisheries has recently published a guide on the management of game fish in Minnesota. "Managing Minnesota's Fish," is the first of eight new color brochures available to the public from the DNR. It explains how fisheries management in our state has changed over the past 50 years and points to the benefits of sound scientific management that pays particular attention to natural fish habitat. Discussion on habitat, the food chain and management are complemented by an illustrated chart of Minnesota's game fish. The other eight publications to be released in 1988, will explain the habits and management of individual fish species. For more information contact the Section of Fisheries, Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4012; (612) 296-3325, or 296-0793.

December Metro Goose Hunt Deadline Passed: DNR wildlife officials this week reminded waterfowl hunters that it is too late to obtain a permit for the special Dec. 18-27 Metro Goose Hunt. It was announced earlier that the final deadline to apply for a permit for the hunt was Oct. 23. Therefore, hunters who did not meet the deadline for this permit need not contact the Department.

Minnesota: national leader in education

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Education Directory, 1987-88

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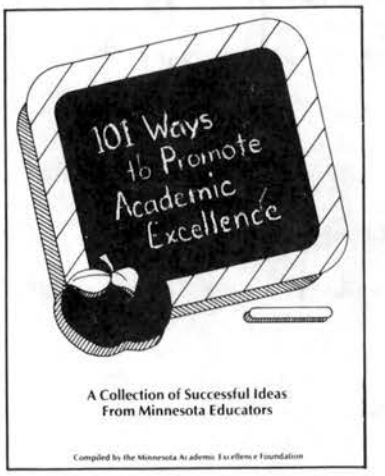

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Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, $49.95.

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Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

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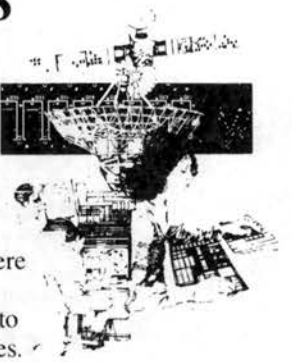
Minnesota Manufacturer's Directory 1987-88



NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, $73.00.



REVISED: There are more than 7,000 changes to the 7,068 entries.

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Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

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The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, $15.95.

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Loon Lapel Pin. Code #15-30, $2.49.

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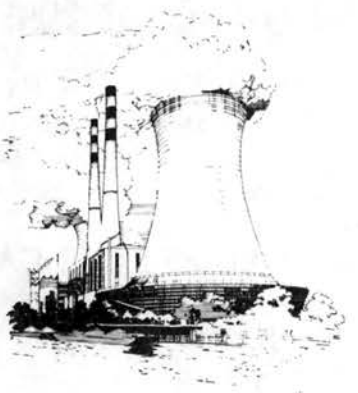
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.



1986 Pollution Control Laws
Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. $15.00.

1986 Hazardous Waste Rules
Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. $13.50.

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Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. $8.00

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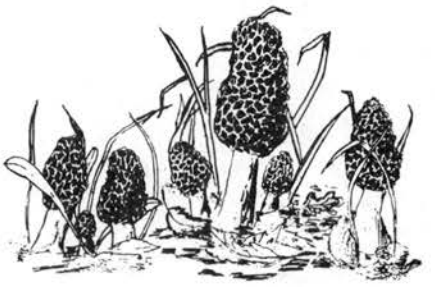

Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, $12.00.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, $9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, $8.50.

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Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

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Catching criminals is only one part of law enforcement. Here's the rest of it.



Police Report Writing Style Manual 1986 – A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. $12.50.

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Motor Vehicle Traffic Laws 1986 – Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. $12.50.

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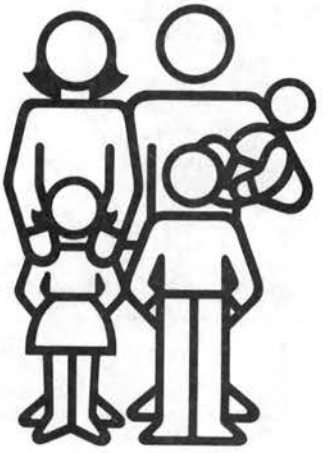

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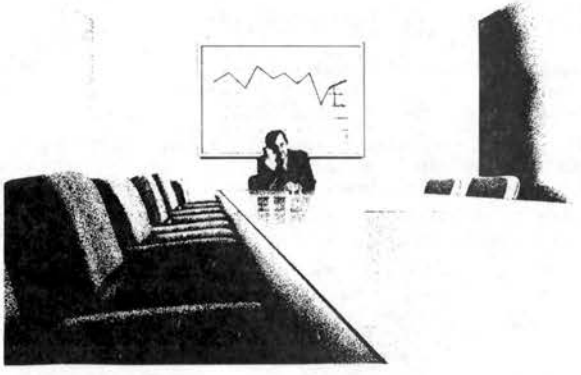

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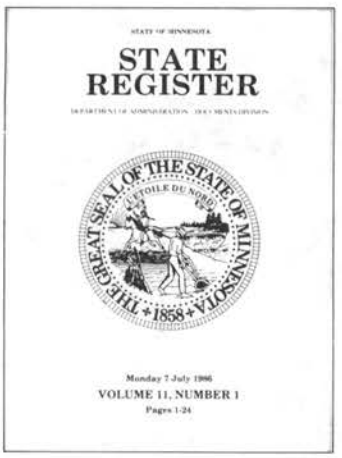

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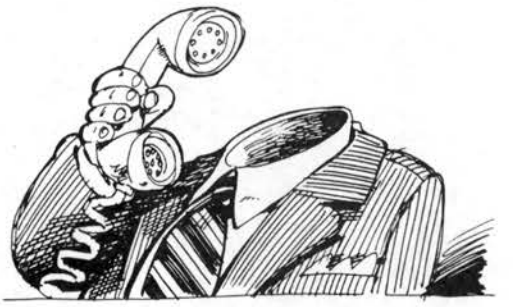

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Human Services Rules 1986. Governs assistance programs, eligibility, grant amounts, AFDC and residence requirements. *Minnesota Rules* 9500-9580. Code #3-95, $24.95.

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SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : May 23, 1988

TO : KENNETH L. PEATROSS, Exec. Secy.
Minnesota Board of Teaching
608 Capitol Square Building

FROM : CHRISTIE B. ELLER
Assistant Attorney General

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Teacher Licensing

The above-referenced rule has been approved as to its legality by the Attorney General on May 23, 1988.

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, submissions 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 establish 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.

CBE:bbl

Enclosure

cc: Maryanne Hruby
Duane Harves

RULE REVIEW CHECKLIST

File No. 1476
DATE RECEIVED 4/25/88
REVIEW DATE 5/4/88
DUE DATE 5/9/88

APPROVED 5/23/88 on resubmission
DISAPPROVED
WITHDRAWN 5/9/88 resubmitted

Docket No. 05.0009.0771
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED X
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

12/14/87 Date published in State Register

none ~~Comments~~

~~Petition for Adoption of a Rule (if applicable)~~

✓ Board's Authorizing Resolution

2/9/88 Date adopted

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

125.05, 125.185 Statutory Authority

No Small Business Statement

No Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement

No Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

3/4/88 Date (30)/25 days before adoption

✓ Notice attached Called

n/a ~~Copy of rule or summary attached~~

✓ Publication in State Register

3/7/88 Date (30)/25 days before adoption

✓ Resolution Adopting

4/22/88 Date adopted

✓ Findings of FAct, Conclusions & Order Adopting

4/22/88 Date

✓ Written requests, submissions or comments (2)

✓ Declaration of attorney

Laura Mattson Name of SAAG representing agency

~~Notice of Submission to Attorney General (if applicable)~~

MSC ~~Affidavit of Mailing Notice to Attorney General (if applicable)~~

Board of Teaching

Adopted Permanent Rules Relating to Teacher Licensing

Rules as Adopted

8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Written evaluation report; decision of board.** The written report of findings and the recommendation of the evaluators shall be forwarded to the institution and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' report, the institution may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report of findings and the recommendation of the evaluators, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the institution, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs. The Board of Teaching shall disapprove institutions that do not ~~substantially~~ meet the requirements in subpart 5.

Subp. 8. **Conditional approval.** If an institution is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the institution upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the institution shall be disapproved.

Subp. 9. and 10. [Unchanged.]

8700.7700 APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS APPROVED TO PREPARE TEACHERS.

Approved by Revisor

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Decision of board.** Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the teacher licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program. The Board of Teaching shall disapprove any teacher licensure program that does not ~~substantially~~ meet the requirements in subparts 2 and 3, or if the requirements for entrance into or completion of the teacher licensure program substantially change the requirements set forth in licensure rules.

Subp. 7. **Conditional approval.** If a teacher licensure program is conditionally approved, the Board of Teaching shall reconsider the approval status of the teacher licensure program upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the program shall be disapproved.

Subp. 8. [Unchanged.]

Subp. 8a. **Approval of experimental teacher licensure programs.** Institutions that have been approved by the Board of Teaching to prepare persons for teacher licensure may request approval of experimental teacher licensure programs that vary from Board of Teaching rules. The Board of Teaching shall approve requests from institutions for experimental proposals for exemption from Board of Teaching rules when a determination has been made that all of the criteria listed in subpart 8b have been met.

Subp. 8b. **Criteria for exemptions.** An institution applying for an exemption from a Board of Teaching rule shall submit a proposal for each exemption that sets forth:

A. a statement of goals and objectives;

Approved
by Revisor _____

B. a description of the proposed program, that includes:

(1) evidence that the proposed program will serve as a model for possible replication;

(2) evidence that the proposed program reflects current research in teacher education;

(3) evidence that the proposed program has an ongoing research and development component;

(4) evidence that the proposed program has been designed so that it is significantly different in content and delivery from the currently approved program;

(5) evidence that the proposed program provides opportunities for persons enrolled in the program to know and apply current research on educational effectiveness;

(6) evidence that the proposed program provides opportunities for persons enrolled in the program to have regular and systematic field experiences in schools that demonstrate knowledge and use of current research on educational effectiveness;

(7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate as partners with teacher education faculty in the preparation of teachers;

(8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and

(9) evidence that the academic knowledge component of the program is completed in an area of licensure;

C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and

D. an identification of the Board of Teaching rule from which the institution seeks exemption.

Subp. 8c. **Five-year review of experimental teacher**

Approved
by Revisor _____

licensure programs. The Board of Teaching shall approve, disapprove, or modify continuation of the experimental program approved under subparts 8a and 8b within five years.

Subp. 9. to 11. [Unchanged.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Teacher Licensing

AGENCY: Board of Teaching

MINNESOTA RULES: Chapter 8700

APPROVED AS TO FORM AND LEGALITY
May 23 19 88
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Christie B Elder
ASSISTANT ATTORNEY GENERAL

The attached rules are approved for
filing with the Secretary of State

Richard J. Sands
Senior Assistant Revisor

Minnesota Board of Teaching

In the matter of the Proposed Amending of Minnesota Rules, Part 8700.7600 Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and Minnesota Rules, Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Teaching intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, section 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes, section 125.05, subd. 1, and 125.185, subd. 4.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request 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 addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, section 14.131 to 14.20.

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

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square
550 Cedar Street
St. Paul, MN 55101
612/296-2415

The proposed rules 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 rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kenneth L. Peatross, Executive Secretary, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paull, MN 55101, upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 adopted rules, must submit the written request to Kenneth L. Peatross, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paul, MN 55101.

3-7-88

Date

Kenneth L. Peatross

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

STATE OF MINNESOTA
BOARD OF TEACHING

In the Matter of the Proposed Amending of Minnesota Rules, Part 8700.7600 Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and Minnesota Rules, Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

This Findings of Fact, Conclusions and Order incorporates and supplements the Findings of Fact, Conclusions and Order originally submitted to the Attorney General on April 25, 1988. On May 9, 1988, the Board withdrew the proposed rules for consideration by the Attorney General. The proposed rules are hereby resubmitted to the Attorney General with the deletions noted below.

The word "substantially" appears three times in the rules as previously proposed. The first two references (page 1, line 23 and page 2, 11) authorized the Board to disapprove institutions that did not "substantially" meet the requirements set forth elsewhere in the Rules. The Board does not have discretion to determine whether institutions have "substantially" complied with a rule. The Board must disapprove institutions that fall short of the rule. Accordingly, the word "substantially" has been deleted in the first two instances to accurately reflect the extent of the Board's power to disapprove teacher licensure programs for the reason stated therein.

The third use of the word "substantially" on page 2, line 13 will remain. In this instance, the Board will disapprove teacher preparation programs having entrance or completion requirements that "substantially" change teacher licensure requirements established by rule. Disapproval in this instance is not based on failure to meet statutory criteria, but because the institution is placing different requirements on its students than those set by rule. Because it is impossible to list entrance or completion requirements that would "substantially" alter teacher licensure requirements, the Board must have some discretion to make this determination. Therefore, the third use of the word "substantially" will not be deleted.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule, with the deletions noted herein, is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, Part 8700.7600 Approval of Minnesota Institution to Prepare Persons for Teacher Licensure and Minnesota Rules, Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Instutitions Approved to Prepare Teachers, with the deletions noted herein, is adopted this 13th day of May, 1988, pursuant to the authority vested in me by Minnesota Statutes sections 125.05, subdivison 1 and 125.185, subdivision 4.

5-13-88
Date

Kenneth L. Peatross
Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

In the matter of the Proposed Adoption of Minnesota Rules, Part 8700.7600 Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and Minnesota Rules, Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

ORDER WITHDRAWING RULES

The rules pertaining to the above-entitled matter submitted to the Attorney General on April 25, 1988, are hereby withdrawn on this 9th day of May, 1988.

Kenneth L. Peatross, Executive Secretary
MINNESOTA BOARD OF TEACHING

Board of Teaching

Proposed Permanent Rules Relating to Teacher Licensing

Rules as Proposed

8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Written evaluation report; decision of board.** The written report of findings and the recommendation of the evaluators shall be forwarded to the institution and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' report, the institution may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report of findings and the recommendation of the evaluators, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the institution, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs. The Board of Teaching shall disapprove institutions that do not substantially meet the requirements in subpart 5.

Subp. 8. **Conditional approval.** If an institution is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the institution upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the institution shall be disapproved.

Subp. 9. and 10. [Unchanged.]

8700.7700 APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS APPROVED TO PREPARE TEACHERS.

Approved by Revisor

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Decision of board.** Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the teacher licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program. The Board of Teaching shall disapprove any teacher licensure program that does not substantially meet the requirements in subparts 2 and 3, or if the requirements for entrance into or completion of the teacher licensure program substantially change the requirements set forth in licensure rules.

Subp. 7. **Conditional approval.** If a teacher licensure program is conditionally approved, the Board of Teaching shall reconsider the approval status of the teacher licensure program upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the program shall be disapproved.

Subp. 8. [Unchanged.]

Subp. 8a. **Approval of experimental teacher licensure programs.** Institutions that have been approved by the Board of Teaching to prepare persons for teacher licensure may request approval of experimental teacher licensure programs that vary from Board of Teaching rules. The Board of Teaching shall approve requests from institutions for experimental proposals for exemption from Board of Teaching rules when a determination has been made that all of the criteria listed in subpart 8b have been met.

Subp. 8b. **Criteria for exemptions.** An institution applying for an exemption from a Board of Teaching rule shall submit a proposal for each exemption that sets forth:

A. a statement of goals and objectives;

Approved by Revisor _____

B. a description of the proposed program, that includes:

(1) evidence that the proposed program will serve as a model for possible replication;

(2) evidence that the proposed program reflects current research in teacher education;

(3) evidence that the proposed program has an ongoing research and development component;

(4) evidence that the proposed program has been designed so that it is significantly different in content and delivery from the currently approved program;

(5) evidence that the proposed program provides opportunities for persons enrolled in the program to know and apply current research on educational effectiveness;

(6) evidence that the proposed program provides opportunities for persons enrolled in the program to have regular and systematic field experiences in schools that demonstrate knowledge and use of current research on educational effectiveness;

(7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate as partners with teacher education faculty in the preparation of teachers;

(8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and

(9) evidence that the academic knowledge component of the program is completed in an area of licensure;

C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and

D. an identification of the Board of Teaching rule from which the institution seeks exemption.

Subp. 8c. **Five-year review of experimental teacher**

Approved by Revisor _____

licensure programs. The Board of Teaching shall approve, disapprove, or modify continuation of the experimental program approved under subparts 8a and 8b within five years.

Subp. 9. to 11. [Unchanged.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Teacher Licensing

AGENCY: Board of Teaching

MINNESOTA RULES: Chapter 8700

The attached rules are approved for publication
in the State Register

Richard J. Sands
Senior Assistant Revisor

STATE OF MINNESOTA
BOARD OF TEACHING

STATEMENT OF NEED AND REASONABLENESS

Concerning the Proposed Amending of Minnesota Rules, Part 8700.7600 Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and Minnesota Rules, Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

The statutory authority of the Board of Teaching to adopt the proposed rules is set forth in Minnesota Statutes, Sections 125.05, subd. 1 and 125.185, subd. 4.

RULES AS PROPOSED

Minnesota Rules, Part 8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE

The amendments to this rule are necessary to provide clarification of Board of Teaching decisions regarding institutional approval.

The amendment to Subp. 7.D. sets forth the standard by which institutions will be disapproved. It is reasonable to expect that the Board of Teaching will disapprove institutions that do not meet the institutional approval standards. Decisions of the Board of Teaching are based upon the written report prepared by institutions, and the written report of findings and recommendations of evaluation teams that make on-site visits to each college or university campus. These reports are written in response to the institutional approval standards currently enumerated as listed in Subp. 5. Evaluation teams are charged with applying these standards. Team members are not expected to count or measure the extent to which evidence to support each standard is present or absent; rather, they exercise professional judgments. They make decisions about whether standards are met by considering all the data that are available and applying the standards. Indicators of quality teacher education do not lend themselves to narrow counting of amounts related to technical aspects, such as numbers of faculty, courses, or books, but rather, require that professional decisions be made. The institutional approval process ensures that professional decisions will be made regarding whether standards have been met.

Subp. 8 provides clarification regarding approval status if conditions are not met. It is reasonable that the Board of Teaching would disapprove any institution that did not meet the conditions that the Board of Teaching placed upon the institution as a result of the approval process.

Minnesota Rules, Part 8700.7700 APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS APPROVED TO PREPARE TEACHERS

The Minnesota Board of Teaching has adopted a quality assurance system which includes institutional approval and program approval as the basis for licensure of education personnel. This system permits colleges and universities to recommend candidates for licensure. Colleges and universities that voluntarily decide to participate in this system are required to complete an institutional approval process and to submit their programs to the state for approval in order to recommend candidates for licensure who complete these approved programs. The state of Minnesota has made a deliberate decision to license education personnel based on a quality assurance system which requires the completion of approved programs offered by approved institutions. This system, in effect, extends to colleges and universities the responsibility for determining whether state standards for licensure have been met and for recommending that licenses be granted to those persons who meet the state standards. Although institutions have been granted the responsibility for determining whether state standards for licensure are met by persons to be recommended for licensure, institutions do not have the authority to set these standards. This authority is vested, by statute, in the State Board of Teaching.

It is necessary to amend this rule in order to distinguish programs approved under Subp. 6 from those that may be considered experimental in nature and approved under proposed Subp. 8.a.

Candidates for licensure must complete approved programs in order to be recommended for licenses to teach (Minn. Rules Part 8700.0200). It is reasonable to expect that programs approved under Subp. 6 will closely approximate the state adopted licensure requirements. Candidates for licensure must be assured that the published Board of Teaching standard for each licensure rule, as determined through Minn. Stat. Chapter 14, is the standard to be met for licensure to be granted. The concept of the individual's right to know undergirds the licensing system for issuance of licenses to education personnel. Persons are entitled to be licensed based on completion of approved programs that reflect state standards which have been determined, through the required rulemaking process, to be reasonable, rather than arbitrary or capricious. Through the rulemaking process, the quality of teacher licensure program standards is assured, and the need for and reasonableness of these standards is determined.

It is necessary to amend Subp. 6.D. to set forth the standards by which teacher licensure programs will be disappproved. It is reasonable to expect that the standards adopted through the rulemaking process will be the standards that are applied for approval. Preparation programs offered by approved colleges and universities must closely match the standards for licensure. Only then do candidates for licensure have the assurance that the requirements are those which have been publicly determined to be both needed and reasonable. Through the rulemaking process, the collective wisdom of teacher educators, classroom teachers, and the lay public is involved in developing public policy for teacher education.

Program approval standards and licensure requirements are not synonymous concepts. How licensure requirements are met is only one part of program approval standards. Since the granting of licenses permits personnel to practice statewide, the licenses granted must be based on standards adopted by the state and applied statewide. Standards are determined to be needed and reasonable through the rulemaking process. These standards as adopted are the requirements to be met for licensure. They are not the minimum standards from which institutions begin to design programs for approval, since the outcome of the rulemaking process determines the need for and reasonableness of the standards. The Board of Teaching has clear statutory authority to set licensure requirements (Minn. Stat. 125.05, subd. 1 and 125.185, subd. 4) and cannot delegate this authority to other agencies or institutions. The Board of Teaching takes this responsibility seriously and does not propose standards of licensure in an arbitrary or capricious manner. Institutions cannot arbitrarily impose a different standard that has not been determined to be needed and reasonable through the rulemaking process by establishing requirements for entrance into or completion of a teacher licensure program such as additional areas of licensure, additional teaching experience, significant additional credit hours, additional degrees, or other similar additional requirements not specified in licensure rules. In so doing, institutions, not the Board of Teaching, would have, in effect, determined the standards and would have also circumvented Minn. Stat. Chapter 14 without addressing need, reasonableness, or fiscal impact of the standards as required by the rulemaking process.

Subp. 7. provides clarification regarding approval status if conditions are not met. It is reasonable that the Board of Teaching would disapprove teacher licensure programs that did not meet the conditions that the Board of Teaching placed upon the program as a result of the approval process.

Subp. 8.a. is necessary to provide a basis for approval of teacher licensure programs which encourage teacher preparation institutions to explore alternatives that vary from Board of Teaching rules. Minn. Stat. 14.05, subd. 4 requires that agencies adopt rules setting forth procedures and standards by which variances to rules shall be granted and denied.

Current national and state reports regarding teacher preparation all suggest that a variety of models for the preparation of teachers be explored. The Board takes very seriously its responsibilities for providing leadership in teacher education. Teacher education programs must be designed to prepare teachers who demonstrate knowledge of effective teaching behaviors that enhance student learning. At its annual fall planning seminar in September, 1986, the Board of Teaching studied future directions in teacher preparation. Presentations were made to the Board by persons who have served on national and state task forces that studied and developed reports on teacher preparation. The Board then addressed issues involved in the consideration of future teacher education programs and suggested standards to be applied for approval. The Board also endorsed the concept of several different models for teacher preparation in Minnesota. As a result, this proposed amendment provides the opportunity for institutions to request approval of experimental programs to explore alternatives that vary from existing rules.

Subp. 8.b. is necessary to set forth the procedures and standards by which variances to rules shall be granted and denied. It is reasonable to expect that proposals will include the following criteria:

A. A statement of goals and objectives. This criterion is needed and reasonable because it provides the framework upon which the program is designed.

B. A description of the proposed program. This criterion is needed and reasonable because it provides evidence that standards for the approval of the proposed experimental programs are met.

(1) It is necessary and reasonable to expect that the proposed program will serve as a model for possible replication. It is critical that any positive results gained through implementation of experimental programs be made available to the profession to enhance the knowledge base regarding teacher preparation.

(2) It is necessary and reasonable to expect that the proposed program will reflect current research in teacher education. During the past 25 years, major research programs have contributed to knowledge of learning and teaching. In education, as in other professions, the knowledge base is not entirely grounded in empirical evidence; rather, it reflects the collective judgments of respected members, scholars in underlying and related disciplines, persons served by the profession, and scholars building a base for practice. (Shulman, L. S. and Sikes, G. 1986. Teaching As a Profession. Paper presented for Carnegie Task Force.) This current and evolving research on learning and teaching provides the basis for supporting effective teaching practices. This knowledge base must be considered in future teacher education program decisions.

(3) It is necessary and reasonable to expect that the proposed program will have an ongoing research and development component. Currently, there is no research that indicates that a program of any specified structure results in more effective teachers. An ongoing research and development effort will provide information about the effectiveness of a variety of models for delivering teacher education.

(4) It is necessary and reasonable to expect that the proposed program will be designed so that it is significantly different in content and delivery from the currently approved program. The development of experimental programs to explore alternatives that differ from existing programs is encouraged by proposed amendments. (Subp. 8.a. and 8.b.). The redesign of existing curricula and delivery systems will be accommodated under current Subp. 8.

(5) It is necessary and reasonable to expect that the proposed program will provide opportunities for persons enrolled in such programs to know and apply current research on educational effectiveness, since the program will be designed to reflect current research. (Subp. 8.b.B.(2) Persons enrolled in such programs must know effective teaching strategies, why they are important, what results can occur, and when to employ particular strategies. Opportunities must be provided for persons to possess and practice knowledge of effective teaching behaviors that enhance student learning.

(6) It is necessary and reasonable to expect that the proposed program will provide opportunities for persons enrolled in such programs to have regular and systematic field experiences in schools that demonstrate knowledge and use of current research on educational effectiveness. It is in these settings that persons enrolled in teacher licensure programs will be demonstrating the application of current research on educational effectiveness. Since programs will be based on knowledge of effective learning and teaching, [Subp. 8.b.B.(2)] and persons enrolled in such programs will be expected to know and apply such

research, [Subp. 8.b.B.(5)] the field-based settings in which application will occur must demonstrate knowledge and use of research on effective learning and teaching. Schools involved in the Minnesota Educational Effectiveness Program (MEEP) support the implementation of research in their organizational and instructional processes, and may serve as sites for such field experiences; however, this subpart is not intended to be limited to only those schools involved in MEEP.

(7) It is necessary and reasonable to expect that the proposed program will be cooperatively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate as partners with teacher education faculty in the preparation of teachers. Lack of involvement by effective practicing teachers in substantive ways throughout teacher preparation has been a major constraint to effective teacher education programs. (Howey, K. R., Mathews, W. A., and Zimpher, N. L. 1985. Issues and Problems in Professional Development. North Central Regional Educational Laboratory). Teacher education faculty and school personnel must work together to develop, implement, and sustain positive cooperative relationships (Jones, D. W. 1986. "Successful Teacher Education Programs Depend Upon Cooperative Relationship Between Private/Public Schools and Colleges and Universities." Paper commissioned by the Coalition of Teacher Education Programs, University of Indiana.) To best educate effective teachers, teacher education faculty and school personnel must share the responsibility.

(8) It is necessary and reasonable to expect that the proposed program will provide opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty will be enabled and supported in the change process. Change is not easy. The reconceptualization and restructuring of teacher education programs requires involvement of the teacher education faculty and is a complex developmental process. Faculty must be supported in designing plans for change, seeking knowledge and skills necessary to implement changes, and participating in implementing and evaluating changes (Whitmore, J. R., 1981. "Lessons Learned from Dean's Grants for the Restructuring of Teacher Education." Journal of Teacher Education,23 (5), 7-13).

(9) It is necessary and reasonable to expect that persons enrolled in experimental teacher education programs will complete the academic knowledge component of the licensure program. This requirement assures such persons that they will have completed the academic knowledge required in a field for which a licensure rule exists so that a license may be issued valid for that field of preparation.

C. A description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives. This criterion is needed and reasonable because it provides a plan by which the institution will evaluate its program and provides assurance to the Board of Teaching that internal evaluation of the experimental program will be conducted.

D. An identification of the Board of Teaching rule from which the institution seeks exemption. This criterion is needed and reasonable because it provides the Boad of Teaching with the appropriate reference to the rule for which a variance is requested.

Subp. 8.c. provides for Board of Teaching systematic review of approved experimental programs. It is reasonable to expect that programs once approved are reviewed to ensure continuing compliance with the criteria under which

approval was granted.

FISCAL STATEMENTS

The Board of Teaching estimates that the proposed rules will not require an expenditure of public monies by all local bodies of an amount which exceeds $100,000 in either of the two years immediately following adoption of the proposed rules.

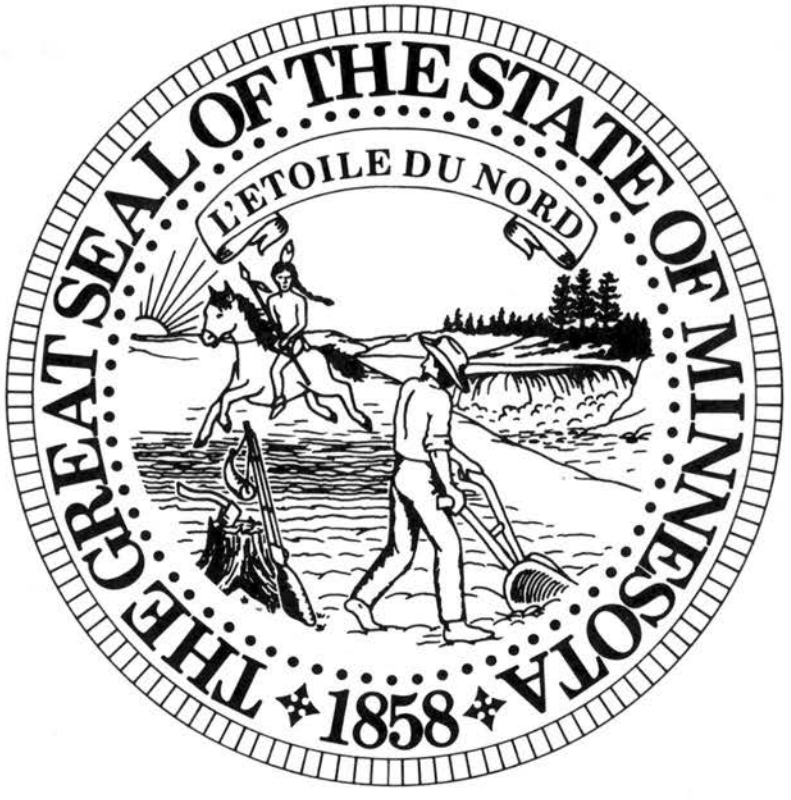
SMALL BUSINESS

These proposed rules will not directly affect small business within the meaning of Minn. Stat. 14.115.

State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register.*** Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers. Every odd-numbered year the ***Minnesota Rules*** are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register.***

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register.*** When rules are first drafted, state agencies publish them as **Proposed Rules,** along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register.*** After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules.** These final adopted rules are not printed in their entirety in the ***State Register,*** only the changes made since their publication as **Proposed Rules.** To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register,*** the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services.***

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the ***State Register,*** a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services,*** contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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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 Commerce

Proposed Permanent Rules Relating to Nonprofit Risk Indemnification Trusts

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 60A.29.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules 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.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to

identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

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

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

CHAPTER 2766
DEPARTMENT OF COMMERCE
NONPROFIT RISK INDEMNIFICATION TRUSTS

2766.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Beneficiary.** "Beneficiary" means a nonprofit entity who becomes a member of the risk indemnification trust by making contributions to obtain coverage through the trust.

Subp. 3. **Board.** "Board" means the governing body of a trust fund that consists of not fewer than five trustees who shall be appointed or elected according to part 2766.0040.

Subp. 4. **Bylaws.** "Bylaws" means the statements adopted by a trust that prescribe its purpose, government, and administration.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

Subp. 6. **Contribution.** "Contribution" means the amount paid or to be paid for coverage by beneficiaries. Contributions include amounts paid to the reserve fund and surplus fund, but do not include assessments or penalties.

Subp. 7. **Contribution schedule.** "Contribution schedule" means the statements adopted by the board of a trust fund that establish the contributions required of beneficiaries for coverage under the indemnification agreements between the trust fund and the beneficiaries.

Subp. 8. **Coverage.** "Coverage" means the right of a beneficiary to benefits provided directly or indirectly by a trust, by virtue of the coverage document.

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.

Subp. 9. **Days.** "Days" means calendar days.

Subp. 10. **Domiciliary state.** "Domiciliary state" means the state in which a foreign trust fund is organized and approved for operation.

Subp. 11. **Domestic trust fund.** "Domestic trust fund" means a trust fund organized and existing in this state under Minnesota Statutes, section 60A.29, subdivisions 1 to 21.

Subp. 12. **Financial administrator.** "Financial administrator" means an entity trained and experienced in money management and investments, and possessing no less than five years experience as an organization with demonstrated competence in money management and investments.

Subp. 13. **Foreign trust fund.** "Foreign trust fund" means a trust fund organized and existing under the laws of any state other than this state, and authorized to operate in this state under Minnesota Statutes, section 60A.29, subdivisions 22 and 23.

Subp. 14. **Indemnification agreement.** "Indemnification agreement" means the written contract of indemnification and coverages between a trust fund and a beneficiary, issued by the trust fund, and specifying the rights and obligations of the trust fund and the beneficiary.

Subp. 15. **Insurer.** "Insurer" means an insurance company or reinsurance company licensed under Minnesota Statutes, section 60A.07, and authorized by Minnesota Statutes, section 60A.06.

Subp. 16. **Policy.** "Policy" means the individual excess stop-loss policy, the aggregate excess stop-loss policy, the surety bond, or the fidelity bond.

Subp. 17. **Runoff trust.** "Runoff trust" means a trust that no longer has authority to operate in Minnesota, but that continues to exist for the purpose of paying benefits, preparing reports, and administering transactions associated with the period when the trust provided benefits.

Subp. 18. **Schedule of benefits.** "Schedule of benefits" means the statements adopted by the board of a trust fund that set forth the nature, extent, and circumstances under which the trust fund will indemnify and protect its beneficiaries, and all conditions, limitations, and exclusions relevant to indemnification. The schedule of benefits may be established by adopting standard indemnification agreements.

Subp. 19. **Service company.** "Service company" means an entity licensed under Minnesota Statutes, section 60A.23, subdivision 8, and rules adopted under it, as a vendor of risk management services or an entity named in Minnesota Statutes, section 60A.23, subdivision 8, clause (1), paragraph (a) or (b).

Subp. 20. **Trust agreement.** "Trust agreement" means the instrument adopted by the board of a trust fund and signed by its trustees that establishes the trust fund and prescribes the purpose and organization of the trust fund.

Subp. 21. **Trust documents.** "Trust documents" includes but is not limited to the trust agreement, bylaws, plan of operation, schedule of benefits, contribution schedule, and indemnification agreements, collectively.

Subp. 22. **Trust fund.** "Trust fund" means a trust fund organized and established for the purpose of indemnifying nonprofit beneficiary organizations and their officers, directors, and agents for financial loss due to the imposition of legal liability or for damage or destruction of property, as provided under Minnesota Statutes, section 60A.29, and includes a domestic trust fund and a foreign trust fund unless the context specifically states otherwise.

Subp. 23. **Trust year.** "Trust year" means a trust's fiscal year.

2766.0020 PURPOSE AND SCOPE.

This chapter governs the formation, operation, and dissolution of trust funds, domestic and foreign, in Minnesota. It is intended to ensure that the financial integrity of trust funds is maintained and that trust funds are administered competently and equitably.

2766.0030 BYLAWS.

Subpart 1. **Content.** Bylaws may contain any provisions that do not conflict with this chapter. Bylaws must, at a minimum, contain the following provisions:

A. the trust's name, purpose, and initial date of existence;

B. definitions of key terms;

C. a statement of powers, duties, and responsibilities assigned to the board, the service company, the financial administrator, any trustee, and those reserved to the beneficiaries;

D. the number, term of office, method of selection, and method of replacement of the trustees of the board;

E. the procedure to be used by beneficiaries or trustees for calling board meetings, including the four requisite meetings annually;

F. the method of periodic selection and review of the service company, financial administrator, and any other entity providing services under contract to the trust;

G. the procedure for amending the bylaws;

H. the procedure for resolving disputes among member beneficiaries, that must not include submitting disputes to the commissioner;

I. the criteria for membership in the trust including underwriting standards, financial standards, or loss experience criteria;

J. the procedure for admitting new beneficiaries to the trust;

K. criteria for expelling beneficiaries from the trust, including nonpayment of contributions;

L. the procedure for withdrawal by, or expulsion of, beneficiaries from the trust, including any minimum period of membership required and penalties involved with termination of membership;

M. a statement of the benefits the trust intends to provide;

N. the procedure a beneficiary must follow for adding and dropping any benefit, the basis for doing so, and the basis for determining the costs of doing so;

O. a schedule for contributions to be made by beneficiaries, including a detailed description of the basis upon which contributions are calculated and penalties for late payment of contributions;

P. the procedure for changing contributions;

Q. the procedure for levying and collecting assessments required to maintain the trust, including penalties for late payment of assessments;

R. a statement of who may have access to trust funds and for what purposes;

S. the procedure for distributing dividends and the eligibility of past and present beneficiaries for dividends; and

T. the procedure for distributing assets remaining upon the trust's dissolution, and the eligibility of past and present beneficiaries for the distribution.

Subp. 2. **Adoption and changes.** The bylaws must be adopted in writing by all beneficiaries of the trust, including the initial beneficiaries or any beneficiary who joins at a later date. Authority to change the bylaws must reside with the membership or the board, according to the terms of the bylaws. Authority to change the bylaws may not be delegated to a contractor or other outside party. The trust must file bylaw changes with the commissioner not less than 30 days before they become effective.

2766.0040 BOARD.

Subpart 1. **Structure.** A trust must have a minimum of five and a maximum of seven trustees elected to the board of trustees. The trustees must be beneficiaries of the trust. No trustee may be an employee, agent, or representative of the trust's service company, financial administrator, insurer, or other person or entity providing services under contract to the trust. Trustees shall be elected by vote of the membership. There shall be an odd number of trustees, with staggered terms to provide continuity. One trustee shall be designated the chair. The board shall meet no less than four times annually.

Subp. 2. **Duties.** The board is responsible for the operation of the trust. The board may delegate some or all of its responsibilities to the chair or other trustees between board meetings. All responsibilities of the trust not expressly delegated by the board or this chapter are the responsibility of the board. The board shall, at a minimum, have the following responsibilities:

A. fiduciary responsibility for the trust's operation and financial condition;

B. selection, supervision, and evaluation of the service company, financial administrator, accountant, insurer, and any other entity providing services to the trust under contract;

C. on the basis of the trust's overall financial condition, authorizing changes in contributions, reserves, or investment practices, and declaring assessments or dividends as appropriate;

D. approval of all reports concerning the trust's operation, financial condition, and status;

E. monitoring the operations of the trust including the delinquent payment of contributions, loss experience of beneficiaries, the financial condition of individual beneficiaries, and authorizing, when necessary, disciplinary action or expulsion as appropriate;

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.

F. authorizing acceptance or rejection of applications for membership to the trust;

G. as permitted by the bylaws, making or recommending changes to the bylaws for the improvement of the trust's operation or financial integrity; and

H. monitoring the trust's compliance with all statutes and rules governing its operation.

2766.0050 APPLICATION.

Subpart 1. **Initial application.** An organization desiring authority under Minnesota Statutes, section 60A.29, shall apply to the commissioner in writing and on the forms available from the commissioner. Applications must be submitted not later than 60 days before the requested date for authority. All applications for authority shall, at the least, include:

A. a list of all initial beneficiaries of the trust;

B. a statement that is signed and sworn to by each entity wishing to be a beneficiary of the trust, stating that they agree to abide by the bylaws, plan of operation, or other rules governing the trust, and, if an entity is a corporation, the signatures must be that of a corporate officer;

C. a copy of all trust documents, including the bylaws, plan of operation, and any membership agreements;

D. the license fee required, paid by check or draft;

E. proof that the reserve fund has been set up, proof that a minimum of 20 percent of the money required has been deposited into the fund, and a detailed explanation of the schedule for collection of the remainder of the money to be deposited into the fund;

F. proof that the surplus fund has been set up and that the required funds have been deposited into the fund;

G. the name of a resident agent who is authorized to act on behalf of the trust and to accept service of process;

H. copies of applicable insurance policies, including any individual stop-loss and excess stop-loss policies; however, if the policies are not available at the time the application is submitted, specimen copies of the policies may be submitted, provided that proof that coverage is in force is submitted before the effective date of authority; and

I. responses to all questions. An application submitted without responses to any questions, or responses that are inadequate, will be returned to the applicant for completion and resubmission. When a complete application has been submitted to the commissioner, the application must be approved or disapproved within 60 days. An application is not considered complete if the department has requested additional information.

Subp. 2. **Renewal application.** Existing trusts may apply for renewal of authority by completing a renewal application. A renewal application must be filed with the department 60 days before the expiration of the trust's current authority. A renewal application must, at the least:

A. contain those items included in a new application;

B. include a detailed explanation regarding changes that have taken place in the trust or its operation since its last application;

C. include a certified financial statement for the previous trust year; and

D. include a reserve audit for the previous trust year.

Subp. 3. **Merger.** Two or more existing trusts may apply to merge if the new trust assumes all obligations of the merging trusts. Merger applications are subject to the same requirements as prospective new trusts.

Subp. 4. **Approval and disapproval.** Upon approval of an application, the commissioner shall issue an order granting authority to operate to the proposed trust. Initial authorization orders for new trusts are effective for two years after the initial authorization date. Renewal authorization orders shall be for two years. The termination date shall be stated in the order.

2766.0060 ADMINISTRATION.

Subpart 1. **Service company.** A trust must contract with a service company for services necessary to the trust's day-to-day operations, except services and responsibilities reserved to the beneficiaries, the board, individual trustees, the financial administrator, or other contractors. The service company must have expertise in and be licensed to provide risk management services.

A. Subject to the oversight of the board, the service companies shall, directly or indirectly through subcontractors, provide all services directly related to the administration of the coverage. These services include, but are not limited to:

(1) accounting and record keeping;

(2) billing and collection of contributions and assessments;

(3) claims investigation, settlement, and reserving;

(4) claims payment, including claims wholly or partially subject to excess insurance or member deductibles;

(5) general administration;

(6) loss control and safety programs; and

(7) underwriting.

B. The service company shall be subject to all other state laws and rules that govern the activities of service companies including but not limited to Minnesota Statutes, sections 60A.23, subdivision 8, and 72A.17 to 72A.32.

Subp. 2. **Financial administrator.** A trust must contract with a financial administrator for investment of the trust's assets and other financial or accounting services. No staff member of the financial administrator may be an owner, officer, employee, or agent of the service company, or of a subcontractor of the service company.

Subp. 3. **Record keeping.** A trust must maintain within Minnesota all records necessary to verify the accuracy and completeness of all reports submitted to the commissioner. The commissioner may examine the trust's records in order to ascertain the trust's compliance with this chapter and with other applicable statutes and rules. All records concerning claims, reserves, financial transactions, and other matters necessary to the trust's operations are the trust's property.

2766.0070 MEMBERSHIP.

Subpart 1. **Availability.** Trust membership is available only to entities whose operations occur in Minnesota, and who meet the requirements in Minnesota Statutes, section 60A.29. However, this chapter does not require that a trust offer membership to an entity solely because the entity meets the trust's underwriting standards.

Subp. 2. **Joining.** New beneficiaries must be admitted according to the standards and procedures specified in the bylaws. Membership is not effective before the applicant has signed an indemnification agreement affirming its commitment to comply with the bylaws and the agreement has been submitted to the commissioner 15 days before acceptance of the new beneficiary. The indemnification agreement must disclose that under the rules governing the trust, the commissioner may order that an assessment be levied against beneficiaries if necessary to maintain the trust's sound financial condition.

Subp. 3. **Voluntary withdrawal.** The indemnification agreement must state the procedures for voluntarily withdrawing from the trust. A beneficiary must notify the trust and the commissioner in writing of its desire to withdraw not less than 60 days before the date upon which it desires to withdraw. Withdrawal from a trust is prohibited and void unless:

A. the beneficiaries will have belonged to the trust continuously:

(1) until the end of the current trust year;

(2) until the end of the succeeding trust year for new beneficiaries that join in the last three months of the fund year; or

(3) for a longer period if required by the bylaws; and

B. all outstanding contributions and assessments owed by the beneficiary have been paid.

Subp. 4. **Expulsion.** At least annually, the trust shall review the status and experience of each beneficiary by comparison with the criteria for expulsion in the bylaws. A trust must notify the commissioner not less than 15 days before the effective date of the expulsion of the change in membership. A beneficiary may be expelled:

A. with outstanding contributions or assessments owing; and

B. notwithstanding that the expulsion is effective before the end of the current fund year.

2766.0080 BENEFITS.

Subpart 1. **Benefit administration and related requirements.** Trusts are subject to the requirements of Minnesota statutes and rules applicable to insurance companies providing property, casualty, or auto liability insurance in Minnesota similar to the coverage the trust wishes to provide. These requirements concern coverage content, coverage administration, underwriting, and related matters, and are contained in the applicable sections of Minnesota Statutes, chapters 60A, 65A, 65B, 72B, 72C, and section 72A.20, and rules adopted under those sections, unless otherwise specifically exempt.

Subp. 2. **Uniform underwriting.** All coverages offered by a trust must be available to all beneficiaries according to the same underwriting standards.

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.

Subp. 3. **Term of benefits.** A trust shall not commit itself to providing benefits for a period that extends beyond the term of the aggregate excess stop-loss coverage.

Subp. 4. **Continuing responsibility.** Notwithstanding cancellation or termination of coverage to a particular beneficiary, ceasing to offer a particular coverage, or terminating or revoking authority, a trust retains indefinitely all responsibilities to covered beneficiaries and other covered persons associated with the trust while coverage was in force. This responsibility ceases only after a trust dissolves.

2766.0090 CONTRIBUTIONS AND DIVIDENDS.

Subpart 1. **Contributions.** A beneficiary's contributions shall be calculated based upon the trust's anticipated cost for the upcoming fund year. A trust may permit installment payments if payment is always due before contributions are earned. A trust shall promptly take appropriate action to collect a beneficiary's contributions or assessments that are past due. Collection costs are the obligation of the delinquent beneficiary. Payments determined to be uncollectible must be presented to the surety for reimbursement as required by part 2766.0110, subpart 3, or may be reimbursed by funds maintained as security deposit. Any funds advanced to the trust must be reimbursed within 90 days. However, if the trust is unable to reimburse any advance, the commissioner shall review the trust's operation to determine whether they continue to maintain the financial integrity necessary to continue operations.

Subp. 2. **Dividends.** A trust may declare and pay a dividend or distribution from its surplus only if:

A. the dividend would not cause the trust's surplus to be negative;

B. the trust does not have any advancement liability; and

C. the dividend is apportioned on the basis of the relative amounts of contribution paid by beneficiaries and provides for proportional payment to beneficiaries.

A dividend paid or distributed in violation of this subpart is recoverable from the persons or entities to whom it was paid upon demand by the trust.

2766.0100 RESERVES.

Subpart 1. **Loss and premium reserves.** A trust must establish reserves for all incurred losses, both reported and unreported, and for unearned contributions. To the extent that the amount of loss is uncertain, reserves must be set conservatively. As the degree of uncertainty concerning a loss is changed by new events or information, the amount of the reserve must be changed accordingly. The amount of reserves must be reported annually on forms and according to the instructions set by the commissioner.

Subp. 2. **Full funding reserve.** A trust must establish a full funding reserve to pay benefits and benefits due but not yet reported, as well as any expenses.

A. The amount of the reserve must be equal to the trust's maximum possible liability under any aggregate excess stop-loss insurance.

B. A separate full funding reserve must be maintained for each trust year, beginning at the trust year's inception.

Subp. 3. **Surplus fund.** A trust must protect itself from cash flow difficulties by establishing and maintaining a surplus fund equal to the greater of:

A. contributions collected during the previous trust year, less the money paid into the reserve fund; or

B. $25,000.

2766.0110 INSURANCE.

Subpart 1. **Purchase and alteration.** The trust and the insurer must notify the commissioner at least 30 days before expiration of any required insurance policy or policies whether it intends to renew the policy, and whether the insurer is willing to renew the policy or policies. Alteration of the required insurance policy or policies midterm with the effect of reducing coverage, and midterm cancellation, are prohibited without prior written approval by the commissioner. Required stop-loss insurance policies must be noncancelable for a minimum of one year for any cause, including nonpayment of premium. If more than one stop-loss insurance policy is obtained in fulfillment of this part's requirements, their expiration dates must be the same.

Subp. 2. **Aggregate excess.** A trust must have and maintain aggregate excess stop-loss insurance that provides for the insurer to assume all liability on an occurrence basis for each trust year even in the event of the trust's termination. The amount of the aggregate excess coverage shall be in a minimum amount of $1,000,000 and may be adjusted upward based on the size of the trust.

Subp. 3. **Security deposit.** A trust must have and maintain acceptable security of a value equal to its anticipated contributions but not less than $500,000. The security may be in the form of a surety bond from a surety licensed to write bonds in Minnesota. The security shall be adjusted each year based upon contributions anticipated to be collected during the upcoming fund year. The security shall reimburse a trust for a beneficiary's outstanding contributions if a beneficiary fails to pay contributions due, including

assessments ordered by the commissioner. The trust may attempt to collect reimbursement from the beneficiary on whose behalf the security is called upon to pay a contribution or incur other extraordinary expenses. However, the security must fulfill its responsibilities under this part, regardless of whether collection attempts are pending. A surety's responsibilities extend to all matters arising during or attributable to the policy period, and do not terminate with the end of the bond period. The surety bond must not alter or qualify these terms to harm the trust's rights materially.

Subp. 4. **Fidelity bond.** All contractors and individuals who handle trust funds or who will have authority to gain access to trust funds, including trustees, must be covered by a fidelity bond. The bond must cover loss from dishonesty, robbery, forgery or alteration, misplacement, and mysterious and unexplainable disappearance. Except for trustees, the amount of coverage for each occurrence must be in an amount equal to the average daily balance of the trust's accounts. However, in no case shall the amount be less than $100,000. The trust must purchase a fidelity bond covering all contractors and individuals, or submit separate proof of coverage for those contractors and individuals not covered under the trust's bond.

Subp. 5. **Return of liability.** No liability or other responsibility transferred to an insurer or surety under this part may, directly or indirectly, be returned to a trust, a beneficiary, or a beneficiary's parent, subsidiary, or affiliate. This does not prohibit the insurer or surety from seeking reimbursement from the trust or a beneficiary as permitted under subparts 3 and 4.

Subp. 6. **Coverage.** Coverage provided under a policy to the trust must be provided on an occurrence basis by an insurance company licensed in Minnesota.

2766.0120 FINANCIAL INTEGRITY.

Subpart 1. **Integrity of assets.** A trust's assets:

A. must not be commingled with the assets of a beneficiary;

B. must not be loaned to anyone for any purpose or used as security for a loan, except as permitted under subpart 5 for investments;

C. must be employed solely for the purposes stated in the bylaws, and in compliance with this chapter and related statutes; and

D. must not be considered the property or right of a beneficiary or other covered person, except:

(1) for benefits under the trust documents;

(2) for dividends declared under part 2766.0090; or

(3) for a portion of the assets remaining after the trust's dissolution under part 2766.0140.

Subp. 2. **Sources and uses of funds.** A trust may expend funds for payment of losses and expenses, and for other costs customarily borne by insurers under conventional insurance policies in Minnesota. Unless specifically provided in this chapter, a trust may not borrow money or issue debt instruments. A trust may bring legal suits to collect delinquent debts. A trust may receive funds only from:

A. its beneficiaries as contributions, assessments, or penalties;

B. its insurers, sureties, or indebtors under insurance or indemnification agreements;

C. dividends, interest, or the proceeds of sale of investments;

D. refunds of excess payments;

E. coordination of benefits with automobile coverage, and any other insurance or self-insurance coverage; or

F. collection of money owed to the trust.

Subp. 3. **Separate accounts.** A trust must establish a separate account for the payment of benefits. This account must be used only by the service company, its authorized subcontractors, or the financial administrator, as appropriate to the account's purpose.

Subp. 4. **Investments.** Investments of trust funds are subject to the same restrictions as are applicable to political subdivisions under Minnesota Statutes, section 475.66. In addition, a trust may not invest in securities or debt of a beneficiary or a beneficiary's parent, subsidiary, or affiliate, or a person or entity under contract with the trust.

Subp. 5. **Monitoring financial condition.** The board must regularly monitor the trust's revenues, expenses, and loss development,

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and evaluate its current and expected financial condition. The board must attempt in good faith to maintain or restore the trust's sound financial condition, using any means at its disposal. These means include but are not limited to adjusting contribution rates, underwriting standards, dividend rates, expulsion standards, and other powers granted under this chapter and the bylaws. If the commissioner judges that the board's actions are inadequate to maintain or restore the trust's sound financial condition, the commissioner shall, as appropriate, order an increase in the contribution rates, revoke the trust's authority, or order that an assessment be levied against the beneficiaries.

2766.0130 REPORTING.

Subpart 1. **Financial statements.** A trust must prepare annual financial statements containing a balance sheet; a full funding reserve calculation worksheet; a statement of revenues, expenses, and surplus; a statement of changes in financial position; and a schedule of investments. The statements must be prepared on forms and according to instructions prescribed by the commissioner. The financial statements must be filed with the commissioner no later than 60 days after conclusion of the fund year. The financial statements must be audited by an independent certified public accountant. A trust's first annual financial statement, and every second annual financial statement thereafter, must be accompanied by a statement from an actuary who is a member of the American Academy of Actuaries concerning the balance sheet items that are based on actuarial assumptions and methods, including an opinion of outstanding liabilities for the period the trust has been granted authority to operate in Minnesota.

Subp. 2. **Semiannual reports.** A trust must file semiannual reports with the commissioner no later than 30 days after the second and fourth quarters of each fund year. The reports must contain statements of the trust's:

A. current total cash on hand and on deposit, and total investments;

B. current total reserve for unearned and advance contributions, total reserve for outstanding losses reported and unreported, total operating full funding reserve, and total runoff full funding reserve;

C. dividends declared during the report period;

D. gross contributions collected during the report period;

E. benefits paid during the report period;

F. proximity to the stop-loss insurance attachment point for the current fund year and, if applicable, the past fund year;

G. current list of all beneficiaries and number of covered beneficiaries; and

H. other matters the commissioner requests that the board address.

Subp. 3. **Extraordinary audits.** Upon sufficient cause, the commissioner shall require a trust to investigate the accuracy of one or more entries on its financial statements or quarterly reports and to report its findings. If necessary for the investigation's purposes, the commissioner shall require a trust to contract with a qualified actuary, claims specialist, auditor, or other specialist as appropriate to the type of entry being investigated. If warranted by the investigation's findings, the commissioner shall require changes in the trust's reserving, accounting, or record keeping practices. These extraordinary audits are in addition to the commissioner's right to examine trusts under Minnesota Statutes, sections 60A.03, subdivisions 3, 5, and 6; and 60A.031. Sufficient cause includes:

A. losses that appear significantly different than losses experienced by other trusts or insurance companies providing similar coverage;

B. unusual changes in the amount of entries from period to period that are not sufficiently explained by the financial statements, quarterly reports, or footnotes; or

C. other indications that a trust's financial statements or quarterly reports may not accurately reflect the trust's status and transactions.

Subp. 4. **Annual status report.** No later than 30 days after the fund year's conclusion, a trust must file with the commissioner a statement describing any changes that have occurred in the information filed with the initial application for authority to self-insure, or the trust's most recent annual status report. The annual status report must be filed in a form and according to instructions prescribed by the commissioner.

Subp. 5. **Penalty.** The financial statements and status report required by this chapter are considered together to be a trust's annual statement. A trust authorized to self-insure its liabilities under this chapter that neglects to file its annual statement in the form prescribed and within the time specified shall be subject to a penalty of $25 for each day in default. If, at the end of 90 days, the default has not been corrected, the trust shall be given ten days to show cause to the commissioner why its license should not be revoked. If the company has not made the requisite showing within the ten-day period, the license and authority of the trust shall be revoked.

2766.0140 TERMINATION OF AUTHORITY.

Subpart 1. **Membership.** After it has been determined that a trust will no longer continue, either due to revocation of its authority or due to voluntary termination, no beneficiaries may join, voluntarily withdraw, or be expelled from the trust.

Subp. 2. **Voluntary termination of authority.** A trust may decide to terminate its authority and cease to provide coverage, effective at the end of a fund year. However, a trust may not elect to end its authority less than 45 days before the end of the trust year in question. The trust must notify the commissioner within 15 days of its decision to terminate its authority. A trust voluntarily terminating its authority must comply with the provisions of dissolution under subpart 4.

Subp. 3. **Revocation of authority.** The commissioner shall, by order, revoke the authority of a trust to operate upon ten days' written notice if any of the following events occur or conditions develop. The events shall include:

A. failure of the trust to comply with this chapter, with all applicable requirements of Minnesota Statutes, chapters 60A, 65A, 65B, 72B, 72C, and section 72A.20, or with other applicable Minnesota statutes or rules;

B. failure of the trust to comply with any lawful order of the commissioner;

C. a deterioration of the trust's financial integrity to the extent that its present or future ability to meet obligations promptly and in full is or will be significantly impaired; or

D. upon notification from the commissioner of revenue that the trust has failed to make payments as required by Minnesota statutes.

Subp. 4. **Runoff period.** A trust shall continue to exist as a runoff trust after its authority to operate has ended, for the purpose of paying claims, preparing reports, and administering transactions associated with the period when the trust provided coverage. A runoff trust must continue to comply with all appropriate provisions of this chapter and with all other applicable Minnesota statutes and rules. However, authority to exist as a runoff trust is open-ended and does not require renewal of authority under this chapter.

Subp. 5. **Dissolution.** A trust, including a runoff trust, that desires to cease existence shall apply to the commissioner for authorization to dissolve. Applications must be approved or disapproved within 60 days of receipt. Dissolution without authorization is prohibited and void, does not absolve a trust or runoff trust from fulfilling its continuing obligations, and does not absolve its beneficiaries from assessment under this chapter. The trust's assets at the time of dissolution must be distributed as provided in the bylaws. Authorization to dissolve must be granted if either of the following conditions are met:

A. the trust demonstrates that it has no outstanding liabilities, including incurred but not reported liabilities; or

B. the trust has obtained an irrevocable commitment from a licensed insurer that provides for payment of all outstanding liabilities, and for providing all related services, including payment of claims, preparation of reports, and administration of transactions associated with the period when the trust provided coverage.

Subp. 6. **Receivership.** If the commissioner determines that a trust in the process of dissolution has failed to comply with the provisions of this chapter, the commissioner, on determining the action necessary to protect the public interest, shall apply to the district court, or the county in which the trust is located, for appointment of a receiver to receive the assets of the trust for the purpose of liquidating or rehabilitating its business or for other relief as the nature of the case and the interest of the claimants may require. The reasonable and necessary expenses of the receivership shall constitute the first claim on the security deposit.

Pollution Control Agency

Proposed Permanent Rules Relating to Solid Waste Permit and Technical Rules

Notice of Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) will hold public hearings in the above-entitled matter. The subject of the hearings will be proposed new and amended rules governing solid waste facilities. Amendments to *Minnesota Rules* parts 7001.0020 through 7001.0190 relate to general matters on permits issued by the Agency as they relate to solid waste facilities. Proposed new rules, *Minnesota Rules* parts 7001.3000 through 7001.3550, cover only solid waste facility permits. The proposed amendments to *Minnesota Rules* parts 7035.0300 through 7035.2500 relate to general solid waste facility standards and industrial waste disposal facilities. Proposed new rules, *Minnesota Rules* parts 7035.2525 through 7035.2875, relate to financial responsibility and specific technical design standards for solid waste facilities. The facilities covered by the technical standards are: mixed municipal solid waste land disposal facilities, demolition debris land disposal facilities, compost facilities, transfer facilities, recycling facilities, refuse-derived fuel processing facilities, and storage sites.

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The hearings will be held according to the following schedule:

LOCATION	DATE	TIME
Board Room—Lower Level Agency Offices 520 Lafayette Rd. N. St. Paul	May 9-11	9:00 a.m.-5:00 p.m.
Civil Defense Room Douglas County Courthouse Alexandria	May 16	11:00 a.m.-8:00 p.m.
Large Meeting Room Redwood County Courthouse Redwood Falls	May 18	11:00 a.m.-8:00 p.m.
Library Campus Administrative Center 2116 Campus Dr. SE Rochester	May 20	11:00 a.m.-8:00 p.m.
Theater, Fine Arts Building Hibbing Community College Hibbing	May 26	11:00 a.m.-8:00 p.m.
Conference Room Northwest Regional Library 101 E. 1st Street Thief River Falls	May 31	11:00 a.m.-8:00 p.m.
Public Meeting Room Cass County Courthouse Walker	June 2	11:00 a.m.-8:00 p.m.
Board Room—Lower Level Agency Offices 520 Lafayette Rd. N. St. Paul	June 13	9:00 a.m.-5:00 p.m.

At each hearing other than those in St. Paul, an informal workshop will precede the hearing, beginning at 9:00 a.m. The workshop is for information exchange regarding rules implementation; participation will not substitute for participation in the hearing and will not become part of the hearing record.

Certain dates of the St. Paul hearings are reserved for specific topics. The hearing on May 9 will be devoted to ground water standards, the requirements for hydrogeologic investigations and related matters. The hearing on May 10 will be devoted to financial responsibility requirements and related matters. The St. Paul hearings on May 11 and June 13 will be devoted to topics not covered during previous hearings. 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.

The matter will be heard before Administrative Law Judge Allan W. Klein, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7609. The rule hearing procedure is governed by *Minnesota Statutes*, §§ 14.131 through 14.20 (1986) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* parts 1400.0200 through 1400.1200 (1987). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The proposed rules are authorized by *Minnesota Statutes*, §§ 115.03, subd. 1, 116.07, subds. 2, 4, 4g, 4h (1986). The proposed rules are published below. One free copy of the rules is available on request by contacting:

Myrna M. Halbach
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7830

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 reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency offices or at the Office of Administrative Hearings and copies may be obtained at the cost of reproduction by contacting Ms. Halbach at the address or telephone number above or from the Office of Administrative Hearings.

Any person may present individual views on the proposed rules in one or more of the 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 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 Ms. Halbach at the address stated above.

The proposed rules 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 rules.

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 request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules are adopted and filed with the Secretary of State.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules will impact businesses, especially firms in the waste management sector of the economy. The Agency finds, however, that changes must occur in this sector and change cannot occur without some impacts. The proposed rules include many features designed to ease the burden of compliance for small firms. The Agency finds that accommodations for small firms are sufficient to minimize financial impacts without compromising basic environmental protection goals. Details of this finding are presented in section VI "Small Business Impacts" of the Statement of Need and Reasonableness.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.11, subd. 2 (1986), "Agricultural land," that the proposed rules have a positive effect on agriculture lands. The proposed rules require that land disposal facilities install, operate and maintain systems that protect the quality of air, ground water and surface water. Details of this finding are presented in section VIII "Impacts on Agricultural Lands" of the Statement of Need and Reasonableness.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.11, subd. 1 (1986), "Fiscal note in rule in notice," that the proposed rules will require the expenditure of public money by local public bodies. Public bodies now hold about 70 percent of all active mixed municipal solid waste land disposal facility permits. These public facilities manage only about 20 percent of the waste that is land disposed. The Agency has estimated the total cost of compliance with the rules by all affected entities. Compliance costs may reach as high as $110 million in the first year and $95 million in the second year. These estimates are based on assumptions which consistently assigned high values to all compliance cost categories. There is no way to determine the proportion of these compliance costs that will be incurred by public bodies. Incurred costs may be proportional to site ownership patterns or to waste managed. However, other factors can have a greater influence on incurred costs. These other factors include: site location, hydrogeologic conditions, waste stream characteristics, site age, remaining operating life, current levels of investment in pollution control equipment/ design, and whether the facility is scheduled to close within the next two years. The wide variability in site conditions makes estimation very imprecise.

Please be advised that *Minnesota Statutes* ch. 10A (1986) requires each lobbyist to register with the State Ethical Practices Board within five days after the individual commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 (1986) 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 the individual's 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 the individual's 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, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Gerald L. Willet
Commissioner

Rules as Proposed

7001.0020 SCOPE.

Except as otherwise specifically provided, parts 7001.0010 to 7001.0210 apply to the following:

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A. An agency permit required for the storage, treatment, utilization, processing, transfer, intermediate disposal, or final disposal of solid waste. Part 7001.0040 applies to permits for solid waste transfer facilities, recycling facilities, refuse-derived fuel processing facilities, and compost facilities, except that the time period referred to in part 7001.0040, subparts 1 and 3, shall be 90 days instead of 180 days.

B. to K. [Unchanged.]

7001.0040 APPLICATION DEADLINES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Preliminary application for new mixed municipal solid waste land disposal facility.** Applicants shall submit a preliminary permit application for a new mixed municipal solid waste land disposal facility at least 90 days before the anticipated start of a detailed site investigation.

7001.0050 WRITTEN APPLICATION.

A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the ~~director~~ commissioner a written application. The person shall submit the written application in a form prescribed by the ~~director~~ commissioner. The application shall contain the items listed in items A to I unless the ~~director~~ commissioner has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the ~~director~~ commissioner shall issue the exemption if the ~~director~~ commissioner finds that the data is unnecessary to determine whether the permit should be issued or denied. The application must contain:

A. to G. [Unchanged.]

H. additional information determined by the ~~director~~ commissioner to be relevant to a decision as to permit issuance, including but not limited to plans, specifications, or other technical information that is necessary to determine whether the facility will meet all applicable Minnesota and federal statutes and rules; and

I. other information relevant to the application as required by parts 7001.0550 to 7001.0640, 7001.1050, 7001.1215, 7001.1290, 7001.3175 to 7001.3475, or 7040.0500 and 7040.0600.

7001.0060 SIGNATURES.

A permit application must be signed as follows:

A. for a corporation, by a principal executive officer of at least the level of vice-president or the duly authorized representative or agent of the executive officer if the representative or agent is responsible for the overall operation of the facility that is the subject of the permit application;

B. for a partnership or sole proprietorship, by a general partner or the proprietor, respectively;

C. for a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official;

D. if the operator of the facility for which the application is submitted is different from the owner, by both the owner and the operator ~~shall sign the application~~ according to items A to C. Except in the case of a hazardous waste facility or a solid waste management facility permit application, if the ~~director~~ commissioner finds that this requirement is impracticable under the circumstances, the ~~director~~ commissioner shall require the operator to sign the application according to items A to C;

E. for solid waste management facilities, by the facility owner and landowner under items A to C if the landowner is different from the owner of the facility for which the application is submitted; and

F. for a firm preparing the necessary reports and plans for a solid waste management facility permit application, by an engineer registered in Minnesota.

7001.0140 FINAL DETERMINATION.

Subpart 1. **Agency action.** Except as provided in subpart 2, the agency shall issue, reissue, revoke and reissue, or modify a permit if the agency determines that the proposed permittee or permittees will, with respect to the facility or activity to be permitted, comply or will undertake a schedule of compliance to achieve compliance with all applicable state and federal pollution control statutes and rules administered by the agency, and conditions of the permit and that all applicable requirements of chapter 116D and the rules ~~promulgated~~ adopted under chapter 116D have been fulfilled. For solid waste facilities, the requirements of Minnesota Statutes, section 473.823, subdivisions 3 and 6, must also be fulfilled.

Subp. 2. **Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

A. to D. [Unchanged.]

E. that all applicable requirements of chapter 116D and the rules ~~promulgated~~ adopted under chapter 116D have not been fulfilled; or

F. that all applicable requirements of Minnesota Statutes, section 473.823, subdivisions 3 and 6, have not been fulfilled for solid waste facilities.

Subp. 3. [Unchanged.]

7001.0170 JUSTIFICATION TO COMMENCE MODIFICATION OF PERMIT OR REVOCATION AND REISSUANCE OF PERMIT.

The following constitute justification for the ~~director~~ commissioner to commence proceedings to modify a permit or to revoke and reissue a permit:

A. to G. [Unchanged.]

H. if applicable, there exists any justification listed in part 7001.0730, subpart 1 or 7001.3550, subpart 2.

7001.0190 PROCEDURE FOR MODIFICATION; REVOCATION AND REISSUANCE; AND REVOCATION WITHOUT REISSUANCE OF PERMITS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Minor modification.** Upon obtaining the consent of the permittee, the ~~director~~ commissioner may modify a permit to make the following corrections or allowances without following the procedures in parts 7001.0100 to 7001.0130:

A. to C. [Unchanged.]

D. if applicable, to make a change as provided in parts 7001.0730, subpart 3 ~~and~~; 7001.1350; and 7001.3550, subpart 3.

Subp. 4. [Unchanged.]

Rules as Proposed (all new material)

SOLID WASTE MANAGEMENT FACILITY PERMITS

7001.3000 SCOPE.

Parts 7001.0010 to 7001.0210 and 7001.3000 to 7001.3550 govern the application procedures, the issuance, and the conditions of solid waste management facility permits. Parts 7000.0100 to 7000.1100, 7001.0010 to 7001.0210, and 7001.3000 to 7001.3550 are construed to complement each other.

7001.3025 DEFINITIONS.

The definitions in parts 7001.0010 and 7035.0300 apply to the terms used in parts 7001.3000 to 7001.3550.

7001.3050 PERMIT REQUIREMENTS.

Subpart 1. **Permit required.** Except as provided in subpart 2, a solid waste management facility permit or permit modification is required to:

A. treat, store, process, or dispose of solid waste;

B. establish, construct, or operate a solid waste management facility; or

C. change, add, or expand a permitted solid waste management facility.

Subp. 2. **Exclusions.** A solid waste management facility permit is not required for:

A. a backyard compost site as defined in part 7035.0300; or

B. a sewage sludge landspreading facility operating in compliance with chapter 7040.

Subp. 3. **Permits-by-rule.** The owner or operator of the following facilities is deemed to have obtained a solid waste management facility permit without making application for it, unless the commissioner finds that the facility is not in compliance with the listed part:

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A. transfer facilities designed for less than 30 cubic yards capacity in compliance with parts 7035.2525 to 7035.2655, 7035.2855, and 7035.2865;

B. demolition debris land disposal facilities designed for less than 15,000 cubic yards total capacity and operating less than a total of 12 consecutive months, not located adjacent to another demolition debris permit-by-rule facility, and in compliance with parts 7035.2525 to 7035.2655, 7035.2825, and 7035.2855;

C. compost facilities receiving yard waste only and in compliance with part 7035.2835, subparts 2 and 3;

D. recycling facilities in compliance with parts 7035.2845 and 7035.2855;

E. energy recovery facilities governed by parts 7001.0010 to 7001.0210, 7001.1200 to 7001.1350, and 7005.0010 to 7005.3060, except that facilities processing refuse-derived fuel on-site prior to incineration and energy recovery at the site, must be permitted in accordance with parts 7001.0010 to 7001.0210 and 7001.3000 to 7001.3550;

F. storage sites for non-sludge wood waste generated from the wood preparation phase prior to processing or water treatment lime sludge and in compliance with part 7035.2855; or

G. facilities receiving solid waste from the exploration, mining, milling, smelting, and refining of ores and minerals provided that:

(1) the owner or operator does not accept waste for storage, processing, or disposal other than solid waste generated from the exploration, mining, milling, smelting, and refining of ores and minerals;

(2) the owner or operator has obtained a permit in accordance with part 7001.0020, item E; and

(3) the owner or operator is operating the facility in compliance with chapter 6130.

Subp. 4. **Termination of eligibility for permit-by-rule.** The agency may terminate the eligibility of a facility for permit-by-rule status as described in subpart 3, if the agency makes any of the findings of fact listed in items A to C, after notice and opportunity for a contested case hearing or a public informational meeting. An owner or operator, whose facility's eligibility to be permitted under this part has been terminated, must apply for an individual facility permit under parts 7001.3300 to 7001.3550 within 90 days or close the facility in compliance with parts 7035.2525 to 7035.2875. The agency may commence proceedings to terminate eligibility for any of the following reasons:

A. the facility does not comply with subpart 3;

B. the owner or operator is conducting other activities at the site that are required to be conducted under a solid waste management facility permit; or

C. circumstances require the facility to be permitted and subject to the requirements of parts 7035.0300 to 7035.2875 and any other rule in order to protect human health or the environment.

7001.3055 CLOSURE/POSTCLOSURE CARE.

The agency shall issue a closure document containing the closure/postclosure care requirements at the time a solid waste management facility is closed under the conditions listed in part 7035.2625, subpart 1. Based on the closure plan submitted under part 7035.2625, subpart 3, the postclosure care plan submitted under part 7035.2645, subpart 1, and the operational and monitoring reports for the facility, the closure document must specify the length of the postclosure care period, monitoring, testing and reporting requirements, and site maintenance requirements.

7001.3060 DESIGNATION OF PERMITTEE.

The agency shall designate the landowner, facility owner, and facility operator as co-permittees when issuing a solid waste management facility permit.

7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

Subpart 1. **Application submittals.** The application for a solid waste management facility permit must contain a final application with the appropriate supporting documents, and for mixed municipal solid waste land disposal facilities, a preliminary application and detailed site evaluation report. The information requirements for the preliminary application are established in part 7001.3175 and for the detailed site evaluation in part 7001.3275. The information requirements for the final application are set forth in part 7001.3300. The applicant must also submit any information required in parts 7001.3375 to 7001.3475 with the final application.

Subp. 2. **Timing of application.** Applicants shall submit permit applications for existing and new solid waste management facilities or for reissuance of existing permits in accordance with part 7001.0040, except as provided in items A and B.

A. The applicant for a permit to construct a new mixed municipal solid waste land disposal facility must submit a preliminary application at least 90 days before the work begins on the detailed site evaluation required by part 7001.3275.

B. Part 7001.0040, subpart 3, controls the submission of an application for the reissuance of existing permits except as provided in this part. When the commissioner receives a written request that shows good cause for an extension of time to submit the application for reissuance of an existing permit, the commissioner shall grant the extension if the requested date for filing does not extend beyond the expiration date of the permit. The application must contain the information required for a final application in part 7001.3300.

7001.3125 DENIAL OF CONTINUED OPERATION OF AN EXISTING LAND DISPOSAL FACILITY.

The agency may deny or revoke a permit to operate an existing land disposal facility. Permit denial or revocation is based on the owner's or operator's inability to comply with: financial assurance requirements; location, operation, and design requirements; or ground water, surface water, and air quality standards established in parts 7035.2525 to 7035.2875. If a permit for an existing land disposal facility is denied or revoked, the agency shall issue a closure document in accordance with part 7001.3055. The closure document may allow up to five years to comply with the closure requirements of parts 7035.2635, 7035.2645, 7035.2655, and 7035.2815, subpart 16. The closure document will establish a postclosure care period and requirements in accordance with parts 7035.2635 to 7035.2655, and 7035.2815, subpart 16.

7001.3150 CERTIFICATION OF PERMIT APPLICATIONS AND REPORTS.

A person who signs a permit application or any portion of it, or any report required by a permit to be submitted to the commissioner or agency must make the certification required by part 7001.0070 and shall make the following additional certification: "I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment." An engineer registered in Minnesota must certify all technical documents, such as design drawings and specifications, engineering reports, and hydrogeologic studies, required to be submitted as part of a permit application or by a permit condition.

The hydrogeologic report and all related ground water and surface water monitoring reports must be signed by a person knowledgeable in the field of hydrogeology. This person must certify the quality of work performed and must have been responsible for the gathering and interpretation of the hydrogeologic data and the preparation of the reports.

7001.3175 CONTENTS OF PRELIMINARY APPLICATION.

The applicant shall submit four copies of a preliminary application to the commissioner. The application must contain the following:

A. the information required in part 7001.0050, except item G;

B. on the topographic map submitted under part 7001.0050, item F, the location of all current and former wells, springs, karst features, and permanent or intermittent surface water bodies listed in public records or otherwise determined by the applicant to exist within a one-mile radius of the property boundaries of the proposed facility site or sites;

C. a preliminary site evaluation report as described in part 7001.3200;

D. a list of other necessary permits and approvals and whether each has been granted;

E. a description of the present land use of the site or sites and an area within a one-mile radius of the site or sites, including the identification of the landowners; zoning designations; recreational, historical, or archeological areas; present or proposed access roads and weight restrictions; and how the proposed facility might affect these areas;

F. the amount of land required to provide the waste disposal capacity determined under Minnesota Statutes, sections 115A.917 and 473.823;

G. a description of the work to be completed during the detailed site evaluation, as outlined in part 7001.3275, for the facility location recommended in the preliminary site evaluation report; and

H. a description of efforts to secure leachate treatment.

7001.3200 PRELIMINARY SITE EVALUATION REPORT.

The preliminary site evaluation report must contain a statement of the land disposal capacity needed, as determined under Minnesota Statutes, sections 115A.917 and 473.823. The report must contain a description of the site selection process, stating how candidate sites were chosen, how and by whom they were evaluated, and the basis for eliminating potential sites from consideration. For the site or sites recommended for detailed evaluation, the report must contain preliminary evaluations of the following conditions, accompanied by supporting technical documentation:

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A. the site's geology, ground water occurrence, horizontal and vertical directions and rates of ground water movement, and ground water quality, based on the preliminary review of available hydrogeologic maps and references, air photography, logs of previous borings and wells, and other available information required under part 7035.2815, subpart 3, item E;

B. the site's capability to protect ground water and surface water if the leachate management system fails to contain leachate;

C. the feasibility of the ground water monitoring required under part 7035.2815, subpart 10;

D. the feasibility of containing and removing polluted ground water or waste and waste by-products;

E. the site's ability to meet the location standards of parts 7035.2555 and 7035.2815, subpart 2;

F. the availability of sufficient land for the buffer area and the setback from the property line required under part 7035.2815, subparts 2 and 5 and for the designation of a compliance boundary surrounding the facility as required under part 7035.2815, subpart 4;

G. the availability of suitable materials for the liners and cover required under part 7035.2815, subparts 6 and 7;

H. the potential for soil erosion or surface drainage to lead to increased leachate generation, failure of leachate containment features, run-off, or other undesirable consequences; and

I. the initial efforts to secure treatment facilities for leachate generated at the facility.

7001.3275 DETAILED SITE EVALUATION REPORT.

Subpart 1. **Scope.** The applicant shall submit four copies of a detailed site evaluation report for all mixed municipal solid waste land disposal facilities. The report must include the information required in subparts 2 to 9 and supporting documentation. The report must discuss whether the site meets the requirements of part 7035.2815.

Subp. 2. **Hydrogeologic evaluation.** The applicant must conduct a hydrogeologic investigation to define the soil, bedrock, and ground water conditions at the site. The investigation must meet the requirements of part 7035.2815, subpart 3, items A to I. A hydrogeologic evaluation must meet the requirements of part 7035.2815, subpart 3, item G, subitems (1) to (8).

Subp. 3. **Soils for cover and liner construction.** The applicant must evaluate the availability and suitability of soil for cover and liner construction. This evaluation must include a description of the source and quantity of the soil, soil descriptions and unified classifications, particle size analyses, permeability at specified moisture and densities, Atterberg limits, and, for liner materials, cation exchange capacity. The determination must consist of the evaluations required in part 7035.2815, subpart 8. The evaluation must assess whether the available soils will meet the requirements of part 7035.2815, subparts 6 and 7.

Subp. 4. **Conceptual facility design.** The applicant must include a design conceptualizing the important features of the facility. The following items must be addressed in the plans and accompanying narrative:

A. a description of the amount and types of waste to be received, the amount and type of cover needed, and the capacity of the site;

B. a site layout showing surface drainage, existing natural screening and proposed screening, on-site and off-site surface water sources, rock outcroppings, on-site buildings, on-site wells, and property boundaries;

C. a site development plan depicting fill areas, borrow areas, on-site roads, and surface drainage control structures;

D. a plan sheet designating special waste handling areas such as general storage areas, recycling areas, tire storage areas, demolition debris or industrial solid waste fill areas, or compost areas;

E. a proposed design of the fill area including the proposed number of phases and the size of each phase, the direction of filling as it relates to prevailing winds and the slope of the trench bottoms, depth of fill, final contours, and the locations and descriptions of the gas and leachate collection, storage, and treatment systems including cross-sectional plan views;

F. a description of the leachate collection, storage, and treatment system indicating the type and size of pipe to be used, the length and spacing of pipe runs, proposed pumps, the storage system, and the proposed treatment system;

G. a description of the liner system to be used, including type of liner, method of placement and protection, and any special design features particular to the liner;

H. a description of the gas monitoring, venting, and collection system, based on the proximity of off-site buildings or other potentially affected areas, and on-site soils; and

I. an estimated construction cost.

Subp. 5. **Proposed compliance boundary.** The detailed site evaluation report must propose the location and configuration of a compliance boundary meeting the requirements of part 7035.2815, subpart 4. A plan sheet must show the locations of the proposed monitoring points; the proposed compliance boundary; the proposed limits of the waste fill and leachate management system; the

property lines; ground water flow directions; and any nearby surface waters. The applicant may use a single plan sheet for these requirements and those of subpart 4, item C, if all the required information can be clearly shown.

Subp. 6. **Feasibility of corrective action.** The detailed site evaluation report must discuss the feasibility of the owner or operator implementing corrective actions in accordance with items A to D.

A. The applicant must determine whether it is technically feasible to take the corrective actions required in parts 7035.2615 and 7035.2815, subpart 15, at the proposed site. The applicant also must consider the costs of corrective actions at the site and the time available for corrective action based on ground water flow conditions at the site.

B. The applicant must identify and describe the potential modes of failure or evidence of failure, including:

(1) releases, leaks, or spills of leachate through liners or through the floor or sidewalls of the fill areas; from leachate collection installations; from leachate tanks, holding ponds, or treatment facilities; and in the loading, unloading, and transportation of leachate on- and off-site;

(2) water quality monitoring results exceeding the intervention limits given in part 7035.2815, subpart 4, at the compliance boundary, or the corresponding standards at the compliance boundary or lower compliance boundary, if applicable; and

(3) gas concentrations exceeding the limits given in part 7035.2815, subpart 11, in gas monitoring points, or other evidence of adverse effects of gas migration, including damage to landfill cover vegetation.

C. For each potential type of failure identified under item B, the applicant must:

(1) describe the actions needed to:

(a) define the extent of the problem and identify the source and routes of leachate or gas escape;

(b) alter the monitoring system or the conditions of monitoring, including frequency of monitoring and constituents analyzed;

(c) temporarily and permanently contain the migration of pollutants or gas;

(d) identify the actions necessary to repair areas of subsidence, erosion, dike breakage, and drainage disruption;

(e) repair the problem;

(f) treat and discharge the recovered ground water, leachate, or gas; and

(g) provide other remedial measures as may be necessary;

(2) identify:

(a) the funding, personnel, and equipment needed to carry out the actions in subitem (1), including the expertise needed to coordinate response actions and to provide technical support and specialized equipment and installations;

(b) the schedule for implementing corrective actions, the time needed to accomplish them, and the anticipated duration of longer-term activities;

(c) the costs of these actions; and

(d) the level of financial assurance required under part 7035.2685 to fund them; and

(3) estimate the success expected from each of the actions from subitem (1).

D. Based on the analysis in items A to C, the applicant must state the conclusions reached regarding the feasibility of corrective actions, including the capability to fund the actions identified.

Subp. 7. **Final use.** The detailed site evaluation report must include a proposal for the use of the site after closure consistent with part 7035.2815, subpart 16.

Subp. 8. **Additional information.** The detailed site evaluation report must include the information needed to complete an Environmental Assessment Worksheet or an Environmental Impact Statement, if applicable, in accordance with chapters 4400 and 4410.

7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

The applicant shall submit to the commissioner four copies of the final application and supporting materials for any solid waste

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management facility. The applicant must use a horizontal scale of one inch equals 200 feet in all drawings and plans, unless otherwise specified. The applicant must mark all plans and reports with the initial date prepared. All subsequent revisions must be dated and include a notation of what revisions were made. The application must contain:

A. a general description of the facility;

B. an industrial waste management plan in accordance with part 7035.2535, subpart 5, to include a description of the waste types to be handled at the facility and the quantities of each waste type including a procedure for determining the analyses necessary to treat, store, or dispose of the waste properly in accordance with parts 7035.2525 to 7035.2875;

C. a description of the security procedures and equipment required by part 7035.2535, subpart 3, or a discussion of reasons the security procedures are unnecessary at the facility;

D. the inspection schedule required by part 7035.2535, subpart 4;

E. the contingency action plan required by part 7035.2615, including the information, if applicable, in parts 7035.2815, subpart 15, and 7035.2825 to 7035.2875;

F. a description of procedures, structures, or equipment used at the facility to:

(1) prevent operational hazards;

(2) prevent run-off and run-on at the solid waste handling area, such as berms, dikes, or trenches;

(3) prevent contamination of ground water and surface water supplies; and

(4) mitigate effects of equipment failure and power outages;

G. a description of precautions used to prevent ignition or explosions of waste or waste by-products and an emergency response plan required by parts 7035.2595 and 7035.2605;

H. a description of the traffic patterns and traffic control at the facility including a drawing showing traffic lanes; parking, loading, and unloading areas; estimated traffic volume at the facility; types of vehicles expected to use the facility; and a description of access road surfacing and load bearing capacity;

I. a description including plans showing how the storage requirements of part 7035.2855 will be met;

J. a closure plan and, when applicable, the postclosure plan required by parts 7035.2625 and 7035.2645;

K. if applicable, an up-to-date closure cost estimate for the facility prepared under part 7035.2625, subpart 3 and evidence of the financial assurance required in parts 7035.2665 to 7035.2805;

L. if applicable, an up-to-date postclosure cost estimate for the facility prepared under part 7035.2645, subpart 2, and evidence of the financial assurance required in parts 7035.2665 to 7035.2805;

M. if applicable, an up-to-date corrective action cost estimate for the facility prepared under part 7035.2615 and evidence of the financial assurance required in parts 7035.2665 to 7035.2805;

N. a topographic and development map showing the facility and the area surrounding the facility for a distance of at least 1,320 feet using a scale of one inch equals 200 feet. The maps must include contours of not greater than two-foot intervals that show the pattern of surface water flow in and adjacent to the facility. The maps must show the following:

(1) date the map was prepared;

(2) map scale;

(3) floodplain area;

(4) surface waters, including intermittent streams and wetlands;

(5) zoning of surrounding lands including residential, commercial, agricultural, and recreational;

(6) a north arrow;

(7) legal boundaries of the facility site;

(8) county, township, and municipal boundaries;

(9) township, range, and section;

(10) land ownership surrounding the site;

(11) easements and rights-of-way;

(12) permanent benchmarks including location and elevation;

(13) a location grid system on every plan sheet;

(14) boundaries of parks and wildlife refuges;

(15) airports;

(16) location of fences, gates, and other access control measures;

(17) on-site and off-site water supply and monitoring wells; and

(18) all existing and proposed structures and buildings, and roads, including those used in treatment, storage, or disposal operations, run-off and run-on control systems; access and internal roads; loading and unloading areas; and fire control systems;

O. any additional geologic and other location information required to demonstrate compliance with parts 7035.2615, 7035.2815, subpart 15, and 7035.2825 to 7035.2875;

P. an operations and maintenance manual that includes:

(1) the facility description and design parameters;

(2) emergency shutdown procedures;

(3) operation variables and procedures;

(4) trouble-shooting procedures;

(5) preventive maintenance requirements;

(6) safety requirements and procedures;

(7) equipment maintenance records;

(8) site inspection records; and

(9) an inspection schedule for facility maintenance, such as controlling erosion, vegetation growth, and rodents;

Q. a construction inspection, quality control, and quality assurance plan showing a detailed inspection schedule for construction completed at the site; the sampling procedures including number and tests completed; the procedures for interpretation and submission of inspection and test results to the commissioner; and all other material required to comply with parts 7035.2525 to 7035.2875; and

R. any additional information that the commissioner determines is necessary to decide whether the facility will meet all applicable Minnesota and federal statutes and rules during permit issuance.

7001.3375 FINAL APPLICATION INFORMATION REQUIREMENTS FOR COMPOST FACILITIES.

The application for a compost facility permit must include the following information in addition to the information required by part 7001.3300:

A. a description of the area proposed to be used for each stage of the composting process;

B. a description of the design and physical features of the facility, including run-off, run-on, and leachate control systems;

C. a description of the material to be composted;

D. a description of the residue's composition;

E. a description of the disposal method for the residue;

F. the design of an odor control system;

G. the design and performance specifications of the composting facility;

H. a description of the composting method to be used including retention time, temperature to be achieved, number of turns needed, and the air flow design; and

I. an operating plan indicating how the provisions of part 7035.2835 will be met, including a waste analysis plan; and

J. a description of the proposed uses for the compost.

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7001.3400 FINAL APPLICATION INFORMATION REQUIREMENTS FOR TRANSFER FACILITIES.

The application for a transfer facility permit must include the following information in addition to the information required by part 7001.3300:

A. detailed plans and an engineering report specifying how the facility will be constructed and operated including:

(1) the facility design and layout;

(2) security measures;

(3) the types of vehicles intended for use at the site;

(4) the types of wastes that will be received;

(5) the hours of operation;

(6) the storage capacity at the facility and the maximum amount expected to be stored;

(7) a description of all major equipment, such as compactors, conveyors, and front-end loaders, used at the site, including the function, the model, the capacity, and the number of each type of equipment;

(8) the methods to be employed to control nuisances such as dust, vectors, litter, noise, and odors;

(9) the frequency of waste removal and method of removal;

(10) the ultimate deposition of the waste received at the facility;

(11) the on-site road design and maintenance;

(12) the site closure plan;

(13) the operating procedures to ensure the facility is maintained in compliance with part 7035.2865;

(14) any recycling or composting to be done at the site and how it will be conducted; and

(15) the safety and emergency procedures for the site operators;

B. any additional information necessary to meet the requirements of part 7035.2865.

7001.3425 FINAL APPLICATION INFORMATION REQUIREMENTS FOR DEMOLITION DEBRIS LAND DISPOSAL FACILITIES.

The application for a demolition debris land disposal facility permit must include the following information in addition to the information required by part 7001.3300:

A. a calculation of site capacity and operating life;

B. the detailed plans and engineer's report specifying the manner in which the facility will be constructed and operated to control run-on and run-off;

C. a description of the procedures to be used in controlling the wind dispersion of particulate matter and fugitive dust;

D. a phase development plan showing the progressive development of trench or area fills and the construction associated with each phase;

E. a cross-section plan with a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet, including a minimum of two cross-sections per phase, perpendicular to one another, showing the existing grades, the excavation grade, the final grade, the water table profile, and the profile and identity of the bedrock, as applicable;

F. a complete soils evaluation, including individual boring logs, as required in part 7035.2825;

G. a hydrogeologic study completed in accordance with parts 7001.3275 and 7035.2825, the extent of which will be determined by the commissioner based on the location, proposed operational practices, and the types of waste expected;

H. the methods to be followed to control noise and access to the facility;

I. a list of the equipment to be used at the site including the model, capacity, number, and ability to handle bulky items;

J. a description of the proposed ground water monitoring system required by part 7035.2825, subpart 12;

K. a listing of any other permits required for the facility;

L. an inspection procedure for the facility operator to determine that only permitted wastes are received at the facility; and

M. any additional information the commissioner determines to be necessary to meet the requirements of parts 7035.2525 to 7035.2805 and 7035.2825.

7001.3450 FINAL APPLICATION INFORMATION REQUIREMENTS FOR REFUSE-DERIVED FUEL PROCESSING FACILITIES.

The final application for a refuse-derived fuel processing facility permit must include the following information in addition to the information required by part 7001.3300:

A. a description of the area proposed to be used for separation of the solid waste into its components, such as ferrous metals, screenings, refuse-derived fuel materials, and residuals;

B. a description of the facility design, including storage areas, prior to and after processing, processing areas, loading areas for removal of the waste components, and how the processed waste is further used in an on-site solid waste management facility;

C. a description of the end products;

D. a material flow and balance calculation used to design the facility;

E. the design of an odor and a particulate or fugitive dust control system;

F. the design, construction, and operating specifications;

G. an operations plan including the specific manuals for operating the processing equipment and protective measures to prevent explosions;

H. a description of the proposed end uses for each waste component; and

I. any additional information necessary to meet the requirements of part 7035.2875.

7001.3475 FINAL APPLICATION INFORMATION REQUIREMENTS FOR MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES.

The application for a mixed municipal solid waste land disposal facility permit must include the following information in addition to the information required by part 7001.3300:

A. The needed capacity determined under Minnesota Statutes, section 115A.917, for Greater Minnesota, or, for facilities located in the metropolitan area, Minnesota Statutes, section 473.823, subdivision 6.

B. A description of the waste types to be handled at the facility including any special handling procedures and areas designated for disposal of particular wastes.

C. A description of the status of the Environmental Assessment Worksheet or Environmental Impact Statement.

D. Detailed plans and an engineering report describing how the applicant will design, construct, operate, and maintain the facility to comply with the requirements of parts 7035.2525 to 7035.2815 and 7035.2855. The submission must address the following items as specified in part 7035.2815:

(1) the liner system, leak detection, and the leachate collection and removal system;

(2) control of run-off and run-on;

(3) management of collection, conveyance, and holding facilities associated with run-off and run-on control systems;

(4) control of wind dispersion of particulate matter;

(5) treatment of collected run-off, run-on, and leachate; and

(6) a phase development plan consistent with site capacity including two cross-sections per phase with a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet, perpendicular to one another, showing the existing grade, the excavation grade, final grade, the water table profile, and the profile and identity of the underlying geology in accordance with the requirements of part 7035.2815.

The submission must include the design specifications, materials and test data, the rationale for the design, and identification of elements critical to the performance of the design.

E. Geologic and hydrogeologic information necessary to demonstrate compliance with part 7035.2815, as submitted in the hydrogeologic report required in part 7001.3275.

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F. An operation and maintenance manual detailing the procedures site personnel will follow in order to comply with parts 7035.2525 to 7035.2815.

G. A description of how the applicant will inspect the facility, including the liner and cover systems, in order to meet the requirements of part 7035.2815. The applicant must include this information in the inspection plan submitted under part 7001.3300, item D.

H. Detailed plans and an engineering report describing the final cover applied to each cell at closure under parts 7035.2525 to 7035.2815 and a description of how the applicant will maintain and monitor the facility after closure under parts 7035.2525 to 7035.2815. The applicant must include this information in the closure and postclosure plans submitted under part 7001.3300, item J.

I. The proposed gas monitoring, collection, and treatment system required in part 7035.2815, subpart 11.

7001.3500 TERMS AND CONDITIONS OF SOLID WASTE MANAGEMENT FACILITY PERMITS.

Subpart 1. **Terms of permit.** A solid waste management facility permit is effective for a fixed term not to exceed five years as determined by the agency.

Subp. 2. **Site capacity.** A mixed municipal solid waste land disposal facility permit will state the certified capacity determined under Minnesota Statutes, sections 115A.917 and 473.823, subdivision 6, as well as the design capacity.

Subp. 3. **Additional general conditions.** Each draft and final solid waste management facility permit issued by the agency must contain the general conditions in part 7001.0150, subpart 3. In addition, each permit must contain the following general conditions:

A. The permittee must maintain records of all ground water monitoring data and ground water surface elevations for the active life of the facility and, for disposal facilities, for the postclosure care period. The permittee must also maintain an operating record in accordance with part 7035.2575 until closure of the facility.

B. The permittee may not start treatment, storage, or disposal of solid waste in a new solid waste management facility or in a modified portion of an existing solid waste management facility until:

(1) the commissioner has received a letter and as-built plans signed by the owner or operator and by an engineer registered in Minnesota certifying that the facility has been constructed or modified in compliance with the conditions of the permit;

(2) the commissioner has inspected the new or modified facility and has provided the owner or operator with a letter stating that the certification submitted is complete and approved; and

(3) the commissioner has approved the financial assurance amount and instrument to be used for the facility in accordance with parts 7035.2665 to 7035.2805.

7001.3550 MODIFICATION OF SOLID WASTE MANAGEMENT FACILITY PERMITS; REVOCATION AND REISSUANCE OF PERMITS.

Subpart 1. **Scope.** In addition to parts 7001.0170, 7001.0180, and 7001.0190, subparts 2 and 3 apply to the modification, revocation, and reissuance of solid waste management facility permits.

Subp. 2. **Additional justification for modification of solid waste management facility permits or revocation and reissuance of permits.** In addition to the reasons listed in part 7001.0170, the commissioner may commence proceedings to modify a permit, or to revoke and reissue a permit if:

A. the commissioner determines that modification of a closure plan or a postclosure plan is required by part 7035.2625 or 7035.2645;

B. the permittee requests an extension of the 30-day or 60-day periods in parts 7035.2625 to 7035.2655;

C. the commissioner receives notification of closure under part 7035.2625 in advance of the date in the permit;

D. the commissioner determines that modification of the 20-year postclosure period provided in parts 7035.2645 and 7035.2655 is necessary;

E. the commissioner determines that the permittee has made the demonstration required by parts 7035.2645 and 7035.2655, so that disturbance of the integrity of the containment system is authorized;

F. the permittee files a request under parts 7035.2665 to 7035.2805 for a variance from the required level of financial responsibility;

G. the commissioner determines under parts 7035.2665 to 7035.2805 that an upward adjustment of the level of financial responsibility is required;

H. the commissioner determines that the corrective action program in part 7035.2615 has not brought the facility into compliance with the ground water protection standard within the specified period of time;

I. the commissioner determines that conditions applicable to facilities were not previously included in the facility's permit; and

J. the county in which the facility is located has not received a certificate of need or an amended certificate of need, as required by Minnesota Statutes, section 115A.917, or a facility owner in the metropolitan area has not received a certificate of need or an amended certificate of need in accordance with Minnesota Statutes, section 473.823, subdivision 6.

Subp. 3. **Minor modifications of permits.** In addition to the corrections or allowances listed in part 7001.0190, subpart 3, if the permittee consents, the commissioner may modify a permit to make the corrections or allowances in items A to G without following the procedures in parts 7001.0100 to 7001.0130:

A. change the expected year of closure under parts 7035.2625 and 7035.2635;

B. change schedules for final closure under parts 7035.2625 and 7035.2635;

C. change the list of equipment in the permittee's contingency action plan;

D. change the list of emergency contractors in the permittee's contingency or emergency plan;

E. change the construction schedule for opening and closing approved phases in the permittee's development plans;

F. change monitoring frequencies; and

G. change a provision in the permit that will not result in an increase in the emission or discharge of a pollutant into the environment, or that will not reduce the agency's ability to monitor compliance with applicable statutes and rules.

For facilities in the metropolitan area, items A, B, and F must be reviewed and approved by the Metropolitan Council prior to agency approval of the modification.

Rules as Proposed

SOLID WASTE MANAGEMENT FACILITY RULE DEFINITIONS

7035.0300 DEFINITIONS.

~~For the purpose of this chapter:~~

Subpart 1. **Scope.** As used in parts 7035.0300 to 7035.2875, the following terms have the meanings given them in this part.

Subp. 2. **Acceptable daily intake.** "Acceptable daily intake" means the highest concentration of a toxic substance in water that is considered to pose no significant risk to human health when consumed daily over a lifetime.

~~A.~~ Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency, its agent, or representative.

Subp. 4. **Aquifer.** "Aquifer" has the meaning given in part 4725.0100.

Subp. 5. **Ash.** "Ash" means the incombustible material that remains after a fuel or solid waste is incinerated.

Subp. 6. **Assets.** "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

Subp. 7. **Backyard compost site.** "Backyard compost site" means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property.

Subp. 8. **Bulking agent.** "Bulking agent" means the material added to a compost system to provide structural support and prevent the settlement and compaction of the decomposing waste.

Subp. 9. **Bulky item.** "Bulky item" means oversized solid waste including appliances, furniture, trees, or other waste that requires extraordinary handling methods to achieve compaction.

~~B.~~ Subp. 10. **Cell.** "Cell" means compacted solid ~~wastes~~ waste that ~~are~~ is enclosed by cover material in a land disposal site.

Subp. 11. **Certified capacity.** "Certified capacity" means the in-place volume granted to an owner or operator of a mixed municipal solid waste land disposal facility for the disposal of mixed municipal solid waste by a certificate of need as issued under Minnesota Statutes, section 115A.917 or 473.823, subdivision 6, and by an agency-issued permit.

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Subp. 12. **Closure.** "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a closed facility including removing contaminated equipment, removing liners, applying final cover, grading and seeding final cover, installing monitoring devices, constructing ground water and surface water diversion structures, and installing gas control systems, as necessary.

Subp. 13. **Closure document.** "Closure document" means an order, stipulation agreement, or other agency-issued or negotiated document that defines specific closure and postclosure care requirements executed at the time a solid waste management facility is closed.

Subp. 14. **Closure plan.** "Closure plan" means a plan for closure of a facility prepared in accordance with part 7035.2625.

Subp. 15. **Co-composting.** "Co-composting" means the composting of mixed municipal solid waste with a nutrient source or bulking agent.

Subp. 16. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 17. **Community water supply.** "Community water supply" has the meaning given it in part 4720.0100.

Subp. 18. **Compliance boundary.** "Compliance boundary" means the planar surface that circumscribes the permitted waste boundary, lies between the permitted waste boundary and the property boundary, extends vertically downward from the land surface, and constitutes the place at which compliance with agency ground water quality standards is measured.

Subp. 19. **Compost facility.** "Compost facility" means a site used to compost or co-compost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

~~C.~~ Subp. 20. **Composting.** "Composting" means the controlled ~~biological decomposition of selected solid~~ microbial degradation of organic waste ~~in a manner resulting in an innocuous final product~~ to yield a humus-like product.

Subp. 21. **Contingency action plan.** "Contingency action plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.

Subp. 22. **Corrective action.** "Corrective action" means the steps taken to repair facility structures including liners, monitoring wells, separation equipment, covers, and aeration devices and to bring the facility into compliance with design, construction, ground water, surface water, and air emission standards.

~~D.~~ Subp. 23. **Cover material.** "Cover material" means material approved by the agency that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness, and compactibility. ~~Suitable cover material includes sandy loam, loam, silt loam, sandy clay loam, silty clay loam, clay loam, sandy clay, and loamy sand.~~

~~E. "Daily cover" means cover material that is spread and compacted on the top and side slopes of compacted solid waste at least at the end of each operating day in order to control vectors, fire, infiltration, and erosion and to assure an aesthetic appearance.~~

Subp. 24. **Current assets.** "Current assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash, or sold or consumed during the normal operating cycle of the business.

Subp. 25. **Current closure cost estimate.** "Current closure cost estimate" means the most recent estimate prepared in accordance with part 7035.2625.

Subp. 26. **Current contingency action cost estimate.** "Current contingency action cost estimate" means the most recent estimate prepared in accordance with part 7035.2615.

Subp. 27. **Current liabilities.** "Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

Subp. 28. **Current postclosure care cost estimate.** "Current postclosure care cost estimate" means the most recent estimate prepared in accordance with part 7035.2645.

~~F.~~ Subp. 29. **Decomposition gases.** "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

Subp. 30. **Demolition debris.** "Demolition debris" means solid waste resulting from the demolition of buildings, roads, and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos wastes.

Subp. 31. **Demolition debris land disposal facility.** "Demolition debris land disposal facility" means a site used to dispose of demolition debris.

Subp. 32. **Design capacity.** "Design capacity" means the total volume of compacted solid waste, topsoil, intermittent, intermediate, and final cover specified in the facility permit, as calculated from final contour and cross-sectional plan sheets that define the areal and vertical extent of the fill area.

~~G. "Director" means the director of the Minnesota Pollution Control Agency.~~

~~H. "Final solid waste disposal" means the site, facility, operating procedures, and maintenance thereof for the complete and ultimate disposal of solid waste by the sanitary landfill method.~~

~~I.~~ Subp. 33. **Disposal.** "Disposal" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 9.

Subp. 34. **Disposal facility.** "Disposal facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 10.

Subp. 35. **Energy recovery facility.** "Energy recovery facility" means a site used to capture the heat value of solid waste for conversion to steam, electricity, or immediate heat by direct combustion or by first converting it into an intermediate fuel product.

Subp. 36. **Existing facility.** "Existing facility" means a facility that is in operation or on which construction has commenced on or before the effective date of new and amended parts 7035.0300 to 7035.2875. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state, and local statutes, rules, and ordinances and the on-site construction program has begun or the owner or operator has entered into contractual agreements that cannot be canceled or modified without substantial loss.

Subp. 37. **Facility.** "Facility" means the land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

Subp. 38. **Floodplain.** "Floodplain" ~~is as defined in Minnesota Statutes, chapter 104~~ means any land that is subject to a one percent or greater chance of flooding in any given year from any source.

~~J. "Free moisture" means liquid that will drain freely by gravity from solid materials.~~

Subp. 39. **Free liquid.** "Free liquid" refers to the liquid produced when a 100-milliliter representative sample of solid waste is placed on a standard 400-micron conical paint filter for five minutes.

~~K.~~ Subp. 40. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 41. **Gross revenue.** "Gross revenue" means total receipts less returns and allowances.

Subp. 42. **Ground water; groundwater.** "Ground water" or "groundwater" has the meaning given for groundwater in Minnesota Statutes, section 115.01, subdivision 21.

Subp. 43. **Hazardous substance.** "Hazardous substance" has the meaning given it in Minnesota Statutes, section 115B.02, subdivision 8.

~~L. "Incineration" means the process of burning wastes for the purpose of volume and weight reduction in facilities designed for such use.~~

~~M. "Intermediate solid waste disposal" means the site, facility, operating procedures, and maintenance thereof, for the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station, open burning, incomplete land disposal, incineration, composting, reduction, shredding, and compression.~~

Subp. 44. **Independently audited.** "Independently audited" means an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

Subp. 45. **Industrial solid waste.** "Industrial solid waste" means all solid waste generated from an industrial or manufacturing process and solid waste generated from nonmanufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

Subp. 46. **Industrial solid waste land disposal facility.** "Industrial solid waste land disposal facility" means a site used to dispose of industrial solid waste in or on the land.

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Subp. 47. **Inert material.** "Inert material" means the uncompostable material remaining in a compost system after decomposition. Inert material does not include soil particles or other naturally occurring materials that may be found in the compost system.

Subp. 48. **Infectious waste.** "Infectious waste" means waste originating from the diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless the materials have been rendered noninfectious by procedures approved by the state commissioner of health, infectious waste includes:

A. all wastes originating from persons or animals placed in isolation for control and treatment of an infectious disease;

B. bandages, dressings, casts, catheters, tubing, and similar disposable items which have been in contact with wounds, burns, anatomical tracts, or surgical incisions and which are suspect of being or have been medically verified as infectious;

C. all infectious anatomical waste, including human and animal parts or tissues;

D. infectious sharps and needles;

E. laboratory and pathology waste of an infectious nature; or

F. any other waste, as defined by the state commissioner of health, which, because of its infectious nature, requires handling and disposal in a manner prescribed for items A to E.

Subp. 49. **Intermittent cover.** "Intermittent cover" means cover material that is spread and compacted on the top and side slopes of compacted solid waste at least as often as the end of each operating week, in order to control fire, infiltration, and erosion.

Subp. 50. **Intervention limit.** "Intervention limit" means a concentration or measure of a substance which, if found to be exceeded in a sample of ground water, indicates possible ground water pollution from the facility.

Subp. 51. **Karst.** "Karst" means a type of topography that is formed from the dissolution of limestone, dolomite, or gypsum and that is characterized by closed depressions or sinkholes, and underground drainage through conduits enlarged by dissolution.

~~N.~~ Subp. 52. **Land disposal facility.** "Land disposal ~~site~~ facility" means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

~~O.~~ Subp. 53. **Land pollution.** "Land pollution" means the presence in or on the land of any ~~solid~~ waste or waste by-products in such quantity, of such nature and duration, and under such condition as would negatively affect ~~injuriously~~ any waters of the state, create air contaminants, ~~or~~ cause air pollution, or contaminate soils at the site making the site unacceptable for further use.

Subp. 54. **Landspreading.** "Landspreading" means the placement of waste or waste by-products on or incorporation of them into the soil surface.

Subp. 55. **Landspreading site.** "Landspreading site" means any land used for landspreading of waste or waste by-products.

~~P.~~ Subp. 56. **Leachate.** "Leachate" means liquid that has percolated through solid waste and has extracted, dissolved, or suspended materials from it.

Subp. 57. **Leachate management system.** "Leachate management system" means the structures constructed and operated to contain, transport, and treat leachate, including liners, collection pipes, detection systems, holding areas, and treatment facilities.

Subp. 58. **Liabilities.** "Liabilities" means probable sacrifices of future economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

Subp. 59. **Limit of detection.** "Limit of detection" means the lowest concentration of a substance that can be determined to be statistically different from a blank.

Subp. 60. **Limit of quantitation.** "Limit of quantitation" means the concentration of a substance above which a chemical analysis may occur.

Subp. 61. **Liner.** "Liner" means a continuous layer of reworked natural soil or man-made materials beneath and on the sides of a land disposal facility, compost facility, or storage area that restricts the downward or lateral escape of solid waste, leachate, or gas.

Subp. 62. **Lower compliance boundary.** "Lower compliance boundary" refers to an approximately horizontal, planar or approximately planar, designated surface located beneath a facility and extending to or beyond the compliance boundary. The lower compliance boundary is the place at or below which compliance with agency standards to protect deeper aquifers is measured.

Subp. 63. **Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 64. **Mixed municipal solid waste land disposal facility.** "Mixed municipal solid waste land disposal facility" means a site used for the disposal of mixed municipal solid waste in or on the land.

Subp. 65. **Monitoring point.** "Monitoring point" means any installation or location used to determine the quality or physical

characteristics of ground water, surface water, or water in the unsaturated zone.

Subp. 66. **Monitoring well.** "Monitoring well" has the meaning given it in part 4725.0100, subpart 30a.

~~Q.~~ Subp. 67. **Municipality.** "Municipality" means a city, village, borough, county, town, sanitary district, or other governmental subdivision or public corporation, or agency created by the legislature.

Subp. 68. **Net income.** "Net income" means revenues minus expenses for an accounting period. It is the net increase (net decrease) in owners' equity (assets minus liabilities) of an enterprise for an accounting period from profit-directed activities. It is recognized and measured in conformity with generally accepted accounting principles.

Subp. 69. **Net working capital.** "Net working capital" means current assets minus current liabilities.

Subp. 70. **Net worth.** "Net worth" means total assets minus total liabilities and is equivalent to owners' equity.

~~R.~~ Subp. 71. **Open burning.** "Open burning" means burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

~~S.~~ Subp. 72. **Open dump.** "Open dump" means a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, flies, rodents, and scavengers.

Subp. 73. **Operator.** "Operator" means the person or persons responsible for the operation of a facility.

Subp. 74. **Owner or facility owner.** "Owner" or "facility owner" means the person or persons who own a facility or part of a facility.

Subp. 75. **Parent corporation.** "Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation that is the facility owner or operator; the latter corporation is deemed a subsidiary of the parent corporation.

Subp. 76. **Permeability.** "Permeability" refers to hydraulic conductivity or coefficient of permeability, not intrinsic permeability, and has the dimensions of distance per unit time. Permeability is the measure of the ability of a soil or rock medium to transmit ground water flowing under a hydraulic gradient of one unit of change in head per unit change in length.

Subp. 77. **Permitted waste boundary.** "Permitted waste boundary" means the perimeter or outer limit of the waste fill, leachate piping, and leachate holding and treatment areas at a solid waste land disposal facility, as specified in the permit for the facility issued by the agency.

~~T.~~ Subp. 78. **Person.** "Person" means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the Pollution Control Agency.

Subp. 79. **Personnel; facility personnel.** "Personnel" or "facility personnel" means all persons who work at or oversee the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of parts 7035.0300 to 7035.2875.

Subp. 80. **Piezometer.** "Piezometer" means a type of monitoring well that is constructed for the purpose of measuring hydraulic head in ground water.

Subp. 81. **Pollutant.** "Pollutant" has the meaning given it in Minnesota Statutes, section 115.01, subdivision 13.

Subp. 82. **Postclosure; postclosure care.** "Postclosure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

Subp. 83. **Postclosure care plan.** "Postclosure care plan" means the plan for postclosure care prepared in accordance with part 7035.2645.

Subp. 84. **Process to further reduce pathogens.** "Process to further reduce pathogens" means high temperature composting, heat drying, heat treatment, thermophilic aerobic digestion, or other methods that will achieve similar levels of pathogen reduction.

Subp. 85. **Property boundary.** "Property boundary" means the line circumscribing parcels of land entirely enclosing the facility.

Subp. 86. **Public water supply.** "Public water supply " has the meaning given in part 4720.0100.

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Subp. 87. **Radioactive waste.** "Radioactive waste" has the meaning given it in Minnesota Statutes, section 116C.71, subdivision 6.

Subp. 88. **Recycling facility.** "Recycling facility" means a site used to collect and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.

~~U.~~ Subp. 89. **Refuse.** "Refuse" means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

~~V.~~ Subp. 90. **Refuse collection service.** "Refuse collection service" means a public or private operation engaged in solid waste collection and solid waste transportation.

Subp. 91. **Refuse-derived fuel.** "Refuse-derived fuel" means the product resulting from techniques or processes used to prepare solid waste by shredding, sorting, or compacting for use as an energy source.

~~W.~~ Subp. 92. **Regional flood.** "Regional flood" ~~is as defined~~ has the meaning given it in chapter 104.

Subp. 93. **Release.** "Release" has the meaning given it in Minnesota Statutes, section 115B.02, subdivision 15.

~~X.~~ Subp. 94. **Rubbish.** "Rubbish" means nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

~~Y.~~ Subp. 95. **Run-off.** "~~Runoff~~ Run-off" means ~~the portion of precipitation~~ any liquid that drains over land from ~~an area as surface flow~~ any part of a facility.

Subp. 96. **Run-on.** "Run-on" means any liquid that drains over land onto any part of a facility.

~~Z. "Sanitary landfill" means a land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required by the agency.~~

~~AA. "Scavenging" means uncontrolled removal of solid waste materials.~~

Subp. 97. **Septage.** "Septage" has the meaning given it in part 7080.0020, subpart 31.

Subp. 98. **Sewage sludge.** "Sewage sludge" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 29.

Subp. 99. **Sludge.** "Sludge" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 9i.

~~BB.~~ Subp. 100. **Solid waste.** "Solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded ~~solid~~ waste materials~~, except animal waste used as fertilizer, including solid waste materials~~ and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities~~. Solid waste does not include~~, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock~~, and other materials normally handled in construction operations, solids,~~; sewage sludge; solid or dissolved material in domestic sewage or other ~~significant~~ common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows~~,~~; or ~~other common water pollutants~~ source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

~~CC.~~ Subp. 101. **Solid waste collection.** "Solid waste collection" means the gathering of solid waste from public or private places.

Subp. 102. **Solid waste land disposal facility.** "Solid waste land disposal facility" means a facility used to dispose of solid waste in or on the land.

~~DD.~~ Subp. 103. **Solid waste management facility.** "Solid waste management ~~system~~ facility" means a ~~total system~~ facility for the storage, collection, transportation, ~~intermediate, and final~~ processing or reuse, conversion, or disposal of solid waste.

~~EE.~~ Subp. 104. **Solid waste storage.** "Solid waste storage" means the holding of solid waste ~~near the point of generation~~ for more than 48 hours in quantities equal to or greater than ten cubic yards.

~~FF.~~ Subp. 105. **Solid waste transportation.** "Solid waste transportation" means the conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor, or other means.

~~GG. "Special infectious waste" means waste originating from the diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Special infectious waste includes, but is not limited to,~~

~~(1) all wastes originating from persons placed in isolation for control and treatment of an infectious disease;~~

~~(2) bandages, dressings, casts, catheters, tubing, and the like, which have been in contact with wounds, burns, or surgical incisions and which are suspect or have been medically identified as hazardous;~~

~~(3) All anatomical waste, including human and animal parts or tissues removed surgically or at autopsy;~~

~~(4) laboratory and pathology waste of an infectious nature which has not been autoclaved;~~

~~(5) any other waste, as defined by the state commissioner of health, which, because of its infectious nature, requires handling and disposal in a manner prescribed for subitems (1) to (4).~~

Subp. 106. **Stabilization test.** "Stabilization test" refers to a series of physical or chemical measurements taken during the pumping of a monitoring well at single well-volume intervals to determine the point at which stagnant water within the monitoring well has been removed.

Subp. 107. **State.** "State" means the state of Minnesota.

Subp. 108. **Sum of the current cost estimates.** "Sum of the current cost estimates" means the sum of the current cost estimates for closure, postclosure care, and corrective actions.

Subp. 109. **Surface water compliance boundary.** "Surface water compliance boundary" means the designated vertical plane located between a solid waste management facility and a surface water body at which compliance with agency standards to protect surface water is measured.

Subp. 110. **Tangible net worth.** "Tangible net worth" means the assets that remain after deducting liabilities, not including intangible assets such as good will and rights to patents or royalties.

~~HH.~~ Subp. 111. **Transfer ~~station~~ facility.** "Transfer ~~station~~ facility" means a facility in which solid waste from collection vehicles is ~~concentrated~~ compacted or rearranged for subsequent transport. A transfer ~~station~~ facility may be fixed or mobile.

~~II. "Underground water" means the water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The term ground water shall be synonymous with underground water. Refer to Minnesota Pollution Control Agency, parts 7060.0100 to 7060.0900.~~

Subp. 112. **Waste.** "Waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 34.

Subp. 113. **Waste boundary.** "Waste boundary" means the perimeter around the area permitted for filling with waste at a disposal facility.

Subp. 114. **Waste by-products.** "Waste by-products" means the liquids or gases or other residues resulting from waste disposal, processing, or treatment activities.

Subp. 115. **Waste collection service.** "Waste collection service" means a public or private operation engaged in solid waste collection and transportation.

Subp. 116. **Waste containment system.** "Waste containment system" means the system used to control the movement of solid waste, gas, and leachate generated from the solid waste disposed of at a land disposal facility.

~~JJ.~~ Subp. 117. **Water monitoring system.** "Water monitoring system" means a system of ~~wells, lysimeters, or other mechanisms used to obtain representative samples of both underground water and surface water where required in the vicinity of a land disposal site~~ monitoring points in the vicinity of a facility that is used to determine the quality or physical characteristics of ground water, surface water, and water in the unsaturated zone.

~~KK.~~ Subp. 118. **Water table.** "Water table" means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone. ~~Refer to Minnesota Pollution Control Agency, parts 7060.0100 to 7060.0900.~~

~~LL.~~ Subp. 119. **Wetland.** "Wetland" means a ~~natural marsh where~~ surface water ~~stands near, at, or above the soil surface during a significant portion of most years, and which is eligible for classification~~ feature classified as ~~an inland fresh water~~ a wetland ~~type 3, 4, or 5 under United States Department of Interior classifications~~ in the publication entitled "Classification of Wetlands and Deep Water Habitats of the United States," written and published by the United States Fish and Wildlife Service Biological Services Program, FWS 035-71/31, December 1979, which is incorporated by reference. The publication is not subject to frequent change.

~~MM.~~ Subp. 120. **Working face.** "Working face" means that portion of the land disposal ~~site~~ facility where waste is discharged and is spread and compacted prior to the placement of cover material.

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Subp. 121. **Yard waste.** "Yard waste" means the garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.

7035.0400 GENERAL ~~CONDITIONS~~ REQUIREMENTS.

All solid waste ~~shall~~ must be stored, collected, transferred, transported, utilized, processed, and disposed of, or reclaimed in a manner consistent with requirements of ~~this chapter~~ parts 7035.0300 to 7035.2875. The agency is responsible for enforcement of ~~this chapter~~ these parts and encourages cooperation of municipalities which may adopt these parts for use in local laws, ordinances, or regulations.

7035.0600 VARIANCES.

~~Whereupon written application of the responsible person or persons the agency finds that by reason of exceptional circumstances strict conformity with any provisions of the rules contained herein would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the agency may permit a variance from these parts upon such conditions and within such time limitations as it may prescribe for prevention, control, or abatement of air, land, or water pollution in harmony with the intent of the state and any applicable federal laws.~~ Any person who applies for a variance from any requirement of parts 7035.0300 to 7035.2875 shall comply with part 7000.0700. An application for a variance must be acted upon by the agency according to Minnesota Statutes, section 116.07, subdivision 5, and part 7000.0700. However, no variance may be granted that would result in noncompliance with applicable federal rules and regulations for solid waste.

7035.0605 AVAILABILITY OF REFERENCES.

The documents needed for analyzing and classifying soils as required in parts 7035.0300 to 7035.2875 may be obtained by contacting the Engineering Library of the University of Minnesota, through the Minitex interlibrary loan system, and requesting the standards from the American Society for Testing and Material, in the Annual Book of ASTM Standards, 1916 Race Street, Philadelphia, Pennsylvania 19103.

The publication for classification of wetlands, titled "Classification of Wetlands and Deep Water Habitats of the United States," may be obtained through the Minitex interlibrary loan system or by requesting the publication from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

7035.0700 STORAGE OF SOLID WASTE AT INDIVIDUAL PROPERTIES.

Subpart 1. **~~Owner~~ Owner's or occupant's duty.** The owner and occupant of any premises, business establishment, or industry ~~shall be~~ is responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment, or industry.

Subp. 2. **Garbage.** Garbage and similar putrescible waste ~~shall~~ must be stored in:

A. durable, rust resistant, nonabsorbent, watertight, rodent proof, and easily cleanable containers, with close fitting, fly-tight covers and having adequate handles or bails to facilitate handling; or

B. other types of containers acceptable to the municipality and conforming to the intent of this part; and

C. the size and allowable weight of the containers may be determined by the refuse collection service subject to requirements of the municipality~~;~~.

Subp. 3. **Refuse.** Refuse ~~shall~~ must be stored in durable containers or as otherwise provided in this part. Where garbage and similar putrescible wastes are stored in combination with nonputrescible refuse, containers for the storage of the mixture ~~shall~~ must meet the requirements for garbage containers in subpart 2.

Subp. 4. **Containers.** All containers for the storage of solid waste ~~shall~~ must be maintained in such a manner as to prevent the creation of a nuisance or menace to public health. Containers that are broken or otherwise fail to meet requirements of this part ~~shall~~ must be replaced with acceptable containers.

Subp. 5. **Oversize waste.** Solid waste objects or materials too large or otherwise unsuitable for storage containers ~~shall~~ must be stored in a pollution and nuisance free manner and in compliance with the regulations of federal, state, and local governments, and their regulatory agencies.

7035.0800 COLLECTION AND TRANSPORTATION OF SOLID WASTE.

Subpart 1. **~~Owner~~ Owner's or occupant's duty.** The owner and occupant of any premises, business establishment, or industry and/or the refuse collection service ~~shall be~~ are responsible for the satisfactory collection and transportation of all solid waste accumulated at a premise, business establishment, or industry to a solid waste disposal ~~site or~~ facility~~,~~ for which a permit has been issued by the agency, unless otherwise provided in these parts.

Subp. 2. **Containers or vehicles.** Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or refuse containing such materials, ~~shall~~ must be covered, leakproof, durable, and of easily cleanable construction.

~~These shall~~ They must be cleaned to prevent nuisances, pollution, or insect breeding, and ~~shall~~ must be maintained in good repair.

Subp. 3. **Spills.** Vehicles or containers used for the collection and transportation of any solid waste ~~shall~~ must be loaded and moved in ~~such~~ a manner that does not allow the contents ~~will not~~ to fall, leak, or spill therefrom, and ~~shall~~ must be covered when necessary to prevent blowing of material. Where spillage does occur, the material ~~shall~~ must be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITY REQUIREMENTS

7035.1590 INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITY DESIGN.

The owner or operator of an industrial solid waste land disposal facility must design, construct, and operate the facility in accordance with parts 7035.1590 to 7035.2500, and an agency-issued permit. If the owner or operator determines that the requirements of parts 7035.1590 to 7035.2500 do not apply, the owner or operator shall submit to the agency for approval documentation supporting the owner's or operator's determination. The agency's approval or disapproval of the owner's or operator's determination will be based on the hydrogeologic setting, waste characteristics, fill size, soil conditions, operating practices, and the potential for harm to human health or the environment.

7035.1600 PROHIBITED AREAS FOR ~~LANDFILL SITES~~ INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITIES.

The fill and trench areas of ~~sanitary landfill sites~~ industrial solid waste land disposal facilities are prohibited within the following areas~~, as existing at the time of receipt of the permit application by the agency~~:

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

B. 300 feet from a stream~~.~~;

C. a regional ~~flood plain (100 year flood).~~ floodplain;

D. wetlands~~.~~;

E. within 1,000 feet of the nearest edge of the right-of-way of any state, federal, or interstate highway or of the boundary of a public park or of an occupied dwelling. Permission may be granted under this ~~subsection~~ item, without these distance requirements, at the discretion of the ~~director~~ commissioner, taking into consideration such factors as noise, dust, litter, and other aesthetic and environmental considerations~~.~~;

F. locations considered hazardous because of the proximity of airports~~.~~; and

G. an area which is unsuitable because of ~~reasons of~~ topography, geology, hydrology, or soils.

7035.1700 REQUIRED PRACTICES FOR MAINTENANCE AND OPERATION OF ~~LANDFILLS~~ INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITIES.

Any person who maintains or operates ~~a sanitary landfill site~~ an industrial solid waste land disposal facility or permits the use of property for such a facility, ~~shall~~ must maintain and operate the ~~site~~ facility in conformance with the following practices unless otherwise allowed by the agency in issuing the required permit:

A. Open burning ~~shall be~~ is prohibited.

B. Industrial solid waste ~~shall~~ must not be deposited in ~~such~~ a manner that allows material or leachings therefrom ~~may~~ to cause pollution of ~~underground~~ ground water or surface water.

Proposed separation between the lowest portion of the ~~landfill~~ facility and the high water table elevation ~~shall~~ must be a minimum of five feet. This requirement ~~shall~~ does not ~~be construed to~~ render inoperative any other requirements specified herein and additional ground water protection ~~shall~~ must be provided ~~if needed~~.

C. Dumping of industrial solid waste ~~shall~~ must be ~~confined~~ limited to as small an area as practicable and with appropriate facilities to confine ~~possible~~ wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation ~~shall~~ must be collected and returned to the area by the owner or operator.

D. Industrial solid waste ~~shall~~ must be compacted as densely as practicable and covered after each day of operation, or as specified by the ~~director~~ commissioner, with a compacted layer of at least six inches of suitable cover material. All previously filled areas ~~shall~~ must be maintained with at least six inches of suitable cover material.

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If ~~refuse cells~~ disposal areas will be exposed to the elements for a period of 120 days or longer, an intermediate cover totaling at least 12 inches of compacted, suitable cover material ~~shall~~ must be provided and maintained.

There ~~shall~~ must be an available supply of suitable cover material, which, if necessary, ~~shall~~ must be stockpiled and protected to allow for compliance with the requirements contained in item D including during periods of inclement weather or winter operation.

The ~~sanitary landfill~~ industrial solid waste land disposal facility ~~shall~~ must be constructed and cover material graded ~~so as~~ to promote surface water runoff without excessive erosion.

E. Surface water drainage ~~shall~~ must be diverted around and away from the ~~landfill~~ facility operating area.

F. A minimum ~~separating~~ separation distance of 20 feet, or greater as specified by the ~~director~~ commissioner, ~~shall~~ must be maintained between the disposal operation and the adjacent property line.

G. Effective means ~~shall~~ must be taken if necessary to control flies, rodents, and other insects or vermin.

H. The approach road to the disposal site and the access road on the site ~~shall~~ must be of all-weather construction and maintained in good condition so that they will be passable at all times for any vehicle using the site.

I. Adequate dust control on the site ~~shall~~ must be provided.

J. Equipment ~~shall~~ must be available for adequate operation of the site. The equipment ~~shall~~ must be provided with adequate safety devices and adequate noise control devices.

K. Equipment ~~shall~~ must be provided and kept at the site during the hours of operation to control accidental fires and arrangements must be made with the local fire protection agency to immediately acquire their services when needed.

L. Adequate communication facilities ~~shall~~ must be provided for emergency purposes.

M. Sanitary facilities and shelter ~~shall~~ must be available for site personnel.

N. Scavenging ~~shall~~ must be prohibited to avoid injury and prevent interference with operations.

O. The site ~~shall~~ must be adequately screened by existing or provided means.

P. ~~There shall be qualified personnel for general direction and operation of the site on duty~~ A certified operator must be present at the facility at all times while it is open for ~~public~~ use.

Q. Access to the site ~~shall~~ must be controlled. A gate ~~shall~~ must be provided at the entrance to the site and kept locked when an attendant is not on duty.

R. A permanent sign, identifying the operation and showing the permit number of the site, and indicating the hours and days the site is open for ~~public~~ use, rates, the penalty for nonconforming dumping, and other pertinent information, ~~shall~~ must be posted at the site entrance.

S. A water monitoring program ~~shall~~ must be constructed and operated to determine whether ~~or not~~ industrial solid waste or leachate therefrom is causing pollution of ~~underground~~ ground water or surface water. The drilling and construction of all site wells, including those used for monitoring purposes, ~~shall~~ must be done in compliance with ~~Minnesota Statutes,~~ chapter ~~747~~ 4725.

The conditions of monitoring, including the frequency and the analysis of water monitoring samples, ~~shall~~ must be determined by the ~~director~~ commissioner and may be changed at ~~his~~ the commissioner's discretion.

T. Approved leachate collection and treatment systems ~~shall~~ must be used where required to protect ~~underground~~ ground water and surface water.

U. Decomposition gases ~~shall~~ must not be allowed to migrate laterally from the ~~sanitary landfill~~ facility. They ~~shall~~ must be vented into the atmosphere directly through the cover material, or into cut-off trenches, or into the atmosphere by forced ventilation, or by other means approved by the ~~director~~ commissioner so that explosive concentrations are prevented.

V. The following ~~shall~~ are not ~~be~~ acceptable for deposit in ~~sanitary landfills~~ industrial solid waste land disposal facilities except ~~in amounts normal in household waste~~ as approved by the commissioner:

(1) Liquids;

(2) Any of the following: digested sewage sludges, lime sludges, grit chamber cleanings, bar screenings, and other sludges, unless approved by the ~~director~~ commissioner. Approval will be based on consideration of such factors as chemical composition, free moisture content, and workability;

(3) In no case will ~~special~~ infectious waste, raw sewage sludge, raw animal manure, or septic tank pumpings be acceptable; or

(4) Other substances that may be deemed unacceptable by the agency.

W. ~~Dead animals shall be transported and disposed of in accordance with Minnesota Statutes, chapter 35. When received~~

~~at a sanitary landfill, household pet animal carcasses should be buried along with other refuse. Larger animal carcasses may be buried in the fill and trench area under other refuse, but the carcass itself must first be completely covered separately with at least 12 inches of earth material. Animal carcasses may be buried in a separate area of the landfill site at a depth of at least three feet.~~

~~X.~~ When disposed of at ~~a sanitary landfill~~ an industrial solid waste land disposal facility, certain demolition and construction type wastes may be disposed of in a separate area, as specified by the ~~director~~ commissioner.

~~Y~~ X. The permittee ~~shall~~ must properly complete the agency operational report form and submit it monthly to the agency, whether or not the permitted ~~landfill~~ facility is yet constructed or whether or not it is in operation.

~~Z~~ Y. Within one month after final termination of a site, or a major part thereof, the area ~~shall~~ must be covered with at least two feet of compacted earth material, graded to a minimum two percent slope to promote surface water runoff without excessive erosion.

The finished surface of the filled area ~~shall~~ must be covered and maintained with adequate top soil and seeded to provide suitable vegetation immediately upon completion, or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes ~~shall~~ must be covered with straw or similar material to prevent erosion.

Prior to completion of ~~a sanitary landfill site~~ an industrial solid waste land disposal facility, the agency ~~shall~~ must be notified in order that a site investigation may be conducted by the agency staff before earth moving equipment is removed from the property.

After completion of ~~a sanitary landfill site~~ an industrial solid waste land disposal facility, a detailed description, including a plat, ~~shall~~ must be recorded with the county ~~register of deeds~~ recorder. The description ~~shall~~ must include general types and location of wastes, depth of fill, and other information of interest to future land owners.

If the completed site is to be cultivated, the integrity of the finished surface ~~shall~~ must not be disturbed by agricultural cultivation activities. If cultivated, a sufficient depth of cover material to allow cultivation and to support vegetation ~~shall~~ must be maintained.

7035.1800 PERMIT APPLICATION AND REQUIRED PLANS FOR ~~LANDFILLS~~ INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITIES.

Plans, including a permit application, report, and drawings ~~shall~~ must be prepared by a registered engineer of Minnesota. ~~Three~~ Four complete sets of the plans shall be submitted to the agency. The submitted plans ~~shall~~ must include the following:

A. A completed permit application form.

B. An engineering report including:

(1) General information;

(2) Site analysis including consideration of each item in part 7035.1600 along with data and supplementary reports, including soil boring data and a hydrogeologic study. Attention to this requirement must include consideration of surface features, underground formations, soil boring data from soil borings of which at least one is to a minimum depth of 50 feet below proposed excavation and lowest elevation of the ~~site~~ facility, water table profile, direction of ~~underground~~ ground water flow, initial quality of water resources in the potential zone of influence of the ~~landfill~~ facility, use of water resources in the potential zone of influence of the ~~landfill~~ facility, need and availability of cover material, and existing refuse deposits. Also considered ~~shall~~ must be climate, average rates of precipitation based on average monthly rates from records of rain gauge stations, evapotranspiration, runoff, and infiltration;

(3) Proposed operating procedures including consideration of each item in part 7035.1700;

(4) Equipment to be used for operation of the ~~site~~ facility.

C. Drawings, folded to 8-1/2 inch by 11 inch size, including:

(1) An existing conditions plan of the area showing land use and zoning within one-fourth mile of the proposed ~~solid waste disposal site~~ facility boundary. The plan ~~shall~~ must show all buildings, lakes, ponds, watercourses, wetlands, sinkholes, rock out-croppings, roads, public parks, and other applicable details and shall indicate the general topography with contours and drainage patterns. An on-site bench mark ~~shall~~ must be indicated and a north arrow drawn. A location insert map and a U.S.G.S. topographic map of the area ~~shall~~ must be included. The scale of the existing conditions plan ~~shall~~ must not be greater than 300 feet per inch;

(2) A development plan of the site and immediately adjacent area showing dimensions, contours, at contour intervals of

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two feet or less, soil boring locations with surface elevations and present and planned pertinent features, including but not limited to roads, screening, buffer zone, fencing, gate, shelter and equipment buildings, surface water diversion and drainage, and water monitoring system. The development plan ~~shall~~ must show progressive development of trench and/or area fills and any phase construction. The scale of the development plan ~~shall~~ must not be greater than 200 feet per inch.

The development plan ~~shall~~ must include consideration of the ultimate land use, for example, preplanned building islands, not to be used for ~~landfilling or refuse~~ a disposal area;

(3) Cross sections plan including a minimum of two cross sections of each phase, perpendicular to one another, showing existing grade, excavation grade, final grade, any additional ground water protection, high water table profile and profile of a separation line five feet above, profile and identity of soils, and profile and identity of ~~bedrock~~ underlying geology;

(4) An ultimate land use plan showing the land use after the site is completed, final contours, at contour intervals of two feet or less, and surface water drainage. Consideration ~~shall~~ must be given in the design of an ultimate land use plan to gas control, erosion, and differential settlements. The scale of the ultimate land use plan ~~shall~~ must not be greater than 200 feet per inch.

7035.1900 BASIC PERMIT, CERTIFICATION, AND COMPLIANCE REQUIREMENTS FOR ~~LANDFILLS~~ INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITIES.

~~A sanitary landfill shall~~ An industrial solid waste land disposal facility must not be opened or placed into operation until:

A. An agency permit has been issued.

B. A construction certification has been approved by the ~~director~~ commissioner. The certification, signed by the project engineer, ~~shall~~ must certify, with any exceptions listed, that the construction has been completed in accordance with the plans and agency permit. ~~It shall be certified~~ The engineer must certify that an ~~agency approved~~ agency-approved water monitoring system is functional and ~~includes~~ include an analysis of ~~initial~~ background water monitoring samples.

If any construction has been scheduled in the plans for phase development subsequent to the initial operation, then a similar certification ~~shall~~ must be approved for each phase before it ~~shall be~~ is operated.

C. The ~~site~~ facility is consistent with the county solid waste management system plan.

~~These parts shall be effective as to the construction of permitted sanitary landfills when the permit applications and final plans are received after the date these parts are filed with the commissioner of administration; provided, however, the agency reserves the right to require compliance with any provision of these parts in order to abate pollution.~~

7035.2500 INDUSTRIAL SOLID WASTE LAND DISPOSAL ~~SITE~~ FACILITY ABANDONMENT.

Subpart 1. **Scope.** This part applies to all industrial solid waste land disposal ~~sites, including abandoned dumps~~ facilities.

Subp. 2. **Duty to close ~~site~~ the facility.** The person or persons, as defined in part 7035.0300, having the responsibility for the operation of the ~~site~~ facility must accomplish the closure of the ~~site~~ facility.

Subp. 3. **Closure procedure.** The closure of the ~~site shall~~ facility must include the following procedures:

A. ~~Designate a substitute site or facility which has been approved by the agency and notify the media and the general public of the closing and of the substitute site.~~

~~B.~~ Close access to the ~~site~~ facility and prohibit ~~refuse~~ waste disposal.

~~C. Stop any burning.~~

~~D.~~ B. Eradicate rodents.

~~E.~~ C. Provide measures to protect ~~underground~~ ground water and surface water.

~~F.~~ D. Divert surface water drainage around and away from the disposal area.

~~G.~~ E. Compact ~~refuse~~ the waste and cover with a minimum of two feet of compacted earth material.

~~H.~~ F. Establish and maintain final grade to promote surface water runoff without excessive erosion. Seed to provide suitable vegetation.

~~I.~~ G. Record a detailed description, including a plat, with the county recorder. The description ~~shall~~ must include general types and location of wastes, depth of fill, and other information of interest to potential land owners.

~~J.~~ H. An authorized official ~~shall~~ must properly complete the disposal site closure record and submit it to the agency.

Rules as Proposed (all new material)

SOLID WASTE MANAGEMENT FACILITY

GENERAL TECHNICAL REQUIREMENTS

7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

Subpart 1. **General requirements.** Parts 7035.2525 to 7035.2875 apply to owners and operators of all facilities that treat, transfer, store, process, or dispose of solid waste except as specifically provided otherwise in this part.

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2875 do not apply to the following solid waste management facilities, except as indicated:

A. backyard compost sites;

B. recycling sites handling one waste type only or recycling sites established to collect and transport recyclables to a processor in volumes of less than 30 cubic yards, except for parts 7035.0700, 7035.2845, subpart 3, and 7035.2855;

C. industrial solid waste land disposal facilities; and

D. solid waste from the extraction, beneficiation, and processing, of ores and minerals stored, collected, transferred, transported, utilized, processed, and disposed of or reclaimed, provided the facility is permitted for such use under part 7001.0020, item E, and chapter 6130.

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

Subpart 1. **Unacceptable wastes.** The owner or operator of a solid waste management facility must not accept the following wastes for treatment, storage, processing, or disposal:

A. hazardous wastes, categorized according to Minnesota Statutes, chapters 115B and 116, and Minnesota Rules, chapter 7045, or wastes that have not been evaluated pursuant to parts 7045.0214 to 7045.0217;

B. sewage sludge, septic tank pumpings, sewage sludge compost, or sewage unless it has been treated or will be treated by a process to significantly reduce pathogens pursuant to parts 7040.0100 to 7040.4700 or 7035.2835;

C. infectious wastes;

D. waste oil, except as provided in subpart 5, item B;

E. radioactive waste;

F. wastes containing free liquids; or

G. free liquids.

Subp. 2. **Required notices.** The owner or operator of a solid waste management facility must notify the agency before transferring ownership or operation of a solid waste management facility during its operating life or during the postclosure care period. The owner or operator must also notify the new owner or operator in writing of the requirements of parts 7035.2525 to 7035.2875 and existing permit conditions. No ownership or operation transfer may occur without a permit modification as required in part 7001.0190, subpart 2. The facility must be in substantial compliance with all agency rules before the agency will approve a transfer.

Subp. 3. **Security.** During the active life of the solid waste management facility, the closure period, and postclosure care period, as required, the owner or operator must prevent, by use of a fence or similar device, the unauthorized entry of persons or livestock onto the facility, unless the owner or operator demonstrates to the commissioner that:

A. physical contact with the waste, structure, or equipment at the facility will not injure unknowing or unauthorized persons or livestock that could enter the facility; and

B. disturbance of the waste or equipment will not cause a violation of parts 7035.2525 to 7035.2875.

Subp. 4. **General inspection requirements.** General inspection requirements include the information required in items A to E.

A. The owner or operator must inspect the facility for malfunctions, deterioration, or discharges that may result in either the release of pollutants to the environment or a threat to human health. The owner or operator must conduct these inspections according to the schedule developed under item B.

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B. The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment used to prevent, detect, or respond to environmental or human health hazards. The owner or operator must retain a copy of the schedule at the facility. The schedule must identify the types of problems to look for during the inspection including inoperative sump pumps, damaged well casings, clogged leachate collection systems, eroding dikes, and damaged survey markers.

C. The owner or operator shall submit the inspection schedule with the permit application. The commissioner must evaluate the schedule to ensure that it will result in protection of human health and the environment. The owner or operator must revise the schedule when conditions at the site warrant revisions and whenever the facility design is modified.

D. The owner or operator must remedy any deterioration or malfunction of equipment or structure within two weeks after an inspection.

E. The owner or operator must record inspections in an inspection log or summary and must keep these records for at least five years after the date of inspection. If the owner or operator is involved in an enforcement action, all records must be retained until the action is resolved. The records must include the date and time of the inspection, the name of the inspector, the observations made, and the date and nature of any repairs or other actions taken.

Subp. 5. **Industrial solid waste management.** All industrial solid waste delivered to a solid waste management facility must be managed by the owner or operator to protect human health and the environment. The industrial solid waste management plan required under part 7001.3300 must address items A to C.

A. The plan must include a discussion of how the owner or operator will manage all industrial solid wastes received at the facility. The owner or operator must specify:

(1) a procedure for notifying industrial solid waste generators of the facility operating requirements and restrictions, including the requirements imposed on haulers serving the facility, the steps required of generators submitting a request for waste management, and the measures to be taken to inform haulers and generators of the facility requirements;

(2) a procedure for evaluating waste characteristics, including the specific analyses that may be required for specific wastes, and the criteria used to determine when analyses are necessary, the frequency of testing, and the analytical methods to be used;

(3) a procedure for managing the waste and for identifying any special management requirements, and the rationale for accepting or rejecting a waste based on its analysis, volume, and characteristics;

(4) a procedure for inspecting industrial solid waste as it is delivered and the rationale for accepting or requiring further information and review of previously approved and unapproved waste as it is delivered.

B. The plan must address how the following categories of waste will be managed to comply with the requirements of item A, subitems (2) to (4):

(1) empty pesticide containers;

(2) asbestos;

(3) waste containing polychlorinated biphenyls at a concentration less than 50 ppm;

(4) spilled nonhazardous materials;

(5) rendering and slaughterhouse wastes;

(6) wastes that could spontaneously combust or that could ignite other waste because of high temperatures;

(7) foundry waste;

(8) ash from incinerators, resource recovery facilities, and power plants;

(9) paint residues, paint filters, and paint dust;

(10) sludges, including ink sludges, lime sludge, wood sludge, and paper sludge;

(11) fiberglass, urethane, polyurethane, and epoxy resin waste;

(12) spent activated carbon filters; and

(13) any other wastes that can be identified.

C. The owner or operator must indicate in the plan any wastes in item B or D that will not be accepted at the facility.

D. The owner or operator need not address the following wastes in the plan:

(1) paper and cardboard wastes from manufacturing processes or packaging;

(2) food and beverage packaging and handling materials;

(3) food not containing free liquids;

(4) aluminum, iron, steel, glass, wood, and hardened, cured plastic waste;

(5) dewatered sewage sludge that has been treated by a process to significantly reduce pathogens pursuant to parts 7040.0100 to 7040.4700;

(6) compost including sewage sludge compost produced in accordance with part 7035.2835;

(7) grit and bar screenings from a wastewater treatment plant; and

(8) ash from boilers and incinerators using only wood as a fuel source.

E. The owner or operator must amend the plan whenever the management practices or wastes identified in items A and B have changed. The owner or operator shall submit the amended plan to the commissioner for approval or disapproval.

7035.2545 PERSONNEL TRAINING.

Subpart 1. **General.** Solid waste management facility personnel must successfully complete a program of classroom instruction or on-the-job training. The program must prepare facility personnel to maintain compliance with parts 7035.2525 to 7035.2875. Personnel must complete all training within six months after the effective date of parts 7035.2525 to 7035.2875 or within six months after the date of employment. The owner or operator must record all personnel training on the facility operating record and submit the dates of training in the annual report.

Subp. 2. **Owner or operator of a land disposal facility.** Certified owners or operators must be present at a land disposal facility as required by parts 7048.0100 to 7048.1300. A certified operator must be present at a land disposal facility during operating hours.

Subp. 3. **Minimum program requirements.** The training program must include training of solid waste management facility personnel about procedures relevant to their positions including contingency plan implementation. The program must train facility personnel to deal effectively with problems at the site including:

A. using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

B. activating communication and alarm systems;

C. activating automatic waste feed cutoff systems;

D. responding to fires;

E. responding to facility failures, including erosion and failure of liners or monitoring devices;

F. responding to ground water or surface water pollution incidents;

G. accepting and managing waste other than mixed municipal solid waste approved for storage or disposal at the facility;

H. rejecting waste not permitted at the facility; and

I. water sampling.

Subp. 4. **Training update.** The training program must establish procedures for an annual review of the initial training required in subparts 1 to 3 and for training as the facility is modified.

7035.2555 LOCATION STANDARDS.

Subpart 1. **Floodplains.** An owner or operator may not locate a new solid waste management facility in a floodplain.

Subp. 2. **Other location standards.** An owner or operator may not establish or construct a solid waste management facility in the following areas:

A. within a shoreland governed by chapters 6105 and 6120;

B. within a wetland; or

C. within a location where emissions of air pollutants would violate the ambient air quality standards in parts 7005.0010 to 7005.3060.

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7035.2565 GROUND WATER QUALITY, SURFACE WATER QUALITY, AND AIR QUALITY AND SOIL PROTECTION.

Subpart 1. **Duty to protect water.** Solid waste management facilities must be designed, constructed, and operated to contain sediment, solid waste, and leachate and to prevent pollution of ground water and surface water. The owner or operator must take corrective action as necessary to end continuing releases and to minimize or abate any resulting ground water or surface water pollution. As required by parts 7050.0150 and 7060.0600, the owner or operator must monitor the facility, surface water, and ground water as directed by the agency.

Subp. 2. **Designation of compliance boundaries, standards, intervention limits.** The commissioner shall designate compliance boundaries, standards, and intervention limits for mixed municipal solid waste land disposal facilities in the permit, order, or stipulation agreement, as required in part 7035.2815, subpart 4. The commissioner shall designate compliance boundaries, standards, and intervention limits for other solid waste facilities, including demolition debris land disposal facilities and compost facilities, if a release could pollute or degrade ground water or surface water.

Subp. 3. **Air quality protection.** A person who operates or maintains a solid waste management facility or permits the use of property for such, must operate and maintain the site in conformance with the agency air pollution control rules. Open burning is prohibited, as provided in parts 7005.0700 to 7005.0820.

Subp. 4. **Soil protection.** Solid waste management facilities must be designed, constructed, and operated to minimize the contamination of soils from solid waste. For this subpart, soil contamination does not include soil liners.

7035.2575 OPERATING RECORD.

Subpart 1. **Record requirement.** The owner or operator must keep a written operating record at the facility, as specified in subpart 2.

Subp. 2. **Record information.** The owner or operator of a solid waste management facility must record and maintain the following information in the operating record for a minimum of five years after closure of the facility or until any pending enforcement action is resolved:

A. The amount by volume or weight of mixed municipal solid waste received for each day, the management techniques used, and the date received. The amount of waste received may be reported by weight, if the facility design includes scales for this purpose.

B. The amount and description of industrial solid waste received each day, the generator's name, the point of generation, the method of handling, and the date received. The record must list separately the amount of each type of waste received.

C. For land disposal facilities, the location, including the horizontal and vertical dimension in the phase, and quantity of industrial solid waste received in quantities greater than ten cubic yards at a time.

D. Summary reports and details of incidents that require implementing the contingency plan specified in part 7035.2615, subpart 3.

E. Records and results of inspections required by part 7035.2535, subpart 4.

F. Monitoring, testing, or analytical data required by parts 7035.2815 to 7035.2875.

7035.2585 ANNUAL REPORT.

The owner or operator of a solid waste management facility shall prepare and submit a single copy of an annual report to the commissioner no later than February 1 for the preceding calendar year. A report form and instructions may be obtained from the commissioner. The annual report must cover all facility activities during the previous calendar year and must include the following information:

A. the permit number, name, and address of the solid waste management facility;

B. the year covered by the report;

C. the quantity of each type of waste handled at the solid waste management facility;

D. the remaining capacity for storage or disposal of waste at the facility based on the amount of waste received and the original site capacity approved;

E. the rates charged at the solid waste management facility and anticipated changes in the rate for the next year;

F. the most recent closure cost estimate prepared under part 7035.2625, the most recent contingency action cost estimate under part 7035.2615, and, for land disposal facilities, the most recent postclosure cost estimate under part 7035.2645;

G. an assessment of the adequacy of the closure, postclosure, and contingency action plans;

H. the summary evaluation of the ground water monitoring program required under part 7035.2815, subpart 14, item Q;

I. the summary evaluation reports required for the specific solid waste management facilities in parts 7035.2825, subpart 9; 7035.2835, subparts 3, item E, and 6, items H and I; 7035.2845, subpart 4, item C; and 7035.2875, subpart 5;

J. the personnel training information required by part 7035.2545, subpart 1; and

K. a certification by the owner or operator of the solid waste management facility.

7035.2595 EMERGENCY PREPAREDNESS AND PREVENTION.

Subpart 1. **Design and operation of a solid waste management facility.** The owner or operator must design, construct, maintain, and operate a solid waste management facility to minimize the possibility of a fire, explosion, or any release to air, land, or water of pollutants that threaten human health and the environment.

Subp. 2. **Required equipment.** The owner or operator must equip the solid waste management facility with the following, unless the owner or operator demonstrates to the commissioner that none of the hazards posed by the waste requires the particular equipment specified below:

A. a communications device, such as a telephone or a hand-held two-way radio, which is immediately available and is capable of summoning emergency assistance from local police departments or fire departments; and

B. fire control contracts and devices for the class of fire expected to occur at the facility.

Subp. 3. **Testing and maintenance of equipment.** All communication and fire control equipment must be tested at least annually and maintained to ensure proper operation in time of emergency.

Subp. 4. **Arrangements with local authorities for emergencies.** The owner or operator of a solid waste management facility must make prior arrangements with local police and fire departments for services that may be needed at the facility.

Subp. 5. **Procedural manual.** The owner or operator of a solid waste management facility must prepare and maintain at the facility a procedural manual for facility personnel to use in time of emergency. The manual must contain:

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

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

C. a description of the procedures to be followed from discovery until the situation is corrected or the contingency action plan is activated, including a facility coordinator, notification procedures to local authorities and the agency, control measures, and cleanup; and

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

Subp. 6. **Assessment of hazards.** The owner or operator of the solid waste management facility must assess the possible hazards to human health and the environment from a release, explosion, or fire. The owner or operator of the facility must notify the commissioner within 48 hours of any release, explosion, or fire.

7035.2605 EMERGENCY PROCEDURES.

Subpart 1. **Containment measures.** During an emergency, the owner or operator must take all reasonable measures to ensure that fires, explosions, and releases do not occur, recur, or spread. The owner or operator must also contain, recover, and treat liquids that come in contact with the waste during an emergency response action.

Subp. 2. **Report.** The owner or operator shall submit to the commissioner within two weeks after an emergency a written report describing the emergency and the procedures followed to minimize potential hazards to human health and the environment. After the owner or operator completes emergency procedures to control any possible hazards resulting from the release, explosion, or fire, the owner or operator must refer to the contingency action plan to determine the necessary follow-up actions. The owner or operator must assess the adequacy of the emergency procedural manual and make appropriate changes to correct any inadequacies.

7035.2610 CONSTRUCTION CERTIFICATION.

A new facility or any new design feature at an existing facility may not be opened or placed into operation until a construction certification has been approved by the commissioner. The construction certification must be signed by an engineer registered in

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Minnesota and the owner or operator. The construction certification must address the features modified during construction and the features constructed as approved in the permit. The certification must indicate the facility is operational. The certification must contain as-built plans, samples taken, test results, and an explanation why the facility or any part was modified. The commissioner must conduct site inspection before construction is certified.

7035.2615 CONTINGENCY ACTION PLAN.

Subpart 1. **General requirements.** An owner or operator must prepare and maintain a contingency action plan at the solid waste management facility. The contingency action plan must identify occurrences that would endanger human health and the environment and must establish procedures that would minimize hazards to human health and the environment. The contingency action plan must contain the information in subpart 3 and the contingency requirements for the particular facility.

Subp. 2. **Implementation of plan.** Within the period specified in the approved contingency action plan, the owner or operator must implement the provisions of the plan that would minimize the adverse effects to human health or the environment from vandalism, fires, explosions, failure or collapse of artificial or natural dikes, or liners, water quality violations, surface drainage problems, air emission violations, and other releases.

Subp. 3. **Content of contingency action plan.** The contingency action plan must contain the following:

A. an identification of the possible events that may require corrective actions such as violations of intervention limits or water quality standards, failure of design features, settlement of completed areas, and surface drainage problems;

B. a description of the actions, the sequence and the timetable in which they will be taken, and the costs associated with each corrective action;

C. the equipment needed to repair each condition and the on-site and off-site availability of the equipment;

D. any prior arrangements with contractors;

E. scheduled and unscheduled down times for maintenance at the facility; and

F. an estimated cost for each action, for the most severe action that may be needed, and all actions.

Subp. 4. **Amendment of contingency action plan.** The owner or operator must review and amend the contingency action plan whenever:

A. the solid waste management facility permit is reissued;

B. a failure or release occurs for which the plan did not provide an appropriate response; or

C. the design, construction, operation, or maintenance of the solid waste management facility changes so that the response needed to a failure or release changes.

Subp. 5. **Copies of contingency action plan.** A copy of the contingency action plan and revisions to the plan must be submitted to the commissioner with the permit application. After modification or approval, compliance with the plan must be a condition of any permit issued, and the plan must be retained at the solid waste management facility.

7035.2625 CLOSURE.

Subpart 1. **Closure.** The owner or operator of a solid waste management facility must cease to accept waste and must immediately close the facility in compliance with this part, part 7035.2635, and parts 7035.2815 to 7035.2875, when:

A. the owner or operator declares the solid waste management facility closed;

B. for a land disposal facility, all fill areas reach permitted final grade;

C. an agency permit held by the facility expires, and renewal of the permit is not applied for, or is applied for and denied;

D. an agency permit for the facility is revoked;

E. an agency order to cease operations is issued;

F. the facility is an existing unpermitted land disposal site;

G. the capacity for the county or facility certified under Minnesota Statutes, section 115A.917 or 473.823 is exceeded;

H. the required financial assurance for closure, postclosure care, or corrective actions is not maintained with the proper payment or substitute instrument; or

I. the facility is unpermitted, is not a land disposal site, or is required to be permitted under parts 7001.0010 to 7001.3550 and the owner or operator has not applied for a permit within 180 days after the effective date of parts 7035.2525 to 7035.2875.

Subp. 2. **Closure performance standard.** The owner or operator must close the solid waste management facility in a manner that

eliminates, minimizes, or controls the escape of pollutants to ground water or surface waters, to soils, or to the atmosphere during the postclosure period.

Subp. 3. **Submittal and contents of closure plan.** The owner or operator of a solid waste management facility shall submit a closure plan with the permit application, or as required by a closure document, or in order to establish financial assurance mechanisms in accordance with part 7035.2695. For unpermitted land disposal sites, the owner or operator shall submit a closure plan within 90 days after the effective date of parts 7035.2525 to 7035.2875. The agency shall approve the closure plan as part of the permit issuance procedure or as part of a submittal required by a closure document or other enforcement action. Compliance with the approved closure plan must be a condition of any permit, order, closure document, or stipulation agreement issued for the facility. Before approving the closure plan, the agency must ensure that the closure plan is consistent with subparts 2, 4, and 5, part 7035.2635, and the applicable closure requirements of parts 7035.2665; 7035.2815, subpart 16; and 7035.2825 to 7035.2875.

A copy of the approved closure plan and all revisions to the plan must be kept at the facility until closure is completed and certified under part 7035.2635. At the time of closure, the agency will issue a closure document in accordance with part 7001.3055. The plan must identify steps needed to close each fill phase, if appropriate, and the entire site at the end of its operating life. The closure plan must include:

A. A description of how and when each fill phase and the entire facility will be closed. The description must identify how the requirements of subparts 2 and 5, parts 7035.2635; and 7035.2815 to 7035.2875 will be complied with. The description must include the estimated year of closure and a schedule for completing each fill phase.

B. An estimate of the maximum quantity of wastes in storage at any time during the life of the facility.

C. A cost estimate including an itemized breakdown for closure of each fill phase, for land disposal facilities and the total cost associated with closure activities at solid waste management facilities.

Subp. 4. **Amendment of plan.** The owner or operator may amend the closure plan any time during the life of the facility. The owner or operator must amend the plan whenever changes in the operating plan or facility design affect the closure procedures needed and whenever the expected year of closure changes. If a permit modification as authorized in part 7001.3550 is needed, the owner or operator shall submit an amended closure plan with the modification request. In all other cases, the owner or operator must request a modification of the plan within 60 days of any change or event that affects the closure plan.

Subp. 5. **Notification of final facility closure.** The owner or operator shall notify the commissioner at least 90 days before final facility closure activities are to begin. If the permit for the facility has been terminated and a closure document has been issued, this requirement does not apply. However, the owner or operator must close the facility in accordance with procedures established in the closure plan and closure document.

7035.2635 CLOSURE PROCEDURES.

Subpart 1. **Completion of closure activities.** Within 30 days after receiving the last shipment of waste, the owner or operator must begin the final closure activities outlined in the approved closure plan for the solid waste management facility or closure document. Closure activities must be completed according to the approved closure plan. The commissioner may approve a longer period if the owner or operator demonstrates that the closure activities will take longer due to adverse weather or other factors not in the control of the owner or operator.

Subp. 2. **Closure procedures.** If one or more of the conditions of part 7035.2625, subpart 1 exists, the owner or operator must:

A. Complete the appropriate activities outlined in the approved closure plan, closure document, stipulation agreement, and parts 7035.2815 to 7035.2875, as appropriate.

B. Complete final closure activities consisting of at least:

(1) posting a notice of closure at least 60 days before closure at the entrance by signs indicating the date of closure and alternative solid waste management facilities;

(2) publishing a notice of closure in a local newspaper 30 days before closure and providing a copy of the notice to the commissioner within ten days after the date of publication; and

(3) submitting to the county recorder and the commissioner a detailed description of the waste types, including mixed municipal, industrial, and demolition debris, accepted at the facility and what the facility was used for, together with a survey plat

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of the site. The plat must be prepared and certified by a land surveyor registered in Minnesota. The landowner must record a notation on the deed to the property, attaching as-built plans for the solid waste management facility, or on some other instrument normally examined during a title search, that will in perpetuity notify any potential purchaser of the property of any special conditions or limitations for use of the site, as set out in the closure plan and closure document.

Subp. 3. **Certification of closure.** When final facility or fill phase closure is completed, the owner shall submit to the commissioner certification by the owner and an engineer registered in Minnesota that the facility or phase has been closed in accordance with subpart 2. The certification must contain: a completed and signed Site Closure Record and as-built plans showing changes from the original design plans; testing results indicating compliance with final cover, waste removal, equipment decontamination, and other closure requirements; and other forms of documentation such as pictures showing the construction techniques used during closure. The final facility closure certification must include a copy of the notation filed with the county recorder and carrying the recorder's seal.

7035.2645 POSTCLOSURE.

Subpart 1. **Submittal of postclosure plan.** The landowner and the owner of a solid waste management facility shall submit a postclosure plan with the permit application. The agency must approve the plan in accordance with part 7001.3055 as part of the permit issuance procedure or as a submittal required by a closure document, stipulation agreement, or other enforcement action. Compliance with the approved postclosure plan shall be a condition of any permit or closure document issued.

Subp. 2. **Postclosure plan.** The landowner and the facility owner must keep a copy of the approved plan and amendments at the facility until the postclosure care period begins. During the postclosure care period, the plan must be kept by the contact person identified in item C. This plan must identify the activities to be carried on during the postclosure care period and the frequency of these activities, and must include at least:

A. A description, schedule, and estimated costs of planned monitoring activities to comply with part 7035.2815, subparts 10 and 14, during the postclosure care period.

B. A description, schedule, and estimated costs of the inspection and maintenance activities planned to ensure the integrity of the final cover and other containment systems according to part 7035.2815, subpart 13, and the function of the facility monitoring equipment according to part 7035.2815, subpart 14.

C. The name, address, and telephone number of the person or office to contact about the facility during the postclosure care period. This person or office must keep an updated postclosure plan during the postclosure care period.

Subp. 3. **Amendment to plan.** The landowner and the facility owner may amend the postclosure plan at any time during the active life of the facility or during the postclosure care period. The landowner and the facility owner must amend the plan whenever changes in the operating plans, or facility design, or other events during the active life of the facility or the postclosure period affect the postclosure plan. The landowner and the facility owner must amend the plan whenever there is a change in the expected year of closure. The amended plan must be approved by the commissioner.

When a permit modification is requested to authorize a change in operating plans or facility design that will affect the postclosure plan, the landowner and facility owner must modify the postclosure plan at the same time. In all cases, the landowner or facility owner must request a modification of the plan within 60 days of any change or event that affects the postclosure plan.

7035.2655 POSTCLOSURE CARE AND USE OF PROPERTY.

Subpart 1. **Postclosure care requirements.** Postclosure care requirements are as follows:

A. Postclosure care must continue for at least 20 years after the date of completing closure.

B. During the postclosure care period, based on the results of sampling, analysis, and other pertinent information, the commissioner may reevaluate and modify the closure document to the extent postclosure care is needed at a facility based on compliance with the requirements of item C; subpart 2; parts 7035.2565, and 7035.2815 to 7035.2875; and gas, leachate, or ground and surface water monitoring results.

C. All postclosure care activities must be in accordance with the approved postclosure plan.

Subp. 2. **Postclosure use of property.** The landowner must not allow postclosure use of the facility property to disturb the integrity of final covers, liners, or any other components of any containment system, or the function of the facility's monitoring system, unless the commissioner determines that the disturbance:

A. is necessary to the proposed use of the property and will not cause a violation of the standards outlined in parts 7035.2565 and 7035.2815, subpart 4; and

B. is necessary to remedy a violation of the standards in parts 7035.2565 and 7035.2815, subpart 4.

FINANCIAL REQUIREMENTS

7035.2665 SCOPE.

Parts 7035.2675 to 7035.2805 apply to owners and operators of mixed municipal solid waste land disposal facilities.

7035.2685 COST ESTIMATES FOR CLOSURE, POSTCLOSURE CARE, AND CORRECTIVE ACTION.

Subpart 1. **Cost estimate requirements.** The following provisions apply to cost estimates.

A. The owner or operator shall make a written estimate, in current dollars, of the cost of closing the facility in accordance with part 7035.2625 and applicable closure requirements in part 7035.2635. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan.

B. The owner or operator of a facility subject to postclosure monitoring or maintenance requirements shall make a written estimate, in current dollars, of the annual cost of postclosure monitoring and maintenance of the facility in accordance with the applicable postclosure requirements in part 7035.2645. The owner or operator must calculate the postclosure cost estimate by multiplying the annual postclosure cost estimate by the number of years of postclosure care required under part 7035.2655. The postclosure cost estimate must include a contingency element that accounts for inflation expected to occur after site closure.

C. The owner or operator shall make a written estimate, in current dollars, of the cost of performing contingency action. The contingency action cost estimate must equal the expected value of implementing the contingency action plan required under part 7035.2615. The owner or operator of a new facility may use method (1) or (2) to calculate the expected value of implementing the contingency action plan. The owner or operator of an existing facility must use method (2) to calculate the expected value of implementing the contingency action plan.

(1) The expected value may be based on probability analyses unique to the facility. These analyses must determine the probability of occurrence of each event described in the contingency action plan. The expected value of a single event is its implementation cost times its probability of occurrence. The expected value of implementing the entire contingency action plan is the sum of the expected values of each event described in the plan. If an owner or operator chooses this alternative, the owner or operator shall provide the commissioner with details of the cost and probability analyses sufficient to allow the commissioner to evaluate the plan.

(2) The expected value calculations may assume that the probabilities of occurrence of the events described in the contingency action plan are normally distributed. These calculations will assign probabilities to events according to the following formula:

$$f(x) = \left(\frac{1}{\sqrt{2pi\sigma}} \right) e^{-(x-\mu)^2/(2\sigma^2)}$$

where $f(x)$ = the probability of occurrence of event x;

μ = the mean (or average) value of the normal random variable x;

$= \Sigma x/n$;

n = the number of times x is evaluated;

σ = the standard deviation of x;

$$= \frac{\Sigma (x-\mu)^2}{\sqrt{(n-1);}}$$

pi = 3.1416;

e = 2.7183; and

x = a specified dollar interval that controls the number of times x will be evaluated within the range defined by zero and the worst case series of events.

(a) The probabilities derived must sum to at least 1.0.

(b) The probability of the most costly series of events must be at least four times greater than the probability of no contingency action costs.

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(c) The probability of the most costly series of events must be at least 0.01.

(d) The last value of x evaluated must equal the value of the most costly series of events.

Subp. 2. **Yearly update of cost estimate.** During the operating life of the facility, the owner or operator shall adjust the cost estimates required in subpart 1 for inflation annually before the anniversary of the date on which the first cost estimates were prepared. The adjustment must be made using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as found in the Survey of Current Business issued by the United States Department of Commerce. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year. The commissioner shall inform the owner or operator of the inflation factor needed to adjust cost estimates. Adjustments must be made by multiplying the latest cost estimate by the inflation factor. The result is the adjusted cost estimate.

In addition to any yearly update made under this subpart, the owner or operator must revise the cost estimates whenever a change in site conditions increases the cost of closure, postclosure care, or corrective action. The revised cost estimates must be adjusted for inflation as specified in this subpart.

Subp. 3. **Record retention.** The owner or operator must keep at the facility during the operating life of the facility: the latest cost estimates prepared in accordance with subpart 2, and, when the estimates have been adjusted in accordance with subpart 2, the latest adjusted cost estimates.

7035.2695 FINANCIAL ASSURANCES REQUIRED.

The owner or operator of a facility shall establish financial assurance for closure, postclosure care and corrective action at the facility by using one or more of the financial assurance mechanisms specified in parts 7035.2705 to 7035.2750.

7035.2705 TRUST FUND.

Items A to M apply to trust funds:

A. An owner or operator may satisfy the requirements of part 7035.2695 by establishing a trust fund that conforms to the requirements of items A to M and by submitting to the commissioner an originally-signed duplicate of the trust agreement. The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or Minnesota state agency.

(1) An owner or operator of a new facility shall submit the originally-signed duplicate of the trust agreement to the commissioner with the final permit application for the facility.

(2) An owner or operator of an existing facility with a remaining capacity of more than five years or 500,000 cubic yards shall submit the originally-signed duplicate of the trust agreement to the commissioner within 180 days of the effective date of parts 7035.2665 to 7035.2805.

(3) An owner or operator of an existing facility that does not meet the criterion in subitem (2) shall submit the originally-signed duplicate of the trust agreement to the commissioner within a year of the effective date of parts 7035.2665 to 7035.2805.

(4) If the owner or operator cannot meet the requirements of subitem (1), (2), or (3) because the needed cost estimates have not been completed, the commissioner will provide the owner or operator with cost estimates. The owner or operator must then submit to the commissioner an originally-signed duplicate of the trust agreement and make first payment into the trust account within 60 days after the owner or operator receives the cost estimates. The commissioner will also make appropriate revisions, until the owner or operator submits the required plans and cost estimates.

B. The wording of the trust agreement must be identical to the wording specified in part 7035.2805, subpart 1, and must be accompanied by a formal certification of acknowledgment as shown in part 7035.2805, subpart 2. The trust agreement must be updated within 60 days after a change in the amount of the current cost estimates covered by the agreement.

C. The owner or operator must make monthly payments into the trust fund over the term of the pay-in period. The payments into the trust fund must be made as described in subitems (1), (2), and (3).

(1) The owner or operator of a new facility must make the first payment before the initial receipt of waste for disposal. The owner or operator must submit to the commissioner a receipt from the trustee for the first payment before the initial receipt of waste. The first payment must be determined by this formula:

$$\text{payment} = \frac{CE}{Y \times 12}$$

where CE is the sum of the current cost estimates and Y is the number of years remaining in the operating life of the site. Subsequent payments must be made no later than the last day of the month following the previous payment. The amount of each subsequent payment must be determined by this formula:

$$\text{payment} = \frac{CE - CV}{Y \times 12}$$

where CE is the sum of the current cost estimates, CV is the current value of the trust fund, and Y is the number of years remaining in the operating life of the site.

The operating life of the site must be determined by the following formula:

$$Y = \frac{DC}{A \times W \times (1 + B)}$$

where:

DC = the design capacity of the site,

A = the ratio of loose to compacted waste volume achieved at the site,

B = the ratio of the volume of cover material (both intermittent and final) to waste receipts at the site, and

W = the weighted five-year moving average of reported annual waste receipts. The weights applied to the annual waste receipts are:

previous year	= .50
two years ago	= .25
three years ago	= .15
four years ago	= .07
five years ago	= .03

(2) For an existing facility, the first payment must be made no later than one year after the effective date of parts 7035.2665 to 7035.2805. The owner or operator must submit to the commissioner a receipt from the trustee for this payment within ten days after the payment is made. Payments into the trust fund must be determined by the formula in subitem (1).

(3) If an owner or operator previously has established a trust fund and the value of that trust fund is less than the sum of the current cost estimates when a permit is issued to the facility, the amount of the sum of the current cost estimates still to be paid into the trust fund must be paid in over the operating life of the site. The first payment must be made within 30 days of the permit issuance. Subsequent payments must be made no later than the last day of the month following the previous payment. The amount of each payment must be determined by the formula contained in subitem (1).

(4) The owner or operator must make annual revisions of the estimated operating life of the site. The revisions must be made no later than the anniversary date of the first payment into the trust fund.

(5) The pay-in amount per cubic yard need not exceed the previous year's tipping fee per cubic yard. If the owner or operator does not charge a tipping fee, then the pay-in amount per cubic yard need not exceed the statewide average tipping fee, as determined and communicated by the commissioner.

D. The owner or operator may make payments less than those calculated under item C under the following conditions:

(1) For privately-owned sites, the owner or operator must show that the payment calculated under item C exceeds, on an annual basis, the facility's current cash flow minus 150 percent of current depreciation expenses. The facility's cash flow consists of net income plus depreciation costs plus amortizations of intangible assets. The information presented in support of this demonstration must include at least:

(a) balance sheets for the past three years;

(b) income statements for the past three years;

(c) funds statements for the past three years; and

(d) a certified public accountant's written opinion that the statements are accurate.

(2) For publicly-owned sites, the owner or operator must show that the payment calculated under item C exceeds, on an annual cost per capita basis, 0.1 percent of per capita income within the owner's or operator's jurisdiction. The annual cost per capita will be derived by dividing the total annual cost of payments calculated under item C by the population in the facility's service area. The information provided in support must be the latest income data compiled by the state demographer.

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(3) If the owner or operator has shown that the trust fund payment exceeds the criterion set in subitem (1) or (2), the commissioner shall determine, in consultation with the owner or operator, whether it is possible for the facility to generate enough revenue to develop a trust fund that will cover the current cost estimates. The information that will inform the decision must be provided by the owner or operator and must consist of:

(a) current measurements and future estimates, for at least ten years, of waste flow into the facility;

(b) ten-year pro forma statements of operating income and expense;

(c) estimates, for at least ten years, of demographic and economic trends in the facility's service area;

(d) compilations and analyses supporting the information provided under units (a), (b), and (c); and

(e) any further information the owner or operator believes relevant to the matter.

(4) If the commissioner determines that the site cannot generate enough revenue to satisfy the criteria set in subitem (1) or (2), then the owner or operator must either:

(a) make payments into the trust fund larger than the payment calculated under item C, so that these payments will be large enough to develop a trust fund equal to the current cost estimates; or

(b) schedule the closure procedures described in parts 7035.2625 and 7035.2635.

E. The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the sum of the current cost estimates at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in item C.

F. If the owner or operator establishes a trust fund after having used one or more alternate financial assurance mechanisms specified in parts 7035.2705 to 7035.2750, the first payment into the trust fund must be at least the amount that the fund would contain if the trust fund were established initially and monthly payments made according to specifications of this part.

G. If the sum of the current cost estimates changes, the owner or operator shall compare the new estimates with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimates, the owner or operator, within 60 days after the change in the cost estimates, shall either change the trust fund pay-in schedule so that it incorporates the changes in the sum of the current cost estimates and submit evidence of this change to the commissioner, or establish other financial assurance mechanisms as specified in parts 7035.2705 to 7035.2750 to cover the difference.

H. During the operating life of the facility, if the value of the trust fund is greater than the sum of the current cost estimates, the owner or operator may submit a written request together with supporting documents to the commissioner for release of the amount in excess of the sum of the current cost estimates covered by the trust fund.

I. If an owner or operator substitutes other financial assurance mechanisms as specified in parts 7035.2705 to 7035.2750 in place of all or part of the trust fund, the owner or operator may submit a written request to the commissioner for release of the amount in excess of the sum of the current cost estimates covered by the trust fund.

J. Within 60 days after receiving a request from the owner or operator for release of funds as specified in item H or I, the commissioner shall instruct the trustee to release to the owner or operator funds in excess of the current cost estimates covered by the trust fund.

K. The trustee shall notify the owner or operator and the commissioner by certified mail within ten days if a payment is not made on the required date. The owner or operator must then stop accepting waste until the required payment is made. If the required payment is not made within 60 days of the commissioner's receipt of the nonpayment notice, the owner or operator shall close the facility as provided in part 7035.2635.

L. After beginning actions at the facility that are specified in closure, postclosure care or contingency action plans, an owner, operator, or other person authorized to perform those actions may request reimbursement for expenditures on completed work by submitting itemized bills to the commissioner. Within 90 days after receiving bills for closure activities, postclosure care or contingency actions, the commissioner shall determine whether the expenditures are in accordance with the appropriate plan or are needed to ensure proper closure, postclosure care or corrective action. The commissioner shall then instruct the trustee to make reimbursement in the amounts the commissioner specifies in writing. If the commissioner determines that the total cost incurred will be significantly greater than the value of the trust fund, the commissioner may withhold reimbursement of the amounts as deemed prudent until it is determined, in accordance with part 7035.2775, that the owner or operator is no longer required to maintain financial assurance.

The commissioner shall decide whether to withhold reimbursement based on changes in unit costs incurred. If costs per unit incurred at the site exceed contingency allowances made in cost estimates, the commissioner may withhold reimbursement. The commissioner shall, within 30 days of the decision, provide the owner or operator with written reasons for withholding reimbursement.

M. The commissioner shall agree to termination of the trust if:

(1) an owner or operator substitutes alternate financial assurance as specified in parts 7035.2705 to 7035.2750; or

(2) the agency releases the owner or operator from the requirements of this part in accordance with part 7035.2775.

7035.2715 TRUST FUND FOR UNRELATED SITES.

Items A to E apply to trust funds which receive payments from more than one owner or operator for financial assurance at different sites. Such trust funds shall operate like the trust funds specified in part 7035.2705, except that:

A. The trustee shall maintain a separate account for each site and shall evaluate each account annually as of the day of creation of the trust.

B. The trustee shall annually notify each owner or operator and the commissioner of the evaluation of each owner's or operator's account.

C. The trustee shall release excess funds as required from the account for each site.

D. The trustee shall reimburse the owner or operator or other person authorized to perform closure, postclosure care or corrective action only from the account for that site.

E. The agency may direct the trustee to withhold payments only from the account for the site for which it has reason to believe the cost of closure, postclosure care, or corrective action will be greater than the value of the account.

7035.2720 DEDICATED LONG-TERM CARE TRUST FUNDS.

Subpart 1. **Application.** Subparts 1 to 15 apply to dedicated long-term care trust funds.

Subp. 2. **Trust fund allowed.** An owner or operator of a facility owned by a political subdivision may satisfy the requirements of part 7035.2695 by establishing by resolution a dedicated long-term care trust fund for the facility. The fund trustee who is designated by the resolution incurs a fiduciary responsibility for the fund and is responsible for reporting to the commissioner the information required under this part.

A. An owner or operator of a new facility shall submit the originally-signed duplicate of the resolution which orders establishment of the fund to the commissioner with the final permit application for the facility.

B. An owner or operator of an existing facility with a remaining capacity of more than five years or 500,000 cubic yards shall submit the originally-signed duplicate of the resolution which orders establishment of the fund to the commissioner within 180 days after the effective date of parts 7035.2665 to 7035.2805.

C. An owner or operator of an existing facility that does not meet the criterion in item B shall submit the originally-signed duplicate of the resolution which orders establishment of the fund to the commissioner within a year after the effective date of parts 7035.2665 to 7035.2805.

D. If the owner or operator cannot meet the requirements of item A, B, or C because the required cost estimates have not been completed, the commissioner will provide the owner or operator with cost estimates. The owner or operator must then submit to the commissioner an originally-signed duplicate of the resolution and make first payment into the fund within 60 days after the owner or operator receives the cost estimates. The commissioner shall also make appropriate revisions to the cost estimates until the owner or operator submits the required plans and cost estimates.

E. The owner or operator of a facility owned by a political subdivision must substitute another financial assurance mechanism as specified in parts 7035.2705 to 7035.2750 if:

(1) at any time after the effective date of this part the owner or operator does not respond on time to agency orders to perform activities which are described in the facility permit or other compliance documents and which relate to facility closure, postclosure care and maintenance, and/or corrective action;

(2) the reports required under subpart 3 indicate that the owner or operator has not managed the dedicated long-term care trust fund according to the requirements of this part; or

(3) the owner or operator rescinds or changes the resolution required under subpart 4 without having first obtained written permission from the commissioner.

The commissioner shall notify the owner or operator when any of the conditions described in this item occurs. Within 60 days

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after receiving the notice, the owner or operator shall provide the commissioner with evidence that a substitute financial assurance mechanism has become effective. If the required substitution is not made within 60 days after the owner or operator receives notice, the owner or operator shall close the facility as provided in part 7035.2635.

Subp. 3. **Submission to commissioner.** The owner or operator shall send the following items to the commissioner to demonstrate that the dedicated long-term care trust fund is being developed in compliance with this part:

A. A copy of the owner's or operator's financial statements for the latest completed fiscal year. The owner or operator shall send the financial statements prepared in accordance with Minnesota Statutes, section 375.17, 471.697, or 471.698. The statements must clearly report the status of the dedicated long-term care trust fund.

B. A report from an independent certified public accountant stating that the status of the dedicated long-term care trust fund conforms to the requirements of this part.

The initial submission to the commissioner of the materials required under items A and B is due one year after submission of the originally-signed duplicate of the resolution. After the initial submission of materials specified in items A and B, the owner or operator must send updated information to the commissioner within 90 days after the close of each succeeding fiscal year.

Subp. 4. **Resolution language.** The wording of the resolution that establishes the dedicated long-term care trust fund must be identical to the wording in part 7035.2805, subpart 9.

Subp. 5. **Monthly payments required.** The owner or operator must make monthly payments into the dedicated long-term care trust fund over the term of the pay-in period. The payments into the fund must be made as described in items A, B, and C.

A. The owner or operator of a new facility must make the first payment before the initial receipt of waste for disposal. The owner or operator must submit to the commissioner a certification from the trustee for the first payment before the initial receipt of waste. The first payment must be determined by this formula:

$$\text{payment} = \frac{CE}{Y \times 12}$$

where CE is the sum of the current cost estimates and Y is the number of years remaining in the operating life of the site. Subsequent payments must be made no later than the last day of the month following the previous payment. The amount of each subsequent payment must be determined by this formula:

$$\text{payment} = \frac{CE - CV}{Y \times 12}$$

where CE is the sum of the current cost estimates, CV is the current balance of the fund, and Y is the number of years remaining in the operating life of the site.

The operating life of the site must be determined by the following formula:

$$Y = \frac{DC}{A \times W \times (1+B)}$$

where:

DC = the design capacity of the site,
A = the ratio of loose to compacted waste volume achieved at the site,
B = the ratio of the volume of cover material (both intermittent and final) to waste receipts at the site, and
W = the weighted five-year moving average of reported annual waste receipts.

The weights applied to the annual waste receipts are:

previous year	= .50
two years ago	= .25
three years ago	= .15
four years ago	= .07
five years ago	= .03

B. For an existing facility, the first payment must be made no later than one year after the effective date of parts 7035.2665 to 7035.2805. The owner or operator must submit to the commissioner a certification from the trustee for this payment within ten days after the payment is made. Payments into the fund must be determined by the methods in item A.

C. If an owner or operator previously has established a fund and the value of that fund is less than the sum of the current cost estimates when a permit is issued for the facility, the portion of the sum of the current cost estimates still to be paid into the fund must be paid in over the operating life of the site. The first payment must be made within 30 days of the permit issuance.

Subsequent payments must be made no later than the last day of the month following the previous payment. The amount of each payment must be determined by the second formula contained in item A.

D. The owner or operator must make annual revisions of the estimated operating life of the facility. The revisions must be made no later than the anniversary date of the first payment into the trust fund.

E. The pay-in amount per cubic yard need not exceed the previous year's tipping fee per cubic yard. If the owner or operator does not charge a tipping fee, then the pay-in amount per cubic yard need not exceed the statewide average tipping fee, as determined and communicated by the commissioner.

Subp. 6. **Exceptions to calculation method.** The owner or operator may make payments less than those calculated in accordance with subpart 5 under the following conditions:

A. The owner or operator must show that the payment calculated under subpart 5 exceeds, on an annual cost per capita basis, 0.1 percent of per capita income within the owner's or operator's jurisdiction. The annual cost per capita will be derived by dividing the total annual cost of payments calculated under subpart 5 by the population in the facility's service area. The information provided must be the latest income data compiled by the state demographer.

B. If the owner or operator has shown that the trust fund payment exceeds the criterion in item A, the commissioner shall determine, in consultation with the owner or operator, whether it is possible for the facility to generate enough revenue to develop a trust fund that will cover the current cost estimates. The information that will inform the decision must be provided by the owner or operator and must consist of:

(1) current measurements and future estimates, for at least ten years, of waste flow into the facility;

(2) ten-year pro forma statements of income and expense;

(3) estimates, for at least ten years, of demographic and economic trends in the facility's service area;

(4) compilations and analyses supporting the information provided under subitems (1), (2), and (3); and

(5) any further information the owner or operator believes relevant to the matter.

C. If the commissioner determines that the site cannot generate enough revenue to satisfy the criterion in item A, then the owner or operator must either:

(1) make payments into the trust fund larger than the payment calculated under subpart 5, so that these payments will be large enough to develop a trust fund equal to the current cost estimates; or

(2) schedule the closure procedures described in parts 7035.2625 and 7035.2635.

Subp. 7. **Accelerated payment allowed.** The owner or operator may accelerate payments into the fund or may deposit the full amount of the sum of the current cost estimates at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value that the fund would have if monthly payments were made as specified in subpart 5.

Subp. 8. **Minimum alternate payment.** If the owner or operator establishes a dedicated long-term care trust fund after having used one or more alternate financial assurance mechanisms specified in parts 7035.2705 to 7035.2750, the first payment into the fund must be at least the amount that the fund would contain if the fund were established initially and monthly payments made according to specifications of this part.

Subp. 9. **Increase in cost estimate.** If the sum of the current cost estimates changes, the owner or operator shall compare the new estimates with the trustee's most recent annual valuation of the fund. If the value of the fund is less than the amount of the new estimates, the owner or operator, within 60 days after the change in the cost estimates, shall either change the fund pay-in schedule so that it incorporates the changes in the sum of the current cost estimates and submit evidence of this change to the commissioner, or establish other financial assurance mechanisms as specified in parts 7035.2705 to 7035.2750 to cover the difference.

Subp. 10. **Increase in trust fund value.** During the operating life of the facility, if the value of the dedicated long-term care trust fund is greater than the sum of the current cost estimates, the owner or operator may submit a written request together with supporting documents to the commissioner for permission to release the amount in excess of the sum of the current cost estimates covered by the fund.

Subp. 11. **Excess in other financial mechanisms.** If an owner or operator substitutes other financial assurance mechanisms as

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specified in parts 7035.2705 to 7035.2750 in place of all or part of the dedicated long-term care trust fund, then the owner or operator may submit a written request to the commissioner for permission to release the amount in excess of the sum of the current cost estimates covered by the fund.

Subp. 12. **Release of excess funds.** Within 60 days after receiving a request from the owner or operator for release of funds as specified in subpart 10 or 11, the commissioner shall instruct the trustee to release to the owner or operator funds in excess of the latest cost estimates covered by the fund.

Subp. 13. **Late payment; effect.** The trustee shall notify the owner or operator and the commissioner by certified mail within ten days if a payment is not made on the required date. The owner or operator must then stop accepting waste until the required payment is made. If the required payment is not made within 60 days of the commissioner's receipt of the nonpayment notice, the owner or operator shall close the facility as provided in part 7035.2635.

Subp. 14. **Trust fund disbursements.** After beginning actions at the facility that are specified in closure, postclosure care, or contingency action plans, the owner or operator must request and receive the commissioner's permission before the trustee may authorize any disbursements from the dedicated long-term care trust fund. The owner or operator must provide itemized bills in support of the request for permission to make payments from the fund.

Within 90 days after receiving a request to authorize a disbursement from the fund, the commissioner shall determine whether the expenditures are in accordance with the appropriate plan or are needed to ensure proper closure, postclosure care, or corrective action. The commissioner shall then authorize the trustee to make payments from the fund in amounts specified in writing. If the commissioner determines that the total cost incurred will be significantly greater than the value of the fund, the commissioner may withhold permission until it is determined, in accordance with part 7035.2775, that the owner or operator is no longer required to maintain financial assurance.

The commissioner shall decide whether to withhold permission to make payment based on changes in unit costs incurred. If costs per unit incurred at the site exceed contingency allowances made in cost estimates, the commissioner may withhold permission to make payment. The commissioner shall, within 30 days of the decision, provide the owner or operator with written reasons for withholding permission to make payment.

Subp. 15. **Termination of trust fund.** The commissioner shall agree to termination of the dedicated long-term care trust fund if:

A. the owner or operator substitutes alternate financial assurance as specified in parts 7035.2705 to 7035.2750; or

B. the agency releases the owner or operator from the requirements of this part in accordance with part 7035.2775.

7035.2725 SURETY BOND GUARANTEEING PAYMENT INTO A TRUST FUND.

Items A to I apply to surety bonds that guarantee payment into a trust fund:

A. An owner or operator may satisfy the requirements of part 7035.2695 by obtaining a surety bond that conforms to the requirements of this part and by submitting the bond to the commissioner. The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1.

(1) An owner or operator of a new facility shall submit the bond to the commissioner along with the final permit application. The bond must be effective before the initial receipt of waste.

(2) An owner or operator of an existing facility with a remaining capacity of more than five years or 500,000 cubic yards shall submit the bond to the commissioner within 180 days of the effective date of parts 7035.2665 to 7035.2805.

(3) An owner or operator of an existing facility that does not meet the criterion in subitem (2) shall submit the bond to the commissioner within a year of the effective date of parts 7035.2665 to 7035.2805.

B. The wording of the surety bond must be identical to the wording specified in part 7035.2805, subpart 3.

C. The owner or operator who uses a surety bond to satisfy the requirements of part 7035.2695 shall also establish a standby trust fund. Under the terms of the bond, the surety will deposit all payments made under the bond directly into the standby trust fund in accordance with instructions from the commissioner. This standby trust fund must meet the requirements in part 7035.2705 or 7035.2715, except that an originally-signed duplicate of the trust agreement must be submitted to the commissioner with the surety bond. The trust must meet the requirements specified in subitems (1) to (4) if the standby trust is funded under this part:

(1) payments into the trust fund as specified in part 7035.2705;

(2) updating of Schedule A of the trust agreement to show the sum of the current cost estimates;

(3) annual valuations as required by the trust agreement; and

(4) notices of nonpayment as required by the trust agreement.

D. The bond must guarantee that the owner or operator will:

(1) fund the standby trust fund an amount equal to the penal sum of the bond before the beginning of closure of the facility;

(2) pay into the standby trust fund in an amount equal to the penal sum within 15 days after an order to close the facility is issued by the commissioner, the agency, or a court of competent jurisidiction; or

(3) provide alternate financial assurance as specified in parts 7035.2705 to 7035.2750 and obtain the commissioner's written approval of the assurance provided, within 90 days after receipt by both the owner and operator and the commissioner of a notice of cancellation of the bond from the surety.

E. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

F. The penal sum of the bond must equal the sum of the current cost estimates.

G. Whenever the sum of the current cost estimates becomes greater than the penal sum, the owner or operator, within 60 days after the increase, shall either increase the penal sum to an amount at least equal to the sum of the current cost estimates and submit evidence of the increase to the commissioner, or obtain other financial assurance as specified in parts 7035.2705 to 7035.2750 to cover the increase. Whenever the sum of the current cost estimates decreases, the penal sum shall be reduced to the amount of the sum of the current cost estimates following written approval by the commissioner.

H. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the commissioner. However, cancellation is not effective until 120 days after the commissioner has received the notice of cancellation, as evidenced by return receipt.

I. The owner or operator may cancel the bond if the commissioner has given prior written consent based on the commissioner's receipt of evidence of alternate financial assurance as specified in parts 7035.2705 to 7035.2750.

7035.2735 SURETY BOND GUARANTEEING PERFORMANCE.

Items A to J apply to surety bonds that guarantee performance:

A. An owner or operator may satisfy the requirements of part 7035.2695 by obtaining a surety bond that conforms to the requirements of items A to J and by submitting the bond to the commissioner. The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1.

(1) An owner or operator of a new facility shall submit the bond to the commissioner along with the final permit application. The bond must be effective before the initial receipt of waste.

(2) An owner or operator of an existing facility with a remaining capacity of more than five years or 500,000 cubic yards shall submit the bond to the commissioner within 180 days after the effective date of parts 7035.2665 to 7035.2805.

(3) An owner or operator of an existing facility that does not meet the criterion in subitem (2) shall submit the bond to the commissioner within a year after the effective date of parts 7035.2665 to 7035.2805.

B. The wording of the surety bond must be identical to the wording specified in part 7035.2805, subpart 4.

C. The owner or operator who uses a surety bond to satisfy the requirements of part 7035.2695 shall also establish a standby trust fund. Under the terms of the bond, the surety will deposit all payments made under the bond directly into the standby trust fund in accordance with instructions from the commissioner. This standby trust must meet the requirements specified in part 7035.2705, except that an originally-signed duplicate of the trust agreement must be submitted to the commissioner with the surety bond. The requirements in subitems (1) to (4) must be met if the standby trust fund is funded under this part:

(1) payments into the trust fund as specified in part 7035.2705;

(2) updating of Schedule A of the trust agreement to show current cost estimates;

(3) annual valuations as required by the trust agreement; and

(4) notices of nonpayment as required by the trust agreement.

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D. The bond must guarantee that the owner or operator will:

(1) perform closure, postclosure care, or corrective action in accordance with the appropriate plans and other requirements of the permit for the facility whenever required to do so; or

(2) provide alternate financial assurance as specified in parts 7035.2705 to 7035.2750 and obtain the commissioner's written approval of the assurance provided, within 90 days after receipt by the commissioner of a notice of cancellation of the bond from the surety.

E. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination by the commissioner that the owner or operator has failed to perform final closure, postclosure care, or corrective action in accordance with the appropriate plan and other permit requirements when required to do so, under the terms of the bond the surety shall deposit the amount of the penal sum into the standby trust fund.

F. The penal sum of the bond must at least equal the sum of the current cost estimates.

G. Whenever the sum of the current cost estimates becomes greater than the penal sum, the owner or operator, within 60 days after the increase, shall either increase the penal sum to the sum of the current cost estimates and submit evidence of the increase to the commissioner, or obtain other financial assurance as specified in parts 7035.2705 to 7035.2750. Whenever the sum of the current cost estimates decreases, the penal sum shall be reduced to the sum of the current cost estimates following written approval by the commissioner.

H. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the commissioner. However, cancellation is not effective until 120 days after the commissioner has received the notice of cancellation, as evidenced by the return receipt.

I. The owner or operator may cancel the bond if the commissioner has given prior written consent. The commissioner shall provide such written consent if:

(1) an owner or operator substitutes alternate financial assurance as specified in parts 7035.2705 to 7035.2750; or

(2) the agency releases the owner or operator from the requirements of part 7035.2695 in accordance with part 7035.2775.

J. The surety will not be liable for deficiencies in the performance of closure, postclosure care, or corrective actions by the owner or operator after the agency releases the owner or operator from the requirements of part 7035.2695 in accordance with part 7035.2775.

7035.2745 LETTER OF CREDIT.

Items A to J apply to letters of credit:

A. An owner or operator may satisfy the requirements of part 7035.2695 by obtaining an irrevocable letter of credit which conforms to the requirements of items A to J, and by submitting the letter to the commissioner. The issuing institution must be an entity which has the authority to issue letters of credit. Its letter-of-credit operations must be regulated and examined by a federal or state agency.

(1) An owner or operator of a new facility shall submit the letter of credit to the commissioner along with the final permit application before the date on which waste is first received for disposal. The letter of credit must be effective before the initial receipt of waste.

(2) An owner or operator of an existing facility with a remaining capacity of more than five years or 500,000 cubic yards shall submit the letter of credit to the commissioner within 180 days after the effective date of parts 7035.2695 to 7035.2805.

(3) An owner or operator of an existing facility that does not meet the criterion in subitem (2) shall submit the letter of credit to the commissioner within a year after the effective date of parts 7035.2695 to 7035.2805.

B. The wording of the letter of credit must be identical to the wording in part 7035.2805, subpart 5.

C. An owner or operator who uses a letter of credit to satisfy the requirements of part 7035.2695 shall also establish a standby trust fund. Under the terms of the letter of credit, the issuing institution will deposit all amounts paid directly into the standby trust fund in accordance with instructions from the commissioner. This standby trust fund must meet the requirements in part 7035.2705 or 7035.2715 except that an originally-signed duplicate of the trust agreement must be submitted to the commissioner with the letter of credit. The requirements in subitems (1) to (4) must be met if the standby trust fund is funded under this part:

(1) payments into the trust fund as specified in part 7035.2705;

(2) updating of Schedule A of the trust agreement to show current cost estimates;

(3) annual valuations as required by the trust agreement; and

(4) notices of nonpayment as required by the trust agreement.

D. The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information: the identification number, name, and address of the facility, and the amount of funds assured for closure, postclosure care, or corrective action at the facility by the letter of credit.

E. The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be extended automatically for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the commissioner by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when the commissioner has received the notice, as evidenced by the return receipt.

F. The letter of credit must be issued in an amount at least equal to the sum of the current cost estimates.

G. Whenever the sum of the current cost estimates becomes greater than the amount of the credit, the owner or operator, within 60 days after the increase, shall either cause the amount of the credit to be increased so that it at least equals the sum of the current cost estimates and shall submit evidence of the increase to the commissioner or obtain other financial assurance as specified in parts 7035.2705 to 7035.2750 to cover the increase. Whenever the sum of the current cost estimates decreases, the amount of the credit shall be reduced to the amount of the current cost estimate following written approval by the commissioner.

H. Following a determination by the commissioner that the owner or operator has failed to perform final closure, postclosure care, or corrective action in accordance with the appropriate plan and other permit requirements when required to do so, the commissioner shall draw on the letter of credit.

I. The commissioner shall draw on the letter of credit if the owner or operator does not establish alternate financial assurance as specified in parts 7035.2705 to 7035.2750 and obtain written approval of alternate assurance from the commissioner within 90 days after the commissioner receives notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date. The commissioner may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any extension the commissioner shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in parts 7035.2705 to 7035.2750 and obtain written approval of the assurance from the commissioner.

J. The commissioner shall return the letter of credit to the issuing institution for termination if:

(1) an owner or operator substitutes alternate financial assurance as specified in parts 7035.2705 to 7035.2750; or

(2) the agency releases the owner or operator from the requirements of part 7035.2705 in accordance with part 7035.2775.

7035.2750 SELF-INSURANCE.

The provisions of items A to M apply to self-insurance.

A. An owner or operator may satisfy the requirements of part 7035.2695 by providing proof that the owner or operator meets the criteria of one of the financial tests in item B. An owner or operator who wants to self-insure must also send to the commissioner one of three forms of approved security. The approved securities are:

(1) unsubordinated debentures whose market value equals or exceeds the sum of the current cost estimates;

(2) municipal bonds whose market value equals or exceeds the sum of the current cost estimates; or

(3) warrants drawn on the owner's or operator's municipal treasury in an amount that equals or exceeds the sum of the current cost estimates.

B. The owner or operator must meet the criteria of subitem (1), (2), or (3) to pass the financial test.

(1) The owner or operator of a privately-owned facility must have:

(a) two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5;

(b) net working capital and tangible net worth each at least six times the current cost estimates for all owned or operated waste facilities;

(c) tangible net worth of at least $10,000,000; and

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(d) assets in the United States amounting to at least 90 percent of the owner's or operator's total assets or at least six times the current cost estimates for all owned or operated waste facilities.

(2) As an alternative to subitem (1), the owner or operator of a privately-owned facility must have:

(a) a current rating for its most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

(b) tangible net worth at least six times the sum of the current cost estimates for all owned or operated facilities covered;

(c) tangible net worth of at least $10,000,000; and

(d) assets located in the United States amounting to at least 90 percent of the owner's or operator's total assets or at least six times the sum of the current cost estimates for all facilities covered.

(3) The owner or operator of a publicly-owned facility must have:

(a) a current rating for its most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

(b) a surplus of the net debt limit imposed by Minnesota Statutes, section 475.53 over existing debt that exceeds the sum of the current cost estimates;

(c) current tax levies that do not exceed the levy limits imposed by Minnesota Statutes, section 275.51; and

(d) a certification by an appropriate official that no foreseeable conditions in the coming year will cause the owner or operator to fail to meet the criteria outlined in units (a), (b), and (c).

C. To demonstrate that the criteria in the financial test are met, the owner or operator shall submit the following items to the commissioner:

(1) A letter certifying that the owner or operator passes one of the tests in item B. The owner or operator of a privately-owned facility shall send a letter worded as specified in part 7035.2805, subpart 6, and signed by the owner's or operator's chief financial officer. The owner or operator of a publicly-owned facility shall send a letter worded as specified in part 7035.2805, subpart 8, and signed by the owner's or operator's independent auditor and the head of the elected body responsible for the land disposal facility permit.

(2) A copy of an analysis of the owner's or operator's financial statements for the latest completed fiscal year. The owner or operator of a privately-owned facility shall send an independent certified public accountant's report on examination of the financial statements. The owner or operator of a publicly-owned facility shall send the financial statements prepared in accordance with Minnesota Statutes, section 371.17 or 471.69.

(3) Special reports from an independent certified public accountant stating that:

(a) the accountant has compared the data in the letter submitted under subitem (1) with the amounts in the financial statements;

(b) in connection with that procedure, no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted; and

(c) the total value of the bonds or warrant sent to the commissioner under item A equals or exceeds the sum of the current cost estimates.

(4) After the initial submission of the information specified in subitems (1), (2), and (3), the owner or operator shall send updated information to the commissioner within 90 days after the close of each succeeding fiscal year. If the owner or operator no longer meets the requirements of the financial test, the owner or operator shall send notice to the commissioner that it has either repaired the defect in the self-insurance demonstration or established alternate financial assurance. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements.

(5) The commissioner shall not allow the use of self-insurance if:

(a) the accountant's opinions required in subitem (3) include an adverse opinion or a disclaimer of opinion;

(b) the opinion includes qualifications that relate to the numbers that are used in the gross revenue test or the financial test; or

(c) in light of the qualifications, the owner or operator has failed to demonstrate that it meets the gross revenue or the financial test.

(6) An owner or operator may satisfy the financial assurance requirements of this part by obtaining a written guarantee,

hereafter referred to as a corporate guarantee. If the owner or operator makes the self-insurance demonstration through the use of a corporate guarantee, the parent corporation must be the entity that issues the bonds that are sent to the commissioner.

The guarantor must be the parent corporation of the owner or operator. The guarantor must meet the requirements for facility owners or operators in this part and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording in part 7035.2805, subpart 7. The corporate guarantee must accompany the items sent to the commissioner as specified in item C. The terms of the corporate guarantee must provide that:

(a) If the owner or operator of a facility covered by the corporate guarantee fails to perform closure, postclosure care, or corrective action in accordance with the appropriate plan and other permit requirements whenever required to do so, the guarantor shall do so or establish a trust fund as specified in part 7035.2705 in the name of the owner or operator.

(b) The corporate guarantee remains in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the commissioner. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by the commissioner, as evidenced by return receipt.

(c) If the owner or operator fails to provide alternate financial assurance as specified in this part and fails to obtain the written approval of alternate financial assurance from the commissioner within 90 days after receipt by the commissioner of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor shall provide alternate financial assurance in the name of the owner or operator.

D. The bonds sent to the commissioner under item A must be readily saleable in secondary bond markets. The market value of the bonds must equal or exceed the sum of the current cost estimates. The commissioner shall give the owner or operator a receipt for the bonds. The commissioner shall have the bonds kept by the state treasurer until the bonds must either be sold or returned to the owner or operator. The owner or operator of a privately-owned facility shall send bonds that are registered, unsubordinated debentures. The owner or operator of a publicly-owned facility shall send bonds that are registered municipal bonds and that meet the requirements of Minnesota Statutes, chapters 400 and 475. The bonds must mature at the following times:

(1) Bonds used to self-insure closure costs must mature two years after the estimated closure date, as determined in the closure plan developed under part 7035.2625.

(2) Bonds used to self-insure postclosure care and contingency action costs must mature two years after the end of the postclosure care period, as determined in the postclosure plan developed under part 7035.2645, or thirty years after the date of issue, whichever is less.

(3) If either of the maturity dates required under subitem (1) or (2) exceeds 30 years, the owner or operator of a publicly-owned facility may submit bonds with 30-year maturities and, thereafter, annually submit new 30-year bonds for the bonds held by the state treasurer. The substitutions must continue until the maturities required under subitems (1) and (2) equal the maturities of the bonds that the state treasurer holds.

E. Warrants sent to the commissioner under item A must be issued in compliance with chapters 383, 384, 385, and 427. The value of a warrant sent by an owner or operator must equal or exceed the sum of the current cost estimates. The commissioner shall give the owner or operator a receipt for the warrant. The commissioner shall have the warrant kept by the state treasurer until the warrant must either be submitted for payment or returned to the owner or operator.

F. The owner or operator who uses self-insurance to satisfy the requirements of part 7035.2695 shall also establish a standby trust fund. This standby trust fund must meet the requirements in part 7035.2705 or 7035.2715, except that an originally-signed duplicate of the trust agreement must be submitted to the commissioner with the bonds or warrant. The trust must meet the requirements specified in subitems (1) and (2) if the standby trust is funded under this part:

(1) updating of Schedule A of the trust agreement to show the sum of the current cost estimates; and

(2) annual valuations as required by the trust agreement.

G. If the sum of the current cost estimates changes, the owner or operator shall compare the new estimate with the most recent annual valuation of the bonds or the value of the warrant. If the total market value of the bonds or the value of the warrant is less than the amount of the new estimates, the owner or operator, within 60 days after the change in the cost estimates, shall send the commissioner either enough bonds or another warrant to make up the deficiency or establish other financial assurance mechanisms as specified in parts 7035.2705 to 7035.2750. If the owner or operator sends more bonds, the bonds must be accompanied

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by an independent certified public accountant's report that the new issues have a market value that equals or exceeds the amount of the deficiency.

H. The owner or operator may request to exchange new issues of bonds or warrants for bonds or warrants held by the state treasurer on the commissioner's behalf. The new issues must have a market value equal to the bonds for which they are exchanged. New warrants must be equal in value to the warrants for which they are exchanged. The owner's or operator's request for a bond exchange must be accompanied by an independent certified public accountant's report that the new issues have a market value equal to the bonds for which they are exchanged. The commissioner shall make the exchange after receiving the request, the warrants or bonds and the accountant's report that must accompany the bonds. The commissioner and the owner or operator shall provide each other with receipts appropriate to document the exchange.

I. During the operating life of the facility, if the total market value of the bonds exceeds the sum of the current cost estimates by an amount greater than the market value of any single bond, the owner or operator may submit a written request together with supporting documents to the commissioner for return of bonds whose total value is not greater than the excess amount. If the value of warrants submitted exceeds the sum of the current cost estimates, the owner or operator may substitute a warrant with a value equal to the sum of the current cost estimates, provided that supporting documents justify the substitution.

J. If the owner or operator substitutes other financial assurance mechanisms as specified in parts 7035.2705 to 7035.2750 in place of self-insurance, the owner or operator may submit a written request to the commissioner for return of the bonds or warrants along with evidence that the substitute mechanisms have taken effect.

K. Within 60 days of receiving a request from the owner or operator for return of bonds or warrants as specified in item I or J and if supporting documents justify the request, the commissioner shall return the warrants or appropriate number of bonds. The owner or operator shall give the commissioner an appropriate receipt for all warrants or bonds returned.

(1) If the owner or operator asks for an adjustment under item I, the commissioner shall:

(a) return all warrants in exchange for warrants of the correct value; or

(b) return bonds whose total market value does not exceed the difference between the sum of the previous cost estimates and the sum of the revised cost estimates.

(2) If the owner or operator asks for a return of securities under item J when a partial substitution of other financial assurance mechanisms for self-insurance has been made, the commissioner shall:

(a) return all warrants in exchange for warrants of the correct value; or

(b) return bonds whose total market value does not exceed the difference between the sum of the current cost estimates and the amount of financial assurance offered by the substitute mechanisms.

(3) If the owner or operator asks for a return of securities under item J when a full substitution of other financial assurance mechanisms has been made, the commissioner shall return all warrants or bonds.

L. If the owner or operator or guarantor, after proper orders from the commissioner, fails or refuses to perform actions specified in the closure plan, the postclosure care plan, or the contingency action plan, the commissioner shall seek authorization from the agency to sell bonds or submit warrants for payment. The commissioner shall also seek authorization if the owner or operator fails to meet the criteria of the financial test and fails to provide alternate financial assurance within 90 days, as provided in item C. The commissioner shall have the proceeds from bond sales or warrant payments deposited in the standby trust fund established under item F.

M. The commissioner shall return the bonds or warrants to the owner or operator and receive appropriate receipts if the agency releases the owner or operator from the requirements of this part in accordance with part 7035.2775.

7035.2755 USE OF MULTIPLE FINANCIAL ASSURANCE MECHANISMS.

An owner or operator may satisfy the requirements of part 7035.2695 by establishing more than one mechanism for financial assurance per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, self-insurance, and letters of credit. The mechanisms must be established as specified in parts 7035.2705, 7035.2715, 7035.2720, 7035.2725, 7035.2745, and 7035.2750, except that it is the combination of mechanisms, rather than a single mechanism, which must provide financial assurance for an amount at least equal to the sum of the current cost estimates. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The commissioner may use any or all of the mechanisms to provide for closure, postclosure care, or corrective action at the facility.

7035.2765 USE OF FINANCIAL ASSURANCE MECHANISM FOR MULTIPLE FACILITIES.

An owner or operator may use a financial assurance mechanism specified in parts 7035.2705 to 7035.2750 to meet the require-

ments of part 7035.2695 for more than one facility. Evidence of financial assurance submitted to the commissioner must include a list showing, for each facility, the identification number, name, address, and the amount of funds for closure, postclosure care, or corrective action assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through the mechanism for closure, postclosure care, or corrective action at any of the facilities covered by the mechanism, the commissioner may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

7035.2775 RELEASE OF OWNER OR OPERATOR FROM FINANCIAL REQUIREMENTS.

Subpart 1. **Release from closure requirements.** Within 90 days after receiving certifications from the owner or operator and an independent engineer registered in Minnesota that closure has been accomplished in accordance with the closure plan, the agency shall notify the owner or operator in writing that he or she is no longer required by part 7035.2695 to maintain financial assurance for closure of the particular facility, unless the agency has reason to believe that closure has not been accomplished in accordance with the closure plan.

Subp. 2. **Release from postclosure requirements.** When an owner or operator has completed, to the satisfaction of the agency, all postclosure care requirements in accordance with the postclosure plan, the agency will, at the request of the owner or operator, notify the owner or operator in writing that he or she is no longer required by part 7035.2695 to maintain financial assurance for postclosure care of the particular facility, unless the agency has reason to believe that postclosure care has not been accomplished in accordance with the postclosure care plan.

Subp. 3. **Release from corrective action requirements.** Within 90 days after the end of the postclosure care period or after termination of corrective action in accordance with part 7035.2695, whichever is later, the agency shall notify the owner or operator in writing that he or she is no longer required to maintain financial assurance for corrective action for the particular facility, unless the agency has reason to believe that corrective action has not been accomplished in accordance with the contingency action plan.

7035.2785 USE OF A SINGLE MECHANISM FOR FINANCIAL ASSURANCE OF CORRECTIVE ACTION, CLOSURE, AND POSTCLOSURE CARE.

An owner or operator may satisfy the requirements for financial assurance for corrective action, closure, and postclosure care, or any combination thereof, for one or more facilities by using a trust fund, surety bond or letter of credit that meets the specifications for the mechanism in parts 7035.2705 to 7035.2750. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of corrective action, closure, and postclosure care.

7035.2795 INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS.

Subpart 1. **Notification of bankruptcy.** An owner or operator shall notify the commissioner by certified mail of the commencement of a voluntary or involuntary bankruptcy proceeding naming the owner or operator as a debtor, within ten days after commencement of the proceeding.

Subp. 2. **Incapacity of financial institutions.** An owner or operator who fulfills the requirements of part 7035.2695 by obtaining a trust fund, surety bond, or letter of credit will be considered to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee to act as trustee or the institution issuing the surety bond or letter of credit to issue these instruments. The owner or operator shall establish other financial assurance within 60 days after such an event.

7035.2805 LANGUAGE REQUIRED FOR FINANCIAL INSTRUMENTS.

Subpart 1. **Trust agreement.** A trust agreement for a trust fund as specified in part 7035.2705 must be worded as specified in this subpart, except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

TRUST AGREEMENT

Trust Agreement, the "Agreement," entered into on [date] by [name of the owner or operator], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee,], [insert "incorporated in the state of _____" or "a national bank"], the "Trustee."

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The Minnesota Pollution Control Agency (Agency), an agency of the state of Minnesota, has established rules applicable to the Grantor, requiring that an owner or operator of a solid waste management facility shall provide assurance that funds will be available when needed for closure and/or postclosure care of, and/or contingency action for, the facility.

The Grantor has chosen a trust to provide the financial assurance for the facilities identified herein.

The Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee.

The Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

a. The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

b. The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

c. The term "Beneficiary" means the Minnesota Pollution Control Agency and any successor agency.

Section 2. Identification of Facilities and Cost Estimates. This agreement pertains to the facilities and cost estimates, if any, identified on attached Schedule A [on Schedule A, for each facility list the identification number, name, address, and the current contingency action, closure, and/or postclosure cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement].

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Agency. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. This property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings, and profits on earnings, less any payments or distributions made by the Trustee under this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the Agency.

Section 4. Payment for Contingency Action, Closure, and Postclosure Care. The Trustee shall make payments from the Fund as the Agency Commissioner shall specify, in writing, to provide for the payment of the costs of contingency action, closure, and/or postclosure care of the facilities covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the Agency Commissioner from the Fund for contingency action, closure, and postclosure expenditures in amounts the Agency Commissioner shall specify in writing. In addition, the Trustee shall refund to the Grantor the amounts the Agency Commissioner specifies in writing. Upon refund, these funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his or her duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

a. securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, United States Code, title 15, section 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or state government;

b. the Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

c. the Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

a. to transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of others participating therein; and

b. to purchase shares in any investment company registered under the Investment Company Act of 1940, United States Code, title 15, sections 80a-1 et seq. including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

a. To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee may be bound to see to the application of the purchase money or to inquire into the validity or expediency of a sale or other disposition.

b. To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted.

c. To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing the securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of the securities in a qualified central depository even though, when so deposited, the securities may be merged and held in bulk in the name of the nominee of the depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a federal reserve bank, but the books and records of the Trustee shall at all times show that all these securities are part of the Fund.

d. To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the Agency Commissioner a statement confirming the value of the Trust. Any securities in the fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the Agency Commissioner shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The trustee may from time to time consult with counsel, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but the resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reasons the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the Agency Commissioner and the present Trustee by certified mail ten days before the change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Agency to the Trustee shall be in writing, signed by the Agency Commissioner; and the Trustee shall act and shall be fully protected in acting in accordance with the orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Agency hereunder has occurred. The Trustee shall have no duty to act in the absence of orders, requests, and instructions from the Agency Commissioner, except as provided herein.

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Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the Agency Commissioner by certified mail within ten days if no payment is received from the grantor by the end of the month. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the Agency Commissioner, or by the Trustee and the Agency Commissioner if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 13 and in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the Agency Commissioner, or by the Trustee and the Agency Commissioner, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor or to any successors or assigns of the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Agency Commissioner issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide a defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the state of Minnesota.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in Minnesota Rules, part 7035.2805, subpart 1, as such rules were constituted on the date of signing.

[SIGNATURE OF GRANTOR]
[TITLE]

Attest:
[TITLE]
[SEAL]
[SIGNATURE OF TRUSTEE]

Attest:
[TITLE]
[SEAL]

Subp. 2. **Certification of acknowledgement.** This part contains an example of the certification of acknowledgment which must accompany the trust agreement for a trust fund as specified in part 7035.2705.

CERTIFICATION OF ACKNOWLEDGMENT

State of _____

County of _____

On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation, proprietorship, local government entity], the entity described in and which executed the above instrument; [that she/he knows the seal of said [corporation, local government entity]; that the seal affixed to the instrument is the [corporate, local government entity's] seal; that it was so affixed by order of the [Board of Directors, Board of Commissioners, City Council] of said [corporation, local government entity], and that she/he signed her/his name thereto by like order:

(signature of Notary Public)

Subp. 3. **Surety bond guaranteeing payment into a trust fund.** A surety bond guaranteeing payment into a trust fund as specified in part 7035.2725 must be worded as described in this part, except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

FINANCIAL GUARANTEE BOND

Date bond executed: _____

Effective date: _____

Principal: [Legal name and business address of owner or operator]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: _____

Surety(ies): [name(s) and business address(es)]

Identification number, name, address and contingency action, closure, and/or postclosure amount(s) for each facility guaranteed by this bond (indicate contingency action, closure, and postclosure amounts separately): $_____

Total penal sum of bond: $_____
Surety's bond number: _____

The Principal and Surety(ies) are firmly bound to the Minnesota Pollution Control Agency (hereinafter called Agency), in the above penal sum for the payment we bind ourselves to, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in the sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of the sum only as is set forth opposite the name of the Surety; but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

The Principal is required to have a permit in order to own or operate each waste facility identified above, and

The Principal is required to provide financial assurance for closure; closure and postclosure care; closure and contingency action; or closure, postclosure care and contingency action as a condition of the permit, and

The Principal shall establish a standby trust fund as required when a surety bond is used to provide financial assurance:

If the Principal shall faithfully, before the beginning of final closure of each facility identified above, fund the standby trust fund in the amount(s) identified above for the closure and/or postclosure care of the facility,

Or, if the Principal shall fund the standby trust fund in the amount(s) identified above for closure and/or postclosure care of the facility within 15 days after an order to begin closure is issued by the Agency Commissioner, the Agency, or court of competent jurisdiction,

Or, if the Principal shall faithfully, before beginning contingency action at any facility identified above, fund the standby trust fund in the amount identified above for contingency action at the facility,

Or, if the Principal shall fund the standby trust fund in the amount identified above for contingency action at the facility within 15 days after an order to begin contingency action is issued by the Agency Commissioner, the Agency, or a court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as authorized in part 7035.2725, and obtain the Agency Commissioner's written approval of assurance within 90 days after the date notice of cancellation is received by both the Principal and the Agency Commissioner from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the Agency Commissioner that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the Agency Commissioner.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Agency

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.

Commissioner, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the Agency Commissioner, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies) provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Agency Commissioner.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) agree to adjust the penal sum of the bond yearly so that it guarantees a new contingency action, closure and/or postclosure amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the Agency Commissioner.

The Principal and Surety(ies) have signed this Financial Guarantee Bond on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Minnesota Rules, part 7035.2805, subpart 3, as the rules were constituted on the date this bond was executed.

Principal
[SIGNATURE(S)]
[NAMES(S)]
[TITLE(S)]
[CORPORATE SEAL]

Corporate Surety(ies)
[NAME AND ADDRESS]
State of incorporation: _____
Liability limit: $_____
[SIGNATURE(S)]
[NAME(S) AND TITLE(S)]
[CORPORATE SEAL]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: $_____

Subp. 4. **Surety bond guaranteeing performance.** A surety bond guaranteeing performance of contingency action, closure and/or postclosure care, as specified in part 7035.2735, must be worded as specified in this part, except that the instructions in brackets must be replaced with the relevant information and the brackets deleted.

PERFORMANCE BOND

Date bond executed: _____
Effective date: _____

Principal: [legal name and business address of owner or operator]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: _____

Surety(ies): [name(s) and business address(es)]

Identification number, name, address and contingency action, closure, and/or postclosure amount(s) for each facility guaranteed by this bond [indicate contingency action, closure, and postclosure amounts separately]: $_____

Total penal sum of bond: $_____

Surety's bond number: _____

The Principal and Surety(ies) hereto are firmly bound to the Minnesota Pollution Control Agency (hereinafter called Agency), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in the sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of the sum only as is set forth opposite the name of the Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

The Principal is required to provide financial assurance for closure; closure and postclosure care; closure and contingency action; or closure, postclosure care, and contingency action as a condition of the permit; and

The Principal shall establish a standby trust fund as is required when a surety bond is used to provide financial assurance.

The conditions of this obligation are such that if the Principal faithfully performs closure, whenever required to do so, of each facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as the plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as these laws, statutues, rules, and regulations may be amended,

And, if the Principal faithfully performs postclosure care of each facility for which this bond guarantees postclosure care, in accordance with the postclosure plan and other requirements of the permit, as the plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as these laws, statutes, rules, and regulations may be amended,

And, if the Principal faithfully performs contingency action for each facility for which this bond guarantees contingency action, when required by and in accordance with the contingency action plan and other requirements of the permit, as the plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal provides alternate financial assurance as specified in Minnesota Rules, parts 7035.2705 to 7035.2750, and obtains the Agency Commissioner's written approval of the assurance, within 90 days after the date notice of cancellation is received by both the Principal and the Agency Commissioner from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Agency Commissioner that the Principal has been found in violation of the closure requirements of Minnesota Rules, part 7035.2635 for a facility for which this bond guarantees performance of closure, the Surety(ies) shall place the closure amounts guaranteed for the facility into the standby trust fund as directed by the Agency Commissioner.

Upon notification by the Agency Commissioner that the Principal has been found in violation of the postclosure requirements of Minnesota Rules, part 7035.2655 for a facility for which this bond guarantees performance of postclosure care the Surety(ies) shall place the postclosure amount guaranteed for the facility into the standby trust fund as directed by the Agency Commissioner.

Upon notification by the Agency Commissioner that the Principal has been found in violation of contingency action requirements of Minnesota Rules, part 7035.2615 for a facility for which this bond guarantees performance of contingency action, the Surety(ies) shall place the contingency action amount guaranteed for the facility into the standby trust fund as directed by the Agency Commissioner.

Upon notification by the Agency Commissioner that the Principal has failed to provide alternate financial assurance as specified in Minnesota Rules, part 7035.2735 and obtain written approval of the assurance from the Agency Commissioner during the 90 days following receipt by both the Principal and Agency of a notice of cancellation of the bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the Agency Commissioner.

The Surety(ies) hereby waive(s) notification of amendments to closure, postclosure, and contingency action plans, permits, applicable laws, statutes, rules, and regulations and agrees that no amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until the payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency Commissioner, provided however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Agency Commissioner, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Agency Commissioner.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) agree to adjust the penal sum of the bond yearly so that it guarantees a new contingency action, closure, and postclosure amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the Agency Commissioner.

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

The Principal and Surety(ies) have signed this Performance Bond on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording in Minnesota Rules, part 7035.2805, subpart 4, as the rule was constituted on the date this bond was executed.

Principal
[SIGNATURE(S)]
[NAMES(S)]
[TITLE(S)]
[CORPORATE SEAL]

Corporate Surety(ies)
[NAME AND ADDRESS]
State of incorporation: _____
Liability limit: $_____
[SIGNATURE(S)]
[NAME(S) AND TITLE(S)]
[CORPORATE SEAL]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: $_____

Subp. 5. **Letter of credit.** A letter of credit, as specified in part 7035.2745, must be worded as specified in this part, except that the instructions in brackets must be replaced with the relevant information and the brackets deleted.

IRREVOCABLE STANDBY LETTER OF CREDIT

[Agency Commissioner]
Minnesota Pollution Control Agency
Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. _____in your favor, at the request and for the account of [owner's or operator's name and address] up to the aggregate amount of [in words] U.S. dollars $_____, available upon presentation of:

1. your sight draft, bearing reference to this letter of Credit No. _____, and

2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to the solid waste rules, Minnesota Rules, parts 7035.0300 to 7035.2875."

This letter of credit is effective as of [date] and shall expire on [date at least one year later], but the expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by you, as shown on the signed return receipt.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor the draft upon presentation to us and we shall deposit the amount of the draft directly into the standby trust fund of [owner's or operator's name] in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Minnesota Rules, part 7035.2805, subpart 5, as the rules were constituted on the date shown immediately below.

[SIGNATURE(S) AND TITLE(S) OF OFFICIAL(S) OF ISSUING INSTITUTION]
[DATE]

This credit is subject to (insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code published in chapter 336").

Subp. 6. **Letter from the chief financial officer of a private firm.** A letter from the chief financial officer of a private firm as specified in part 7035.2750 must be worded as specified in this subpart, except that the instructions in brackets must be replaced with the relevant information and the brackets deleted.

LETTER FROM CHIEF FINANCIAL OFFICER

[Agency Commissioner]
Minnesota Pollution Control Agency

Dear Sir or Madam:

I am the chief financial officer of ..... This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in Minnesota Rules, parts 7035.0300 to 7035.2875.

[Fill out the following four paragraphs regarding facilities and associated cost estimates. If your firm has no facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its identification number, name, address, and current corrective action, closure, or postclosure cost estimates. Identify each cost estimate as to whether it is for corrective action, closure, or postclosure care.]

1. This firm is the owner or operator of the following facilities for which financial assurance for corrective action, closure, or postclosure care is demonstrated through the financial test specified in Minnesota Rules, parts 7035.0300 to 7035.2875, and other rules applicable to other types of waste facilities. The current corrective action, closure, or postclosure cost estimates for the facilities covered by the text of this letter are shown for each facility:

.....

2. This firm guarantees, through the corporate guarantee specified in Minnesota Rules, parts 7035.0300 to 7035.2875, and other rules applicable to other types of waste facilities, the corrective action, closure, or postclosure care of the following facilities owned or operated by subsidiaries of this firm. The current cost estimates for the corrective action, closure, or postclosure care guaranteed are shown for each facility:

.....

3. In states other than Minnesota, this firm, as owner or operator or guarantor, is demonstrating financial assurance for the corrective action, closure, or postclosure care of the following facilities either to the United States Environmental Protection Agency through the use of the financial tests specified in Code of Federal Regulations, title 40, part 264 or 265, subpart H, or to an authorized state through the use of a test equivalent or substantially equivalent to the specified financial test. The current corrective action, closure, or postclosure cost estimates covered are shown for each facility:

.....

4. This firm owns or operates, or owns subsidiaries that own or operate, the following waste management facilities for which financial assurance for corrective action, if required, closure, or, if a disposal facility, postclosure care, is not demonstrated either to the United States Environmental Protection Agency or a state through a financial test or any other financial assurance mechanism specified in relevant federal or state regulations. The current corrective action, closure, or postclosure cost estimates not covered by such financial assurance are shown for each facility:

.....

This firm [insert "is required" or "is not required"] to file a form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with a single asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended [date].

I have enclosed with this letter the bonds that provide collateral for the [closure, postclosure care, corrective action] expenses that will be incurred at the sites listed in paragraphs numbered 1 and 2 above.

[Fill in Alternative I if the criteria of Minnesota Rules, part 7035.2750, item B, subitem (1), are used. Fill in Alternative II if the criteria of Minnesota Rules, part 7035.2750, item B, subitem (2), are used.]

Alternative I

1. Sum of the current cost estimates (total of all cost estimates shown in the four numbered paragraphs above) $ .....

   Current values of the bonds used to demonstrate financial assurance:

	Maturity date	Estimated market values	Face values
2. Closure	.....	$	$ .....

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	Maturity date	Estimated market values	Face values
3. Postclosure care	.....	$	$ .....
4. Corrective action	.....	$	$ .....
5. TOTALS		$	$ .....

[Indicate the source of the market value estimates and provide details of estimating methods]: .....

.....

*6. Total liabilities (if any portion of the cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 7 and 8)	$ .....
*7. Tangible net worth	$ .....
*8. Net worth	$ .....
*9. Current assets	$ .....
*10. Current liabilities	$ .....
11. Net working capital (line 9 minus line 10)	$ .....
*12. The sum of net income plus depreciation depletion and amortization	$ .....
*13. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in U.S.)	$ .....

	YES	NO
14. Is the market value total on line 5 at least equal to the total costs listed in line 1 above?	.....	.....
15. Is line 8 at least $10,000,000?	.....	.....
16. Is line 8 at least six times line 1?	.....	.....
17. Is line 11 at least six times line 1?	.....	.....
*18. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 19.	.....	.....
19. Is line 13 at least six times line 1?	.....	.....
20. Is line 6 divided by line 8 less than 2.0?	.....	.....
21. Is line 12 divided by line 6 greater than 0.1?	.....	.....
22. Is line 9 divided by line 10 greater than 1.5?	.....	.....

Alternative II

1. Sum of the current cost estimates (total of all cost estimates shown in the four numbered paragraphs above) $ .....

Current values of the bonds used to demonstrate financial assurance:

	Maturity dates	Estimated market values	Face values
2. Closure	.....	$	$ .....
3. Postclosure care	.....	$	$ .....
4. Corrective action	.....	$	$ .....
5. TOTALS		$	$ .....

[Indicate the source of the market value estimates and provide details of estimating methods]: .....

.....

6. Current bond rating of the most recent issuance of this firm and the name of the rating service: .....

.....

7. Date of issuance of bonds [if the bonds are different than those listed in lines 2 to 4]: .....

.....

8. Date of maturity of bonds [if different than lines 2 to 4]: .....

.....

*9. Tangible net worth [if any portion of the corrective action, closure, or postclosure cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line] $ .....

*10. Total assets in U.S. (required only if less than 90 percent of the firm's assets are located in the U.S.) $ .....

	YES	NO
11. Is the market value total on line 5 at least equal to the total costs listed in line 1 above?	.....	.....
12. Is line 9 at least $10,000,000?	.....	.....
13. Is line 9 at least six times line 1?	.....	.....
*14. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 5.	.....	.....
15. Is line 10 at least six times line 1?	.....	.....

I hereby certify that the wording of this letter is identical to the wording specified in Minnesota Rules, part 7035.2805, subpart 6, as such rules were constituted on the date shown immediately below.

.....
Signature

.....
Typed name

.....
Chief financial officer

.....
Date

Subp. 7. **Corporate guarantee for corrective action, closure, or postclosure care.** A corporate guarantee, as specified in part 7035.2750, item C, must be worded as specified in this subpart, except that instructions in brackets must be replaced with relevant information and the brackets deleted.

CORPORATE GUARANTEE FOR CORRECTIVE ACTION, CLOSURE, OR POSTCLOSURE CARE

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the state of [insert name of state], herein referred to as guarantor, to the Minnesota Pollution Control Agency (Agency), obligee, on behalf of our subsidiary [facility owner or operator] of [business address].

Recitals:

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors specified in Minnesota Rules, part 7035.2750, item C.

2. [Facility owner or operator] owns or operates the following solid waste disposal facilities covered by this guarantee: [List for each facility: identification number, name, and address. Indicate for each whether the guarantee is for corrective action, closure, postclosure care, or any combination of the three.]

3. "Closure plans," "postclosure plans," and "contingency action plans" as used below refer to the plans maintained as required by Minnesota Rules, parts 7035.2615, 7035.2625, and 7035.2645 for the closure, postclosure care, and corrective action needs of facilities identified above.

4. For value received from [facility owner or operator], guarantor guarantees to the Agency that in the event the [facility owner or operator] fails to perform [insert "corrective action," "closure," "postclosure care," or any combination of the three] of the above facilities in accordance with the corrective action, closure, or postclosure plans and other permit requirements whenever required to do so, the guarantor shall do so or establish a trust fund as specified in Minnesota Rules, part 7035.2705, in the name of [facility

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owner or operator] in the amount of the current corrective action, closure, or postclosure cost estimates as specified in Minnesota Rules, part 7035.2705.

5. Guarantor guarantees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the agency and [facility owner or operator] that he or she intends to provide financial assurance as specified in Minnesota Rules, parts 7035.2665 to 7035.2805, as applicable, in the name of [facility owner or operator]. Within 120 days after the end of the fiscal year, the guarantor shall establish financial assurance unless [facility owner or operator] has done so.

6. The guarantor agrees to notify the Agency Commissioner by certified mail of a voluntary or involuntary proceeding under title 11 or title 7 of the United States Bankruptcy Code, naming guarantor as debtor, within ten days after commencement of the proceeding.

7. Guarantor agrees that within 30 days after being notified by the Agency Commissioner of a determination that guarantor no longer meets the financial test criteria or that he or she is disallowed from continuing as a guarantor of corrective action, closure, or postclosure care, guarantor shall establish alternate financial assurance as specified in Minnesota Rules, parts 7035.2665 to 7035.2805, as applicable, in the name of [facility owner or operator] unless [facility owner or operator] has done so.

8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the corrective action, closure, or postclosure plan; amendment or modification of the permit; extension or reduction of the time of performance of corrective action, closure, or postclosure care; or any other modification or alteration of an obligation of the facility owner or operator pursuant to Minnesota Rules, parts 7001.0200 to 7001.3550, or 7035.0300 to 7035.2875.

9. Guarantor agrees to remain bound under this guarantee for so long as [facility owner or operator] must comply with the applicable financial assurance requirements of Minnesota Rules, parts 7035.2665 to 7035.2805, for the above-listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail to the Agency Commissioner and [facility owner or operator], the cancellation to become effective no earlier than 120 days after receipt of notice by the Agency Commissioner, as evidenced by return receipt.

10. Guarantor agrees that if [facility owner or operator] fails to provide alternate financial assurance as specified in Minnesota Rules, parts 7035.2665 to 7035.2805, as applicable, and obtain written approval of such assurance from the Agency Commissioner within 90 days after a notice of cancellation by the guarantor is received by the Agency Commissioner, guarantor shall provide alternate financial assurance in the name of [facility owner or operator].

11. Guarantor expressly waives notice of acceptance of this guarantee by the Agency or by [facility owner or operator]. Guarantor also expressly waives notice of amendments or modifications of the contingency action, closure, or postclosure care plan and of amendments or modifications of the facility permits.

I hereby certify that the wording of this guarantee is identical to the wording specified in Minnesota Rules, part 7035.2805, subpart 7, as such rules were constituted on the date first above written.

Effective date: .....

[NAME OF GUARANTOR]
[AUTHORIZED SIGNATURE FOR GUARANTOR]
[NAME OF PERSON SIGNING]
[TITLE OF PERSON SIGNING]
[SIGNATURE OF WITNESS OR NOTARY]

Subp. 8. **Letter from the head of an elected or publicly-appointed body.** A letter from the head of an elected or publicly-appointed body as specified in part 7035.2750 must be worded as specified in this subpart, except that the instructions in brackets must be replaced with the relevant information and the brackets deleted.

LETTER FROM THE HEAD OF AN ELECTED OR PUBLICLY-APPOINTED BODY

[Agency commissioner]
Minnesota Pollution Control Agency
Dear Sir or Madam:

I am the [chair, mayor] of [the ..... County Board of commissioners, city of ..... , the ..... authority, the .....
sanitary district]. This letter is in support of this [county's, city's, authority's, district's] use of the financial test to demonstrate financial assurance as specified in Minnesota Rules, parts 7035.0300 to 7035.2875. This letter is to demonstrate financial assurance for the following sites:

Operator .....
Name .....
Address .....
City .....

Current cost estimates:

Closure .....
Postclosure care .....
Corrective action .....
TOTAL .....

Operator .....
Name .....
Address .....
City .....

Current cost estimates:

Closure .....
Postclosure care .....
Corrective action .....
TOTAL .....

Operator .....
Name .....
Address .....
City .....

Current cost estimates:

Closure .....
Postclosure care .....
Corrective action .....
TOTAL .....

I have enclosed with this letter the [bonds, warrant] that provide(s) collateral for the [closure, postclosure care, corrective action] expenses that will be incurred at the site(s) listed above.

Financial Test

1. Sum of the current cost estimates (total of all cost estimates shown in the paragraphs above) $ .....

Current value(s) of the [bonds, warrant] used to demonstrate financial assurance:

		Issuance and Maturity dates	Estimated market value(s)	Face value(s)
2.	Closure	.....	$	$ .....
3.	Postclosure care	.....	$	$ .....
4.	Corrective action	.....	$	$ .....
5.	TOTALS		$	$ .....

[Indicate the source of the market value estimates and provide details of estimating methods] .....

.....

6. Current bond rating of the most recent issuance of the county and the name of the rating service .....
7. Date of issuance of the bond .....
8. Date of maturity of the bond (if different than lines 2 to 4 above) .....
9. Total assessed value of the [county, city] .....
10. Limit on total debt, as calculated under Minnesota Statutes, section 475.53 $ .....

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.

11.	Current total long-term debt	$	
12.	Total ad valorem taxes levied for the current fiscal year	$	
13.	Limit on current total ad valorem taxes, as calculated under Minnesota Statutes, section 275.51	$	
		YES	NO
14.	Is line 10 minus line 11 greater than the total face value on line 5?	.....	.....
15.	For bonds: Is the market value total on line 5 at least equal to line 1?	.....	.....
	For warrants: Is the face value total on line 5 at least equal to line 1?	.....	.....
16.	Is line 13 minus line 12 greater than zero?	.....	.....
17.	Will any circumstances expected in the coming year change the answers on lines 14 to 16? (provide evidence in support of this answer)	.....	.....

I hereby certify that the wording of this letter is identical to the wording specified in Minnesota Rules, part 7035.2805, subpart 8, as such rules were constituted on the date shown below.

.....
Signature

.....
Typed name

.....
(Chair, Mayor)

.....
Date

.....
Signature

.....
Typed name

....
(Auditor, City Manager) (County, City) seal

.....
Date

Subp. 9. **Resolution establishing a dedicated long-term care trust fund.** A resolution establishing a dedicated long-term care trust fund, as specified in part 7035.2720, must be worded as specified in this part, except that the instructions in brackets must be replaced with the relevant information and the brackets deleted.

RESOLUTION ESTABLISHING A DEDICATED LONG-TERM CARE TRUST FUND

WHEREAS the [county, city, authority] of [name], as [owner, operator] of the [facility name] mixed municipal solid waste land disposal facility, is required under Minnesota Statutes, section 116.07, subdivision 4h, and Minnesota Rules, part 7035.2695, to provide evidence of financial assurance for the [name(s)] mixed municipal solid waste land disposal facility, and the [county, city, authority] of [name] acknowledges the jurisdiction of the Minnesota Pollution Control Agency in this matter;

NOW THEREFORE BE IT RESOLVED that there is created in the [name] [county, city, authority] treasury a dedicated long-term care trust fund, and that money in this fund shall be held in trust and may only be used to pay for closure, postclosure care, or contingency actions as specified in Minnesota Rules, parts 7035.2605 to 7035.2655, and in the permit(s) that apply to the facility(ies) referenced above, and that deposits into the fund shall conform with the requirements of Minnesota Rules, part 7035.2720, and that no disbursements from the fund shall be made without the written permission of the commissioner of the Minnesota Pollution Control Agency, and that the [county, city, authority] of [name] is bound to reimburse the Minnesota Pollution Control Agency for any legal and administrative costs incurred in actions taken to force the [county, city, authority] to act on this resolution, and that the money needed to make such reimbursements shall not be taken from the dedicated long-term care trust fund, and that [name and title] and [his, her] successors in office shall be the fund's trustee and shall be responsible for making all reports required under Minnesota Rules, part 7035.2720.

.....
[title]

STATE OF MINNESOTA

[County, city, authority] of [name]

I, [name], [title] of [name] [county, city, authority] certify that the above resolution was adopted at the regular meeting of the [name] [county, city, authority] [name of appropriate body, e.g., Board of Commissioners] on the .... day of ....., 19...

Attest: .....
[name]
[title]

SOLID WASTE MANAGEMENT FACILITY
SPECIFIC TECHNICAL REQUIREMENTS

7035.2815 MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES.

Subpart 1. **Scope.** The requirements of subparts 2 to 16 apply to landowners and owners and operators of facilities that dispose of mixed municipal solid waste in or on the land, except as provided in part 7035.2525, subpart 2.

Subp. 2. **Location.** Land disposal facilities must be located in accordance with items A to C and part 7035.2555:

A. A facility must be located only in an area where:

(1) the topography, geology, and ground water conditions allow the facility to be designed, operated, constructed, and maintained in a manner that minimizes environmental impacts;

(2) ground water flow paths and variations in soil or bedrock conditions are known in sufficient detail to enable reliable tracking of pollutant movement in the event of a release from the facility;

(3) it is feasible to construct a monitoring system with sufficient monitoring points to assure that pollutants can be detected and tracked in the event of a release from the facility; and

(4) in the event of a release from a facility, pollutants can be contained and corrective actions taken to prevent adverse impacts on water supplies and to return the facility to compliance with ground water and surface water quality standards.

B. Unless the owner or operator provides an engineered secondary containment system, a facility cannot be located in an area where the hydrologic or topographic conditions would allow rapid or unpredictable pollutant migration, impair the long-term integrity of the facility, or preclude reliable monitoring. The additional engineering must be approved by the commissioner and must consist of at least:

(1) a second liner with a collection system between the two liners;

(2) an in-place, operational ground water containment and treatment or disposal system that can be activated immediately if ground water pollution is detected; or

(3) another method of secondary containment backing up the liner providing additional protection equivalent to subitem (1) or (2) and backing up the cover system.

C. A land disposal facility must not be located on a site where:

(1) there are karst features, such as sinkholes, solution channels, disappearing streams, and caves, which may cause failures of the leachate management system or prevent effective monitoring or containment of a release of leachate;

(2) there are other unstable soil or bedrock conditions that may cause failures of the leachate management system; or

(3) an airport runway used or scheduled for use by turbojet aircraft is located within 10,000 feet of the waste boundary, or an airport runway used or scheduled for use by piston-type aircraft only is located within 5,000 feet of the waste boundary, unless approval is obtained from the Federal Aviation Administration.

Subp. 3. **Hydrogeologic evaluation.** The owner or operator must complete a hydrogeologic evaluation in accordance with items A to I.

A. The owner or operator of a mixed municipal solid waste land disposal facility must investigate and define the hydrogeologic conditions at the facility. The hydrogeologic evaluation is required to obtain or retain a facility permit, and must be included in the application for a permit under parts 7001.3275, 7001.3300, and 7001.3475. The owner or operator must provide updates and revisions to the hydrogeologic evaluation as needed to clarify and define changes in the hydrogeologic conditions.

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The owner or operator may use previous data and field installations to help fulfill the hydrogeologic evaluation requirements. If the commissioner determines that portions of this previous work are reliable, well-documented, and comparable in information content, they may be substituted for the corresponding type and number of work items required in this subpart.

B. The hydrogeologic evaluation must be conducted in phases, in which the work done under each of the items E to I makes use of the results of the work required under the preceding items.

(1) Before conducting each phase, the owner or operator shall submit for the commissioner's approval a detailed description of the work proposed for that phase and a report of the findings from the previous phase, accompanied by documentation of information sources and methods and procedures used, boring and monitoring point logs, test data, and sample calculations. The commissioner may require additional work plans, if necessary, to enable review between successive stages of field and laboratory investigations.

(2) Soil and rock samples must be retained for at least 90 days after submittal of the report containing the boring logs.

C. The owner or operator must define the hydrogeologic conditions within at least the following areas:

(1) beneath the waste fill area and leachate management system;

(2) sufficient distances beyond the waste fill area and leachate management system, based on the directions and rates of ground water flow, to define the soil and ground water conditions that would control pollutant migration from the facility;

(3) within areas in which corrective actions would be implemented to contain, recover, or treat leachate or polluted ground water; and

(4) within the following vertical zones:

(a) the unsaturated zone;

(b) any perched saturated zone;

(c) the zone of continuous saturation, from the water table, through the uppermost aquifer, the next aquifer below it, and any intervening units; and

(d) for facilities that have affected ground water quality to a depth greater than that given in unit (c), the zone of continuous saturation, from the water table to and including both the lowest affected aquifer and the next aquifer below it. As used in this item, the lowest affected aquifer means the lowest aquifer in which one or more pollutants originating from the facility exceed the intervention limits or alternative intervention limits under subpart 4; and

(e) any additional aquifers used locally as major sources of water supply.

The commissioner may approve a minimum depth shallower than required in subitem (4) if there is little likelihood that ground water pollutants originating from the facility will migrate below this designated level.

D. Where drilling methods, testing methods, minimum quantities or depths, and reporting requirements are specified in items E to I, the owner or operator may propose alternative procedures if subsurface conditions indicate a need for these procedures. The commissioner may approve or require changes from the requirements in items E to I for good cause, including cases where:

(1) subsurface conditions are shown to be uniform, or the requirements are otherwise unnecessary or excessive for site conditions;

(2) a requirement is infeasible for a particular site or hydrogeologic condition;

(3) an alternative procedure would produce more or better information or would reduce the chance of pollutant migration between connecting aquifers; or

(4) the required procedures are insufficient to produce the information required in item G.

In all cases, alternative procedures are acceptable only if the subsurface conditions are thoroughly defined and the uncertainty of monitoring and corrective action is not increased.

E. In the first phase of the hydrogeologic evaluation, the available published and unpublished information about the facility site and surrounding area must be evaluated. The report for this phase must include at least the following information wherever it is available or can be developed from available sources:

(1) A description of previous investigations of the site and surrounding area, and a discussion of the reliability and completeness of this information.

(2) Descriptions, maps, and aerial photographs depicting the site and surrounding area's geologic history, stratigraphic sequence, soils, topography, vegetation, climate, surface water hydrology, area water usage, regional hydrogeologic setting, ground water occurrence at the site, aquifers and aquitards, hydrogeologic parameters such as transmissivity and storage coefficient, recharge and discharge areas, rates and directions of ground water movement, and water quality.

(3) One or more geologic columns or sections.

(4) Cross-sections, oriented along and perpendicular to the directions of ground water flow.

(5) An inventory and a plan map of all active, unused, and abandoned wells within one mile of the facility, and of high-capacity wells and community water supply wells within three miles of the facility. The inventory must include well logs and all other available information on well construction, water levels, and well usage, and it must be based on thorough reviews of state and local collections of water well logs and, if required by the commissioner, interviews or surveys of well owners. The commissioner may require interviews and surveys of well owners if needed well logs are not available through other sources.

(6) For existing facilities, preliminary evaluations of the adequacy of the water monitoring system; the monitoring points' compliance with chapter 4725, Department of Health Water Well Construction Code; and the water quality monitoring data.

F. In the second phase of the hydrogeologic evaluation, the owner or operator must evaluate in detail the distribution and properties of the earth materials underlying the site and the ground water conditions beneath the site.

(1) The investigation must be sufficient to identify the soil and bedrock units beneath the site, delineate their areal and vertical extent, determine their water transmitting properties, identify perched saturated zones, define vertical and horizontal components of ground water flow, predict pollutant movement in the event of releases from the facility, and provide the information needed for the report under item G.

(2) The work plan required for this phase must describe the methods and quality control measures to be used in drilling, logging, piezometer installation, boring and piezometer abandonment, and soils, bedrock, and ground water testing; and the hydrogeologic basis for the investigation, including specific subsurface conditions the investigations are likely to encounter and will seek to define. The work plan must describe the planned numbers, locations, depths and sequence of borings, test pits, geophysical or other measurements, sampling sites, and testing sites.

(3) Sufficient soil borings must be done to define the soil and bedrock conditions within the areas required in item C. The initial drilling must include borings positioned throughout the site; within each geomorphic feature including ridges, knolls, depressions, and drainage swales; and within any geophysical anomalies already identified. The minimum required number of borings for this initial drilling is as follows:

Size of Site	Number of Borings
0-10 acres	15
10-20	Add one boring per additional acre
20	25
20-40	Add one boring per additional two acres
40	35
more than 40	Add one boring per additional four acres

Additional borings, geophysical investigations, or both must be done, where needed, to delineate the thickness, extent, and properties of the soil and bedrock units identified in the initial drilling. The commissioner may require test pits for examination of the near-surface soils. In bedrock, the commissioner shall require core samples if necessary to identify the stratigraphic position of the uppermost bedrock or to determine the water-bearing and water-transmitting properties of the bedrock.

(4) Soil borings must comply with chapter 4725 and must not create pathways for pollutant migration. They must be permanently sealed using the procedures given in parts 4725.2700 to 4725.3100. Except where the soil boring is converted to an active piezometer or monitoring point or where the Minnesota Department of Health approves alternative methods, soil and bedrock borings must be sealed with grout, bentonite, or other impermeable material in a manner that minimizes the potential for future pollutant movement along the borehole.

(5) Soil samples must be collected using procedures conforming to American Society for Testing and Materials (ASTM) standards D1586 (split-barrel), D1587 (thin-walled tube), D3550 (ring-lined barrel), or equivalent methods approved by the commissioner. Within each boring, soil samples must be collected at maximum five-foot intervals and at changes in soil type distinguishable through changes in drilling characteristics, examination of cuttings, or other means. At least one boring per ten acres of proposed waste fill must be continuously sampled below the elevation of the base of the fill. Wherever necessary to determine detailed stratigraphy, the commissioner shall require smaller intervals between samples, additional continuously-sampled borings, borehole geophysical logging, or other procedures. Samples must be preserved and transported in accordance with ASTM standard D4220.

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(6) The soils and bedrock must be described and classified using information from field drilling observations, any geophysical logs, and laboratory examination and testing. Soil descriptions must include textural classification, primary and secondary structures, voids, and other properties that may affect soils correlations and influence pollutant movement. Rock cores or samples must be described and classified using accepted geologic classification systems and nomenclature.

(7) Based on the descriptions and testing required in subitems (6), (8), and (9), the soils and bedrock must be classified and, to the extent feasible, correlated over the site.

(8) For each soil unit identified on the site, a series of soil samples from different borings and elevations within the unit must be laboratory-tested. The owner or operator must develop a procedure and supporting rationale to select samples for this testing that are representative of the unit or are critically located within the unit. Together with the in-field testing required in subitem (9), the laboratory testing must determine the water-bearing and water-transmitting properties including, as appropriate, particle size distribution, porosity, vertical permeability, and clay mineral content or cation exchange capacity. Samples must not be combined into composites for classification or testing. Samples used to test permeability must not be compacted, and disturbance of samples must be minimized. Testing and quality assurance must conform with methods approved by the American Society for Testing and Materials or other standard methods.

(9) A program to determine in-place permeabilities must be developed including criteria for the placement of test wells or piezometers. Test locations must be at or adjacent to logged borings and must be suitably distributed to characterize the variation in the permeabilities of soil or bedrock units.

(10) Ground water flow conditions must be defined in detail within the zone specified in item C. A series of piezometers complying with subpart 10, item R, must be installed to map hydraulic head within this zone. The range of fluctuation in hydraulic head must be determined through historical records and a series of on-site measurements over time, unless the commissioner approves alternative methods to estimate the importance of fluctuations. The effects of pumping from high-capacity wells must be evaluated.

(11) Logs of all soil and bedrock borings must be submitted to the commissioner. The soil and bedrock logs must contain the information generated under subitems (3) to (8) and a scale drawing of the soil types encountered. At a minimum, the logs must contain the following: date of the boring; name and address of the driller and testing firm; drilling and sampling methods; surveyed elevation of the ground surface above mean sea level; surveyed location referenced to permanent benchmarks; soil and rock classifications and narrative descriptions, contacts between strata or units, sample depths, blow counts, and test data; observations during drilling; water level measurements; any geophysical logs; and sealing procedures.

(12) The well inventory, plan map, and supporting information required under item E, subitem (5), must be field-checked and updated to include all wells within the prescribed distances. Owners of structures or facilities that may have wells must be contacted directly to supplement the information previously obtained.

G. The report for the second phase of the hydrogeologic evaluation must contain at least the following information generated under item F:

(1) logs developed under item F, subitem (11), for borings and under subpart 10, items O to R, for piezometers and monitoring wells;

(2) descriptions of the soil and bedrock units and of the properties that may influence water movement including:

(a) texture and classification;

(b) particle size distributions;

(c) mineral composition, cementation, and soil structure;

(d) geologic structure, including strike, dip, folding, faulting, and jointing;

(e) permeabilities, including vertical permeabilities, and porosity; and

(f) lenses and other discontinuous units, voids, solution openings, layering, fractures, other heterogeneity, and the scale or frequency of this heterogeneity;

(3) one or more detailed geologic columns;

(4) descriptions of the hydrologic units within the saturated zone, including their thicknesses; hydraulic properties; the role and effect of each as an aquifer, aquitard, or perched saturated zone; and the actual or potential use of the aquifers as water supplies;

(5) plan-view maps and a series of cross-sections, spaced no more than 500 feet apart, oriented at a minimum in directions parallel to and perpendicular to the predominant directions of ground water flow, and showing the areal and vertical extent of the soil and bedrock units, the position of the water table, measured values of hydraulic head, equipotential lines and inferred ground water streamlines, soil or bedrock borings, locations and construction of piezometers and monitoring points, and locations of any geophysical measurements used to prepare the cross-sections;

(6) description and evaluation of the ground water flow system, specifically addressing the following components and discussing their significance with respect to ground water and pollutant movement:

(a) local, intermediate, and regional flow systems;

(b) ground water recharge and discharge areas, interactions of ground water with perennial or intermittent surface waters, and how the facility affects recharge rates;

(c) existing or proposed ground water and surface water withdrawals;

(d) the effect of heterogeneity, fractures, or directional differences in permeability on ground water movement;

(e) directions of ground water movement including vertical components of flow, specific discharge rates, and average linear velocities within the hydrologic units described in subitem (4); and

(f) seasonal or other temporal fluctuations in hydraulic head;

(7) an analysis of potential impacts on ground water quality, surface water quality, and water users in the event of a release from the facility including projected paths and rates of movement of both water-soluble and low-solubility components of leachate; and

(8) if mathematical or analog models are used to simulate ground water flow or contaminant migration, the report must thoroughly describe the model and its capabilities and limitations, state all assumptions or approximations made in using the model, identify quantities or values derived from the model that are not confirmed by direct measurement, and evaluate the reliability and accuracy of the results.

H. In the third phase of the hydrogeologic evaluation, the water monitoring system must be designed and installed based on the information obtained under items E to G. The monitoring system must comply with the requirements of subpart 10.

(1) The work plan for this phase must include:

(a) a description of the proposed monitoring system; monitoring point locations, design, and installation procedures; and a thorough evaluation of the suitability of any existing monitoring points proposed for inclusion in the monitoring system, including any deficiencies with respect to the requirements of subpart 10;

(b) an explanation of how the proposed monitoring system addresses the hydrogeologic conditions identified under items E to G; and

(c) a preliminary version of the monitoring protocol required under subpart 14.

(2) The report for this phase must include:

(a) the monitoring point construction and installation records required under subpart 10, items O to S;

(b) a description of any changes from the locations, design, and installation procedures identified in the work plan; and

(c) an evaluation of any differences from previously reported soils and bedrock conditions, water levels, or ground water flow conditions.

I. In the fourth phase of the hydrogeologic evaluation, water quality information must be collected from the monitoring system and interpreted. Water quality monitoring must comply with the requirements of subpart 14.

(1) The work plan for this phase must include the proposed monitoring protocol required in subpart 14; schedule of background or initial sampling dates; proposed analytical constituents and measurements; and methods of data analysis and interpretation.

(2) The report for this phase must contain the monitoring and quality assurance data, analysis of water quality trends, and identification of constituents that exceed ground water performance standards of subpart 4 or surface water quality standards of chapter 7050.

Subp. 4. **Ground water performance standards.** The owner or operator must design, construct, operate, and maintain the facility to achieve compliance with items A to J.

A. A compliance boundary must be established at each facility in accordance with items B and C. If the conditions in item D or E apply, a lower compliance boundary and surface water compliance boundary may also be established. Ground water quality

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must comply with items E, F, and H at the locations given in item F. If an intervention limit established under items E, F, and H is exceeded in ground water at any location, the owner or operator must take the actions specified in item G.

B. The owner or operator must propose the locations of the compliance boundary. The owner or operator shall submit the proposed locations to the commissioner for review and approval, together with the rationale for the selected locations, supporting information, and any additional information the commissioner may require to describe the locations of the boundaries in the facility permit.

C. The compliance boundary must be established in accordance with subitems (1) and (2).

(1) The compliance boundary must surround the waste fill area and leachate management system. It must be located on the facility property, with a sufficient setback from the property boundary to enable the installation of monitoring points and, if necessary, ground water control features. The following factors shall also be considered in establishing the location of the compliance boundary:

(a) hydrogeologic factors, including attenuation and dilution characteristics; ground water quantity, quality, flow rates, and flow directions; and anticipated rates and directions of pollutant movement;

(b) the feasibility of ground water monitoring at the compliance boundary;

(c) the feasibility of corrective actions to maintain compliance with ground water quality standards at the compliance boundary;

(d) the volume, composition, and physical and chemical characteristics of the leachate;

(e) the proximity and withdrawal rates of ground water users, and the availability of alternative water supplies; and

(f) any other public health, safety, and welfare effects.

(2) The distance between the compliance boundary and the permitted waste boundary must be no greater than 200 feet. The commissioner may require a smaller separation distance if ground water flow rates are very slow or where necessary to provide additional protection to ground water, including sites with downward ground water flow. At existing facilities, including expansion areas, the commissioner may allow a separation distance greater than 200 feet if the following conditions are met:

(a) the commissioner determines that the owner or operator has provided sufficient monitoring to assure reliable detection and tracking of pollutant migration within the area enclosed by the compliance boundary, and that the larger separation presents no greater risk to water quality and water use than a separation distance of 200 feet or less;

(b) the hydrogeologic evaluation under subpart 3 is complete or will be completed according to a compliance schedule; and

(c) the owner or operator revises the cost estimate for contingency action under part 7035.2615 to reflect any greater costs for additional monitoring; ground water containment, removal, and treatment; and other contingency actions, and provides evidence of financial assurance to pay for the increased costs.

D. In addition to the compliance boundary required of all facilities under item C, the commissioner shall designate a lower compliance boundary at any facility where there is a potential for substantial pollutant migration downward to a deeper aquifer used locally as a source of water supply. The lower compliance boundary shall be designated at a contact between soil or hydrogeologic units, or other definable surface within the saturated zone, and shall be located to prevent adverse effects on water supplies.

E. The commissioner may designate a surface water compliance boundary if it is determined, by the analysis under subpart 3, item G, subitem (7) or otherwise, that pollutants entering the ground water from the facility may migrate to surface water at concentrations that could adversely affect the quality of surface water.

(1) The surface water compliance boundary must be designated as a vertical plane extending downward from the land surface or as some other readily definable plane located between the land disposal facility and the surface water.

(2) The surface water compliance boundary may either replace a portion of the compliance boundary or be designated in addition to the compliance boundary. The surface water compliance boundary may be substituted entirely for a portion of the compliance boundary only if the facility is within 500 feet of the surface water and the commissioner determines that all pollutants entering the ground water from the facility will discharge into that surface water.

(3) The commissioner shall establish standards and intervention limits for the surface water compliance boundary in the facility permit based on the applicable provisions of chapter 7050. If the surface water in turn recharges an aquifer used as a water supply, the commissioner shall establish standards and intervention limits protective of both surface water and drinking water.

(4) The commissioner shall require submission of any facility and site information needed to establish standards and intervention limits for the surface water compliance boundary, including low-flow stream discharge rates, mixing characteristics and rates, biological communities, and chemical composition of the surface water and leachate.

F. Except as provided in items E and H and this item, pollutant concentrations in ground water must not exceed the standards listed in this item at or beyond the compliance boundary and at or below the lower compliance boundary. The standards and intervention limits for these two boundaries are as follows:

	Substance	Standard or intervention limit (in micrograms per liter unless otherwise noted)
(1)	Acrylamide	0.025
(2)	Acrylonitrile	0.17
(3)	Alachlor	2.5
(4)	Aldicarb	2.3
(5)	Aldrin	0.0075
(6)	Allyl chloride	7.35
(7)	Arsenic	12.5
(8)	Asbestos	1800000 medium and long (greater than 10 microns) fibers per liter
(9)	Barium	375
(10)	Benzene	3
(11)	Bis(2-chloroethyl)ether	0.078
(12)	Cadmium	1.25
(13)	Carbofuran	9
(14)	Carbon tetrachloride	0.67
(15)	Chlordane	0.055
(16)	Chlorobenzene (monochlorobenzene)	15
(17)	Chloroform	1.3
(18)	Chromium	30
(19)	Copper	325
(20)	DDT	0.25
(21)	Dibromochloropropane (DBCP)	0.063
(22)	1,2-Dibromoethane (Ethylene dibromide, EDB)	0.002
(23)	1,2-Dichlorobenzene (orth-)	155
(24)	1,3-Dichlorobenzene (meta-)	155
(25)	1,4-Dichlorobenzene (para-)	18.8
(26)	3,3′-Dichlorobenzidine	0.052
(27)	1,2-Dichloroethane	0.95
(28)	1,1-Dichloroethylene	1.8
(29)	1,2-Dichloroethylene (cis-)	17
(30)	1,2-Dichloroethylene (trans-)	17
(31)	Dichloromethane (methylene chloride)	12
(32)	2,4-Dichlorophenoxyacetic acid (2,4-D)	17
(33)	1,2-Dichloropropane	1.5
(34)	Dieldrin	0.0025
(35)	2,4-Dinitrotoluene	0.27
(36)	1,2-Diphenylhydrazine	0.11
(37)	Epichlorohydrin	8.9
(38)	Ethylbenzene	170
(39)	Heptachlor	0.025
(40)	Heptachlor epoxide	0.0015
(41)	Hexachlorobenzene	0.053

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	Substance	Standard or intervention limit (in micrograms per liter unless otherwise noted)
(42)	Hexachlorobutadiene	1.1
(43)	Hexachlorocyclohexane (alpha-)	0.0075
(44)	Hexachlorocyclohexane (beta-)	0.047
(45)	Hexachlorocyclohexane (gamma-)(Lindane)	0.05
(46)	Hexachlorodibenzodioxin	0.000015
(47)	Hexachloroethane	6.2
(48)	Lead	5.0
(49)	Mercury	0.75
(50)	Methyl ethyl ketone	43
(51)	Methoxychlor	85
(52)	Nickel	38
(53)	Nitrate (as Nitrogen)	2500
(54)	Nitrite (as Nitrogen)	250
(55)	N-Nitrosodimethylamine	0.0035
(56)	N-Nitrosodiphenylamine	17.8
(57)	Total carcinogenic polynuclear aromatic hydrocarbons (PAH)	0.007
(58)	Polychlorinated biphenyls (PCB's)	0.02
(59)	Pentachlorophenol	55
(60)	Selenium	11
(61)	Styrene	35
(62)	2,3,7,8-Tetrachlorodibenzo-p-dioxin (-TCDD)	0.0000005
(63)	1,1,2,2-Tetrachloroethane	0.44
(64)	Tetrachloroethylene	1.7
(65)	Toluene	500
(66)	Toxaphene	0.075
(67)	1,1,1-Trichloroethane	50
(68)	1,1,2-Trichloroethane	1.5
(69)	Trichloroethylene	7.8
(70)	2,4,6-Trichlorophenol	4.4
(71)	2,4,5-TP (Silvex)	13
(72)	Vinyl chloride	0.037
(73)	Xylene	110

G. If an intervention limit established under items E, F, and H is exceeded in ground water at any location where the facility's impacts are monitored, the owner or operator must take the following actions:

(1) immediately notify the commissioner in writing;

(2) immediately resample if previous samples at the facility did not exceed the intervention limits;

(3) evaluate the need to resample if previous samples exceeded the intervention limits;

(4) evaluate the significance of the exceedance and the source or cause of the constituents exceeding the intervention limits;

(5) evaluate the need for immediate corrective action to prevent pollutant concentrations from approaching or exceeding standards at the compliance boundary, surface water compliance boundary, or lower compliance boundary;

(6) evaluate the need for changes in water monitoring, including sampling frequencies, constituents analyzed, and installation of additional monitoring points;

(7) within 30 days after obtaining the sample results in which an intervention limit was exceeded, submit a written report to the commissioner describing the evaluations and conclusions under subitems (2) to (6) and the actions taken or planned under subitem (8); and

(8) take other actions described in the facility's contingency action plan and as required in subpart 15 and part 7035.2615.

H. In lieu of the intervention limits and standards under items E and F, the commissioner may establish alternative standards and intervention limits in the facility permit as follows:

(1) If the concentration of any constituent in the background ground water at a facility is greater than a standard or intervention limit established in this subpart, the background concentration of the constituent must be used as the standard or intervention limit. For purposes of this subitem, background refers to the condition of ground water that has experienced no change in quality due to migration of constituents from the facility. If the background water quality is inadequately defined, the commissioner may require additional evaluation including sampling, statistical analysis of sampling data, and installation of additional monitoring points. The commissioner may alter the alternative standards or intervention limits if background water quality is changing due to actions or events occurring outside the facility property and beyond the owner's or operator's control.

(2) Upon request by the owner or operator, the commissioner may establish alternative limits for some or all substances for portions of a facility filled before the effective date of parts 7035.2525 to 7035.2815. Unless approved by the agency or by the commissioner as provided in subitem (1), the alternative limits must not exceed four times the concentrations given in item F. The owner or operator must have completed a remedial investigation study evaluating the extent and severity of ground water pollution at the facility and a feasibility study evaluating the feasibility and the environmental and economic costs, risks, and benefits of the possible alternative corrective actions. The alternative approaches must include corrective actions intended to achieve compliance with the standards under items E and F and at least one additional approach intended to maintain ground water concentrations lower than four times the concentrations under item F. The feasibility study also must evaluate the pollutant concentrations that would remain in ground water after corrective action and the extent to which the use of these alternative limits may adversely affect the immediate and future use of ground water downgradient from the facility.

(3) If the quality of a public water supply is potentially affected by migration of leachate from a facility, and if the maximum contaminant level for a substance as defined and established under either chapter 4720 or under the National Primary Drinking Water Regulations, Code of Federal Regulations, title 40, part 141, is a lower concentration than the standard under items E and F, the commissioner may use the maximum contaminant level as the alternative standard and alternative intervention limit for that substance.

(4) If a substance is present in ground water at a facility, and if that substance is known to impart undesirable taste or odor to drinking water, the commissioner may upon the recommendation of the Minnesota commissioner of health establish alternative limits to avoid these taste and odor effects.

(5) If a substance not listed in item F is present in ground water at a facility and is determined by the Minnesota commissioner of health to be potentially harmful to health, the commissioner may establish alternative limits for that substance. Except as provided elsewhere in this subpart, the alternative limits shall be 25 percent of the concentration given in unit (a) or (b):

(a) For a substance not classified by the United States Environmental Protection Agency as Group A (human carcinogen) or Group B (probable human carcinogen), the recommended allowable limit, as determined by the Minnesota commissioner of health; or

(b) For a substance classified by the United States Environmental Protection Agency as a Group A or Group B carcinogen, either the concentration corresponding to a risk of one additional case of cancer per 100,000 adults consuming the water over a lifetime, as estimated by the United States Environmental Protection Agency and the Minnesota commissioner of health, or the recommended allowable limit under unit (a), whichever is lower.

(6) If a substance which has a standard or an alternative standard under subitems (2) to (5) is present in ground water at a facility, and if the recommended allowable limit or the concentration corresponding to the one-in-100,000 cancer risk under subitem (5) is changed, the commissioner may establish alternative limits for that substance. The alternative limits shall be 25 percent of the concentration given in subitem (5), unit (a) or (b), whichever is applicable.

I. If a substance is not detected in a sample and the limit of detection is higher than the intervention limit or standard for that substance, the intervention limit or standard will not be assumed to have been attained or exceeded.

J. The commissioner, after investigation and evaluation, may require the owner or operator to implement the facility contingency action plan and to take corrective action under the following circumstances, even if a standard or intervention limit established under this subpart is not being exceeded:

(1) in the event of a substantial release of leachate that the commissioner may reasonably expect to result in a violation of water quality standards; or

(2) based on the additive carcinogenicity or toxicity of a combination of pollutants in the ground water, in lieu of the

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limits for individual substances under items E, F, and H. The additive carcinogenicity or toxicity must be computed using the approach given in "Guidelines for the Health Risk Assessment of Chemical Mixtures," *Federal Register*, Volume 51, pages 34014-34025, September 24, 1986. Where quantification using this approach is feasible, the commissioner may require response actions if the sum total risk of consuming the water over a lifetime would exceed either 2.5 additional cases of cancer in a population of 1,000,000 persons or for noncarcinogens, 25 percent of the acceptable concentration for long-term consumption.

Subp. 5. **Design requirements.** The design requirements for a mixed municipal solid waste land disposal facility are as follows:

A. The owner or operator must develop an engineering report for the site. The report must include specifications for site preparation. The report shall be submitted with the final permit application required under part 7001.3300. These specifications as they relate to phase development of the facility must be established in the engineering report. Site preparations include clearing and grubbing for disposal areas and building locations, topsoil stripping and storage, cover material excavation, other excavations, berm construction, drainage control structures, leachate collection and treatment system, ground water monitoring system, gas monitoring and collection system, entrance and access roads, screening, fencing, and other special design features.

B. The owner or operator must develop the site in phases. Each phase must contain individual cells that will provide for filling in a manner to achieve final waste elevations as rapidly as possible. The phases must be designed and constructed to minimize moisture infiltration into the fill areas while maintaining stable slopes and appropriate operating conditions. The owner or operator must consider seasonal phases in order to accommodate the differences between wet and dry and warm and cold weather operations. The owner or operator must bring each phase to the final waste contours, as shown on the ultimate site development plan, and close the phase according to the approved facility closure plan.

C. Any new fill area at a land disposal facility must be located at least 200 feet from the nearest property line, unless otherwise approved by the commissioner based on existing filling procedures, existing site structures, the facility design, compliance boundaries, and existing land restrictions.

D. The owner or operator must divert surface water drainage around and away from the site operating area. A drainage control system, including changes in the site topography, ditches, berms, sedimentation ponds, culverts, energy breaks, and erosion control measures, must take into consideration at least the following features:

(1) the expected final contours for the site and the planned drainage pattern;

(2) the drainage pattern of the surrounding area and the possible effects on and by the regional watershed;

(3) the need for temporary structures as filling progresses at the site;

(4) the base of each fill area and the top of each lift graded at a minimum two percent slope; and

(5) the area's ten-year, 24-hour rainfall.

E. The owner or operator must design and maintain slopes and drainageways to prevent erosion, particularly of liner and final cover materials. Slopes greater than 200 feet long must include diversion drainageways unless the commissioner approves a greater distance based on sedimentation run-off calculations, proposed design features and sedimentation control devices. Where water runs off top slopes onto steeper side slopes, the owner or operator must evaluate the need for drainageways around the perimeter of the top slope and flumes or drop structures to prevent erosion of the cover. Drainageways must include energy breaks and concrete or rip rap reinforcement necessary to prevent erosion.

F. The owner or operator must provide a sediment settling pond if run-off would otherwise carry excessive sediment off the facility property. The commissioner may require monitoring of water quality within or beneath a sedimentation pond and corrective actions if adverse water quality effects are detected.

G. The final contours for the fill area must be a minimum three percent and a maximum 20 percent slope unless the commissioner approves other contours based on existing site topography, design plans, and operating conditions.

H. The facility design must include:

(1) a cover system in accordance with subpart 6;

(2) a liner system in accordance with subpart 7;

(3) a leachate collection and treatment system in accordance with subpart 9;

(4) a water monitoring system in accordance with subpart 10; and

(5) a gas monitoring and collection system in accordance with subpart 11 unless determined to be unnecessary by the commissioner based on the location, waste characteristics, and site characteristics.

Subp. 6. **Intermittent, intermediate, and final cover system.** The owner or operator of a mixed municipal solid waste land disposal facility must design and maintain a cover system capable of minimizing infiltration of precipitation into the fill areas,

preventing surface water ponding on fill areas, controlling gas movement, preventing erosion of surface and side slopes, reducing wind erosion and wind blown litter, minimizing the creation and movement of dust, retaining slope stability, reducing effects of freeze-thaw and other weather conditions, maintaining vegetative growth while minimizing root penetration of the low-permeability cover layer, and discouraging vector and burrowing animal intrusion into the site. A complete cover system must consist of intermittent, intermediate, and final covers as outlined in items A to E.

A. The owner or operator must place an intermittent cover upon all exposed solid waste in accordance with the approved operation and maintenance manual for the site. The owner or operator shall submit to the commissioner for approval a proposed cover system that addresses the frequency and depth of placement and the material to be used as cover. The frequency of placement may be no less than once per week. The cover depth must be sufficient to cover the waste completely and must be at least six inches if soil or similar material is used. The commissioner, in approving the proposed cover system, must consider the characteristics of the proposed cover material, the characteristics of the solid waste, the leaching potential of the solid waste, the design and operation of the facility, and the potential for nuisance conditions if other than daily cover is proposed.

B. The owner or operator must place intermediate cover on all filled surfaces of the facility where no additional solid waste will be deposited within 30 days. The intermediate cover must consist of compacted material of sufficient depth, at least 12 inches if soil or similar material is used, to cover the waste completely, and graded to prevent surface water ponding.

C. The owner or operator of an existing mixed municipal solid waste land disposal facility must comply with the final cover requirements of subitems (1) to (4) if, within 18 months after the effective date of parts 7035.2525 to 7035.2815, waste will no longer be received and the facility will be closed.

(1) The final cover system must be compatible with the end use for the site.

(2) The final cover system must be graded to prevent surface water ponding and must have a minimum slope of two percent and a maximum slope no greater than 25 percent.

(3) The final cover system must consist of a barrier layer at least 24 inches thick of materials having a permeability not greater than 2×10^{-6} centimeters per second overlain by 12 inches of material of which at least six inches is topsoil capable of sustaining a vegetative cover. A barrier consisting of synthetic materials at least 30/1000 of an inch thick may be used in place of the barrier layer described above.

(4) The vegetative cover must consist of shallow-rooted perennial grasses or other suitable vegetation that will not penetrate the barrier layer.

D. The owner or operator of a new mixed municipal solid waste land disposal facility or an existing facility or portions thereof that will close or reach final permitted waste elevations more than 18 months after the effective date of parts 7035.2525 to 7035.2815 must comply with the requirements of subitems (1) to (9).

(1) The final cover system must be compatible with the end use for the site.

(2) The final cover system must be designed and constructed to contain or reject at least 90 percent of the precipitation falling on the system.

(3) A final cover system comprised of soils or amended soils must consist of at least three layers; a barrier layer, a drainage layer, and a top layer. The barrier layer must be at least 24 inches thick if it consists of soils or amended soils. The drainage layer must be at least six inches thick. The top layer must be at least 18 inches thick, of which at least six inches is topsoil, and of sufficient depth to contain the vegetative roots and have an available water-holding capacity to promote vegetative growth.

(4) The barrier layer must have a maximum permeability no greater than 2×10^{-6} centimeters per second.

(5) A synthetic membrane may be used as the barrier layer. The membrane must be at least 30/1000 of an inch thick and meet the physical property standards for the material type developed by the National Sanitation Foundation and reproduced in the United States Environmental Protection Agency Manual, "Lining of Waste Impoundment and Disposal Facilities", SW-870, March 1983, Office of Research and Development, Cincinnati, Ohio.

(6) The layer of topsoil must be capable of sustaining vegetative cover consisting of shallow-rooted perennial grasses or other suitable vegetation that will not penetrate the barrier layer.

(7) In designing the drainage for the final cover system, the owner or operator must consider the need for drainage ditches,

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pipes, and collection areas to prevent erosion and excessive sediment movement off site. The owner or operator must also consider design and construction techniques needed to maintain the drainage layer in place on the barrier layer.

(8) The barrier layer must be placed upon a buffer material covering the waste to protect the barrier layer from damage.

(9) The owner or operator must grade the final cover system to achieve a minimum three percent and a maximum 20 percent slope, unless the commissioner approves otherwise. The commissioner's approval must consider the ability of the proposal to minimize infiltration and prevent erosion, the design and operational specifications, and the ultimate use for the site. The final cover system must maximize surface water run-off and prevent ponding of surface water.

E. The owner or operator must place all cover material for the barrier, buffer, and drainage layers in lifts of no more than six inches and compact the lifts within zero to five percent of optimum moisture content to achieve 95 percent Standard Proctor of maximum density according to the compaction test of subpart 8. The owner or operator must not compact the uppermost six inches to this specification.

Subp. 7. **Liner requirements.** Any previously unfilled portion of an existing mixed municipal solid waste land disposal facility or any portion of a new mixed municipal solid waste land disposal facility must be lined. An extension of 18 months from the effective date of parts 7035.0300 to 7035.2875 may be granted by the commissioner to the owner or operator of an existing mixed municipal solid waste land disposal facility provided the owner or operator shows that the liner is unnecessary for that time based on: subsurface geologic conditions; ground water and surface water flow patterns; ground water and surface water quality; depth to ground water; distance to surface water; remaining site capacity; design and construction techniques to be used to mitigate leachate generation; and other site conditions that exist and will minimize impacts on the environment.

A liner is not required for existing disposal areas at existing mixed municipal solid waste land disposal facilities that will be expanded vertically. However, a permit for a vertical expansion may be granted by the commissioner only if the owner or operator shows that the expansion will not increase the potential for harm to human health or the environment. The owner or operator shall submit to the commissioner an engineering and hydrogeologic report containing a detailed analysis of the impact the expansion would have on the environment and human health. The report must also contain the design and construction modifications to be used at the facility to minimize impacts on the environment. The report must include a hydrogeologic evaluation as outlined in subpart 3; a feasibility study on minimizing leachate generation, controlling leachate movement, and on treating ground water and surface water pollution; an evaluation of long-term monitoring; and an appropriate adjustment to the financial instruments in place for the facility.

The liner installed at a mixed municipal solid waste land disposal facility must comply with the requirements of items A to N. The lined portion of the disposal area must be separated from any existing fill area by low-permeability material to the extent practicable, be designed to collect the additional water movement from the old fill area to the new fill area, and prevent movement of water from the new fill area to the old fill area.

A. The liner system in combination with the cover system must achieve an overall site efficiency of 98.5 percent collection or rejection of the precipitation that falls on the disposal area and minimize the amount of leachate leaving the fill site to the soil and ground water system below the site.

B. The liner system must be compatible with the waste and leachate.

C. The liner must maintain its integrity for the operating life of the facility and the postclosure care period.

D. The liner system must consist of at least the following:

(1) a smooth, stable subgrade for placement of the barrier liner by means of the placement of protective material over the existing subgrade, the removal of abrasive objects, organic matter, and vegetation in the subgrade, and regrading;

(2) a barrier liner capable of containing leachate generated at the facility and surface water that has come in contact with waste; and

(3) a drainage layer above the barrier liner to rapidly convey surface water and leachate from the fill area, and to protect the barrier layer from puncture or other disturbances that might disrupt the integrity of the barrier liner.

E. A natural soil barrier liner must be at least four feet thick. A synthetic membrane must be at least 60/1000 of an inch thick for an unreinforced membrane or 30/1000 of an inch thick for a reinforced membrane. A synthetic membrane must meet the specifications of the National Sanitation Foundation, Standard Number 4, Flexible Membrane Liners, November 1983, Ann Arbor, Michigan. The synthetic membrane must be placed over a natural soil barrier liner at least two feet thick. The drainage layer must consist of at least 12 inches of suitable soil material or an equivalent synthetic material.

F. The barrier liner must have a permeability no greater than 1×10^{-7} centimeters per second. The drainage layer must have a permeability of 1×10^{-3} centimeters per second or greater throughout.

G. The base of the liner must be graded to a minimum two percent and a maximum ten percent slope and the side slopes must be no steeper than 25 percent.

H. The barrier layer must be compacted in lifts no greater than eight inches.

I. The drainage layer must cover the base liner and the side slopes.

J. The liner must be designed to have a leachate collection efficiency of at least 95 percent of the precipitation falling on the fill area. The efficiency calculation must consider the liner thickness, the liner slope, the saturated hydraulic conductivity of the liner and drainage layer, the drainage layer thickness, the permeability of the drainage layer and liner, the porosity of the drainage layer, the flow distance to collection pipes, and the amount of leachate to be generated and collected based on annual infiltration and ground water inflow.

K. An alternative liner system design may be used when approved by the commissioner. The commissioner's approval shall be based on the ability of the proposed liner system to control leachate migration, meet performance standards, and protect human health and the environment.

L. The owner or operator of a mixed municipal solid waste land disposal facility must discuss the design of the liner system in the engineering report required in part 7001.3475, item D and must address at least the following:

(1) the source and quantity of natural soils capable of meeting the requirements of this subpart;

(2) the likelihood and consequences of failures caused by puncture, tear, creep, freeze-thaw, thermal stress, abrasion, swelling, extraction, oxidative degradation, exposure to ultraviolet radiation, acidic conditions, concentration of ions, organic constituents, pressure, and the presence of gases, rodents, microbes, and root penetration;

(3) the composition of the drainage layer and liner including the soil gradations, percent fines, mineral composition, and solubility under acidic conditions and when in contact with solvents; and

(4) the calculations and assumptions used in choosing the particular design proposed for the facility.

M. The liner system must be protected from damage during operation of the facility by a method approved by the commissioner.

N. The installation of the liner must comply with the construction specifications developed under subpart 12.

Subp. 8. **Cover and liner evaluation.** Soils intended for use as cover or liner material must be evaluated for the following properties as appropriate:

A. particle size distribution according to ASTM D421, ASTM D422, and ASTM D2217;

B. percent fines according to ASTM D1140;

C. Atterberg limits according to ASTM D423, ASTM D424, and ASTM D427;

D. specific gravity according to ASTM D854;

E. soil description according to ASTM D2488;

F. soil classification according to ASTM D2487;

G. water content according to ASTM D2216 and ASTM D3017;

H. compaction according to ASTM D698 or ASTM DM1557;

I. consolidation according to ASTM D2435;

J. permeability according to ASTM D2434;

K. mineralogy according to the American Society of Agronomy and American Society for Testing and Materials;

L. unconfined compression according to ASTM D2166;

M. triaxial compression according to ASTM D2850;

N. cation exchange capacity according to Methods of Soil Analysis, Agronomy Monograph No. 9, C.A. Black, editor, American Society of Agronomy, Madison, Wisconsin, 1965; and

O. the nutrient content, pH, and percent organic matter for topsoils used to grow vegetation.

Alternative test methods may be used upon written approval by the commissioner.

Subp. 9. **Leachate detection, collection, and treatment system.** The facility design must include a leachate detection, collection,

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and on-site or off-site treatment system. The detection system must monitor the level of leachate build-up in the fill area and the effectiveness of the liner system. The collection and treatment system must collect the leachate for proper treatment. If leachate treatment will take place off-site, the owner or operator must provide pretreatment of the leachate, if necessary. The system must comply with items A to K.

A. The owner or operator must install the detection system at the lowest elevation of the fill area and throughout the fill area, as necessary, to monitor leachate build-up and for use as a part of the collection system. The detection system must be capable of monitoring leachate build-up in the fill area and consist of collection lysimeters and standpipes capable of monitoring, detecting, and collecting leachate movement through the liner. The detection system must consist of materials compatible with the leachate. The commissioner may approve a detection system without collection lysimeters or standpipes provided the owner or operator shows either to be unnecessary based on the liner system, subsurface soil conditions, ground and surface water flow patterns, depth to ground water, and the amount of leachate generated. The detection system must be designed and constructed to monitor the effectiveness of the leachate storage area.

B. The owner or operator must construct a clean-out system capable of cleaning the entire collection system. Clean-out structures must be spaced no more than 500 feet apart.

C. The owner or operator must design the size of the collection system in accordance with subitems (1) to (4).

(1) The owner or operator must complete a water balance calculation based upon the amount of precipitation, evapotranspiration, surface run-off, soil and waste moisture storage capacity, root zone depth, surface slope, subsurface lateral drainage, and average monthly temperature. The owner or operator must derive the leachate generation rate by calculating the amount of water that percolates through the cover each month using actual data from an average weather year and a year when the precipitation exceeds the average precipitation by at least 20 percent. The engineering design report must contain all calculations and assumptions made during the water balance calculation.

(2) The size of the fill area the collection system will serve must be considered in determining pipe and storage area sizing.

(3) The amount of leachate to be collected must relate to the water balance calculated in subitem (1) and the site efficiency as calculated in subpart 7.

(4) In sizing sump pumps to remove leachate from the fill area, the owner or operator must use the storage capacity anticipated in the waste and leachate collection system, the anticipated amount of leachate to be generated, and the amount of leachate moving to the holding area by gravity drains. The pumps must be compatible with the leachate.

(5) The storage area must be designed and constructed to drain the system back into the overall leachate collection system to minimize the potential for overfilling of the storage area. The storage design must be capable of detecting leaks, containing the leaks, and minimizing the need for corrective actions.

D. The height of free standing liquid over the liner in the fill area must not exceed one foot.

E. The unintercepted leachate flow distance along the drainage layer must not exceed 100 feet.

F. The design of the collection system must include collection pipes of sufficient diameter to handle the flow and allow cleaning. The pipes must be capable of handling loads experienced during construction and disposal of solid waste. The engineering design report must contain the buckling capacity and compressive strength of the pipe. The pipes must be placed in lined trenches and covered with a suitable filter material or geotextile membrane designed and constructed to encourage flow to the pipe and prevent infiltration of fine-grained soils. The geotextile membrane must not be placed in contact with the collection pipe.

G. The collection pipes must be trenched into the barrier liner with the same thickness of liner beneath the pipes as exists elsewhere or be constructed under a positive projection condition.

H. The collection system must consist of pipes resistant to chemical and biological breakdown as a result of contact with the leachate.

I. The design and construction of the collection system must be coordinated with the planned phase development for the site and the amount and timing of leachate generation.

J. The collection system must be designed to allow the collection of leachate samples for chemical analysis.

K. The owner or operator must design and construct the collection system to transport leachate into a holding area for testing and treatment prior to disposal, if the holding area is necessary. The owner or operator must design any holding area or treatment system compatible with the leachate and capable of preventing releases of leachate to the environment. The treatment and disposal of leachate must comply with parts 7001.0010 to 7001.0210, and 7001.1000 to 7001.1100. The design and construction of a leachate treatment and disposal system must be completed in accordance with a feasibility study conducted by the owner or operator and approved by the commissioner.

Subp. 10. **Water monitoring systems.** The owner or operator must design, install, and maintain a water monitoring system in compliance with items A to T.

A. A water monitoring system must be installed at a mixed municipal solid waste land disposal facility and must be designed, constructed, and operated:

(1) to yield samples that are representative of the water quality in the portions of the ground water, surface water, or unsaturated zone the individual monitoring points are intended to sample;

(2) to allow ground water or surface water quality potentially affected by the facility to be distinguished from background water quality;

(3) to allow early detection of the release of pollutants from a facility;

(4) to allow determination of the composition, areal and vertical extent, concentration distribution, and highest concentrations of pollutants in the ground water or surface water; and

(5) to allow determination of whether the facility complies with the ground water performance standards of subpart 4.

B. The owner or operator must demonstrate the adequacy of the water monitoring system to reliably detect pollution and to comply with the requirements of this subpart. The numbers, types, locations, and depths of monitoring points, and the separation distances between them, must be designed based on:

(1) an evaluation of potential sources of leachate releases, including the leachate collection system, critical or higher-risk areas of the liner, areas of greatest potential buildup of leachate on the liner, leachate tanks, and leachate treatment and holding areas;

(2) an evaluation of the hydrogeologic conditions at the facility, including the variability of water quality and the projected paths and rates of migration of leachate from the potential sources identified under subitem (1). This analysis must include both water-soluble and low-solubility components of leachate; and

(3) a consideration of the location of any potentially impacted water supply wells, other points of water use, and surface waters.

C. Water monitoring systems must include monitoring points situated as follows:

(1) Monitoring points must be installed upgradient and downgradient from the facility, with upgradient monitoring points in each aquifer that has a downgradient monitoring point.

(2) All monitoring systems must be sufficient at a minimum to allow early detection of the release of leachate from each of the potential sources identified under item B, subitem (1).

(3) If pollutants orginating from the facility are detected in ground water, the owner or operator shall provide additional monitoring points as necessary to delineate the polluted zone and to measure the facility's compliance with the ground water performance standards of subpart 4.

(4) Monitoring points must be installed within aquitards, confining units, and aquifers, as needed, to meet the requirements of this subpart.

(5) The commissioner shall require water quality monitoring beneath an aquifer or aquitard that is already affected by leachate unless there is little or no risk to the deeper ground water.

(6) Where changes in land use, water use, or other factors have altered ground water flow, the commissioner shall require necessary changes in the monitoring system.

D. The owner or operator shall provide monitoring points or instrumentation other than conventional monitoring wells if these installations are needed to fulfill the requirements of this subpart. The commissioner shall require separate monitoring points whenever necessary to monitor conditions other than ground water quality, including hydraulic head, ground water or surface water flow, and leachate quality and movement in the unsaturated zone.

E. Before any monitoring point is constructed, sealed, rebuilt, or redeveloped, the owner or operator must submit the design and description of the proposed actions to the commissioner for review and approval. Approval must first be obtained from the Minnesota Department of Health, as required in part 4725.1860, before constructing a monitoring well that extends into any aquifer below the aquifer nearest the ground surface.

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F. Monitoring wells and piezometers must be designed, constructed, maintained, and sealed in compliance with this subpart and with chapter 4725, Department of Health Water Well Construction Code.

G. Monitoring wells must be designed and constructed to function properly over the intended operating life of the well, to prevent vertical movement of ground water and pollutants within and along the well and drill hole, and to be pressure tight without leakage at casing joints.

(1) Materials used in well casings, screens, and annular seals must comply with chapter 4725 and must be resistant to corrosion, chemical attack, and other deterioration and must not be subject to penetration by pollutants.

(2) The casing and screen must be centered in the drill hole to ensure a continuous seal around the casing.

(3) When granular filter packs are used around well screens, they must be of insoluble, nonreactive mineral composition and they must be sized, graded, and washed specifically for use in filter packs. Silica sand must be used for filter packs except where this is infeasible and the commissioner approves other materials.

H. The owner or operator must ensure that in all phases of monitoring well construction, drilling, installation, and completion, the methods and materials used do not introduce substances that may interfere with water quality analysis.

(1) Drilling fluids, muds, foams, dispersants, disinfectants, other additives, and water from outside the well may be used only if approved by the commissioner. The commissioner may approve their use if they do not interfere with water quality analyses, or if there are no reasonable alternative methods and all feasible methods are used to remove them from the drill hole.

(2) Drilling tools and cables and well construction materials must be clean and free of oils, greases, and other contaminants.

(3) Equipment contaminated by contact with pollutants in the soil or ground water must be thoroughly cleaned before drilling to greater depths or in other locations.

I. Where well construction materials are unsuitable for sampling some substances, the commissioner may allow the owner or operator to install two or more adjacent monitoring points constructed of different materials to allow testing of all required substances.

J. Monitoring wells and filter packs must be designed based on the site hydrogeologic characteristics including the permeability and particle size distribution of the formation material at the screen or intake interval.

(1) An owner or operator proposing a screen or intake area longer than five feet, or ten feet if the water table intersects the screen or intake, must provide a written justification for the additional length.

(2) Monitoring wells must be designed, constructed, and developed to minimize the time needed for water levels to recover after the well is evacuated, to allow water to flow readily into the screen or intake area with low flow velocities through the screen, and to minimize the entry of soil particles into the well.

K. Monitoring wells must be clearly and permanently marked with a Minnesota Unique Well Number and, if different from the unique number, the identifying well name or number used in the facility plans, permit, and water quality data records.

L. Monitoring wells must be protected from damage and unauthorized access as required under part 4725.1860, subpart 5, except that a locked metal cap must be used. Caps must be kept locked when the well is not being monitored.

M. A monitoring well must be developed immediately after installation and, if necessary to minimize the entry of soil particles into the well or to restore well yield, during its operating life. After development, the owner or operator must analyze unfiltered water samples from the monitoring well for suspended solids, and must measure the depth of the well to verify that the well is free of accumulated sediment. The commissioner may require additional measures including additional development or installation of a new monitoring well, where necessary to reduce the entry of sediment into the monitoring well.

N. After development, the owner or operator must conduct a stabilization test, recovery rate test, or other appropriate procedure to estimate the rate and length of time the well must be pumped and the volume of water that must be removed before each sampling to ensure that water samples are representative of actual ground water quality.

O. Accurate records must be kept of the soil or rock types encountered while installing a monitoring point. The soils logging procedures must meet the requirements for soil borings contained in subpart 3, item F, except that the commissioner may approve alternative procedures upon written request by the owner or operator if these soil logging requirements are unnecessary or infeasible for a particular monitoring point. Where conditions during drilling result in an unanticipated change to a drilling method that does not provide the required soils information, the owner or operator must notify the commissioner and request approval of a change as soon as possible and must submit an explanation of the reason for the change with the construction and installation record required under item P.

P. Within 30 days after installing or sealing a monitoring point, the owner or operator shall submit to the commissioner a record of the monitoring point construction or sealing. The record must state the dates when the work was done.

(1) For monitoring wells, the construction record must include the soils and well construction log required under item Q; the Minnesota Unique Well Number; a copy of any water well record submitted to the commissioner of health as required by part 4725.6700; logs from any geophysical testing done on the well; well development data; stabilization or recovery rate testing data; suspended solids analyses; any other measurements or testing done on the well including pumping, drawdown, yield, or flow direction tests; and a dated, signed, revised landfill plan sheet showing the surveyed location coordinates of the monitoring well to the nearest foot.

(2) The well sealing record must contain the well name, surveyed location, casing diameter and material type, and a Minnesota Unique Well Number; the depth of the well measured immediately before sealing the well; the type and quantity of well seal material used; and how the well seal was installed. If all this information is contained in the report required in part 4725.2700, a copy of this report will suffice.

(3) The accuracy and completeness of the records submitted must be verified by a water well contractor licensed under parts 4725.0500 to 4725.1800, or an engineer registered under part 4725.1850. This statement must be accompanied by the individual's name, signature, company, and license or registration number.

Q. Unless the commissioner has approved alternative methods under item O, the soils and well construction log must contain the soils information required in subpart 3, item F. The soils and well construction logs may be combined onto one log if the required information can be clearly shown. The well construction log must include a drawing of the well in vertical cross-section, the identification and location of the well, and the following information regarding the well's construction:

(1) well casing material type, inside diameter, and casing schedule number, standard dimension ratio, or wall thickness;

(2) well screen material type, product name, and description; type and direction of alignment of openings (horizontal or vertical); opening or slot width; and type of screen bottom;

(3) the methods and materials used to join sections of casing and screen, casing to screen, and well bottom to screen;

(4) granular filter pack manufacturer and, if applicable, product name or number; mineral composition including carbonates or other soluble or reactive minerals; gradations; and quantity of filter pack material used;

(5) type of grout or other approved annular seal material, manufacturer and product name, proportions of water and solids in the grout mix, and quantity used;

(6) elevation of the top of each casing, surveyed to the nearest 0.01 foot;

(7) elevations of the ground surface, protective concrete slab, bottom of the drill hole, top and bottom of any dedicated pump or sampling or measuring device, top and bottom of the screen or intake interval and of each different size or type of casing, each change in the diameter of the drilled hole, and each change in filter pack, annular seal, or other backfill material, as verified by depth measurement of the top of each backfill material;

(8) methods of drilling and installation, including type of drilling rig; how the well, filter packs, and grout were installed; description of drilling fluids used; and procedures for cleaning materials or equipment;

(9) observations during drilling and installation, including any problems encountered and conditions that may affect the performance of the monitoring well; and

(10) type of dedicated pump, sampling device or measuring device including manufacturer and model number, pumping capacity, dimensions, location of intake area, how secured at the desired elevation, type of material used for connecting lines or hoses, and type and location of power source.

R. Piezometers that will not be used to measure water quality must comply with items E to G, J to M, O to R, and T. They must be designed and constructed to accurately measure hydraulic head in the portion of the aquifer or formation immediately surrounding the screen or intake area and to minimize the time lag between fluctuations in head outside the piezometer and the inside water level. If the time lag is too large, the commissioner may require pressure transducers or other alternative designs to be used.

S. Surface water monitoring points must comply with the following requirements:

(1) A permanent marker must be installed on land adjacent to the sampling location. The marker must clearly identify the monitoring station. The commissioner may approve an alternate procedure if a sampling location is outside the permitted property and permission cannot be obtained to install a marker.

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(2) Monitoring stations in a river or stream must be located upstream of the area of ground water discharge, downstream where the discharge has mixed with the stream flow, and within the area of maximum projected pollutant concentrations in the discharging ground water.

(3) Within 30 days after establishing a surface water monitoring station, the owner or operator shall submit to the commissioner a revised landfill plan sheet showing the location and identification of the sampling station and marker.

T. Sampling personnel must inspect monitoring points and markers each time the monitoring point is measured or sampled. The owner or operator must inspect monitoring points and markers at least annually. The owner or operator must correct damaged or obstructed monitoring points, or other conditions that interfere with the proper functioning of the monitoring point within the time periods required for monitoring wells in part 4725.1860, subpart 5, item E. The owner or operator must resurvey the elevation of the top of the casing immediately after any change or repair that may have altered its elevation. The owner or operator must revise the well construction log, the monitoring protocol under subpart 14, item H, and the facility plans to show the new elevations, previous elevations, and the date of each change in elevation and submit the revised log and plans to the commissioner within 30 days after the change or repair.

Subp. 11. **Gas monitoring, collection, and treatment system.** The concentration of any explosive gas must not exceed its lower explosion limit at the property boundary or 25 percent of its lower explosion limit in and around facility structures or any other on-site monitoring point. A gas monitoring, collection, and treatment system must be designed to meet the requirements of items A to G.

A. The gas monitoring system, at a minimum, must be capable of monitoring gas build-up in a facility structure and at the property boundary. The commissioner shall establish monitoring requirements (including water quality parameters that indicate gas migration) in the permit, closure document, order, or stipulation agreement. Field inspection to detect odors and signs of vegetative stress, and portable or in-place probes to monitor explosive gases must be included in the monitoring system.

B. Gas monitoring probes must be placed between the disposal site and on-site structures or property lines. The probes must be placed no closer to the property line than the compliance boundary defined in subpart 4, item C, to allow for installation of control measures. If the owner or operator believes that monitoring probes are unnecessary or infeasible, the owner or operator shall submit reasons to the commissioner to support this belief. The commissioner will decide on the need for monitoring probes based on the waste characteristics, fill size, surrounding soils, the water table, and the proximity to occupied buildings.

C. Probe depths and locations must be based on the soils, site geology, depth of fill, water table, and depth of frost.

D. At a minimum, each mixed municipal solid waste land disposal facility must be designed and constructed with gas vents. The number and placement of the gas vents must release gas pressure in the fill area to prevent ruptures of the cover system and to encourage vertical gas migration.

E. The gas control systems must extend below the facility to the water table or to a subsurface soil capable of impeding the movement of gas. The gas control system must be located adjacent to the fill area.

F. The size of the gas collection system must be based on the volume and type of waste to be received at the site. The owner or operator must determine the need for a gas collection system and discuss in the engineering report how the need was determined. The commissioner shall review the determination during the permit review process and again at closure. Approval of a gas monitoring system without collection at the time of permitting shall not limit future requirements determined necessary by the commissioner based on the volume of gas generated at the facility, the proximity to residential or business property, or problems experienced at the facility in maintaining vegetative growth or accumulation of gas in site structures.

G. A gas monitoring program must include sampling and analysis for the amount and type of gas generated. The monitoring program must be included in the operations manual for the facility. The program must account for variation in gas generation and migration due to climatic conditions, variation in the amount of waste in place at the facility, and the length of time the waste has been in place. The operations manual must include the techniques to be used to monitor gas at the site.

Subp. 12. **Construction requirements.** The construction requirements in items A to M must be incorporated into the project specifications for all major design features, at a minimum.

A. The owner or operator must notify the commissioner at least seven days before the day construction is expected to begin on the major design features, including phase excavation, phase construction, liner installation, monitoring well installation, and the placement of final cover.

B. The construction firm's inspector must record all procedures completed during construction at a mixed municipal solid waste land disposal facility. The record must document that design features were constructed in accordance with parts 7035.2525 to 7035.2815 and 7035.2855. This record must include pictures, field notes, and all test results.

C. The owner or operator must install a permanent benchmark on-site and show its location on the facility as-built plan.

D. The owner or operator must complete tests for compaction, Atterberg limits, grain size distribution, lab and field perme-

ability, and field moisture density, at a minimum, on liners and final covers constructed at the facility to ensure the requirements of subparts 5 to 9 are met. The owner or operator must retain a portion of the field-molded and field-compacted samples of liners and the final cover layers until the construction certification is complete.

E. Unless otherwise noted in subparts 5 to 9, the minimum permissible cover slope is three percent and the maximum permissible cover slope is 20 percent.

F. As horizontal phases are installed, the liner must be joined to existing liners.

G. Flexible membranes must be installed during dry conditions. The seams joining membrane panels must be inspected as construction proceeds. Seams must be air tested and field seams must be tested for tensile strength. All flexible membranes must be protected after placement. The natural layer above and below the barrier layer must be free of roots, sharp objects, rocks, or other items that might puncture the liner.

H. Barrier liners constructed of in situ soils must be formed by scarifying and recompacting these soils.

I. All pipe used in constructing the leachate collection system must be tested for deformations. The allowable pipe deflection is five percent.

J. All pipes exiting the lined area must be fitted with antiseep collars.

K. Vegetative growth on liners must be prevented.

L. The liner and cover slopes must be surveyed and staked during placement.

M. A quality control/quality assurance program must be established for all construction projects. The program must include the tests to be completed during construction. The program also must establish the frequency of inspection and testing, the accuracy and precision standards for the tests, procedures to be followed during inspections and sample collection, and the method of documentation for all field notes including testing, pictures, and observations.

Subp. 13. **Operation and maintenance requirements.** A mixed municipal solid waste land disposal facility must be operated by a certified operator, as defined in parts 7048.0100 to 7048.1300. A certified operator must be present during the time that the facility is open to accept waste. The facility operations must meet the requirements of items A to W, at a minimum.

A. Solid waste must be spread and compacted in layers two feet or less in depth.

B. All mixed municipal solid waste must be sloped to promote drainage off the fill area.

C. The waste must be covered in accordance with the approved intermittent cover system required in subpart 6.

D. When no solid waste will be placed on a fill area for 30 days or more, intermediate cover, as defined in subpart 6, item B, must be spread and compacted over the waste.

E. Each fill phase, upon reaching final permitted waste elevations, must be covered in accordance with subpart 6, item C or D, as appropriate.

F. Each fill phase must be outlined with grade stakes and approved by the commissioner in accordance with subpart 12 before the deposition of any waste.

G. Resource recovery operations must be confined to the designated areas approved in the facility permit. Storage areas must be kept as small as practical, must be marked with signs, and must not interfere with normal mixed municipal solid waste disposal operations.

H. A mixed municipal solid waste land disposal facility must not be used to store more than 10,000 waste tires above ground or to process more than 500 waste tires unless a waste tire facility permit is obtained by the owner or operator as required under Minnesota Statutes, sections 115A.90 to 115A.914.

I. The facility must be inspected in accordance with the schedule approved by the commissioner for at least the following items: uncontrolled vegetative growth, soil erosion on slopes and completed areas, vandalism on the monitoring systems, rodents and burrowing animals, malfunctions in the leachate and gas detection and collection systems, and settlement in completed areas.

J. All leachate must be sampled and analyzed in accordance with subparts 9 and 14.

K. The leachate collection system must be cleaned annually.

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L. The amount of leachate collected must be monitored and recorded.

M. Corrective actions must be implemented to repair any conditions not in compliance with parts 7035.2525 to 7035.2815.

N. Dead animals must be disposed of under chapter 35.

O. Demolition debris and construction waste may be deposited in an area separate from the mixed municipal solid waste.

P. Sampling and analysis of ground water must be completed in accordance with subparts 10 and 14.

Q. Gas monitoring must be completed in accordance with subpart 11.

R. Procedures for operating the facility during wet weather conditions must provide protection for liners, covers, and other design features that might be disrupted by additional loads in a saturated condition.

S. The fill area must be surveyed annually before November 1 by a land surveyor registered in Minnesota. An updated existing conditions plan must be submitted with the annual report required in part 7035.2585. The plan must show the elevations of completed fill areas, areas partially filled, and all design features that changed in elevation due to facility operations or settlement. The remaining fill capacity must be calculated and shown on the plan.

T. All trenches or area fills must be staked with permanent markers.

U. All lined areas must have at least six feet of solid waste in-place on the liner by December 31 of each year. No disposal may take place on uncovered areas after December 31 without testing the liner integrity and approval granted by the commissioner.

V. All closure costs expended under part 7035.2625, all postclosure care cost expenditures made under part 7035.2645, and all corrective action expenditures made under part 7035.2615 must be recorded and maintained in the operating record.

W. The sequence and direction of below-grade operations must be conducted to prevent surface water from entering the fill area.

Subp. 14. **Sampling and analysis.** The owner or operator must ensure that sampling and analyses for pollutants are conducted in compliance with items A to Q.

A. The owner or operator must monitor ground water quality and, where required in permits, orders, and stipulation agreements, surface water quality and leachate quality. This monitoring must comply with parts 7035.2525 to 7035.2875, 7050.0150, and 7060.0800, and the agency-issued facility permit.

B. The commissioner shall establish the requirements for monitoring water quality and leachate quality for each facility, including sampling locations, sampling schedule, constituents to be analyzed, and other necessary sampling procedures. The owner or operator must provide information needed to establish the requirements and to support any conditions proposed by the owner or operator. In establishing the monitoring requirements, the commissioner must consider at least the following factors:

(1) the presence of pollutants in previous samples, the extent and severity of ground water and surface water effects from the facility, the facility's compliance with water quality standards, including the ground water performance standards of subpart 4, and the evaluation under subpart 4, item F, subitem (5), if applicable; and

(2) facility location, design, operation, composition of the waste stream and leachate, ground water flow directions and rates, aquifer thickness, depth, and degree of natural protection, seasonal variations in water quality, surface water flow conditions, and downgradient or downstream water resources and water users.

C. Until the commissioner has established facility-specific monitoring requirements under item B, the owner or operator must comply with the monitoring requirements of this item. Water quality monitoring points at the facility must be sampled at least three times per year at the times specified in the facility permit. For one of the three sampling events, the owner or operator must provide the field measurements, laboratory analyses, and field and laboratory observations listed in subitems (1) and (2) for all ground water monitoring points. For the other two sampling events, the owner or operator must provide only the measurements and observations listed in subitem (2) for all ground water monitoring points. Where existing monitoring points may be unsuitable for sampling some or all of the listed substances, the commissioner may make appropriate changes in the monitoring requirements.

(1) Table 1:

(a) Alkalinity, total as calcium carbonate;
(b) Ammonia Nitrogen;
(c) Arsenic, dissolved;
(d) Cadmium, dissolved;
(e) Calcium, dissolved;
(f) Chloride;
(g) Chromium, total dissolved;
(h) Copper, dissolved;

(i) Dissolved Solids, total;
(j) Eh (oxidation potential) (a);
(k) Iron, dissolved;
(l) Lead, dissolved;
(m) Magnesium, dissolved;
(n) Manganese, dissolved;
(o) Mercury, dissolved;
(p) Nitrate + Nitrite, as N;
(q) Potassium, dissolved;
(r) Sodium, dissolved;
(s) Sulfate;
(t) Suspended Solids, total;
(u) Zinc, dissolved; and
(v) Cation-anion balance.

(2) Table 2:
(a) Appearance (b);
(b) pH (a);
(c) specific conductance (a);
(d) Temperature (a);
(e) Water elevation (c); and
(f) Volatile organic chemicals, halogenated and nonhalogenated (d):

Halogenated:

Allyl chloride
Bromodichloromethane
Bromoform
Bromomethane
Carbon tetrachloride
Chlorobenzene (monochlorobenzene)
Chloroethane
Chloroform
Chloromethane
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
Dichlorofluoromethane
Dichloromethane (methylene chloride)
1,2-Dichloropropane
1,1,2,2-Tetrachloroethane
Tetrachloroethylene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Trichlorofluoromethane

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1,1,2-Trichlorotrifluoroethane
Vinyl Chloride

Nonhalogenated:

Acetone
Benzene
Cumene
Ethylbenzene
Ethyl ether
Methyl ethyl ketone
Methyl isobutyl ketone
Tetrahydrofuran
Toluene
m-Xylene
o-Xylene
p-Xylene

Footnotes:
(a) Two measurements: in field, immediately after obtaining sample, and in laboratory.
(b) Visual observation, in field and laboratory, noting con- ditions such as the following, if present: color, cloudiness, floating films, other liquid or gas phases, odor.
(c) As measured in field before pumping or bailing.
(d) Purge and trap method.

D. In addition to the constituents listed in item C, the commissioner may require monitoring of:

(1) substances with standards or alternative standards under subpart 4 or other constituents that can, if consumed or contacted, adversely affect public health, public safety, or the environment;

(2) constituents that can adversely affect the taste, odor, or appearance of water or otherwise adversely affect the public welfare;

(3) major dissolved ions;

(4) constituents or properties of water that may be indicators of water pollution;

(5) substances that may cause analytical interference or otherwise affect water quality determinations;

(6) properties related to the movement of pollutants, including hydraulic head in the saturated or unsaturated zones;

(7) in surface waters, bed sediments, aquatic organisms, and other media, and stream discharge rates; and

(8) leachate composition and leachate release rates in the unsaturated zone beneath a land disposal facility.

E. The owner or operator must determine the initial water quality in new monitoring points and monitoring systems, including the range of seasonal variation in water quality. The commissioner shall establish sampling frequencies, analytical constituents, and other conditions for the initial water quality monitoring based on the site's ground water flow conditions and known water quality. For new facilities and expansions, background monitoring must be continued at least quarterly until waste disposal activity begins.

F. The owner or operator shall submit only samples collected by persons who have received training in ground water sampling and, if applicable, surface water sampling. This training must cover the procedures established under items G to L for the required classes of analytical constituents, such as volatile organics or dissolved metals.

G. The owner or operator of a mixed municipal solid waste land disposal facility must develop and keep current a written monitoring protocol for the facility and must ensure the protocol is followed during sampling and sample analysis.

(1) The monitoring protocol must describe in detail the sampling and sample transportation procedures under items H to L and the analytical procedures under items M to O.

(2) The monitoring protocol must be submitted for the commissioner's approval and must be included in a section of the operations manual required under part 7001.3475.

(3) The protocol must be revised immediately to reflect any changes in the monitoring system, field or analytical procedures, sampling personnel, or analytical laboratory. The monitoring protocol must be reviewed at least annually by the owner or operator, sampling personnel, and analytical laboratory and revised as needed. Revisions of the monitoring protocol must be submitted to the commissioner upon written request or as specified in the facility permit, order, or stipulation agreement. Dated records of past protocol language must be retained throughout the operating life of the facility and the postclosure period.

(4) If necessary to assure confidence in the monitoring results, the commissioner shall establish specific procedures and quality control requirements to be used at the facility and incorporated into the monitoring protocol, including as appropriate:

(a) acceptable limits for precision, accuracy, and other measures of the reliability of the field procedures and analytical results;

(b) conditions for and frequencies of use of quality control samples, measurements, or procedures in the field or analytical laboratory; and

(c) the use of gas chromatograph/mass spectrometer or other analytical procedures to achieve positive identification and quantification of analytical constituents.

H. At a minimum, the field portions of the monitoring protocol must include the following:

(1) monitoring point locations and elevations, and the order in which monitoring points are to be sampled;

(2) all tests, measurements, and procedures needed at each monitoring point, and the order in which these procedures will be carried out;

(3) equipment and containers to be used, procedures and precautions for their use; precautions to avoid introducing contaminants from outside sources into monitoring wells or samples; and when and how equipment must be cleaned between uses;

(4) procedures for evacuating each monitoring well before each sampling;

(5) if required, procedures for sampling surface water monitoring points, including exact sampling locations and depths, and for sampling leachate;

(6) quality control procedures to identify outside sources of contamination and sampling error, including types and numbers of quality control samples to be used in the field and during transport and handling procedures for these samples;

(7) procedures and criteria for field filtration of samples;

(8) sample preservation, including preservatives and temperature control requirements;

(9) procedures for sample labeling, sample handling and storage at the facility, and transport to the laboratory;

(10) chain-of-custody procedures; and

(11) procedures, measurements, and observations to be recorded as required under item L.

I. The equipment, materials, and procedures used in well evacuation, sampling, and subsequent sample handling must minimize contamination, turbulence, water contact with air, gas exchange, depressurization, adsorption, desorption, chemical reaction, or other alteration of the composition of the water sample.

J. Before evacuating and sampling a monitoring well, the elevation of the water surface or potentiometric surface must be measured to the nearest 0.01 foot. Before sampling, the well must be evacuated using a stabilization or recovery rate test or other procedure developed based on the initial testing done under subpart 10, item N.

K. The commissioner shall require filtration of samples wherever necessary to obtain sediment-free samples representative of actual ground water conditions. Filtration must be done at the monitoring point location using in-line methods or other procedures that minimize the loss of dissolved constituents from solution.

L. At the time of sampling, the persons conducting the sampling must record their procedures, measurements, and the condition of the monitoring point. The field records must be sufficient to document whether the procedures under items G to K have been followed. The records must contain the names of the persons conducting the sampling, the time and date each monitoring point was sampled, water elevations and other required field measurements, and the evacuation procedures and test results before sampling. The owner or operator must retain the field records throughout the operating life of the facility and the postclosure period.

M. Water quality analyses must be performed using methods acceptable to the commissioner based on their performance record, reliability, sensitivity, precision, and accuracy. Analytical methods and quality control procedures must be chosen to yield accurate results within the range of concentration and composition of the samples analyzed. All appropriate actions must be taken to minimize error and to assure the reliability, precision, and accuracy of the analytical results. Where the limit of detection or the limit of quantitation for a substance is higher than the concentration of concern, including the standard or alternative standard

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established under subpart 4, the commissioner may investigate the feasibility of attaining lower analytical limits and must require lower limits if necessary and feasible.

N. The monitoring protocol must contain the analytical and quality assurance procedures that will be followed for all samples originating from the facility. The protocol must include written procedures covering the following areas:

(1) responsibilities of laboratory personnel;

(2) sample containers and preservatives, cleaning of sample containers and sampling equipment, shipment and storage of samples, and sample holding times;

(3) analytical methods and laboratory equipment used;

(4) for each analytical constituent, the laboratory's measurements of precision and accuracy over a range of concentrations, limit of detection, limit of quantitation, and an explanation of how these quantities were measured;

(5) methods used to identify and prevent contamination of samples in the laboratory and during transport;

(6) analytical quality control procedures, as required in item O;

(7) methods of reviewing and assessing all data for completeness and accuracy;

(8) sample retention times after analyses are completed;

(9) inspection, testing, and preventive maintenance programs for all laboratory equipment;

(10) chain-of-custody procedures;

(11) procedures for documentation and retention of quality control results; and

(12) continuing education requirements for analytical personnel.

O. The quality assurance program under item N must include quality control procedures to assess the reliability, precision and accuracy of the analytical results. The monitoring protocol must describe and state the conditions for and frequencies of use of field and trip blanks, laboratory blanks, calibration standards, internal and external laboratory control samples, laboratory spikes, laboratory duplicates, laboratory replicates, and other quality control procedures.

P. The owner or operator shall submit monitoring results to the commissioner by the dates specified by permit, order, or stipulation agreement. The monitoring results must be accompanied by information sufficient to establish the reliability, precision, and accuracy of the reported values, including the following:

(1) a certification signed by the sampling personnel, analytical laboratory, and owner or operator stating whether all procedures, from obtaining the samples through completion of the analyses, were performed as described in the approved monitoring protocol; describing any departures from these procedures; and explaining why these departures were necessary;

(2) water elevations and other required field measurements and observations, dates and times when each sample was collected and received by the analytical laboratory, and the date each sample was analyzed;

(3) analytical results from all blanks;

(4) retention times and peak sizes for unidentified substances; and

(5) if required by the commissioner, additional information needed to establish the validity of the analytical results, including precision and accuracy data from the batch of samples in which each sample was analyzed, limits of quantitation, limits of detection, and results from other quality control procedures; chain-of-custody records; and field records under item L.

Q. Once a year, in accordance with part 7035.2585, the owner or operator shall submit to the commissioner a summary and discussion of the monitoring results. This annual summary must identify recent and long-term trends in the concentrations of monitored constituents and in water elevations, tabulate the analytical results to date and highlight those that exceeded the ground water performance standards of subpart 4 or surface water quality standards, evaluate the effect the facility is having on ground water and surface water quality, and suggest any additions, changes, or maintenance needed in the monitoring system.

Subp. 15. **Contingency action.** The owner or operator must implement the actions necessary to repair site features or to control, recover, or treat polluted ground or surface waters and explosive or toxic gases. The actions must include the measures dictated by the situation and outlined in the contingency action plan developed under part 7035.2615. The contingency action plan developed under part 7035.2615 must include the repair of clogged collection systems, repair of monitoring wells or probes, repair of cover systems, and the repair of liners or holding areas. If the contingency action plan did not anticipate the level of effort required to protect human health and the environment, actions to bring the facility into compliance with parts 7035.2525 to 7035.2805 must include any necessary work beyond that identified in the contingency action plan.

Subp. 16. **Closure and postclosure care.** Closure and postclosure care requirements are as follows:

A. Closure of each fill phase must be started within 30 days after reaching final permitted waste elevations. After closure of each fill phase, the owner or operator shall submit a closure certification that complies with part 7035.2635, subpart 3, indicating that closure has been completed in accordance with parts 7035.2625 and 7035.2635.

B. After final closure, the owner or operator must comply with all postclosure requirements contained in parts 7035.2645 and 7035.2655, including maintenance and monitoring throughout the postclosure care period specified in part 7035.2655 and the closure document. The owner or operator must:

(1) restrict access to the facility by use of gates, fencing, or other means to prevent further disposal at the site, unless the site's final use allows access;

(2) maintain the integrity and effectiveness of the final cover, including making repairs to the final cover system as necessary to correct the effects of settling, subsidence, gas and leachate migration, erosion, root penetration, burrowing animals, or other events;

(3) maintain and monitor the gas and ground water monitoring systems and comply with all other applicable requirements of subparts 11 and 14;

(4) continue to operate the leachate collection and removal system;

(5) prevent run-on and run-off from eroding or otherwise damaging the final cover;

(6) protect and maintain surveyed benchmarks used in complying with subpart 12;

(7) survey the facility at least annually to determine the extent of settling, subsidence, erosion, or other events; and

(8) submit an annual report to the commissioner as required in part 7035.2585 describing the present conditions and corrective actions taken or needed for subitems (1) to (7); and

(9) complete repair work within 30 days of discovery.

7035.2825 DEMOLITION DEBRIS LAND DISPOSAL FACILITIES.

Subpart 1. **Scope.** The requirements of subparts 2 to 6 apply to owners and operators of demolition debris land disposal facilities granted permit-by-rule status under part 7001.3050, subpart 3. The requirements of subparts 7 to 14 apply to owners and operators of demolition debris land disposal facilities required to obtain a permit under part 7001.3050.

Subp. 2. **Location standards for permit-by-rule facilities.** Demolition debris land disposal facilities permitted-by-rule must not be located:

A. on a site with karst features including sinkholes, disappearing streams, and caves;

B. within wetland areas;

C. within a floodplain area;

D. within a shoreland area; and

E. with a water table within five feet of the lowest fill elevation.

Subp. 3. **Design requirements for permit-by-rule facilities.** Demolition debris land disposal facilities permitted-by-rule must be designed in the following manner:

A. Site preparation must allow for orderly development of the site. Initial site preparations must include clearing and grubbing, topsoil stripping and stockpiling, fill excavation, if appropriate, drainage control structures, and other design features necessary to construct and operate the facility.

B. The site must be developed in phases to achieve final fill elevations as rapidly as possible. The design of each phase must take into account weather conditions, site drainage, and the waste flow pattern into the site.

C. Surface water drainage must be diverted around and away from the fill areas.

D. Slopes and drainageways must be designed to prevent erosion. Slopes longer than 200 feet must be interrupted with drainageways.

E. Final slopes for the fill area must be a minimum two percent and a maximum 20 percent.

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F. Final cover must consist of at least two feet of soil with the top 12 inches capable of sustaining vegetative growth.

G. Final contours must be consistent with the planned ultimate use for the site.

Subp. 4. **Operation and maintenance requirements for permit-by-rule facilities.** A demolition debris land disposal facility must be operated by a certified operator in accordance with parts 7048.0100 to 7048.1300. The certified operator must be present during the time the facility is open to accept waste. The facility operations must meet the following requirements:

A. The waste must be spread and compacted to the extent possible.

B. The waste must be covered at least monthly.

C. Suitable cover material must be maintained at the site.

D. Each phase must be staked for proper grading and filling.

E. A minimum separation distance of 50 feet must be maintained between the fill boundaries and the site property line.

F. Only demolition debris may be placed in the fill area.

G. Waste at the site must be stored in accordance with part 7035.2855.

Subp. 5. **Closure and postclosure care for permit-by-rule facilities.** The owner or operator must close each phase as it reaches final waste elevations. The cover must consist of at least two feet of soil capable of sustaining vegetative growth and minimizing erosion. After closure, the site must be inspected at least once each year between June and September for settlement and erosion problems. All problems at the site must be corrected within 30 days of the inspection. A site closure record must be completed after closure and submitted to the commissioner. A notation must also be placed on the property deed indicating the site use and location of the waste.

Subp. 6. **Notification of permit-by-rule facilities.** The owner or operator of an existing demolition debris land disposal facility shall submit a letter notifying the commissioner of the facility's existence within 30 days after the effective date of this part. The owner or operator of a new facility shall submit such a letter before operations begin. The notification must include the initial date of operation, the type of waste accepted, the capacity of the site, the location of the site, the users of the facility, and the expected date of closure.

Subp. 7. **Location standards for permitted facilities.** The owner or operator of a permitted demolition debris land disposal facility must not locate the facility on a site:

A. with active karst features including sinkholes, disappearing streams, and caves; or

B. where the topography, geology, or soil is inadequate for protection of ground or surface water.

Subp. 8. **Design requirements for permitted facilities.** The owner or operator of a permitted demolition debris land disposal facility must include the following items in the facility design.

A. Specifications for the site preparation must be included in the permit application completed in accordance with part 7001.3300. Site preparation must allow for the orderly development of the facility. Site preparation specifications must address clearing and grubbing, topsoil stripping and storage, cover material excavation, drainage control structures, and all other design features needed to prepare the site for operation.

B. The site must be developed in phases. Each phase must contain individual cells that will provide for filling to final waste elevations. The owner or operator must consider seasonal differences in weather and amount of waste received in determining the length and size of each phase. The owner or operator must bring each phase to the final waste elevations shown on the ultimate development plans and the approved facility closure plan.

C. Surface water drainage must be diverted around and away from the site operating area. The drainage control system must take into consideration the expected final contours, site drainage pattern, the need for temporary structures, and other site conditions that might affect site operations.

D. Slopes and drainageways must be designed to prevent erosion. Slopes greater than 200 feet must be interrupted with diversion drainageways.

E. The final contours of the fill area must be a minimum two percent and a maximum 20 percent slope.

F. A cover system must be included in the facility design and must meet the requirements of subpart 11.

G. The design must address the need and the specifications developed for a water monitoring system.

Subp. 9. **Operation and maintenance requirements for permitted facilities.** An operator certified under parts 7048.0100 to 7048.1300 must be present at the facility during operating hours. The facility operations must meet the requirements of items A to K, at a minimum.

A. All wastes must be completely covered on a monthly basis, at a minimum, unless the commissioner requires a different frequency of cover based on the wastes accepted, site operations, and site conditions.

B. All wastes must be spread and compacted.

C. Suitable cover material must be maintained at the site. If suitable cover is not available on-site, cover material must be delivered to and stockpiled at the site.

D. Each fill phase, upon reaching final waste contours, must be covered in accordance with subpart 11.

E. Each fill phase must be staked for proper grading and filling.

F. The facility must be constructed, operated, and maintained to promote surface water run-off without erosion.

G. Surface water drainage must be diverted around and away from the active portion of the facility.

H. A minimum separation distance of 50 feet must be maintained between the fill boundaries and the property line.

I. Corrective actions must be implemented to repair any conditions not in compliance with parts 7035.2525 to 7035.2605.

J. Sampling and analysis of ground or surface water must be completed in accordance with subpart 12.

K. The disposal area must be surveyed annually prior to November by a land surveyor registered in Minnesota. An updated plan shall be submitted with the annual report required in part 7035.2585. The plan must show the elevations of completed fill areas, partially filled areas, and all pertinent structures.

Subp. 10. **Hydrogeologic evaluation.** If a hydrogeologic evaluation is required, the hydrogeologic evaluation must determine the types of soils found on-site, the depth to water, and the general geologic setting. Soil borings must be completed in accordance with part 7035.2815, subpart 3. The commissioner shall base the decision to require a hydrogeologic evaluation on the waste to be disposed of in the facility, the amount of waste disposed of, the size of the facility, known soil conditions, and the known hydrogeologic conditions at the site.

Subp. 11. **Cover design.** The cover system must be designed and maintained to prevent erosion of surface and side slopes due to surface water, reduce wind erosion, minimize particulate matter, retain slope stability, and maintain vegetative growth, as appropriate. The cover system must consist of a final cover as outlined in items A to C.

A. The final cover must be compatible with the intended end use of the site.

B. The final cover must be capable of sustaining vegetative growth, as appropriate.

C. The final cover must contain materials consistent with the overall site design.

Subp. 12. **Water quality monitoring.** The commissioner may require water quality monitoring for a permitted demolition debris land disposal facility based on the types of waste accepted, site location, site hydrogeology, length of operating life, size of facility, past and existing operational practices, and potential for human health or environmental harm.

Subp. 13. **Financial assurance.** The commissioner may require the owner or operator of a permitted demolition debris land disposal facility to obtain financial assurance for the proper operation, closure, postclosure care, and corrective actions at the facility. The commissioner's determination shall be based on the size, site hydrogeology, operating life, past and existing operational practices, and types of waste accepted at the facility.

Subp. 14. **Closure and postclosure care of permitted facilities.** The owner or operator must close each phase and the entire facility in compliance with the closure and postclosure care plans developed under parts 7035.2625 to 7035.2655.

7035.2835 COMPOST FACILITIES.

Subpart 1. **Scope.** The requirements of subparts 4 to 9 apply to the owners and operators of facilities used to compost solid waste, except as provided in part 7035.2525, subpart 2. The owner or operator of a yard waste compost facility must comply with subparts 2 and 3 only. Backyard compost facilities are exempt from this part.

Subp. 2. **Notification.** The owner or operator of a yard waste compost facility must notify the commissioner by letter before beginning operation of the facility. The notification must include the facility location, the name of the contact person, the phone number of the contact person, the address of the contact person, the facility design capacity, the type of waste received, and the intended distribution of the finished product.

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Subp. 3. **Operation requirements for a yard waste compost facility.**

A. Odors emitted from the facility must not exceed the limits specified in parts 7005.0900 to 7005.1400.

B. Composted yard waste offered for use must be produced by a process that encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste must contain no sharp objects greater than one inch in diameter.

C. By-products, including residuals and recyclables, must be stored in a manner that prevents vector problems and aesthetic degradation. Materials that are not composted must be stored and removed at least weekly.

D. Surface water drainage must be controlled to prevent leachate run-off. Surface water drainage must be diverted from the compost and storage areas.

E. The annual report required under part 7035.2585 must be submitted to the commissioner and must include the type and quantity, by weight or volume, of yard waste received at the compost facility; the quantity, by weight or volume, of compost produced; the quantity, by weight or volume, of compost removed from the facility; and a description of the end-product distribution and disposal system.

Subp. 4. **Personnel training program.** The owner or operator of a solid waste compost facility shall submit a personnel training program plan for approval with the facility permit application. The plan must address the items in part 7035.2545 and the specific training needed to operate a compost facility in compliance with subparts 5 to 9.

Subp. 5. **Design requirements.** The owner or operator of a solid waste compost facility must include the following items in the facility design.

A. Specifications for site preparation must be included in the engineering design report developed for the site. Site preparation must include clearing and grubbing for the compost and storage areas, berm construction, drainage control structures, leachate collection system, access roads, screening, fencing, and other special design features.

B. Surface water drainage must be diverted around and away from the operating area.

C. The composting, curing, and storage areas for uncured compost must be located on surfaces capable of minimizing leachate release into the ground water under the site or onto the surrounding land surface. If natural soils are used, the liner must be at least two feet thick. The liner permeability must not be greater than 1×10^{-7} centimeters per second.

D. The leachate collection and treatment system must be designed in accordance with part 7035.2815, subparts 7 to 9, as applicable.

E. The facility must be designed and operated to control odors.

F. The facility must be designed for collection of residuals from the facility and must provide for the final transportation and proper disposal of the residuals.

G. The specific design and performance specifications for the compost facility must be included in the engineering report for the facility and considered in designing the facility layout.

Subp. 6. **Operation requirements for a solid waste compost facility.**

A. The owner or operator of a solid waste compost facility must maintain a record of the characteristics of the waste, sewage sludge, and other materials, such as nutrient or bulking agents, being composted including the source and volume or weight of the material. The record must be submitted as part of the annual report required under part 7035.2585.

B. Odors emitted by the facility must not exceed the limits specified in parts 7005.0900 to 7005.1040.

C. All wastes delivered to the facility must be confined to a designated delivery area and stored and removed at a frequency that prevents nuisances.

D. Access to the facility must be controlled by a perimeter fence and gate. The gate must be locked when the facility is not open for business.

E. By-products, including residuals and recyclables, must be stored to prevent vector intrusion and aesthetic degradation. Materials that are not composted must be removed at least once per week.

F. Run-off water that has come in contact with composted waste, materials stored for composting, or residual waste must be diverted to the leachate collection and treatment system. If the run-off water is held in a holding pond, it must be monitored on a quarterly basis for the parameters listed in item H and for fecal coliforms.

G. The temperature and retention time for the material being composted must be monitored and recorded each working day.

H. Periodic analyses of the compost must be completed for the following parameters: percentage of total solids; volatile solids

as a percentage of total solids; pH; Kjeldahl, ammonia, and nitrate nitrogen; total phosphorus; cadmium; chromium; copper; lead; nickel; zinc; mercury; and polychlorinated biphenyls (PCB). All analyses must be reported on a dry weight basis. The sampling and analysis program must be established in the facility permit based on the facility design, intended end use distribution for the compost, waste composted, and facility operation.

I. Quarterly reports must be submitted to the commissioner within 30 days after the end of each calendar quarter and must include: the results of the analyses required in item H; the quantity of solid waste delivered to the facility; sources and quantities of other materials used in the compost process; a description of the process to reduce pathogens; temperature readings; retention time; the quantity of compost produced; quantity and type of by-products removed; and a description of the end-product distribution and disposal system.

J. If, for any reason, the facility becomes inoperable, the owner or operator of the facility must notify the commissioner within 48 hours and implement the contingency action plan developed under part 7035.2615.

K. Compost must be produced by a process to further reduce pathogens. Three acceptable methods are described in subitems (1) to (3).

(1) The windrow method for reducing pathogens consists of an unconfined composting process involving periodic aeration and mixing. Aerobic conditions must be maintained during the compost process. A temperature of 55 degrees celsius must be maintained in the windrow for at least three weeks. The windrow must be turned at least twice every six to ten days.

(2) The static aerated pile method for reducing pathogens consists of an unconfined composting process involving mechanical aeration of insulated compost piles. Aerobic conditions must be maintained during the compost process. The temperature of the compost pile must be maintained at 55 degrees Celsius for at least seven days.

(3) The enclosed vessel method for reducing pathogens consists of a confined compost process involving mechanical mixing of compost under controlled environmental conditions. The retention time in the vessel must be at least 24 hours with the temperature maintained at 55 degrees Celsius. A stabilization period of at least seven days must follow the decomposition period. Temperature in the compost pile must be maintained at least at 55 degrees Celsius for three days during the stabilization period.

Subp. 7. **Operation and maintenance manual.** The owner or operator of a solid waste compost facility must prepare an operation and maintenance manual. The manual must contain the design information of subpart 5 and the operation requirements of subpart 6. The manual must list the allowable end uses for the compost and the procedures to be used in sampling and analyzing the compost before distribution.

Subp. 8. **Compost classification.** Compost produced at a solid waste compost facility must be classified as Class I or Class II compost based on the criteria outlined in items A and B.

A. Class I compost may contain contaminant levels no greater than the levels indicated in subitem (1). The compost must be stabilized in accordance with subitem (2) and contain no greater amounts of inert material than indicated in subitem (3). Class I compost may not be processed with sewage sludge.

(1) The allowable average contaminant concentrations in milligram per kilogram on a dry weight basis for a Class I compost are:

Contaminant	Concentration
PCB	1
Cadmium	10
Chromium	1000
Copper	500
Lead	500
Mercury	5
Nickel	100
Zinc	1000

(2) Class I compost must be stored for six months, or until the compost is stabilized and will not reheat upon standing. A Class I compost may be stored for a shorter time with the commissioner's approval. The commissioner's approval will be based on the waste composted, the method used to reduce pathogens, and the intended end use for the compost.

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(3) Class I compost may contain inert materials in quantities no greater than the following table based on particle size determined through round hole screens.

Particle size	Dry weight percent
up to 10 millimeters	1.0
up to 16 millimeters	2.0
up to 25 millimeters	4.0

B. Class II compost consists of any compost generated from a process including sewage sludge or fails to meet the Class I standards.

Subp. 9. **Compost distribution and end use.**

A. Compost distributed or marketed as a commercial fertilizer, specialty fertilizer, soil amendment, or plant amendment, as defined in *Minnesota Statutes*, section 17.713, must be registered with the Minnesota Department of Agriculture.

B. Class I compost may be distributed for unrestricted use.

C. Class II compost may be distributed on a restricted basis. The commissioner shall determine the appropriate distribution for a Class II compost based on the following characteristics:

(1) the waste composted;

(2) the heavy metal contaminant levels found in the finished compost;

(3) the degree of maturity;

(4) the extent of decomposition;

(5) the particle size;

(6) the moisture content;

(7) the amount of inert material;

(8) the proposed end use; and

(9) the characteristics of the soil at the point of final end use.

7035.2845 RECYCLING FACILITIES.

Subpart 1. **Scope.** The owner or operator of a mixed municipal solid waste recycling facility must comply with subparts 2 to 5. A recycling facility accepting or processing source-separated wastes in quantities less than ten cubic yards per day must comply with subparts 2 and 3.

Subp. 2. **Notification.** A letter of notification shall be submitted by the owner or operator of a recycling facility to the commissioner within 30 days after the effective date of this part indicating the existence of the recycling facility and describing the materials intended to be handled at the facility. The owner or operator of a new recycling facility shall submit a letter of notification to the commissioner prior to beginning facility operations.

Subp. 3. **Design requirements.** The owner or operator of a mixed municipal solid waste recycling facility must design and construct the facility in a manner that prevents surface water drainage through recyclable or unusable material, contains any spills or releases that could harm human health or cause environmental risks, and provides storage of recyclable materials and residuals. Storage of waste on-site must comply with part 7035.2855.

Subp. 4. **Operation.** The owner or operator of a recycling facility must comply with the operation requirements of items A to C.

A. The facility must be operated in a manner that minimizes dust and other windblown material, vermin populations due to improper storage, and other nuisance conditions.

B. All residual waste must be removed at least once a week.

C. By February 1 of each year, an annual report shall be submitted to the commissioner indicating the type and volume of materials handled at the facility; and the final markets and locations for the materials, including the prices for the materials.

Subp. 5. **Contingency action plan.** The owner or operator must prepare and maintain a contingency action plan for the mixed municipal solid waste recycling facility. The plan must discuss what actions will be taken if a fire, spill, or release occurs at the facility and what back-up system exists if the facility is closed for any period of time.

Subp. 6. **Closure.** The owner or operator of a mixed municipal solid waste recycling facility must properly remove and treat or dispose of all waste and contaminated soil or structures at the time of closure.

7035.2855 SOLID WASTE STORAGE STANDARDS.

Subpart 1. **Scope.** The requirements of subparts 2 to 6 apply to owners and operators of facilities that store solid waste, except as part 7035.2525, subpart 2, provides or as otherwise provided in this subpart.

Facilities that store only waste tires are exempt from this part. Solid waste stored prior to beneficial use or reuse according to existing technology for the waste is exempt from this part.

The owner or operator of a facility where solid waste is stored inside or within a structure so that neither run-off nor leachate is generated and no liquid wastes or wastes with free liquids are added to the storage area, is not subject to subparts 3 and 4, or part 7035.2565 if:

A. the storage area is protected from surface water run-on by the structure or in some other manner;

B. the storage area is designed and operated to control dispersion of the waste by wind by means other than wetting; and

C. the solid waste will not generate leachate or gases through decomposition or other reactions.

Subp. 2. **Locational requirements.** Locational requirements are as follows:

A. The storage area must not be located in an area characterized by karst features, including sinkholes, caves, and disappearing streams.

B. The storage area, including its underlying liner, must be located entirely above the high water table.

Subp. 3. **Design and operation requirements.** The design and operation requirements of a solid waste storage area are as follows:

A. A storage area must have a liner that is designed, constructed, and operated to prevent any migration of waste or leachate into the adjacent subsurface soil, ground water, or surface water at any time during the active life, or the closure period, of the facility. The liner must:

(1) be constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces, physical contact with the waste or leachate to which it is exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(2) have a permeability no greater than 1×10^{-7} centimeters per second and if constructed of natural soils be at least two feet thick;

(3) be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner; and

(4) be installed to cover all earth that may contact the waste or leachate.

B. The storage area must have a leachate collection and removal system that is designed, constructed, maintained, and operated to collect and remove leachate from the area. The leachate depth over the liner must not exceed one foot. The leachate collection and removal system must be:

(1) constructed of materials that are chemically resistant to the waste managed in the storage area and the leachate expected to be generated, and are of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and any equipment used at the site; and

(2) designed and operated to function without clogging through the scheduled closure period.

C. The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the storage area during peak discharge from at least a 24-hour, ten-year storm.

D. The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, ten-year storm.

E. Collection and holding facilities, such as tanks or basins, associated with the run-on and run-off control systems must be emptied or otherwise managed after storms to maintain the design capacity of the system.

F. If the storage area contains any particulate matter that may be subject to wind dispersion, the owner or operator must cover or otherwise manage the waste to control wind dispersion.

Subp. 4. **Inspection of liners.** Requirements for the inspection of liners are as follows:

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A. While the storage area is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(1) deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(2) the presence of leachate in and proper functioning of leachate collection and removal systems; and

(3) improper functioning of wind dispersal control systems.

B. The waste in the storage area must be removed at least annually. When the waste is removed, the liner must be inspected for deterioration, cracks, or other conditions that may result in leaks. The frequency of inspection must be specified in the inspection plan required in part 7035.2535, subpart 3, and must be based on the potential for the liner and base to crack or otherwise deteriorate under conditions of operation, such as waste type, rainfall, loading rates, and subsurface stability. The inspection must include a view of the liner for failures due to puncture, cracking, tearing, or other physical damage from equipment used to place waste in or on the pile or to clean and expose the liner surface for inspection.

C. If deterioration, cracks, or other conditions are identified as causing or capable of causing a leak, the owner or operator must notify the commissioner of the condition in writing within seven days after detecting the condition and:

(1) repair or replace the liner and obtain a certification from an engineer registered in Minnesota that the liner has been repaired and leakage will not occur; or

(2) comply with the requirements of part 7035.2615 within the time period specified in the permit.

Subp. 5. **Construction inspection.** Construction inspection requirements are as follows:

A. Liner and cover systems must be inspected during construction or installation for uniformity, damage, and imperfections. Immediately after construction or installation:

(1) synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(2) soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, material variability, or other structural nonuniformities.

B. The construction of the liner must be certified by an engineer registered in Minnesota in compliance with the approved plans and specifications.

Subp. 6. **Closure.** At closure, all solid waste and contaminated portions of the storage area must be removed and properly disposed of or recycled.

7035.2865 SOLID WASTE TRANSFER FACILITIES.

Subpart 1. **Scope.** The requirements of subparts 2 to 5 apply to the owners or operators of solid waste transfer facilities, unless the exception in part 7035.2525, subpart 2, applies.

Subp. 2. **Delivery of solid waste.** All solid waste transported from a solid waste transfer facility must be delivered to a facility that has been permitted by the agency. This subpart does not apply to recycled or composted materials delivered to their points of use, unless required under part 7035.2835 or 7035.2845.

Subp. 3. **Notification.** The owner or operator of a solid waste transfer facility shall notify the commissioner by letter of the facility location, responsible party and phone number, facility size, and type of waste received.

Subp. 4. **Operating requirements.** The owner or operator of a solid waste transfer facility must comply with the following requirements:

A. An operator must be on duty at all times the facility is open.

B. Access to the facility must be closed whenever the operator is not on duty.

C. All putrescible waste remaining at the facility at the end of the operating day must be stored in an enclosed structure or in leak-, fly-, and rodent-proof containers. The putrescible waste must be removed at least once a week.

D. All salvageable and recyclable materials must be containerized unless handled under item H.

E. The facility must be cleaned monthly with all residuals properly removed and disposed of.

F. No more than 500 tires may be stockpiled at the facility without a separate permit for this purpose in accordance with *Minnesota Statutes*, sections 115A.90 to 115A.906.

G. Adjacent demolition debris land disposal facilities may be established only in accordance with part 7035.2825.

H. All solid waste shall be confined to the unloading area or other designated processing and storage areas.

I. Special provisions shall be made for the storage of bulky items, if accepted at the transfer facility, before transfer.

J. Storage of wastes must be in compliance with part 7035.2855.

Subp. 5. **Design requirements.**

A. An all-weather road negotiable by loaded collection vehicles or other transportation units shall be provided from the entrance gate of the facility to loading and unloading areas.

B. Truck wheel curbs and tie downs must be provided if the facility design includes elevated unloading areas.

C. The tipping areas, loading and unloading areas, storage areas, and processing areas must be constructed of impervious material that is readily cleanable and suitable to collect free moisture.

7035.2875 REFUSE-DERIVED FUEL PROCESSING FACILITIES.

Subpart 1. **Scope.** The requirements of subparts 2 to 5 apply to the owners and operators of facilities used to produce refuse-derived fuel, unless the exception in part 7035.2525, subpart 2, applies.

Subp. 2. **Design requirements.** The design requirements for a refuse-derived fuel processing facility are as follows:

A. Specifications for site preparation must be included in the design plans developed for the facility. Site preparations must include drainage control structures, entrance and access roads, screening, fencing, and other special design features.

B. Surface water drainage must be diverted around and away from outdoor storage areas.

C. Uncovered waste material, processed or unprocessed, must be stored on a surface liner capable of minimizing or eliminating leachate flow out of the area into the ground water under the site or to the surrounding land surface. The liner permeability must not be greater than 1×10^{-7} centimeters per second and natural soil liners must be at least two feet thick.

D. An odor control system must be included in the facility design.

E. A dust control system must be included in the facility design.

F. The facility must be capable of processing incoming solid waste within 24 hours based on the materials flow and balance calculations for the facility.

G. The facility must be designed to minimize the risk of explosions, spills, leakages, or releases that might harm human health or the environment.

H. The design and performance specifications for all equipment used at the facility must be included in the engineering report.

I. The design must provide for handling waste while the facility is down for maintenance or mechanical failures.

Subp. 3. **Operation and maintenance manual.** The owner or operator of a refuse-derived fuel processing facility must prepare an operation and maintenance manual and keep the manual at the facility. The manual must contain the information needed to operate the facility properly and meet the following requirements:

A. Odors emitted by the facility must not exceed the limits as specified in parts 7005.0900 to 7005.1040.

B. Access to the site must be controlled by a complete perimeter fence and gate. The gate must be locked when the facility is not open for business.

C. By-products, including residuals and metal fractions, must be stored to prevent vector problems and aesthetic degradation. The by-products must be removed or used at least once a week.

Subp. 4. **Contingency plan.** The owner or operator of a refuse-derived fuel processing facility must prepare and maintain a contingency plan. The plan must discuss what actions will be taken if a spill or release occurs at the facility or an explosion or other accident disrupts operations, and what back-up system, including contracts, exists if the facility is closed for any period of time.

Subp. 5. **Annual report.** The annual report required under part 7035.2585 must include the types and quantities, by weight, of solid waste accepted at the facility for processing; the quantities, by weight, of refuse-derived fuel processed at the facility and the associated fractions; and a description of the end-product distribution and disposal system.

REPEALER. *Minnesota Rules*, parts 7035.0100, 7035.0200, 7035.0500, 7035.0900, 7035.1000, 7035.1500, 7035.2000, 7035.2100, 7035.2200, 7035.2300, 7035.2400 are repealed.

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Board of Teaching

Proposed Permanent Rules Relating to Teacher Licensing

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Teaching intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, section 125.05, subd. 1, and 125.185, subd.4.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request 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 addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20.

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

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square
550 Cedar Street
St. Paul, MN 55101
612/296-2415

The proposed rules 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 rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kenneth L. Peatross, Executive Secretary, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paul, MN 55101, upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 adopted rules, must submit the written request to Kenneth L. Peatross, Minnesota Board of Teaching, 608 Capitol Square, 550 Cedar Street, St. Paul, MN 55101.

Dated: 7 March 1988

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

Rules as Proposed

8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Written evaluation report; decision of board.** The written report of findings and the recommendation of the evaluators shall be forwarded to the institution and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' report, the institution may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report of findings and the recommendation of the evaluators, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the institution, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs. The Board of Teaching shall disapprove institutions that do not substantially meet the requirements in subpart 5.

Subp. 8. **Conditional approval.** If an institution is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the institution upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the institution shall be disapproved.

Subp. 9. and 10. [Unchanged.]

8700.7700 APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS APPROVED TO PREPARE TEACHERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Decision of board.** Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the teacher licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program. The Board of Teaching shall disapprove any teacher licensure program that does not substantially meet the requirements in subparts 2 and 3, or if the requirements for entrance into or completion of the teacher licensure program substantially change the requirements set forth in licensure rules.

Subp. 7. **Conditional approval.** If a teacher licensure program is conditionally approved, the Board of Teaching shall reconsider the approval status of the teacher licensure program upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the program shall be disapproved.

Subp. 8. [Unchanged.]

Subp. 8a. **Approval of experimental teacher licensure programs.** Institutions that have been approved by the Board of Teaching to prepare persons for teacher licensure may request approval of experimental teacher licensure programs that vary from Board of Teaching rules. The Board of Teaching shall approve requests from institutions for experimental proposals for exemption from Board of Teaching rules when a determination has been made that all of the criteria listed in subpart 8b have been met.

Subp. 8b. **Criteria for exemptions.** An institution applying for an exemption from a Board of Teaching rule shall submit a proposal for each exemption that sets forth:

A. a statement of goals and objectives;

B. a description of the proposed program, that includes:

(1) evidence that the proposed program will serve as a model for possible replication;

(2) evidence that the proposed program reflects current research in teacher education;

(3) evidence that the proposed program has an ongoing research and development component;

(4) evidence that the proposed program has been designed so that it is significantly different in content and delivery from the currently approved program;

(5) evidence that the proposed program provides opportunities for persons enrolled in the program to know and apply current research on educational effectiveness;

(6) evidence that the proposed program provides opportunities for persons enrolled in the program to have regular and systematic field experiences in schools that demonstrate knowledge and use of current research on educational effectiveness;

(7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate as partners with teacher education faculty in the preparation of teachers;

(8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and

(9) evidence that the academic knowledge component of the program is completed in an area of licensure;

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C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and

D. an identification of the Board of Teaching rule from which the institution seeks exemption.

Subp. 8c. **Five-year review of experimental teacher licensure programs.** The Board of Teaching shall approve, disapprove, or modify continuation of the experimental program approved under subparts 8a and 8b within five years.

Subp. 9. to 11. [Unchanged.]

Department of Transportation

Proposed Permanent Rules Relating to Motor Carrier Safety

Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing if Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the State Department of Transportation intends to adopt the above entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in *Minnesota Statutes*, Sections 14.22 to 14.28. The specific statutory authority to adopt the rules is *Minnesota Statutes*, Section 221.031 and Section 221.141.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request 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 addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, Sections 14.131 to 14.20. PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30 DAY COMMENT PERIOD, A HEARING WILL BE HELD ON THURSDAY, APRIL 21, 1988, AT 9:00 A.M., IN THE TRB HEARING ROOM, 2ND FLOOR, MINNESOTA ADMINISTRATIVE TRUCK CENTER, LIVESTOCK EXCHANGE BUILDING, 100 STOCKYARDS ROAD, SOUTH ST. PAUL, MINNESOTA, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES, PUBLISHED IN THIS ISSUE OF THE *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION. TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, YOU MUST CALL THE DEPARTMENT OF TRANSPORTATION BETWEEN APRIL 18 AND APRIL 20, 1988, AT 612-297-2913 OR 612-296-7109.

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

Elizabeth M. Parker
Minnesota Department of Transportation
Room 815 Transportation Building
St. Paul, Minnesota 55155
(612) 297-2913

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on April 6, 1988.

The proposed rule 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 as noticed.

A copy of the proposed rule is attached to this notice. A free copy of the rule is available upon request from Elizabeth M. Parker at the address noted above.

A copy of the proposed rule may be viewed at the Department of Transportation, Motor Carrier Safety and Compliance Office, Minnesota Administrative Truck Center, Livestock Exchange Building, 100 Stockyards Road, South St. Paul, Minnesota.

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

The adoption of these rules will not require the expenditure of money by local public bodies within the meaning of *Minnesota Statutes*, Section 14.11. The proposed rules will not have an effect on agricultural land. The rules will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of *Minnesota Statutes*, Section 3.982. The rules impose no fees.

The Department has considered the impact of these rules on small businesses in compliance with *Minnesota Statutes*, Section 14.115, Subdivision 2. A majority of the trucking businesses and other businesses that use trucks are small businesses within the meaning of that statute. The proposed rules are amendments to current insurance and safety rules. They are basically the same rules that are now in effect in *Minnesota Rules* Chapters 7800 and 7805. All the rules have been renumbered. Some rules have been rewritten to modernize the language. Some rules have been amended to maintain uniformity with the Federal Motor Carrier Safety Regulations, a major goal since 1940 when the federal regulations were first adopted by reference in Minnesota. Some of the federal rules are amended by the Federal Highway Administration every year, and the entire set of Federal Motor Carrier Safety Regulations is recodified as of October 1, each year. The state motor carrier safety rules were last amended in 1977. Therefore, Minnesota must readopt the most current federal regulations in order to maintain uniformity with the federal regulations. Some rules will be repealed because they are obsolete and not consistent with federal regulations.

The Department wishes to conform as closely as possible to the federal regulations. Many trucks are used in both interstate and intrastate transportation service. Those trucks must comply with both state and federal regulations. The more nearly alike that the Minnesota safety rules are to the federal regulations, the less the burden on carriers, especially small carriers that can't afford a large staff to make sure that the carrier will comply with different sets of rules and record keeping requirements. Mn/DOT has made every effort to readopt safety rules that are as nearly uniform as possible with those of the federal government and the other states, in order to minimize the burden on small carriers that may operate trucks across borders.

The Legislature has exempted certain businesses that use trucks from certain motor carrier safety rules. It has also specifically stated what rules must be complied with by the various kinds of users of trucks, i.e., motor carriers, private carriers and exempt carriers. The exemptions and requirements are contained in *Minnesota Statutes*, Section 221.031, Subdivisions 1, 2, 2a, 3, and 6. Section 221.031, subdivision 1, makes motor carriers (regulated for-hire carriers) subject to all the safety requirements. However, Subdivisions 2, 2a, and 3 exempt the operation of certain private carrier and for-hire exempt carrier trucks from compliance with driver qualification rules and driver hours of service rules.

The need to regulate truck safety depends more on the size and the use of the truck than on the size of the business. Many of the federal rule sections proposed to be readopted contain exemptions for vehicles that weigh less than 10,000 pounds. These exemptions will be adopted in Minnesota, but the weight threshold will be increased to 12,000 pounds to correspond with Minnesota vehicle registration laws.

The repeal of certain Minnesota rules and the adoption of amended federal rules will make compliance easier and less expensive in certain cases. For example, the department proposes to repeal the current Minnesota rule that prohibits a person who has lost a finger from driving a commercial vehicle. The department will adopt the federal rule which is performance based, and which requires consideration of whether a driver's limb impairment will affect his ability to drive safely instead of flatly prohibiting driving with certain impairments. Four other minor changes are made to the driver qualification rules to conform them to the new federal regulations that govern licensing of commercial drivers. Those regulations are paperwork requirements, are not unduly burdensome and will be imposed by the state driver licensing agencies under federal driver licensing standards as well as under the motor carrier safety rules.

With respect to rules that govern operation of vehicles, the department proposes to repeal the current Minnesota rule that requires all vehicles to carry reflective triangles or other warning devices. The department will adopt the federal regulation that exempts lightweight vehicles from that requirement. This will eliminate a compliance requirement for businesses that use small vehicles. Many courier service businesses use only lightweight vehicles and so will be exempt from that requirement. The department will also repeal the Minnesota rule that prohibits fueling of buses while passengers are on board and will adopt the less restrictive federal rule that allows fueling as long as it is not done in a closed space.

Five current vehicle equipment rules are being repealed and replaced with less restrictive federal rules. Those rules repeal the requirement that buses carry first aid kits, repeal the requirement that trucks carry tire chains, allow the use of catalytic heaters, repeal the Minnesota rule requiring two outside rear vision mirrors and replace it with the federal regulation that requires only one if the driver has a view to the rear by means of an interior mirror, and repeal the current Minnesota rule that prohibits the use of recapped tires on the front wheels of trucks. Minnesota will adopt the federal rule that prohibits recapped tires only on the front wheels of buses.

The department is proposing to adopt an amended federal regulation that will impose an additional burden and cost on intrastate motor carriers. That regulation already applies to interstate carriers by operation of federal law. The department proposes to adopt

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that regulation for application to intrastate carriers. In 1986, the Congress passed the Commercial Motor Vehicle Safety Act of 1986 (P.L. 99-570), which requires that all commercial vehicles manufactured after July 24, 1980 have brakes operating on all wheels. That law also required the Federal Highway Administration to adopt a regulation requiring that all commercial vehicles manufactured after July 24, 1980, and lacking operating front wheel brakes be retrofitted within one year of the date of enactment of P.L. 99-570. The FHWA did adopt the regulation and now requires that all commercial vehicles over 10,000 pounds that were manufactured after July 24, 1980, have operating brakes on all wheels by February 28, 1988. The Congress and the FHWA acted after research and braking demonstrations conducted by the FHWA and the National Highway Traffic Safety Administration of the USDOT showed that trucks that are equipped with properly operating brakes on all wheels have shorter stopping distances and are more easily controlled.

It is not clear from the definition of "commercial vehicle" enacted by the Congress and adopted by the FHWA whether intrastate vehicles are included. For purposes of the application of the driver licensing sections of the 1986 Commercial Motor Vehicle Safety Act, vehicles that do not leave a state but that "are used in trade, traffic, and transportation" that affects interstate trade, traffic, and transportation are included. This issue is less clear with respect to the federal application of the new brake rule. Therefore, because the department wishes to be uniform with the FHWA, and because federal tests have shown that brakes operating on all wheels increase the safety of vehicles, it is proposing to adopt the federal regulation for application to vehicles in intrastate commerce in Minnesota. The regulation will require that vehicles over 10,000 pounds gross weight that were manufactured after July 24, 1980, have properly operating brakes on all wheels. The FHWA has estimated that the cost of complying with this requirement will be $300 to $1000 per vehicle. The cost of compliance will vary depending on the type and condition of the vehicle.

The rule that governs driver hours of service will be amended to enlarge the exemption from the requirement that drivers record their hours of service in a logbook. The current Minnesota rule exempts drivers who drive wholly within a 50 mile radius of their work reporting location. That rule will be repealed and replaced by the federal rule that allows a 100 mile exemption. Minnesota livestock truckers will also be affected by the repeal of the Minnesota rule. The current rule exempts livestock truckers from compliance with the logbook rule. The repeal of the current rule will make any livestock trucker who drives beyond the 100 mile radius subject to the requirement that he record his hours of service in a logbook. The effect of this rule is to treat Minnesota permit livestock carriers the same as other Minnesota permit carriers. Federal studies have shown that driver fatigue and inattention are associated with an increased accident rate. The requirement that drivers record their driving hours enables enforcement personnel to monitor the drivers' hours of driving and to enforce the rules limiting the number of hours that a driver may drive in a 24 hour period. Without the logbook it is difficult to enforce the hours of service rules. Because livestock truckers may be on the road many hours and drive vehicles over 12,000 pounds, they should be subject to the same safety rules as other truckers in the same situation. There is no cost associated with the imposition of this requirement other than the cost of purchasing a logbook. This is a negligible cost. The records then must be maintained at the trucker's place of business for six months. This is a very minimal requirement.

The department also proposes to adopt the amended federal rule that exempts retail store drivers from the hours of service limitations at Christmas time. The amended rule clarifies that drivers who deliver packages from catalog stores are also eligible for the exemption, and it adds a 100 air mile radius limitation to the exemption. The expansion of the exemption to include the local delivery of catalog store merchandise should benefit carriers by reducing record keeping.

The department is proposing to adopt several amended federal regulations that apply to the inspection, repair and maintenance of vehicles. Part 396 of the federal motor carrier safety regulations requires that motor carrier vehicles be systematically inspected, repaired and maintained by the carrier. Part 396 prescribes the procedures that a carrier must follow to make sure that vehicles are maintained. When the Minnesota motor carrier rules were last amended in 1977, the federal regulations that were in effect in October 1975 were adopted and are still in effect in Minnesota. A Minnesota rule exempted motor carriers that operate only one vehicle from the requirement that the driver complete a vehicle defect report at the end of each day. Another Minnesota rule restated that requirement without the exemption for carriers operating only one vehicle. The department intends to adopt all the federal regulations that apply to maintenance. These regulations provide exemptions from maintenance record keeping for carriers that operate vehicles that they control for less than 30 days (leased vehicles) and for lightweight vehicles. Lightweight vehicles and carriers that operate only one vehicle will also be exempt from the driver's daily vehicle inspection report. Because that exemption is in conflict with the Minnesota rule, it was not adopted in 1977. However, in order to be as uniform as possible with the federal regulations, the department is now proposing to repeal the Minnesota rule and replace it with the federal regulation. The exemptions will benefit those carriers by reducing the amount of paperwork that must be completed. The department is also adopting the amended federal regulation that specifies the content of the daily driver inspection report. This only very minimally increases the requirement. The old rule required reporting but did not specify the minimum content of the report.

Therefore, the rules do not contain separate rules for small businesses, nor do they exempt businesses just because they are "small". Rather, they prescribe rules based on the need for safe vehicles and safe provision of transportation within the framework established by the Legislature. This subject is discussed in greater detail in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent that the 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 adopted rule, must submit a written request to Elizabeth M. Parker at the address indicated above.

Dated: 22 February 1988

Leonard W. Levine
Commissioner
Minnesota Department of Transportation

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that a public hearing on the above entitled matter will be held in the TRB Hearing Room, 2nd Floor, Administrative Truck Center, Livestock Exchange Building, 100 Stockyards Road, South St. Paul, MN, on Thursday, April 21, 1988, commencing at 9:00 a.m. and continuing until all interested or affected persons have had an opportunity to participate. Notice of the hearing will be given to all persons who have registered with the Minnesota Department of Transportation in order to receive rulemaking notices. 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.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING, PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF TRANSPORTATION.

TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, YOU MUST CALL the Minnesota Department of Transportation between April 18 and April 20, 1988 at 612-297-2913 or 612-296-7109.

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 Phyllis Reha, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7611, 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*, sections 14.15 and 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.

The purpose of this rulemaking proceeding is to amend the Minnesota motor carrier safety and insurance rules. *Minnesota Statutes*, Section 221.031, Subdivision 1, authorizes the commissioner of transportation to adopt and amend rules governing the safe operation of motor carriers. Subdivisions 2, 2a, and 3 of Section 221.031 provide that some of those rules also apply to private carriers and exempt carriers. *Minnesota Statutes*, Section 221.141 authorizes the commissioner of transportation to prescribe insurance requirements for motor carriers.

The current Minnesota motor carrier safety and insurance rules are found in *Minnesota Rules* 7800.3500, 7800.3700 to 7800.8200, and 7805.1400 to 7805.3600. Current *Minnesota Rule* 7800.4500 adopts the Federal Motor Carrier Safety Regulations in effect on October 1, 1975. The state rules have not been amended since 1977. Since the last time the rules were amended, there has been a significant change in the format of Minnesota agency rules and in the style of the language used in the rules. Because of the changes in format and style, and to make the organization of the amended rules more coherent, all existing motor carrier safety and insurance rules are being repealed. However, the substance, and in some cases, the text of those rules is being retained and renumbered. The majority of the proposed rules are simply reorganized and renumbered. Some rules are being amended to maintain uniformity with the Federal Motor Carrier Safety Regulations, a major goal since 1940 when the federal regulations were first adopted by reference

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in Minnesota. Some of the federal rules are amended by the Federal Highway Administration every year, and the entire set of Federal Motor Carrier Safety Regulations is recodified as of October 1, each year. Therefore, Minnesota must readopt the most current federal regulations in order to maintain uniformity with the federal regulations.

The federal motor carrier safety program is set forth in *Code of Federal Regulations*, Title 49, Parts 391 to 397. Part 391 prescribes driver qualifications, which include driver testing and physical examinations. Part 392 is entitled "Driving of Motor Vehicles" and sets forth vehicle operating rules amounting to general rules of conduct. Part 393 lists the parts and accessories a vehicle must have in operating condition before it can lawfully be driven. The state now uses the federal accident report form prescribed in part 394 and will continue to do so. Part 395 sets limits on the number of consecutive hours a driver may drive a vehicle and requires drivers to keep logbooks. Part 396 requires motor carriers to inspect, repair and maintain their vehicles, and Part 397 governs the transportation of certain hazardous materials.

Minnesota Statutes, Section 221.141, directs the commissioner of transportation to prescribe insurance requirements for motor carriers. *Minnesota Statutes*, Section 221.60 requires interstate carriers to comply with Section 221.141. This rulemaking proceeding consolidates and readopts the insurance requirements and limits now in effect for most motor carriers. The Department is also adopting the federal insurance limits for motor carriers that transport hazardous waste, materials, and substances. Those requirements now apply to those carriers as a result of the passage of the Motor Carrier Act of 1980, section 30, as amended (see *United States Code*, Title 49, Section 10927) and regulations adopted by the U.S. Department of Transportation in *Code of Federal Regulations*, Title 49, Part 387. Mn/DOT is adopting those limits to be consistent with federal regulations. Mn/DOT enforces US/DOT safety and insurance requirements under the Motor Carrier Safety Assistance Program, through which federal funding is received by the state for truck safety enforcement. Mn/DOT is also adopting rules to allow the use of certain federal insurance certificate forms. That will make filing of forms easier for insurance companies.

A copy of the proposed rules is included with this notice. One free copy of the rules may also be obtained from Elizabeth M. Parker, 815 Transportation Building, St. Paul, MN 55155, (612) 297-2913.

The Department has considered the impact of these rules on small businesses in compliance with *Minnesota Statutes*, Section 14.115, Subdivision 2. A majority of the trucking businesses and other businesses that use trucks are small businesses within the meaning of that statute. The proposed rules will have very little effect on small businesses beyond the effect the current rules now have. The proposed rules are amendments to current insurance and safety rules. They are basically the same rules that are now in effect, with the addition of recent amendments to the federal motor carrier safety rules. No new or different small businesses are regulated or affected. This subject is discussed in greater detail in the Notice of Intent to Adopt Rules Without a Public Hearing that is published with this Notice in this *State Register*, and in the Statement of Need and Reasonableness.

The adoption of these rules will not require the expenditure of money by local public bodies within the meaning of *Minnesota Statutes*, Section 14.11. The proposed rules will not have an effect on agricultural land. The rules will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of *Minnesota Statutes*, Section 3.982. The rules impose no fees.

Notice: 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 notified, you may 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 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.

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. Copies may be obtained from the Office of Administrative Hearings for the cost of reproduction.

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*, Seciton 10A.01, Subdivision 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 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, 625 North Robert St., St. Paul, Minnesota 55105-2520, telephone 612-296-5148.

Dated: 22 February 1988

Leonard W. Levine
Commissioner
Minnesota Department of Transportation

Rules as Proposed (all new material)

8850.6900 DEFINITIONS.

Subpart 1. **Scope.** Unless otherwise provided, the terms used in parts 8850.6900 to 8850.9050 and 8855.0300 to 8855.0850 have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Minnesota Transportation Regulation Board.

Subp. 3. **Carrier.** "Carrier" includes motor carriers, private carriers, exempt carriers engaged in intrastate commerce, and for-hire and private carriers engaged in interstate commerce.

Subp. 4. **Certificate.** "Certificate" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 7.

Subp. 5. **Certificate of insurance.** "Certificate of insurance" means the document issued by an insurer that states that the insurer provides the coverage required by Minnesota Statutes, section 221.141.

Subp. 6. **Charter carrier.** "Charter carrier" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 21.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 8. **Employ.** "Employ" means to require or permit a person to drive a motor vehicle in furtherance of the carrier's business, whether or not the carrier owns the vehicle.

Subp. 9. **Exempt carrier.** "Exempt carrier" means a carrier described in *Minnesota Statutes*, section 221.025.

Subp. 10. **Interstate carrier.** "Interstate carrier" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 13.

Subp. 11. **Lightweight vehicle.** "Lightweight vehicle," for purposes of parts 8850.7025 to 8850.9050, means a vehicle with a manufacturer's gross vehicle weight rating of 12,000 pounds or less, but does not include a vehicle transporting passengers for hire or a vehicle transporting hazardous materials that must be placarded or marked under Code of Federal Regulations, title 49, section 177.823.

Subp. 12. **Livestock carrier.** "Livestock carrier" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 24.

Subp. 13. **Motor carrier.** "Motor carrier" means a carrier operating for hire under authority of *Minnesota Statutes*, chapter 221 and, for purposes of this chapter, does not include interstate carriers.

Subp. 14. **Owner.** "Owner" means a person to whom a certificate of title to equipment has been issued, or who has lawful possession of equipment.

Subp. 15. **Permit.** "Permit" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 8.

Subp. 16. **Person.** "Person" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 6.

Subp. 17. **Petroleum carrier.** "Petroleum carrier" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 10.

Subp. 18. **Petroleum transport.** "Petroleum transport" means a vehicle, trailer, or semitrailer with a tank (1) that is mounted on it or made an integral part of it, other than the fuel-supply tank for the engine of that vehicle, (2) that is filled or emptied while on the vehicle, and (3) that is used to transport petroleum products in bulk.

Subp. 19. **Private carrier.** "Private carrier" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 26.

Subp. 20. **Regular route common carrier.** "Regular route common carrier" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 9.

Subp. 21. **Responsible official.** "Responsible official" means an officer or the owner of the applicant or carrier or a person to

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whom authority to sign applications, renewals, and other documents filed by the applicant or carrier has been delegated in writing by the owner or the board of directors.

Subp. 22. **Vehicle.** "Vehicle" has the meaning given it in *Minnesota Statutes*, section 221.011, subdivision 3.

8850.7000 INTERSTATE TRANSPORTATION; SAFETY RULES.

Interstate carriers and private carriers providing interstate transportation service using vehicles licensed and registered for a gross weight of more than 12,000 pounds must comply with and are subject to parts 8850.8050, 8850.8300, 8850.8350, 8850.8400, 8850.8500, 8850.8550, and 8850.8950.

8850.7025 INTRASTATE TRANSPORTATION; SAFETY RULES; COMPLIANCE REQUIRED.

Intrastate motor carriers, and private carriers and exempt carriers providing intrastate transportation, must comply with parts 8850.7040 to 8850.9050 to the extent required by *Minnesota Statutes*, chapter 221. Every carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, equipping, operation, or driving of motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with those parts, and shall require that its agents, representatives, drivers, and employees comply.

8850.7040 INTRASTATE TRANSPORTATION; DRIVER QUALIFICATIONS.

A private carrier who is subject to driver qualification rules, and a motor carrier are responsible for hiring, supervising, training, assigning, and dispatching drivers. Private carriers who are subject to driver qualification rules, motor carriers, and their officers, agents, representatives, or employees shall not drive, or allow one of their vehicles to be driven unless the driver has the minimum qualifications required by parts 8850.7100 and 8850.7200. A carrier who is self-employed as a driver must comply with both the rules that apply to carriers and the rules that apply to drivers.

8850.7100 INTRASTATE DRIVER QUALIFICATIONS; FEDERAL RULES.

Subpart 1. **Incorporations by reference.** Code of Federal Regulations, title 49, subtitle B, chapter III, subchapter B, sections 391.5; 391.11, paragraphs (a) and (b)(2) to (b)(12); 391.15 to 391.45; 391.51, paragraphs (a) to (e) and (h); 391.61; 391.63; and 391.65; and appendices C and D, as revised through October 1, 1986, and amendments to sections 391.11, paragraph (b); 391.21, paragraph (b); 391.27; and appendices D and E, found at *Federal Register*, volume 52, pages 20589 and 20590, are incorporated by reference except for certain cross-references in Code of *Federal Regulations*, title 49, sections 391.11 to 391.65 listed in subpart 2.

Subp. 2. **Exceptions.** References to Code of Federal Regulations, title 49, section 391.62, 391.67, or 391.71 or to part 391, subpart G, found in Code of Federal Regulations, title 49, sections 391.11, paragraphs (a) and (b); 391.21, paragraph (a); 391.23, paragraph (a); 391.25; 391.27, paragraph (a); 391.31, paragraph (a); 391.35, paragraph (a); 391.41, paragraph (a); and 391.45, are not incorporated by reference by this part.

Subp. 3. **Age requirement.** Drivers of vehicles subject to *Minnesota Statutes*, section 221.033, must be at least 21 years of age. Drivers of vehicles engaged in intrastate transportation and subject to driver qualification rules under Minnesota Statutes, section 221.031, must be at least 18 years of age.

Subp. 4. **Location of driver qualification files.** A carrier subject to driver qualification requirements must keep each driver's qualification file at the carrier's principal place of business for as long as a driver is employed by that carrier and for three years after the driver leaves employment. Upon written request to and with the written approval of the commissioner, a carrier subject to this part may retain driver qualification files at a regional or terminal office.

8850.7200 INTRASTATE DRIVER QUALIFICATIONS; WAIVER FOR PHYSICAL DEFECTS.

A person who is not physically qualified to drive under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1) or (b)(2), as amended through October 1, 1986, and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle if the commissioner grants a waiver to that person under parts 8850.7200 to 8850.7675. Parts 8850.7200 to 8850.7700 apply only to drivers providing intrastate transportation.

8850.7250 INTRASTATE TRANSPORTATION; WAIVER APPLICATION SUBMISSION.

Subpart 1. **Joint submission.** A letter of application for a waiver under part 8850.7200 may be submitted jointly by the driver applicant who seeks a waiver of the physical disqualification and by the carrier that will employ the driver applicant if the application is granted. The application must be submitted to the Office of Motor Carrier Safety and Compliance, Minnesota Department of Transportation.

Subp. 2. **By driver applicant.** A letter of application for a waiver may be submitted by a driver applicant alone. The driver applicant shall comply with the requirements of part 8850.7300, except item A, subitem (1). The driver applicant shall provide the information in part 8850.7300, item B, if the information is known to the driver.

8850.7300 WAIVER APPLICATION CONTENTS.

A letter of application for a waiver under part 8850.7200 must contain:

A. the name and address of the applicant, including:

(1) the name and complete address of the carrier coapplicant;

(2) the name and complete address of the driver applicant; and

(3) a description of the driver applicant's limb impairment for which a waiver is requested;

B. a description of the type of operation the driver will be employed to perform, including:

(1) the average period of time the driver will be driving and on duty, per day;

(2) the type of commodities or cargo to be transported; and

(3) whether the driver operation is conducted as a sleeper team, relay, owner operator, or otherwise;

C. the number of years the driver has operated the type of vehicle for which a waiver is requested and the total years of experience operating all types of motor vehicles;

D. a description of the vehicle that the driver applicant intends to drive, including:

(1) the truck or truck-tractor make, model, and year;

(2) the drive train, including:

(a) whether the transmission type is automatic or manual and, if manual, the number of forward speeds;

(b) auxiliary transmission, if any, and number of forward speeds; and

(c) rear axle designation, whether single speed, 2-speed, or 3-speed;

(3) the type of brake system;

(4) the steering, whether manual or power assisted;

(5) a description of type of trailers, such as van, flatbed, cargo tank, drop frame, lowboy, or pole;

(6) the number of semitrailers or full trailers to be towed at one time; and

(7) a description of any vehicle modification made for the driver applicant and a photograph of the modification;

E. a certification that the driver is otherwise qualified, as follows:

(1) certification by the coapplicant carrier that the driver applicant is otherwise qualified under part 8850.7100; and

(2) in the case of a driver applicant, certification by the driver applicant that the applicant is otherwise qualified under part 8850.7100; and

F. the signature of the applicant as follows:

(1) the driver applicant's signature and date signed; and

(2) if the application has a coapplicant, the carrier official's signature, the official's title, and the date signed. The official who signs the application must be a responsible official of the carrier.

8850.7350 DOCUMENTS ACCOMPANYING WAIVER APPLICATION.

The letter of application for a waiver under part 8850.7200 must be accompanied by:

A. A copy of the results of the medical examination performed according to Code of Federal Regulations, title 49, section 391.43, as amended through October 1, 1986.

B. A copy of the medical certificate completed according to Code of Federal Regulations, title 49, section 391.43, paragraph (e), as amended through October 1, 1986.

C. A medical evaluation summary completed by either a board-qualified or board-certified physiatrist (doctor of physical medicine) or orthopedic surgeon. The coapplicant carrier or the driver applicant shall provide the physiatrist or orthopedic surgeon

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with a description of the job tasks the driver applicant will be required to perform.

(1) The medical evaluation summary for a driver applicant disqualified under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1), as amended through October 1, 1986, must include:

(a) an assessment of the driver's functional capabilities as they relate to the driver's ability to perform normal tasks associated with operating a motor vehicle; and

(b) a statement by the examiner that the applicant is capable of demonstrating precision prehension, that is, manipulating knobs and switches, and power grasp prehension, that is, holding and maneuvering the steering wheel, with each upper limb separately. This requirement does not apply to an applicant who was granted a waiver, absent a prosthetic device, before April 14, 1986.

(2) The medical evaluation summary for a driver applicant disqualified under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(2), as amended through October 1, 1986, must include:

(a) how and why the impairment interferes with the driver's ability to perform normal tasks associated with operating a commercial motor vehicle;

(b) an assessment and medical opinion of whether the condition is likely to remain medically stable over the driver applicant's lifetime; and

(c) a statement by the examiner that the applicant is capable of demonstrating precision prehension, that is, manipulating knobs and switches, and power grasp prehension, that is, holding and maneuvering the steering wheel, with each upper limb separately. This requirement does not apply to an applicant who was granted a waiver, absent a prosthetic device, before April 14, 1986.

D. A description of the prosthetic or orthotic device worn by the driver applicant, if any.

E. A copy of the driver applicant's road test administered by the carrier coapplicant and the certificate issued under Code of Federal Regulations, title 49, section 391.31, paragraphs (b) to (g), as amended through October 1, 1986. A driver applicant is responsible for having a road test administered by a carrier or a person competent to administer the test and evaluate its results.

F. A copy of the driver applicant's application for employment completed according to Code of Federal Regulations, title 49, section 391.21, as revised through October 1, 1986, amended at *Federal Register*, volume 52, page 20589. A driver applicant is responsible for submitting a copy of the employment application for the last commercial driving position held by the applicant. If not previously employed as a commercial driver, the driver applicant must so state.

G. A copy of the driver applicant's state motor vehicle driving record for the past three years from each state where the driver had a motor vehicle driver's license or permit.

8850.7400 AGREEMENT.

A carrier that employs a driver with a waiver under part 8850.7200 agrees to:

A. evaluate the driver granted a waiver for those nondriving, safety-related job tasks associated with the type of trailer to be used and any other nondriving, safety-related or job-related tasks unique to the operations of the employing carrier;

B. use the driver to operate the type of motor vehicle defined in the waiver only when the driver is in compliance with the conditions of the waiver; and

C. file documents and information with the commissioner within 30 days of the occurrence of the following events: a violation of a motor vehicle and motor carrier law or rule; an accident; an arrest; a license suspension, revocation, or withdrawal; and a conviction that involves the driver applicant. This item applies whether the driver's waiver is a unilateral one or has a coapplicant carrier.

8850.7450 DRIVER SUPPLIES COPY.

The driver shall give each employing carrier a copy of the waiver.

8850.7500 EVALUATION OF DRIVER'S ABILITY.

The commissioner may require a driver applying for a waiver under part 8850.7200 to demonstrate ability to safely operate the motor vehicle the applicant intends to drive. During the demonstration, the driver's ability to perform pretrip and posttrip inspections and driving performance must be evaluated. Nondriving, safety-related tasks or other nondriving tasks unique to the type of trailer or other carrier operation must not be evaluated during this demonstration.

8850.7550 EXTENT OF WAIVER.

The commissioner may deny the application for waiver under part 8850.7200 or may grant it totally or in part and may issue the

waiver subject to terms, conditions, and limitations deemed consistent with the public interest. A waiver is valid for a period not longer than two years from the date of issue and may be renewed 30 days before the expiration date.

The commissioner shall grant or deny the waiver in writing within 30 days from the date that the required information has been submitted.

A denial of the waiver must state the reason for the denial.

8850.7600 WAIVER RENEWAL APPLICATION; REQUIRED INFORMATION.

The application to renew a waiver granted under part 8850.7200 must be submitted to the commissioner. It must contain:

A. the name and complete address of the carrier currently employing the applicant;

B. the name and complete address of the driver;

C. the effective date of the current waiver;

D. the expiration date of the current waiver;

E. the total miles driven under the current waiver;

F. the number of accidents incurred by the driver while driving under the current waiver, including the date of the accident, the number of fatalities, the number of injuries, and the estimated dollar amount of property damage;

G. the driver's signature and date signed;

H. the carrier coapplicant's signature and date signed;

I. notification of a change in the type of vehicle the driver will operate;

J. a copy of the driver's current state motor vehicle driving record for the period of time the current waiver has been in effect;

K. a current medical examination report; and

L. a medical evaluation summary according to part 8850.7350, item C, if an unstable medical condition exists. Handicapped conditions classified under Code of Federal Regulations, title 49, section 391.41, paragraph (b)(1), as amended through October 1, 1986, are considered unstable. A board-certified physiatrist (doctor of physical medicine) or orthopedic surgeon shall determine whether a condition described in Code of Federal Regulations, title 49, part 391.41, paragraph (b)(2), as amended through October 1, 1986, is medically stable.

8850.7650 ON GRANTING WAIVER.

On granting a waiver under part 8850.7200, the commissioner shall notify the driver applicant, and coapplicant carrier if applicable, by letter. The terms, conditions, and limitations of the waiver must be set forth. A carrier shall maintain a copy of the waiver in its driver qualification file. A copy of the waiver must be kept in the carrier's file for three years after the driver's employment is terminated. The driver applicant shall have the waiver or a legible copy of the waiver in possession while on duty.

8850.7675 RESOLUTION OF CONFLICTS OF MEDICAL EVALUATION.

Subpart 1. **Applications.** Applications for determination of a driver's medical qualifications under standards in this part must conform to the requirements of this subpart.

A. The application must contain the name and address of the driver, motor carrier, and the physicians involved in the proceeding.

B. The applicant shall submit proof that there is a disagreement between the physician for the driver and the physician for the motor carrier concerning the driver's qualifications.

C. The applicant shall submit a copy of an opinion and report, including the results of tests, of an impartial medical specialist in the field in which the medical conflict arose. The specialist must be one agreed to by the motor carrier and the driver.

D. If the driver refuses to agree on a specialist and the applicant is the motor carrier, the applicant shall submit a statement of agreement to submit the matter to an impartial medical specialist in the field, proof that the applicant has asked the driver to submit to the medical specialist, and the response, if any, of the driver to the request.

E. If the motor carrier refuses to agree on a medical specialist, the driver shall submit an opinion and test results of an

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impartial medical specialist, proof that the driver has asked the motor carrier to agree to submit the matter to the medical specialist, and the response, if any, of the motor carrier to the request.

F. The applicant shall include a statement explaining in detail why the decision of the medical specialist identified in item C is unacceptable.

G. The applicant shall submit proof that the medical specialist mentioned in item C was provided, before the specialist's determination, the medical history of the driver and an agreed-upon statement of the work the driver performs.

H. The applicant shall submit the medical history and statement of work provided to the medical specialist under item G.

I. The applicant shall submit the medical records and statements of the physicians who have given opinions on the driver's qualifications.

J. The applicant shall submit a description and a copy of the written and documentary evidence upon which the party making the application relies.

K. The application must be accompanied by the driver's statement of intent to drive in intrastate commerce or a statement that the carrier has used or intends to use the driver for such work.

L. The applicant shall submit three copies of the application and records.

Subp. 2. **Information.** The commissioner may request further information from the applicant if the commissioner determines that a decision cannot be made on the evidence submitted.

Subp. 3. **Parties.** For the purposes of this part, a party includes the motor carrier and the driver, or anyone else submitting an application.

Subp. 4. **Action.** The commissioner shall make a determination after a hearing has been held under *Minnesota Statutes*, chapter 14. The decision of the commissioner may be appealed in the manner provided in chapter 14.

8850.7700 REVOCATION.

The commissioner may revoke a waiver only after the person to whom it was issued is given notice of the proposed revocation and has been allowed an opportunity for hearing under *Minnesota Statutes*, chapter 14.

8850.7750 FALSE INFORMATION.

Falsifying information in the letter of application, information in the renewal application, or information required by a medical evaluation, by either the applicant or carrier, is prohibited.

8850.7900 INTRASTATE TRANSPORTATION; MOTOR VEHICLE SAFETY; FEDERAL RULES.

Code of Federal Regulations, title 49, sections 392.3 to 392.25; 392.30, paragraph (b); and 392.31 to 392.69, as revised through October 1, 1986; and amendments to section 392.5, found at *Federal Register*, volume 52, page 27201, are incorporated by reference.

8850.7950 USE OF LIVESTOCK VEHICLE FOR GENERAL CARRIAGE.

A carrier shall not transport general commodities in a motor vehicle used for the transportation of livestock unless the motor vehicle has been cleaned and washed. A livestock motor vehicle must not be used for the transportation of household goods and food for human consumption unless it has been cleaned, washed, and disinfected.

8850.8000 NO RECKLESS DRIVING.

A petroleum transport must not be driven recklessly, or so as to endanger life, limb, or property.

8850.8050 LOADING AND UNLOADING OF PETROLEUM TRANSPORT.

Subpart 1. **Loading.** During loading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but not in the vehicle cab or other enclosure.

Subp. 2. **Unloading.** During unloading of a petroleum transport, the driver must be within 25 feet of the cargo tank, but must not be in an enclosure or in the cab of the vehicle. The fire extinguisher must be out of the vehicle's carrying device, must be ready for instant use, and must be 15 feet or more from the cargo tank.

8850.8100 VEHICLE IDENTIFICATION CARD APPLICATION.

An application for a vehicle identification card must have a statement signed by the motor carrier applicant that the vehicle to which the card is issued will be operated in compliance with the safety rules of the commissioner.

8850.8200 INTRASTATE TRANSPORTATION; EQUIPMENT; FEDERAL RULES.

Subpart 1. **Incorporations by reference.** Code of Federal Regulations, title 49, sections 393.9 to 393.106, as revised through

October 1, 1986, and amendments to those sections found at *Federal Register*, volume 52, pages 2803 and 2804 are incorporated by reference.

Subp. 2. **Exception; fire extinguisher on lightweight vehicle.** Notwithstanding subpart 1 and Code of Federal Regulations, title 49, section 393.95, first paragraph, every lightweight vehicle must carry a fire extinguisher that complies with the requirements of section 393.95.

8850.8250 EQUIPMENT NECESSARY FOR LIVESTOCK CARRIER.

Subpart 1. **Partitioning of vehicle.** When vehicles carry livestock, each kind of livestock must be partitioned. Calves and sheep may be carried in the same compartment; likewise, calves and cows. Large hogs must be partitioned from pigs. Bulls, horned cattle, or unruly cattle must be securely tied or partitioned from other cattle. When less than a full load is carried, partitions must be used so that the animals are comfortably carried without jostling and falling.

Subp. 2. **Equipment in vehicles.** Spare tires or other articles not used in the handling of livestock must not be carried in a compartment that also contains livestock. So far as practicable, racks and partitions must be free from projections that might injure the animals carried. Racks and partitions must not be carried outside of the truck except when securely fastened on the right side of the truck.

Subp. 3. **Upper decks and ramps.** Upper decks used to transport livestock must at all times be clear of the animals standing below. Cleated inclines or ramps must be provided for the loading or unloading of upper decks.

Subp. 4. **Floors.** Floors of vehicles carrying livestock must be cleated, bedded, or sanded sufficiently to prevent slipping. Bedding may consist of shavings, straw, sand, fine gravel, sawdust, or other practical material.

Subp. 5. **Weather conditions.** During the period from June 15 to September 15 of each year and at other times when necessary, livestock must be covered to protect them from the sun. During the period from November 1 to March 31 livestock carried must be covered and otherwise sheltered to protect them from inclement weather.

Subp. 6. **Number of animals in vehicle.** Livestock must not be loaded into a motor vehicle in such numbers as to cause injury or death to an animal.

8850.8300 INSPECTION OF MOTOR VEHICLES IN OPERATION.

The driver, vehicle, and equipment compliance checklist must be used to record results of motor vehicle inspections conducted by motor transportation representatives and hazardous material specialists of the Minnesota Department of Transportation.

8850.8350 DRIVER, VEHICLE, AND EQUIPMENT CHECKLIST.

Subpart 1. **Inspection information required.** Motor transportation representatives and hazardous material specialists shall complete a driver, vehicle, and equipment checklist for each vehicle inspected. The checklist must contain space for the following information:

A. the place of inspection;

B. the name of the carrier;

C. the street address, municipality, state, and zip code of the carrier;

D. the file number if the carrier is a motor carrier;

E. the date and time of inspection;

F. the commodity carried on the vehicle;

G. a description of the shipping documents carried by the driver and the date and number on the documents;

H. the name and address of the shipper and the consignee;

I. the name, address, birth date, and driver's license number of the driver;

J. the name and address of the vehicle lessor, if any;

K. the power unit number, year, license plate number, and unit number of the vehicle;

L. the weight class of the power unit;

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M. the unit number and the license plate number of the towed unit, if any;

N. vehicle configuration; and

O. whether the inspection was a complete or partial safety inspection or was an inspection to determine compliance with economic regulation.

Subp. 2. **Checklist items; defect indication.** The checklist must be used to show whether a warning or a citation was issued for a defect or violation and whether a defect or violation resulted in the vehicle being declared out of service. The checklist must describe the violation of state or federal law or rule for which a warning or citation was issued.

Subp. 3. **Identification of citation or sticker.** The checklist must show the number of a citation or "out-of-service vehicle" sticker that was issued.

Subp. 4. **Checklist, carrier disposition.** The motor transportation representative or hazardous material specialist shall give a copy of the checklist to the driver of the vehicle. The driver shall sign the checklist to acknowledge receipt of a copy of it. The driver shall present the checklist to the carrier responsible for the operation of the vehicle on arrival at the carrier's next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the carrier within 24 hours, the driver shall immediately mail the checklist to the carrier. The carrier shall examine the checklist. The carrier must repair or correct the defects or violations noted on the checklist and a responsible official of the carrier must date and sign the checklist. The copy of the checklist given to the driver must be returned by the carrier to the Minnesota Department of Transportation, Office of Motor Carrier Safety and Compliance, within 15 days after the date of issuance. A person shall not sign the certification of repair unless the vehicle has been repaired as required.

Subp. 5. **Exception.** A carrier (1) to whom a checklist was issued, (2) who received a citation for a violation described on the checklist, and (3) who enters or intends to enter a plea of not guilty on the charge, is not required to repair the defects, certify the repairs, and return the checklist to the Minnesota Department of Transportation unless the court proceedings on the charge have been completed. However, if the vehicle has been declared and marked out of service, the carrier may operate the vehicle only under the conditions described in part 8850.8550.

Subp. 6. **Carrier may take vehicle out of service.** A carrier who receives a checklist that lists defects that must be repaired may temporarily place the vehicle out of service instead of repairing the defects. The carrier must notify the commissioner in writing within 15 days of the issuance of the checklist that it is placing the vehicle out of service. The carrier must repair the defects and sign and return the checklist to the commissioner before using the vehicle on the highway.

8850.8400 INSPECTORS; VEHICLES DECLARED OUT OF SERVICE.

Subpart 1. **Inspector's authority.** Every person authorized by *Minnesota Statutes*, chapter 221 or by other law, to enforce chapter 221 and rules of the commissioner and board adopted under authority of chapter 221, may inspect vehicles subject to chapter 221.

Subp. 2. **Motor vehicles declared out of service.** An authorized person described in subpart 1 shall place out of service a motor vehicle that, because of its mechanical condition or loading, is likely to cause an accident or a breakdown. An "out-of-service vehicle" sticker must be used to mark vehicles that are placed out of service by a motor transportation representative or hazardous material specialist.

Subp. 3. **Other forms used.** An authorized person described in subpart 1 who is not employed by the Minnesota Department of Transportation may use citations, checklists, warning tickets, report forms, and "out-of-service vehicle" stickers prescribed by the agency or law enforcement organization employing that person.

8850.8500 "OUT-OF-SERVICE VEHICLE" STICKER.

Subpart 1. **Statement required.** The "out-of-service vehicle" sticker used by the Minnesota Department of Transportation must contain the following statement:

"Out-of-service vehicle. This vehicle has been declared out of service by the Minnesota Department of Transportation. This vehicle must not be operated until repaired. This sticker may be removed only under the conditions stated on the out-of-service notice. The person responsible for unauthorized removal is liable to penalty under *Minnesota Statutes*, section 221.291. A person shall not remove this sticker or operate this vehicle until the repairs listed below are completed."

Subp. 2. **Space for description.** The "out-of-service vehicle" sticker must contain space for the motor transportation representative or hazardous material specialist to describe the mechanical condition requiring the vehicle to be declared out of service.

Subp. 3. **Information required.** The sticker must contain the following information:

A. the make of the power unit;

B. the model year of the power unit;

C. the unit number of the power unit;

D. the power unit license number;

E. the towed unit license number;

F. the make of the towed unit, if known;

G. the unit number of the trailer;

H. the signature of the driver of the vehicle in the space provided; and

I. the signature of the motor transportation representative or hazardous material specialist in the space provided.

Subp. 4. **Serial numbering.** The "out-of-service vehicle" stickers must be serially numbered.

8850.8550 CARRIER RESPONSIBILITY.

Subpart 1. **Repair before use.** Except as provided in subpart 2, a carrier shall not require or permit a person to operate nor shall a person operate a motor vehicle declared and marked out of service until the repairs required by the out-of-service notice have been satisfactorily completed. In this subpart, "operate" includes towing the vehicle, except that vehicles marked out of service may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of the emergency towing vehicle and the out-of-service vehicle must not be operated unless the combination meets the performance requirements of this chapter except for those conditions noted on the driver, vehicle, and equipment compliance checklist.

Subp. 2. **Exception.** A vehicle with an out-of-service defect may be moved under its own power to a place of repair only in the following circumstances:

A. A vehicle transporting hazardous materials requiring the vehicle to be placarded may be escorted to a repair facility or safe parking place.

B. When the imminently hazardous condition is one that is automatically removed by the disconnection of the power unit from the towed unit, the unit that is not out of service may be operated.

C. If it is less hazardous to the public to operate the vehicle than to permit it to remain on the highway, the vehicle may be operated only to the nearest place where repairs can be made safely.

Subp. 3. **Prohibition.** A person shall not remove the "out-of-service vehicle" sticker from a motor vehicle before completion of the repairs required by the out-of-service notice.

8850.8800 INTRASTATE TRANSPORTATION; NOTIFICATION AND REPORTING OF ACCIDENTS.

Subpart 1. **When required.** A motor carrier shall report an accident that results in the death of a human being, bodily injury to a person who receives medical treatment away from the scene, or total damage to property totaling $4,400 or more based on actual costs or reliable estimates.

Subp. 2. **Boarding or alighting; unloading.** A motor carrier is not required to report an accident that involves only boarding and alighting from a stationary motor vehicle or loading or unloading cargo unless a report is required under *Minnesota Statutes*, section 221.034.

Subp. 3. **Accident report form; incorporations.** Accidents resulting in death, requiring medical attention away from the scene, or causing property damage totaling $4,400 or more, must be reported to the Minnesota Department of Transportation, Office of Motor Carrier Safety and Compliance. A written report of the accident must be filed at the Office of Motor Carrier Safety and Compliance within 30 days after the accident. The report must be filed on the form required by the United States Department of Transportation described in Code of Federal Regulations, title 49, section 394.9, paragraph (a), as revised through October 1, 1986, which is incorporated by reference. The form must be completed as required by Code of Federal Regulations, title 49, section 394.20, as revised through October 1, 1986, which is incorporated by reference.

Subp. 4. **Driving record review.** A motor carrier shall review the driving record of a driver involved in an accident.

8850.8850 SAFETY MEASURES IN AN ACCIDENT.

When a carrier vehicle is involved in an accident, the driver shall, if possible, use every available means to prevent people from gathering near the scene, to prevent smoking, to keep flame away, to safeguard against the aggravation of the hazard present, and to warn other users of the highway.

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8850.8900 INTRASTATE TRANSPORTATION; HOURS OF DRIVER SERVICE; FEDERAL RULES.

Subpart 1. **Incorporations by reference.** Code of Federal Regulations, title 49, sections 395.2; 395.3, paragraphs (a) to (c); 395.7; 395.8, paragraphs (a) to (k)(1), (k)(3), and (l)(1); and 395.10 to 395.12, as revised through October 1, 1986; and amendments to sections 395.2, 395.3, and 395.8 found at *Federal Register*, volume 52, pages 41721 and 41722, are incorporated by reference except for the cross-reference to paragraph (e) in section 395.3, paragraph (a). The cross-reference to paragraph (e) in section 395.3, paragraph (a), is not incorporated by reference.

Subp. 2. **Limited exemption for lightweight vehicles.** Notwithstanding subpart 1 and part 8850.7025, the requirements of Code of Federal Regulations, title 49, sections 395.3, paragraphs (a) and (b); and 395.8, paragraphs (a) to (k), do not apply to lightweight vehicles.

8850.8950 DRIVERS DECLARED OUT OF SERVICE.

Subpart 1. **Authority to declare drivers out of service.** A person authorized by *Minnesota Statutes*, chapter 221, or by other law, to enforce chapter 221 and the rules of the commissioner and board adopted under authority of that chapter is authorized to declare a driver out of service and to notify the carrier of that declaration, on finding at the time and place of examination that the driver has violated the out-of-service criteria in subpart 2.

Subp. 2. **Out-of-service criteria.** A driver shall not drive after being on duty for the maximum periods permitted by part 8850.8900 or after being declared out of service under Code of Federal Regulations, title 49, section 392.5, paragraph (c).

A driver required to maintain a record of duty status under part 8850.8900, subpart 1, shall not fail to have a record of duty status current on the day of examination and for the previous seven consecutive days; except that a driver failing only to have possession of a record of duty status current on the day of examination and the previous day, and who has completed records of duty status for the previous six days up to the day before examination, will be given the opportunity to make the duty-status record current.

Subp. 3. **Responsibilities of carriers.** A carrier shall not require or permit a driver who has been declared out of service to operate a motor vehicle until that driver may lawfully do so, nor shall a carrier require a driver who has been declared out of service for failure to prepare a record of duty status, to operate a motor vehicle until that driver has been off duty for eight consecutive hours and is in compliance with this part. The consecutive eight-hour, off duty period may include sleeper berth time.

Subp. 4. **Form.** A carrier shall complete the "Carrier Certification of Action Taken" portion of the driver, vehicle, and equipment checklist form, described in part 8850.8350, and return the copy of the form to the Minnesota Department of Transportation, Office of Motor Carrier Safety and Compliance within 15 days following the date of examination. If the carrier mails the form, delivery is made on the date it is postmarked.

Subp. 5. **Responsibilities of the driver.** A driver who has been declared out of service shall not operate a motor vehicle until that driver may lawfully do so.

A driver who has been declared out of service for failing to prepare a record of duty status shall not operate a motor vehicle until the driver has been off duty for eight consecutive hours and is in compliance with this part.

8850.9000 INTRASTATE TRANSPORTATION; INSPECTION, REPAIR, AND MAINTENANCE; FEDERAL RULES.

Code of Federal Regulations, title 49, sections 396.3 to 396.7, 396.11, 396.13, and 396.15, as revised through October 1, 1986, are incorporated by reference.

8850.9050 HAZARDOUS MATERIALS; DRIVING AND PARKING; FEDERAL RULES.

Subpart 1. **Transporting hazardous materials.** A person who transports hazardous materials shall comply with this part and parts 8850.7000 to 8850.9000 when that person is transporting a hazardous material, hazardous waste, or hazardous substance that must be marked or placarded in accordance with Code of Federal Regulations, title 49, section 172.504, incorporated by reference in *Minnesota Statutes*, section 221.033.

Subp. 2. **Incorporation by reference.** Code of Federal Regulations, title 49, sections 397.5 to 397.19, as revised through October 1, 1986, are incorporated by reference.

Subp. 3. **Parking.** A petroleum transport driver shall not park on a public street adjacent to a bridge, tunnel, dwelling, building, or place where persons work, congregate, or assemble, except when necessary to unload.

8855.0300 DUPLICATES FURNISHED TO COMMISSIONER.

A motor carrier or interstate carrier shall furnish to the commissioner a duplicate of its public liability and cargo policies and endorsements when requested by the commissioner.

8855.0400 CERTIFICATE OF INSURANCE; BOND; FEDERAL FORMS.

An insurance company that provides insurance against public liability and property damage for a motor carrier operating under a permit or certificate or for an interstate carrier shall cover all motor vehicles used in the motor carrier's operations whether specifically described in the policy or not. The insurance company shall file with the commissioner either a certificate of insurance naming each motor carrier insured on form E, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance," as described in Code of Federal Regulations, title 49, part 1023, as amended through October 1, 1986, which is incorporated by reference, or the forms prescribed in part 8855.0800.

In lieu of an insurance certificate, a bond may be filed on form G, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond," as described in Code of Federal Regulations, title 49, part 1023, as amended through October 1, 1986, which is incorporated by reference.

8855.0410 FINANCIAL RESPONSIBILITY FOR REGULAR ROUTE COMMON CARRIERS OF PASSENGERS AND CHARTER CARRIERS.

A regular route common carrier of passengers or a charter carrier must obtain the following minimum amount of coverage against public liability:

A. limit for bodily injury to or death of one person, $100,000;

B. limit for loss or damage to property of others, $50,000; and

C. limit for injury to or death of all persons injured or killed in any one accident:

(1) seating capacity of 12 passengers or less, $300,000;

(2) seating capacity of 13 to 20 passengers, $350,000;

(3) seating capacity of 21 to 32 passengers, $400,000; or

(4) seating capacity of 33 passengers or more, $450,000.

8855.0450 FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS OF PROPERTY.

Subpart 1. **Amount required.** Motor carriers of property operating under a certificate or permit issued by the board shall obtain coverage against public liability in the following amounts:

A. limit for bodily injury to or death of one person, $100,000;

B. limit for bodily injury to or death of all persons in any one accident, $300,000; and

C. limit for loss or damage to property of others, other than cargo, $50,000.

Subp. 2. **Exception.** Motor carriers of property that transport hazardous waste, hazardous substances, or hazardous materials in the quantities described in Code of Federal Regulations, title 49, section 387.7, shall obtain minimum coverage against public liability as required in that section.

8855.0500 CARGO SECURITY.

Subpart 1. **Insurance or bond required.** Each petroleum carrier and each regular route common carrier of freight shall obtain cargo insurance or bond in the amount of $5,000 and shall have its insurer file a cargo certificate of insurance or bond with the commissioner.

Subp. 2. **Federal forms, incorporations by reference.** Each insurance company insuring cargo shall file a cargo certificate of insurance, form H, "Uniform Motor Cargo Certificate of Insurance," described in Code of Federal Regulations, title 49, part 1023, as amended through October 1, 1986, or a cargo bond on form J, described in Code of Federal Regulations, title 49, part 1023, as amended through October 1, 1986, which are both incorporated by reference.

8855.0600 NAMES ON INSURANCE CERTIFICATES AND BONDS.

Certificates of insurance and bonds must be issued in the full and correct name of the person, corporation, or partnership whose operations are being insured.

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8855.0700 CANCELLATION OF INSURANCE; FEDERAL FORMS.

A certificate of insurance or bond for public liability and a certificate of insurance or bond for cargo security may be canceled.

The insurer shall cancel certificates of insurance for public liability or cargo insurance by filing with the commissioner a form K, "Uniform Notice of Cancellation of Motor Carrier Insurance Policies," described in Code of Federal Regulations, title 49, part 1023, as amended through October 1, 1986, which is incorporated by reference.

The insurer shall cancel surety bonds for public liability or cargo insurance by filing with the commissioner a form L, "Uniform Notice of Cancellation of Motor Carrier Surety Bonds," described in Code of Federal Regulations, title 49, part 1023, as amended through October 1, 1986, which is incorporated by reference.

A cancellation notice takes effect 30 days from the day the notice is received by the commissioner.

8855.0800 AGGREGATION OF INSURANCE.

When insurance is provided by more than one insurer to aggregate coverage required under *Minnesota Statutes*, chapter 221, each insurer shall file form BMC 91X described in Code of Federal Regulations, title 49, section 1043.7, paragraph (a)(3), as amended through October 1, 1986, which is incorporated by reference.

8855.0850 INSURANCE AND BONDING COMPANIES MUST BE AUTHORIZED BY DEPARTMENT OF COMMERCE.

Insurance companies or bonding companies who file certificates of insurance or bonds with the commissioner must be authorized and registered with the Department of Commerce, to do business in the state of Minnesota.

REPEALER. Minnesota Rules, parts 7800.0100, subparts 2, 9, and 10; 7800.0300; 7800.1200; 7800.1300; 7800.1900; 7800.3500; 7800.3700; 7800.3800; 7800.4000; 7800.4100; 7800.4200; 7800.4300; 7800.4400; 7800.4500; 7800.4600; 7800.4700; 7800.4800; 7800.4900; 7800.5000; 7800.5100; 7800.5200; 7800.5300; 7800.5400; 7800.5500; 7800.5600; 7800.5700; 7800.5800; 7800.5900; 7800.6000; 7800.6100; 7800.6200; 7800.6300; 7800.6400; 7800.6500; 7800.6600; 7800.6700; 7800.6800; 7800.6900; 7800.7000; 7800.7100; 7800.7200; 7800.7300; 7800.7400; 7800.7500; 7800.7600; 7800.7700; 7800.7800; 7800.7900; 7800.8000; 7800.8100; 7800.8200; 7805.1400; 7805.1500; 7805.1600; 7805.1700; 7805.1800; 7805.1900; 7805.2000; 7805.2100; 7805.2200; 7805.2300; 7805.2400; 7805.2500; 7805.2600; 7805.2700; 7805.2800; 7805.2900; 7805.3000; 7805.3100; 7805.3200; 7805.3300; 7805.3400; 7805.3500; and 7805.3600 are repealed.

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 Permanent Rules Relating to Credit Life Insurance

The rule proposed and published at *State Register*, Volume 12, Number 18, pages 926-928, November 2, 1987 (12 S.R. 926) is adopted as proposed.

Pollution Control Agency

Adopted Permanent Rule Relating to Air Quality Permit Fees

The rule proposed and published at *State Register*, Volume 12, Number 4, pages 136-138, July 27, 1987 (12 S.R. 136) and Volume 12, Number 20, pages 1036-1038, November 16, 1987 (12 S.R. 1036) is adopted as proposed.

Emergency Rules

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

State Board of Vocational Technical Education

Continuation of Emergency Rules of the State of Minnesota Governing Uncharted License Criteria 3515.5070 (Emergency) Office Information Processing Specialist and 3515.5067 (Emergency) Automated Systems Technology

Notice is hereby given that the Minnesota State Board of Vocational Technical Education is continuing in effect the above entitled rules pursuant to its general rule making authority, *Minnesota Statutes* 136C.04 subdivision 9.

The text of the rules were published in the *State Register* on May 11, 1987. The rules had the force and effect of law on September 11, 1987, five working days after approval of the Administrative Division of the Office of the Attorney General.

Pursuant to *Minnesota Statutes*, Section 14.35, emergency rules are in effect for no longer than 180 days and may be continued in effect for an additional period of up to 180 days. The emergency rules are in effect until March 11, 1988, and will be continued in effect for 180 days until September 11, 1988.

Helen Henrie, Deputy Director
State Board of Vocational Technical Education

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Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, 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.

Board of Animal Health

Notice of Quarterly Meeting

A quarterly meeting of the Board of Animal Health has been scheduled for Thursday, April 14, 1988 at the Board of Animal Health offices, Saint Paul, Minnesota at 9:30 a.m.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Dated: 22 February 1988

Thomas J. Hagerty, DVM
Executive Secretary

Department of Commerce

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

Real Estate Appraiser

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on April 7, 1988 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statutes* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on March 30, 1988, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

(1) That members of those classes are unable to obtain insurance through ordinary means;

(2) That the insurance being sought is required by statute, ordinance, or otherwise required by law, or is necessary to earn a livelihood or conduct a business; and

(3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register.*

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, MN 55101. Their phone number is (612) 222-0484.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other

steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* Parts 1400.5100-1400.8400).

Anyone wishing to oppose activation beyond 180-days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

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 as an 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 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, 625 North Robert St., St. Paul, Minnesota, 55101-2520, telephone (612) 296-5148.

Dated: 5 January 1988

Michael A. Hatch
Commissioner of Commerce

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING.

Subdivision 1. ADMINISTRATIVE LAW JUDGE. The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. NOTICE. The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Subd. 6. CASE PRESENTATION. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Department of Commerce

Bulletin of Pending Applications Pursuant to the Reciprocal Interstate Banking Act: *Minnesota Statutes*, § 48.98, Subdivision 2, (2)

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes*, § 48.93 and shall be disapproved if:

(1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(2) The competence, experience, integrity of any acquiring person or if any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;

(3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this area; or

(4) The application failed to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota.

In addition, the Commissioner has determined by rule that applicants must describe its plan of compliance in providing an acceptable level of development loans or developmental investments in the community affected.

Current List of Pending Applications:

- The First Wisconsin Corporation, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, proposes to acquire the Sahara Bancorp., Inc., New Brighton, Minnesota 55112, and thereby indirectly acquire control of the First State Bank of New Brighton, 2299 Palmer Drive, New Brighton, Minnesota 55112.

- The First Wisconsin Corporation, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, proposes to acquire the Rose Holding Co., Roseville, Minnesota 55113, and thereby indirectly acquire control of The Roseville Bank, 2100 North Snelling Avenue, Roseville, Minnesota 55113.

NOTICE

The Commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication in a newspaper of general circulation within the county in which the bank to be acquired or a proposed new bank is located; or 30 days after the date of the availability of the bulletin of Pending Applications which includes the listing of the acquisition.

Public Information

Copies of bulletins of pending applications prepared and updated with each new application filed with the Commissioner is available without charge to any person upon request by writing to Department of Commerce, Bulletin of Pending Applications, Reciprocal Interstate Banking Act, 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

Dated: 22 February 1988

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Correction to Notice of Activation of the Minnesota Joint Underwriting Association to Insure Horse Clubs and Public Hearing

The notice to activate the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) to assist horse clubs to obtain insurance from private insurers incorrectly listed a public hearing date as April 17, 1988. The correct date is April 7, 1988 at the time and location previously listed in the January 18, 1988 issue of the *State Register* Vol. 12, #29, page 1462.

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Regarding Debt Securities Issued or Guaranteed by Government Unit or Instrumentality Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules and amend current rules regarding debt securities issued or guaranteed by governmental units or instrumentalities and other entities. Promulgation of these rules is authorized by *Minnesota Statutes*, 80A.25 and 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes*, § 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to

Kristine L. Eiden, Deputy Commissioner
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101
(612) 296-6325

Oral statements will be received during regular business hours over the telephone at (612) 296-6325.

All statements of information and comment shall be accepted until April 1, 1988. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by Group Health, Inc.

Notice is hereby given that the Department of Health is seeking opinions and comments pertaining to a request by Group Health, Inc. for a waiver of HMO statutes and rules regarding elimination of prescription drug benefits for members enrolled in Group Health Seniors who receive their primary health care services at private clinics which are affiliated with Group Health, Inc. Such waivers are authorized for demonstration projects by *Minnesota Statutes*, § 62D.30.

The request submitted by Group Health, Inc. is available for inspection during normal business hours at the following location:

Alternative Delivery Systems
Room 456
Minnesota Department of Health
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by March 18, 1988.

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by NWNL Health Network, Inc.

Notice is hereby given that the Department of Health is seeking opinions and comments pertaining to a request by NWNL Health Network, Inc. (formerly Senior Health Plan) for a waiver of HMO statutes and rules regarding an extension of their present pharmacy

waiver and for a waiver of the state required levels of mental health coverage. Such waivers are authorized for demonstration projects by *Minnesota Statutes*, § 62D.30.

The request submitted by NWNL Health Network, Inc. is available for inspection during normal business hours at the following location:

Alternative Delivery Systems
Room 456
Minnesota Department of Health
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by March 11, 1988.

Department of Health

Ambulance Licensure Hearing Change

The public hearing for the applications received from North Ambulance Service, Hennepin County Medical Center Ambulance and HealthOne Transportation Service to provide Scheduled Ambulance Service in portions of the Metropolitan area has been *changed*. The public hearing will be held April 12, 1988, Minnesota Department of Health, 717 Delaware St S.E., Minneapolis, MN commencing at **9:30 a.m.** Refer to complete "Notice of completed application and notice and order for hearing" which was published in the *State Register* on February 1, 1988.

Department of Human Services

Family Support Programs: Assistance Payments Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Aid to Families with Dependent Children (AFDC)

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of amendments to *Minnesota Rules*, parts 9500.2000 to 9500.2880 which govern Aid to Families with Dependent Children. The adoption of these amendments is authorized by *Minnesota Statutes*, section 256.851 and section 256.01, subdivision 4 which permits the agency to adopt rules necessary or desirable for implementing the AFDC program.

The purposes of the amendments are: to make the AFDC rules consistent with federal regulations and state statutes governing the AFDC program; to clarify areas of the rules which are unclear; and to make the AFDC rules consistent with Food Stamp regulations.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule amendments. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Nancy Storelee
Rules Division
Minnesota Department of Human Services
444 Lafayette Rd.—2nd Floor
St. Paul, Minnesota 55155-3816

Oral statements will be received during regular business hours over the telephone at (612) 296-5474 or (612) 297-4302 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Mary Orr
Income Maintenance Program Advisor

Department of Human Services

Health Care and Residential Programs Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Permanent Rules Governing Community Alternative Care for Chronically Ill Individuals Under Age 65 Who Would Otherwise Reside in Acute Care Facilities

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose adoption of a permanent rule governing community alternative care for chronically ill individuals under age 65 who would otherwise reside in an acute care facility. The adoption of the rule is authorized by *Minnesota Statutes*, section 256B.49, subdivision 2, which permits the commissioner to adopt permanent rules as necessary to implement section 256B.49, subdivision 1, authorizing the application for federal waivers necessary to obtain federal financial participation for the costs of home and community-based services.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Phyllis Zwieg
Long Term Care Management
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3831

Oral statements will be received during regular business hours over the telephone at (612) 296-2916, and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register.* Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Department of Human Services

Health Care Programs Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Hospital Medical Assistance Reimbursement

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing the readmission and reimbursement for readmissions, *Minnesota Rules,* parts 9500.1100 subpart 42, and 9500.1130 subpart 8.

The adoption of the rule is authorized by *Minnesota Statutes*, section 256.969, subdivision 6, which requires the agency to promulgate permanent rules to implement a system of prospective payment for inpatient hospital services.

The proposed amendments establish procedures to coordinate the medical assistance reimbursement for readmissions with the required procedures for obtaining hospital admission certification as set forth in *Minnesota Rules,* parts 9505.0500 to 9505.0540. (*Minnesota Rules*, parts 9505.0500 to 9505.0540 are being amended concurrently with the amendments to *Minnesota Rules,* parts 9500.1100 subpart 42 and 9500.1130 subpart 8).

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Anupama Seam
Rules Division
Minnesota Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55101-3816

Oral statements will be received during regular business hours over the telephone at 612/297-4997 by Anupama Seam and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register.* Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 29 February 1988

Minnesota Comprehensive Health Association

Executive Committee Meeting

Notice is hereby given that a meeting of the Executive Committee of the Minnesota Comprehensive Health Association will be held at 10:00 a.m. on Tuesday, March 8, 1988, at the Minnesota Club, Homer Clark Room, 317 Washington Street, St. Paul, Minnesota. For additional information, please call (612) 456-8466.

Minnesota Comprehensive Health Association

Legislative and Public Policy Committee Meeting

Notice is hereby given that a meeting of the Legislative and Public Policy Committee of the Minnesota Comprehensive Health Association will be held at 10:00 a.m. on Friday, March 11, 1988, at the Minnesota Education Association, Geste Meeting Room, 41 Sherburne Avenue, St. Paul, Minnesota, 55103.

Regional Transit Board

Regional Transit Board DBE and WBE Goals

The Regional Transit Board announces the following goals for federal fiscal year 1988 for disadvantaged and women business enterprise (DBE and WBE) participation in Urban Mass Transportation (UMTA) assisted projects: 10% for firms owned and controlled by socially and economically disadvantaged individuals; and 2% for women-owned and controlled firms.

The goals and a description of how they were set are available for inspection during normal business hours at the Regional Transit Board offices for 30 days following the date of this notice. Comments, which are for informational purposes only, may be sent to the Regional Transit Board, Suite 270 Metro Square Building, St. Paul, MN 55101 or the U.S. Department of Transportation, 400 7th St. SW., Washington, D.C. 20590, within 45 days from the date of this notice.

Department of Revenue

Information Systems Division

Notice to Solicit Outside Information

Request for Information for: Document Processing Hardware for Numbering, Data Capture, Image Capture, and Image Retrieval of tax documents received by the State of Minnesota, Department of Revenue. To request further information, or to receive a formal Request for Information, please contact the following:

Jack Fischer
Revenue Information Systems Division
Minnesota Department of Revenue
671 North Robert Street
St. Paul, Minnesota 55101
(612) 296-7049

Department of Trade and Economic Development

Community Development Division

Final Statement on Distribution of 1988 Community Development Block Grant Funds

Federal fiscal year 1988 Community Development Block Grant funds made available to the State for distribution to nonentitlement areas will be distributed in accordance with administrative rules adopted in Chapter 4300. These rules are the same as those under which fiscal year 1987 funds were administered. The text of said rules is as follows:

CHAPTER 4300
COMMUNITY BLOCK GRANTS

4300.0100. Definitions

Subp. 1. Scope. As used in this chapter, the following terms have the meanings given them:

Subp. 2. Application Year. "Application year" means the federal fiscal year beginning October 1st and ending September 31st.

Subp. 3. Community Development Need. "Community development need" means a demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services which are necessary for developing or maintaining viable communities.

Subp. 4. Competitive Grant. "Competitive grant" means a grant application that is evaluated and ranked in comparison to other applications in the same grant category and includes housing, public facilities and comprehensive applications.

Subp. 5. Comprehensive Program. "Comprehensive program" means a combination of at least two interrelated projects which are designed to address community development needs which by their nature require a coordination of housing, public facilities, or economic development activities. A comprehensive program must be designed to benefit a defined geographic area, otherwise known as a program area.

Subp. 6. Economic Development Project. "Economic development project" means one or more activities designed to create new employment, maintain existing employment, incrase the local tax base, or otherwise increase economic activity in a community.

Subp. 7. Eligible Activities. "Eligible activities" means those activities so designated in *United States Code*, title 42, section 5305 (1981) and as described in *Code of Federal Regulations*, title 24, sections 570.200-570.207 (1981).

Subp. 8. General Purpose Local Government. "General purpose local government" means townships as described in *Minnesota Statutes,* chapter 365; cities as described in *Minnesota Statutes,* chapters 410 and 412; and counties.

Subp. 9. Grant. "Grant" means an agreement between the state and an eligible recipient through which the state provides funds to carry out specified programs, services, or activities.

Subp. 10. Grant Closeout. "Grant closeout" means the process by which the office determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.

Subp. 11. Grant Year. "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under *United States Code,* title 42, sections 5301-5316 (1981), and includes the period of time during which the office solicits applications and makes grant awards.

Subp. 12. Infrastructure. "Infrastructure" means the basic physical systems, structures, and facilities, such as roads, bridges, water, and sewer, which are necessary to support a community.

Subp. 13. Low- and Moderate-income. "Low- and moderate-income" means income wihch does not exceed 80 percent of the median income for the area, with adjustments for smaller and larger families.

Subp. 14. Metropolitan City. "Metropolitan city" means a city over 50,000 population or a central city of a standard metropolitan statistical area that receives entitlement grants under *United States Code,* title 42, section 5306 (1981) directly from the United States Department of Housing and Urban Development.

Subp. 15. Nonentitlement Area. "Nonentitlement area" means an area that is not a metropolitan city or part of an urban county.

Subp. 16. Office. "Office" means the office or division in the Department of Energy and Economic Development to which the program is assigned.

Subp. 17. Per Capita Assessed Valuation. "Per capita assessed valuation" means the adjusted assessed valuation divided by population.

Subp. 18. Population. "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to *Minnesota Statutes*, § 275.53, subd. 2, by a population estimate made by

the Metropolitan Council, or by the population estimate of the state demographer made under *Minnesota Statutes,* § 4.12, subd. 7, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

Subp. 19. Poverty Persons. "Poverty persons" means individuals or families whose incomes are below the poverty level as determined by the most current data available from the United States Department of Commerce, taking into account variations in cost of living for the area affected.

Subp. 20. Program. "Program" means the community development block grant program for nonentitlement areas.

Subp. 21. Program Area. "Program area" means a defined geographic area within which an applicant has determined that, based on community plans or other studies, there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

Subp. 22. Program Income. "Program income" means gross income earned by the grant recipient from grant-supported activities, excluding interest earned on advances.

Subp. 23. Project. "Project" means one or more activities designed to meet a specific community development need.

Subp. 24. Regional or Community Development Plans. "Regional or community development plans" means written documents, resolutions, or statements which describe goals, policies, or strategies for the physical, social, or economic development of a neighborhood, community, or substate area. Regional or community development plans include comprehensive plans and elements of comprehensive plans, including land use plans, which have been approved by the governing boards of townships, counties, or cities, and also include regional development plans adopted under *Minnesota Statutes* § 462.281, where applicable.

Subp. 25. Slums and Blight. "Slums and blight" means areas or neighborhoods which are characterized by conditions used to describe deteriorated areas in *Minnesota Statutes* § 462.421 or which are characterized by the conditions used to describe redevelopment districts in *Minnesota Statutes*, § 273.73, subd. 10.

Subp. 26. Single-purpose Project. "Single-purpose project" means one or more activities designed to meet a specific housing or public facilities community development need.

Subp. 27. Urban County. "Urban county" means a county which is located in a metropolitan area and is entitled to receive grants under *United States Code,* title 42, section 5306 (1981), directly from the United States Department of Housing and Urban Development.

Statutory Authority: *Minnesota Statutes,* sections 116K.04; 116K.06; 116K.07
History: 8 SR 1263

4300.0200. Purpose

This chapter gives procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Energy and Economic Development under *United States Code,* title 42, sections 5301-5136 (1981), and regulations adopted in *Code of Federal Regulations,* title 24, part 570.

Statutory Authority: *Minnesota Statutes,* section 116K.04; 116K.06; 116K.07
History: 8 SR 1263.

4300.0300 Objective of the Program

The primary objective of this program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low- and moderate-income. Activities funded under this program shall not benefit moderate-income persons to the exclusion of low-income persons. All funded activities must be designed to:

A. benefit low- and moderate-income persons;

B. Prevent or eliminate slums and blight; or

C. Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

4300.0400. Application of Federal Law

If it is determined that any provisions of parts 4300.0100 to 4300.3200 are inconsistent with federal law, federal law controls to the extent necessary to eliminate the conflict.

Statutory Authority: *Minnesota Statutes,* sections 116K.06; 116K.07

GRANT APPLICATION, EVALUATION, AND DETERMINATOIN

4300.1100 Types of Competitive Grants Available

Subp. 1. Single-purpose Grants. The office shall approve single-purpose grants for funding from a single grant year for single-purpose projects. The office shall place single-purpose grant applications in one of the following categories for purposes of evaluation:

A. Housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or

B. Public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

Subp. 2. Comprehensive Grants. The office shall approve comprehensive grants for two or more projects which constitute a comprehensive program as described in part 4300.0100.

Statutory Authority: *Minnesota Statutes,* sections 116J.401; 116J.403; 116J.873
History: 11 SR 2416

4300.1101. Economic Development Grants, Noncompetitive

The office shall approve grants for economic development projects for funding throughout a single application year, or until the funds reserved have been exhausted.

Statutory Authority: *Minnesota Statutes*, sections 116K.04; 116K.06; 116K.07
History: 8 SR 1263

4300.1200. Application Process and Requirements

Subp. 1. Grant Application Manual. The office shall prepare a manual for distribution to eligible applicants no later than 120 days before the application closing date for competitive applications. The manual must instruct applicants in the preparation of applications and describe the method by which the office will evaluate and rank applications.

Subp. 2. Eligibility Requirements. Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under *United States Code*, title 42, section 5302 (1981), may apply for a grant. An eligible applicant may apply on behalf of other eligible applicants. Applications submitted on behalf of other applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may apply for only one competitive grant per grant year and no eligible applicant shall be included in more than one competitive application. An eligible applicant may apply for one economic development grant in addition to a competitive grant each application year.

Subp. 3. Disqualification of Applicants. Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these rules or awarded by the Department of Housing and Urban Development under *United States Code*, title 42, section 5306 (1981), it is determined by the office that any of the following conditions exist:

A. There are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;

B. Previously approved projects have passed scheduled dates for grant closeout and the grantee's ability to complete the project in an expeditious manner is in question; or

C. The applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

Subp. 4. Contents of Application. The contents of the application must be consistent with the informational requirements of this chapter and must be on a form prescribed by the office. The application must be accompanied by:

A. An assurance, signed by the chief elected official, that the applicant will comply with all applicable state and federal requirements;

B. An assurance signed by the chief elected official certifying that at least one public hearing was held at least ten days but not more than 60 days before submitting the application; and

C. A copy of a resolution passed by the governing body approving the application and authorizing execution of the grant agreement if funds are made available.

The office may request additional information from the applicant if it is necessary to clarify and evaluate the application.

Subp. 5. Time Limit for Submitting Applications. Competitive applications must be received in the office or postmarked by the closing date. The office shall give notice of the period during which applications will be accepted. The notice must be published

in the *State Register* at least 120 days before the closing date. Economic development project applications may be submitted at any time during the grant year.

Subp. 6. Regional Review. The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with *Minnesota Statutes*, § 462.391, subd. 3, or *Minnesota Statutes* § 473.171, respectively.

Statutory Authority: *Minnesota Statutes*, section 116J.401; 116J.403; 116J.873
History: 11 SR 2416

4300.1300. Evaluation of Applications

All applications shall be evaluated by the office. A fixed amount of points shall be established as the maximum score attainable by any application. Points shall be made available within each class of rating criteria in accordance with the percentages and fractions indicated in 4300.1400 to 4300.1900. Economic development project applications must meet threshold criteria in order to be evaluated.

Statutory Authority: *Minnesota Statutes*, section 116K.04; 116k.04; 116K.06; 116K.07
History: 8 SR 1263

4300.1400. Comparison of all Competitive Applications, General Competition

Subp. 1. Points Available. Thirty percent of the total available points shall be awarded by the office based on a general competition involving a comparison of all applications.

Subp. 2. Evaluation of Community Need. Two-thirds of the points in the general competition shall be awarded based on evaluation of community need, which shall include:

A. The number of poverty persons in the area under the applicant's jurisdiction;

B. The percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and

C. The per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

Subp. 3. Evaluation of Other Factors. One-third of the points in the general competition shall be awarded based on evaluation of:

A. The extent to which the proposed activities are compatible with regional or community development plans; and

B. Adequacy of the applicant's management and financial plan.

Statutory Authority: *Minnesota Statutes*, sections 116K.04; 116K.06; 116K.07
History: 8 SR 1263

4300.1500. Comparison of Competitive Applications Within Categories

After completing the general competition described in 4300.1400, the office shall place each application in the appropriate grant category in accordance with part 4300.1100. The categories are housing projects, public facilities projects, economic development projects, and comprehensive programs. Seventy percent of the total points available for each application shall be awarded based on a comparison of the applications within each of the categories, as further described in parts 4300.1600 to 4300.1900.

Statutory Authority: *Minnesota Statutes*, sections 116K.04; 116K.06; 116K.07
History: 8 SR 1263

4300.1600. Evaluation of Housing Projects

Subp. 1. Project Need. Three-sevenths of the points available in the housing category competition shall be awarded by the office based on evaluation of the need for improvements or additions to the housing stock serving low- and moderate-income persons as evidenced by:

A. Housing units which are occupied by low- and moderate-income persons and are either substandard or pose a threat to the health or safety of the occupants;

B. An inadequate supply of affordable housing for low- or moderate-income persons; or

C. Other documented conditions which give evidence of the need for improvements or additions to the housing stock serving low- and moderate-income persons.

Subp. 2. Project Impact. Three-sevenths of the points available in the housing category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will eliminate or reduce the need for improvements or additions to the housing stock serving low- or moderate-income persons.

Subp. 3. Project Cost-effectiveness. One-seventh of the points available in the housing category competition shall be awarded by the office based on:

A. Evaluation of the extent to which the proposed activities will make cost effective and efficient use of grant funds including coordination with, and use of, funds from other public and private sources; and

B. Evidence that the cost of the proposed activities per benefitting household is reasonable.

Statutory Authority: *Minnesota Statutes*, sections 116K.06; 116K.07

4300.1700. Evaluation of Public Facilities Projects

Subp. 1. Project Need. Three-sevenths of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities are necessary to improve provision of public services to low- and moderate-income persons or to eliminate an urgent threat to public health or safety.

Subp. 2. Project Impact. Three-sevenths of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will reduce or eliminate the need identified under Subp. 1, and, in the case of activities designed to improve the provision of public services to low- and moderate-income persons, an evaluation of the extent to which the proposed activities directly benefit low- and moderate-income persons.

Subp. 3. Project Cost-effectiveness. One-seventh of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will make cost effective and efficient use of grant funds, including consideration of:

A. The extent to which the requested grant funds are necessary to finance all or a portion of the costs;

B. Evidence that the cost of the proposed activities per benefitting household or person is reasonable; and

C. The extent to which the project benefits existing, rather than future, population, except in cases where the proposed activities are necessary due to expected development or growth which is beyond the applicant's control.

Statutory Authority: *Minnesota Statutes*, sections 116K.06; 116K.07

4300.1900. Evaluation of Comprehensive Program Projects

Subp. 1. Program Need. Three-sevenths of the points available in the comprehensive program category competition shall be awarded by the office based on evaluation of need for the proposed comprehensive program, including consideration of:

A. The number of low- and moderate-income persons in the program area;

B. The percentage of residents in the program area which are of low- or moderate-income; and

C. The need for the proposed comprehensive program as evidenced by at least two of the following: the need for improvements or additions to the housing stock serving low- and moderate-income persons, the need for new or improved public facilities in the program area, or employment problems in the program area.

Subp. 2. Program Impact. Three-sevenths of the points available in the comprehensive program category competition shall be awarded by the office based on evaluation of the extent to which the proposed comprehensive program will eliminate or reduce the need identified under Subp. 1, and the extent to which the proposed program will improve the long-term physical or economic condition of the program area and its residents.

Subp. 3. Program Cost-effectiveness. One-seventh of the points available in the comprehensive program category competition shall be based on evaluation of the extent to which the proposed comprehensive program will make cost effective and efficient use of grant funds, including consideration with, and use of, funds from other public and private sources.

Statutory Authority: *Minnesota Statutes*, sections 116K.06; 116K.07

4300.1901. Evaluation of Economic Development Projects

Subp. 1. In General. Evaluation of economic development applications consists of eligibility threshold screening and project review. Applications must meet the eligibility thresholds in order to be referred for project review. Applications that fail to meet eligibility thresholds may be revised and resubmitted.

Subp. 2. Federal and State Eligibility Thresholds. Applicants shall provide a description of the ways that activities address one of the federal objectives described in Part 4300.0300. Each activity proposed for funding must be eligible under current federal regulations.

Applicants shall describe how they will meet two of the three following thresholds based on stae economic development objectives:

A. Creation or retention of permanent private sector jobs;

B. Stimulation or leverage of private investment; or

C. Increase in local tax base.

Subp. 3. Project Review. Applications that meet eligibility thresholds will be awarded points by the office based on evaluation of the two rating categories: project design and financial feasibility. Applications must attain at least two-thirds of the total available points for economic development to be recommended for funding. Applications must score at least half of the points available in each of the two rating categories.

Two-thirds of the available points will be awarded based on an evaluation of project quality including an assessment of need, impact, and the capacity of the applicant to complete the project in a timely manner. Consideration of need for an economic development project must be based on deficiencies in employment opportunities and circumstances contributing to economic vulnerability and distress. Consideration of impact must be based on the extent to which the project reduces or eliminates the need. Consideration of capacity must be based on demonstration of administrative capability, realistic implementation schedules, and the ability to conform to state and federal requirements.

One-third of the available points will be awarded based on an evaluation of the effective use of program funds to induce economic development. Consideration of financial feasibility must include investment analysis, commitment of other funds, and other factors relating to the type of program assistance requested.

Subp. 4. Funding Recommendations. Applications that attain at least two-thirds of the available points will be recommended to the commissioner for funding. Applications not recommended for funding may be revised and resubmitted.

Statutory Authority: *Minnesota Statutes*, sections 116K.04; 116K.06; 116K.07
History: 8 SR 1263

4300.2000. Determination of Grant Awards

Subp. 1. Funds Available for Grants. The amount of funds available for grants shall be equal to the total allocation of federal funds made available to the State under *United States Code*, title 42, section 5306 (1981), after subtracting an amount for costs available to the office for administration of the program, as allowed by that law. The office is not liable for any grants under this chapter until funds are received from the United States Department of Housing and Urban Development.

Subp. 2. Division of Funds. Of the funds available for grants in each grant year, 30 percent shall be reserved by the office to fund single purpose grants, 15 percent shall be reserved for economic development grants, and 55 percent shall be reserved by the office to fund comprehensive grants. However the office may modify the proportions of funds available for single purpose and comprehensive grants if, after review of all applications, it determines that there is a shortage of fundable applications in either category.

At least 30 percent of the funds made available for single purpose grants shall be awarded for applications in each of the two categories: housing and public facilities. However, no application with a rating below the median score for its category shall be funded by the office solely for the purpose of meeting this requirement.

Subp. 3. Funding List. Within each grant category, a list of applications shall be prepared in rank order of the scores received after evaluation pursuant to Parts 4300.1300 to 4300.1900. Based on these lists, and subject to the availability of funds within each category, applications with the highest rank shall be recommended to the commissioner for funding. In the case of a tie between any two applications within any category, the application with the higher score in the general competition shall receive the higher ranking on the list.

Subp. 4. Approval by Commissioner. The list of applications recommended for funding, including recommended grant awards, shall be submitted by the office to the commissioner for approval. A decision by the commissioner not to approve any application recommended for funding must be made in writing to the applicant, giving reasons for disapproval.

Subp. 5. Reduction in Amount Requested. The office may recommend an application for funding in an amount less than requested if, in the opinion of the office, the amount requested is more than is necessary to meet the applicant's need. If the amount of the grant is reduced, the reasons for the reduction shall be given to the applicant.

Subp. 6. Grant Ceilings. No competitive single-purpose grant may be approved for an amount over $600,000. No comprehensive grant may be approved for an amount over $1,400,000. No economic development grant may be approved for over $500,000.

Statutory Authority: *Minnesota Statutes,* sections 116J.401; 116J.403; 116J.873
History: 11 SR 2416

CONTRACTS AND RECORDS

4300.3100. Grant Agreements

Subp. 1. Grant Contract Required. A grant contract shall be offered to each applicant whose application is approved for funding. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

Subp. 2. Contents of Grant Contract. The grant contract must include:

A. A work program which indicates completion dates for major parts of the project and a projected budget supporting the work program;

B. Assurances that the grant recipient will comply with all applicable state and federal laws, including at least the federal laws or regulations for which the state is made responsible for enforcement in *Code of Federal Regulations,* title 24, sections 570.495 and 570.496.

Subp. 3. Use of Program Income. Program income from sources such as reimbursements to and interest from a grant recipient's loan program, proceeds from disposition of real property, and proceeds from special assessments must be used for eligible activities. The office shall reduce future grant payments by the amount of any unobligated program income that an applicant has and shall take whatever additional action is necessary to recover any remaining amounts owed.

Subp. 4. Grant Account Required. Grant recipients must establish and maintain separate accounts for grant funds. In accordance with *Code of Federal Regulations,* title 24, section 570.494, clause 4, interest earned by grant recipients on grant funds before disbursement is not program income, and it must be returned to the United States Treasury.

Subp. 5. Restrictions on Use of Funds. No grant funds shall be used to finance activities not included in the grant agreement. If it is determined that an improper use of funds has occurred, the office will take whatever action is necessary to recover improperly spent funds.

Subp. 6. Suspension of Payments. The office shall suspend payments of funds to grant recipients which are not in compliance with applicable state and federal laws, rules, and regulations. Grant recipients must return funds which are improperly expended.

Subp. 7. Amendments to the Agreement. Amendments to the grant agreement must be in writing.

Statutory Authority: *Minnesota Statutes,* sections 116J.401; 116J.403; 116J.873
History: 11 SR 2416

4300.3200. Recordkeeping and Monitoring

Subp. 1. Financial Records. Grant recipients shall maintain financial records which identify the source and application of funds for grant-supported activities. These records must contain information about grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and other information required by the office under the responsibilities it assumes under *Code of Federal Regulations,* title 24, section 570.497, clause b. Financial records, supporting documents, statistical records, and all other reports pertinent to a grant must be retained by the grant recipient for three years from the date of submitting the final financial report. No such records or documents may be disposed of while audits, claims, or litigations involving the records are in progress.

Subp. 2. Audits. Grant recipients must arrange for and pay for an acceptable independent audit prepared in compliance with OMB Circular A-128, which was published in the *Federal Register*, volume 50, number 188, page 39083, on September 27, 1985, and the Single Audit Act of 1984, Public Law Number 98-502, codified as 31 *U.S.C.* sections 7501-7507. Costs incurred pursuant to this requirement are eligible under this program.

Subp. 3. Financial Status Reports. Grant recipients shall file financial status reports at the close of each reporting period as designated by the office and shall file a final financial report before grant closeout. Financial status reports must be on forms prescribed by the office. The office may not require these reports more often than quarterly.

Subp. 4. Performance Report. Grant recipients shall also file performance reports at the close of each reporting period as designated by the office and shall file a final performance report before grant closeout. Performance reports shall be on forms prescribed by the office. The office may not require these reports more often than quarterly.

Subp. 5. Access to Records. Representative of the office, either the State Auditor or Legislative Auditor as is appropriate, and federal auditors shall have access to all books, records, accounts, files, and other papers, things, or property belonging to grant recipients which are related to the administration of grants and necessary for audits and monitoring compliance with Parts 4300.0100 to 4300.3200.

Statutory Authority: *Minnesota Statutes,* sections 116J.401; 116J.403; 116J.873
History: 11 SR 2416

Repealer. *Minnesota Rules,* part 4300.1100, subpart 3 is repealed.

Proposed Distribution of Funds

The exact amount of Federal FY 1988 CDBG funds for use by the Small Cities Development Program is $17,579,000. To paraphrase and summarize the administrative rules for this program, 15 percent, will be reserved for economic development grants: 30 percent, will be reserved for single-purpose housing or public facilities grants; and 55 percent, will be reserved for comprehensive grants. Two percent plus $100,000 of the available funds will be used by DTED for administration of the grant program.

Proposed Use of Funds for Activities That Will Benefit Persons of Low- and Moderate-Income

The purpose of the Small Cities Development Program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate income persons to the exclusion of low-income persons. All funded activities must be designed to:

a) Benefit low- and moderate-income persons;

b) Prevent or eliminate slums and blight; or

c) Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community, where other financial resources are not available to meet those needs.

Under the Housing and Community Development Act of 1974, as amended, at least 60 percent of the funds must be used for activities that benefit low and moderate income persons. The Department of Trade and Economic Development, Community Development Division, estimates that up to 80 percent of the funds will be used to benefit persons of low and moderate income.

Recaptured and Reallocated Funds

If FY '83 through FY '88 grant funds are returned to the Minnesota Department of Trade and Economic Development, Community Development Division, following audit resolution or project closeout, reuse of the funds will be conducted using one of two methods.

1. Fifteen percent could be used for funding economic development projects any time during the year following the recapture of funds. Eighty-five percent of the funds will be reserved for emergency, urgent need projects; or

2. All recaptured funds could be reserved for funding emergency, urgent need projects.

With either option, a balance of recaptured FY '83 through FY '87 funds will be carried forward only until the point at which competitive grant awards are made. Any balance of recaptured or reallocated funds that exists at the time grants are awarded for the annual competitive grant cycle will be used to finance new competitive or economic development projects. Further, fifteen percent of the recaptured funds will be used for economic development projects. Eighty-five percent of the recaptured funds will be used to finance competitive projects.

Following is the criteria under which emergency urgent-need projects could be funded:

a. Applications for emergency urgent need could be submitted at any time during the year.

b. The problem poses a serious and immediate threat to the health or welfare of the community.

c. The problem is of recent origin or has recently become urgent. To qualify for emergency, urgent-need funds, recent is defined to mean that a problem has to become urgent no earlier than 60 days before the last competitive application deadline.

d. The applicant can document inability to finance the project on its own and other resources to sufficiently finance the project are not available.

e. The project would have to score well enough in the rating system to have received a grant, had an application been submitted during the last competitive cycle.

The recaptured and reallocated fund distribution methodology identified above is different than the methodologies which have appeared in previous Final Statements. As a result, by reference, previous Final Statement methodologies are amended.

Distributioon of Program Income

Any program income which is derived from the use of federal CDBG funds is retained by the recipient communities. Thus, the state will not have the use of program income for distribution in FY '88.

Description of the Use of Funds in the 1987 Small Cities Community Development Block Grant Program

For the 1987 grant program, $17,754,620 in federal funds was available for grants to eligible applicants for the Small Cities Development Program. In addition, $499,785 in recaptured funds was available for grants. Under the administrative rules for the SCDP, economic development applications are accepted on a year-round basis and competitive single-purpose and comprehensive applications had an application deadline of January 30, 1987. The rules for the program establish the availability of 15 percent of the funds for economic development, 30 percent of the funds for single-purpose projects, and 55 percent of the funds for compre-

hensive programs. The rules also provide for the alteration of these percentages when a shortage of fundable applications occur in any specific category.

Upon completion of the competitive review and ranking process, 39 awards were made on May 1, 1987. Because there was a shortage of fundable comprehensive applications, $3.2 million originally earmarked for comprehensives was transfered to fund competitive single purpose projects. Thus for FY '87, 36% of the available funds were used for comprehensive projects, 49% was used for single purpose projects, and 15% was used for economic development projects. The Department of Trade and Economic Development concludes that funds were awarded in accordance with the State's administrative rules for the program.

A formal Performance/Evaluation Report (PER) which provides a detailed description of the use of funds is available in this office for public inspection. A copy of the PER is also available at the HUD Minneapolis/St. Paul office.

Assessment of the Relationship of 1987 Funds to State and Federal Objectives

As in previous years, for the 1987 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, adopted the national objectives for the Community Development Block Grant program. Under these objectives, all funded activities must be designed to:

a) Benefit low- and moderate-income persons;

b) Prevent or eliminate slums or blight; or

c) Alleviate urgent community development needs caused by existing conditions, which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

Based on the FY '87 award plus recaptured funds, (or $18,254,405) at least 51%, or $9,309,747 must be awarded for activities designed to benefit persons of low- and moderate-income. To date, with an unobligated FY '87 balance of just over $2 million, DTED has already approved more than $13 million for activities designed to benefit low- and moderate-income persons. Thus, even with a balance, DTED has already awarded well over 70 percent of our total FY '87 grant award for activities which benefit low- and moderate-income persons. The remainder of the funds currently awarded for grants has been awarded for activities designed to prevent or eliminate slums and blight. No FY '87 funds have been awarded for activities designed to alleviate urgent community development needs.

The funds budgeted for planning and administration include both the funds retained by the Minnesota Department of Trade and Economic Development for administration of the program and funds awarded to units of general local government for planning and administration of their grants. No more than 20 percent of the block grant can be used for planning and administration.

To date, for the 1987 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, and the 1987 grant recipients budgeted slightly less than $1.0 million for planning and administration. These funds amount to just over six percent of the block grant, well below the 20.0 percent limit.

In addition to meeting one of the federal objectives listed above, economic development set aside grants must meet at least 2 of the following state objectives:

a) Creation or retention of permanent private sector jobs, with a minimum threshold of one job created or retained for each $20,000 of grant funds;

b) Leverage of private investment, with a minimum threshold of one dollar private funds for each grant dollar requested; and

c) Increase the local tax base, with a minimum threshold of an estimated 50 percent increase in the value of the parcel involved.

All economic development set aside grants awarded to date have met the state job creation/retention objective and the private investment objective. In addition, 93% of those jobs will be held by, and/or available to low and moderate income persons.

Based upon analysis of the 1987 Small Cities Development Program, The Minnesota Department of Trade and Economic Development, Community Development Division concludes that the 1987 grant program fully meets state and national objectives for award of funds.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $15,000 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

Commodity: Vans—rebid
Contact: D.M.
Bid due date at 2pm: March 7
Agency: Various
Deliver to: Various
Requisition #: 78550 05767

Commodity: Concrete precast planks
Contact: D.R.T.
Bid due date at 2pm: March 10
Agency: Natural Resources
Deliver to: Various
Requisition #: 29000 49665

Commodity: Steel chain & accessories: wire rope
Contact: E.S.
Bid due date at 2pm: March 10
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Nursery stock
Contact: D.R.T.
Bid due date at 2pm: March 11
Agency: Various
Deliver to: Various
Requisition #: 79050 19989 etc.

Commodity: Maintenance on Combex Memory
Contact: B.V.
Bid due date at 2pm: March 11
Agency: Information Mgmt.
Deliver to: St. Paul
Requisition #: 02410 80146

Commodity: Rental of Xerox 1065 or AB Dick K627A
Contact: T.R.
Bid due date at 2pm: March 14
Agency: Employee Relations
Deliver to: St. Paul
Requisition #: 24000 80149-1

Commodity: Aggregate materials
Contact: P.A.
Bid due date at 2pm: March 14
Agency: Transportation
Deliver to: Detroit Lakes
Requisition #: 79-4004

Commodity: Ready-mix concrete
Contact: P.A.
Bid due date at 2pm: March 14
Agency: Transportation
Deliver to: Detroit Lakes
Requisition #: 79-400 RM

Commodity: Bar soap
Contact: C.A.
Bid due date at 2pm: March 14
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Sign posts
Contact: D.T.
Bid due date at 2pm: March 14
Agency: Transportation
Deliver to: Various
Requisition #: 79100 03876

Commodity: Electronic key telephone system
Contact: J.G.
Bid due date at 2pm: March 15
Agency: Labor & Industry
Deliver to: St. Paul
Requisition #: 42100 11625

Commodity: Automobile schedule 113G
Contact: D.M.
Bid due date at 2pm: March 15
Agency: Various
Deliver to: Various
Requisition #: 79382 01334

Commodity: Tractor loader/ship to New Ulm, Grand Rapids and Brainerd
Contact: B.T.
Bid due date at 2pm: March 15
Agency: Natural Resources
Deliver to: Various
Requisition #: 29000 49466

Commodity: Water treatment chemicals & engineering service—"cooling"
Contact: D.O.
Bid due date at 2pm: March 15
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Modems
Contact: D.O.
Bid due date at 2pm: March 15
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity: 65,000 1-part forms fan fold 1-up, and 60,000 two-sided copy form, type to be set, 7⅜″ × 3⅔″ finished size
Contact: Printing Buyer's Office
Bid due date at 2pm: March 8
Agency: Revenue
Deliver to: St.Paul
Requisition #: 5359 & 60

Commodity: 2,500 two part form, type to be set, carbonless, 8½″ × 4¾″ includes stub
Contact: Printing Buyer's Office
Bid due date at 2pm: March 8
Agency: Revenue
Deliver to: St. Paul
Requisition #: 5378

Commodity: 5,000 one part continuous forms, camera ready, one-sided, fan fold 3-up, 7⅜″ × 3⅔″ finished size
Contact: Printing Buyer's Office
Bid due date at 2pm: March 8
Agency: Revenue
Deliver to: St. Paul
Requisition #: 5307

Commodity: Special cigarette tax stamps, 2,250M sheets of 20 stamps and 432M rolls of 25 stamps
Contact: Printing Buyer's Office
Bid due date at 2pm: March 8
Agency: Revenue
Deliver to: St. Paul
Requisition #: 5357 & 8

Commodity: Tickler, initial contact piece, viewbook, general poster, viewbook mailing envelope, factsheet mailing envelope, scholarship/talent grant poster
Contact: Printing Buyer's Office
Bid due date at 2pm: March 14
Agency: Mankato State University
Deliver to: Mankato
Requisition #: 5391

Commodity: Group Tour Planner
Contact: Printing Buyer's Office
Bid due date at 2pm: March 14
Agency: Trade & Economic Development
Deliver to: St. Paul
Requisition #: 5369

Commodity: 60 M 48-page books, camera ready copy, finished size 7¼″ × 4 1/16″
Contact: Printing Buyer's Office
Due date: March 11—4:30pm
Agency: Agriculture
Deliver to: St. Paul
Requisition #: 5342

Commodity: 200M envelopes, camera ready, finished size 3⅞″ × 7¾″ with window
Contact: Printing Buyer's Office
Due date: March 11—4:30pm
Agency: PERA
Deliver to: St. Paul
Requisition #: 5461

Commodity: 10M posters, 16″ × 21½″ and 50M brochures, 16″ × 18″ sheet size
Contact: Printing Buyer's Office
Due date: March 11—4:30pm
Agency: Arts Board
Deliver to: St. Paul
Requisition #: 5432

Commodity: 5M labels, finished size 6″ × 3½″, on adhesive rolls
Contact: Printing Buyer's Office
Due date: March 11—4:30pm
Agency: Health Dept.
Deliver to: Minneapolis
Requisition #: 5485

Commodity: 20M mailing labels, finished size 2⅞″ × 3¾″, camera ready copy, perforating between each label
Contact: Printing Buyer's Office
Due date: March 11—4:30pm
Agency: Bureau of Criminal Apprehension
Deliver to: St. Paul
Requisition #: 4955

Commodity: 1M 3-part form, finished size 9½″ × 11″, type to be set
Contact: Printing Buyer's Office
Due date: March 11—4:30pm
Agency: Office of Pipeline Safety
Deliver to: St. Paul
Requisition #: 5378

Minnesota Community College System

Notice for Request for Proposals for Contract Services

The Minnesota Community College System wishes to retain a contractor to review current market research and communications practices for an awareness campaign conducted jointly by the System Office and the six metropolitan area community colleges. The product of this review will be specific recommendations for future communications activities. The Community College System will use these recommendations to implement future aspects of the metropolitan awareness campaign.

Scope of project

This project will involve a comprehensive review of the current communications efforts of the Community College System Office and the six metropolitan area community colleges. The contractor will meet with representatives of each institution or office, review current publications and program offerings, and examine market research findings.

It is anticipated that upon completion of these tasks, the contractor will provide a comprehensive written marketing/communications plan with recommendations for future action. Recommendations for market segmentation, appropriate communications vehicles and promotional methods, and content/design of publications are required.

The contractor must have demonstrated ability in the area of higher education marketing and promotion. Prior experience with higher education institutions—if possible, with community colleges—is required.

The contractor may propose additional tasks or activities if they will substantially improve the results of the project.

Project start and completion dates

This project will begin no later than April 15, 1988. Final recommendations will be due no later than June 30,1988.

Project costs

It is anticipated that the cost of this project will not exceed $15,000 for professional services and expenses.

Evaluation

All proposals received by the deadline will be evaluated by representatives of the Community College System and the six metropolitan colleges. An interview and formal presentation will be part of the evaluation process. Factors upon which proposals will be evaluated include but are not limited to: an expressed understanding of the project objectives; project work plan; project cost detail; qualifications of the firm and experience in working with higher education institutions—in particular, with community colleges.

Proposals must be received by 4:30 p.m. March 25, 1988. Inquiries and requests should be directed to:

Anne Weyandt, Public Information Officer
Minnesota Community College System
203 Capitol Square
550 Cedar Street
St. Paul, MN 55101
(612) 296-5157

Dated: 18 February 1988

State Designer Selection Board

Request for Proposal for Five (5) Projects

TO REGISTERED PROFESSIONALS IN MINNESOTA:

The State Designer Selection Board has been requested to select designer five (5) projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m. April 5, 1988, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.

2. All data must be on 8½″ × 11″ sheets, soft bound.

3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4. **Mandatory Proposal contents in sequence:**

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s)

shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. **Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.**

5. **Statutory Proposal Requirements:**

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. **The proposal will not be accepted unless it includes one of the following:**

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6. In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of $200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

7. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

8a PROJECT—6-88
Regional Science Center
Moorhead State University
Moorhead, Minnesota

Appropriation: $1,102,100 for design, equipment, and construction.

Scope of Project: Design and construct: 1) Classroom/lab building with offices and exhibit/work/storage areas; 2) an observatory/storage building; 3) roads and parking; and 4) sewer and utilities.

Projected Total Gross Square Footage: 1) Classroom/lab building—approximately 8,720 gross square feet; and 2) observatory/storage building—approximately 2,000 gross square feet.

Program Summary: The following are areas which have been programmed in earlier architectural preliminary exterior sketches and floor plans. Minor changes may be required.

Classroom/Lab Building

Lobby	1,500 sq. ft.
Classroom	2,000 sq. ft.
Laboratory	750 sq. ft.
Electronic communications	300 sq. ft.

Conference/research library	280 sq. ft.
General office/workroom	270 sq. ft.
Private offices	330 sq. ft.
Equipment storage room	600 sq. ft.
Toilets	360 sq. ft.
Total net square feet	6,390 sq. ft.
Total gross square feet	8,720 sq. ft.

Site: The building will be located on the former Ponderosa Golf Course, 14 miles east of Moorhead, near Glyndon, Minnesota.

Purpose of Project: Provide an instructional demonstration and research center in a grassland and natural environment setting, and offer science education to students from elementary to graduate levels.

Building Construction: Both buildings shall be masonry and related materials unique in design and appropriate to the site and function. Design shall focus on low maintenance.

Designer Responsibilities: The designer shall be responsible for, but not limited to, such tasks as: review of the University's program, preparation of preliminary schematics and cost estimates, project design, preparation of working drawings and specifications required for bidding, project administration during construction such as review and approval of shop drawings and payment requests, preparation of change orders, oversight of project construction for owner, and assistance in final project acceptance. Prior experience with design and construction of science facilities is desirable.

Design Fee: 7% of the Allocated Construction Cost.

8b PROJECT—7-88
Remodel Hagen Hall
Moorhead State University
Moorhead, Minnesota

Appropriation: $1,133,100 for design and construction.

Scope of Project: Plan and remodel to: 1) convert the existing heating system from steam to hot water; 2) install air conditioning to cool approximately 25,300 square feet; 3) replace existing windows and frames with insulating units in thermo-brake frames; 4) install acoustical ceilings with recessed lighting in classrooms, laboratories, and offices.

Total Gross Square Footage: Hagen Hall contains approximately 92,435 gross square feet.

Purpose of Project: Solve several problems:

Existing Heating System

a) Extremely noisy to the point of interfering with instruction.

b) Constantly in need of maintenance even though preventive maintenance is regularly done.

c) Freezes up, with associated damage to coils (in spite of anti-freeze protection devices), adding to maintenance/repair expense and staff work load. Fresh air intake needs revision.

d) Summer use now requires air conditioning in classrooms and laboratories.

Existing Windows

a) Excessive heat loss and discomfort caused by drafts.

b) Condensation on glass and frame members.

c) Continuing maintenance of operating hardware which is no longer available.

Existing Ceiling Lights

a) Bad acoustics caused by exposed precast concrete double tee ceilings combined with concrete block walls and tile floors.

b) Poor lighting in certain areas.

Designer Responsibilities: The designer shall be responsible for, but not limited to, such tasks as: review of the University's program, preparation of preliminary schematics and cost estimates, project design, preparation of working drawings and specifications required for bidding, project administration during construction of change orders, oversight of project construction for owner, and assistance in final project acceptance. Prior experience with design and construction of science facilities is desirable.

The designer shall be responsible for a complete analysis of the entire existing heating and ventilating system so that modifications made will provide an environment that is both safe and comfortable.

Services of an independent safety consultant shall be contracted for separately by the University. The designer shall work with the safety consultant to incorporate recommendations relating to the ventilation and exhaust requirements.

Because mechanical work is the preponderance of the project, an engineering firm shall be the primary designer.

Design Fee: 8% of the Allocated Construction Cost.

8c PROJECT—8-88
Bookstore Addition
Moorhead State University
Moorhead, Minnesota

Appropriation: $600,000 for design, equipment, and construction.

Scope of Project: Design and construct a one story addition, with basement, adjacent to the existing bookstore.

Projected Total Gross Square Footage: 1) New Construction—approximately 7,200 gross square feet (3,600 gross square feet—first floor, plus 3,600 gross square feet—basement); 2) remodeling—approximately 1,000 gross square feet.

Program Summary:

Sales space	2,700 sq. ft.
Office expansion (new)	400 sq. ft.
Elevator	120 sq. ft.
Basement storage	3,000 sq. ft.
Elevator in basement	220 sq. ft.
Subtotal net square feet	6,440 sq. ft.
Subtotal gross square feet	7,200 sq. ft.
Remodeling of existing bookstore	1,000 sq. ft.
Total gross square feet	8,200 sq. ft.

Site: The existing bookstore is located on the Moorhead State University campus in MacLean Hall, ground floor level.

Purpose of Project: Improve service to the student body, faculty, and staff by expanding sales areas for books and general merchandise. Provide a storage space (basement) for off season supplies and stock.

Building Construction: Exterior design, materials, and construction must match MacLean Hall.

Designer Responsibilities: The designer shall be responsible for, but not limited to, such tasks as: review of the University's program, preparation of preliminary schematics and cost estimates, project design, preparation of working drawings and specifications required for bidding, project administration during construction such as review and approval of shop drawings and payment requests, preparation of change orders, oversight of project construction for owner, and assistance in final project acceptance.

An architectural firm shall be the primary designer.

Some preliminary planning has been done. The architect shall include this planning in the design.

Design Fee: To be negotiated.

8d PROJECT—9-88
Parking Deck
Moorhead State University
Moorhead, Minnesota

Appropriation: $2,560,000 for design and construction.

Scope of Project: Design and construct, above two existing parking lots, a single level parking deck for approximately 360 vehicles.

Include foundation and structural systems to support construction of a future level for classrooms. Provide for access and utilities to this future addition.

Projected Total Gross Square Footage: 170,000 gross square feet.

Program Summary: Provide space on a second level deck for approximately 360 vehicles and retain as many existing parking spaces as possible in the two lots underneath.

Site: The parking deck will be located above the major portion of existing Moorhead State University lots A and C, at the intersection of 9th Avenue South and 14th Street South.

Purpose of Project: Achieve a net increase in parking for 300-360 vehicles, with provision for a future single story classroom addition above the new deck.

Building Construction: The deck shall be concrete and steel with emphasis on corrosion resistance and minimum required maintenance. Plans and specifications shall allow for alternate systems as approved in advance by the University.

Designer Responsibilities: The designer shall be responsible for, but not limited to, such tasks as: review of the University's program, preparation of preliminary schematics and cost estimates, project design, preparation of working drawings and specifications required for bidding, project administration during construction such as review and approval of shop drawings and payment requests, preparation of change orders, oversight of project construction for owner, and assistance in final project acceptance. Prior experience with design and construction of parking decks is desirable.

An engineering firm shall be the primary designer.

Design Fee: 6% of the Allocated Construction Cost.

University Contact for all Projects in this Request for Proposal

John McCune
Vice President for Administrative Affairs
Moorhead State University
Moorhead, Minnesota 56560
(218) 236-2073

State University System Contact

David Hardin
Coordinator of Facilities Management
555 Park Street, Suite 230
St. Paul, Minnesota 55103
(612) 296-6624

8e) PROJECT—10-88
Student Center Renovation and Addition
University of Minnesota
Morris, Minnesota

The University of Minnesota is planning to construct an addition and remodeling for a Student Center Facility at the Morris campus. The project will be an addition of approximately 20,000 gross square feet to Edson Hall, which currently is the student center. It is anticipated that there will be about 15,000 gross square feet of remodeling work. The project will include remodeling an area used by campus radio station, remodeling a 5,200 sq. ft. auditorium, enlarging the food service area, construction of a 6,000 sq. ft. ballroom/banquet room, study and lounge space, and other support facilities common to a student center. The construction budget is approximately $3,000,000.

The Student Center (expanded Edson Hall) occupies a very prominent site on campus and defines one side of a mall which is the primary landscape and orientation feature of the campus. Additionally, Edson Hall is located in an area that **"bridges"** two periods of architectural expression. It is critical that the facility fit within the campus context and be a positive contribution to, and enhancement, of the campus environment.

Questions concerning this project may be referred to Clint Hewitt at (612) 625-7355.

Damon Farber, Chairman
State Designer Selection Board

Department of Natural Resources

Request for Proposals for a Study of the Socioeconomic Aspects of Minnesota Sport Fishing

The Department of Natural Resources is seeking proposals from qualified firms or individuals to conduct a statewide sport-fishing economic survey. Results of the survey will direct DNR personnel in their stewardship of the sport fishery resource, establish priorities for fishery management decisions, and document the importance of sport fishing to Minnesota's economy for legislative resource protection and funding.

The survey will be conducted throughout the fishing year. The sample frame for the survey is resident and nonresident licensed anglers in Minnesota. The goals of the project are to:

1. Measure the economic impact of spending for sport fishing in Minnesota. Economic impact is the sum of the direct, indirect and induced impacts. The principal impact sought is the direct one, which includes:

a. Annual fishing equipment expenses, collected within standard expenditure categories.

b. Annual trip-related fishing expenses, collected within standard expenditure categories.

2. Measure the economic value (total consumer surplus) of sport fishing in Minnesota using an appropriate method, such as travel cost, contingent valuation or hedonic valuation.

3. Investigate the potential for angler involvement in a cooperator program for future studies of this nature. A cooperator program recruits anglers that periodically provide information about their angling and spending. This third goal is less critical than the previous two.

Measurements of economic impact and value will be made for the combinations of the following categories:

a. Statewide and two sets of regions in the state.

b. Resident or nonresident status of the angler.

c. Open-water and ice-fishing activity.

d. Species and angling products sought.

e. Special fisheries, such as Lake Superior and southeast trout fishery.

Additional data collection items, which will be linked to economic impact and value, include:

a. Fishing trips.

b. Fishing days.

c. Personal data on the angler (e.g., age, gender, income).

To complete the project the contractor needs to:

a. Review existing data to see to what extent they can be used to meet the goals listed above.

b. Design a sampling plan to achieve desired goals. We expect the survey to be conducted continuously throughout the year, with a prearranged number of surveys completed each week or group of weeks.

c. Design and implement a survey instrument that will achieve cost-efficient high response rates, in order to minimize effects of bias in population estimates.

d. Automate the survey data for later delivery to the DNR.

e. Write reports on survey methodology and findings.

Interested parties may request a detailed request for proposal by writing to:

William H. Becker
Department of Natural Resources
Office of Planning
Box 10F
500 Lafayette Road
St. Paul, Minnesota 55155-4010
Or call (612) 296-3093.

Proposals are due in Mr. Becker's office at the Department of Natural Resources at 4 p.m. twenty-one days following the publication of this Request in the *State Register.*

The contract for this study should not exceed $50,000. The study will be completed, with all final deliverables submitted to the Department of Natural Resources, by May 30, 1989.

Minnesota Board of Peace Officer Standards and Training

Request for Proposal for 40-Hour Course on DWI/Drug Impaired Driver Recognition, Arrest and Prosecution

I. INTRODUCTION

The Minnesota Board of Peace Officer Standards and Training (POST Board), requests proposals for providing a 40-hour course on DWI/Drug Impaired Driver Recognition, Arrest, and Prosecution.

The course is to be delivered to local law enforcement officers (city and county) to train the peace officers in the latest techniques and procedures available related to the topic areas.

Background

This request is part of the expenditure of federal money from the National Highway Traffic and Safety Administration (NHTSA) as delegated to the Office of Traffic and Safety, under the State Department of Public Safety. These funds are intended to be used to train local peace officers in areas directly related to traffic problems and skills associated with their responsibilities in enforcing the laws of the state as well as county and local ordinances.

This request for proposal does not obligate the State (POST Board) to complete the project, and the POST Board reserves the right to cancel the solicitation of this proposal at any time.

II. SCOPE OF PROJECT

It is the purpose of this 40-hour course to provide and enhance the knowledge and enforcement skills necessary to effectively identify and process the alcohol/drug impaired drivers with some emphasis placed on the instructional abilities necessary to train "patrol" officers on DWI enforcement. Specifically, the course will address Basic Instructor techniques, DWI detection cues, legal aspects of DWI/Implied Consent, Psycho Physical Testing including gaze nystagmus, constitutional issues of DWI roadblocks, case preparation and court testimony and Minnesota DWI/Implied Consent law.

III. GOALS AND OBJECTIVES

The program is to be presented at three (3) locations in Minnesota: Duluth, Alexandria and Mankato. This 40-hour course is to be conducted over a one week period at each of these three locations. The class size will be limited to 35 local peace officers.

IV. DEPARTMENT CONTACTS

Prospective responders who have any questions regarding this Request for Proposal may call or write:

Thomas Fahey
C. E. Coordinator/Project Manager
Minnesota POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101
(612) 296-2620

V. SUBMISSION OF PROPOSALS

All proposals must be received no later than 4:30 PM on Thursday, March 31, 1988. Send the proposal to:

William R. Carter, III
Executive Director
Minnesota POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

Late proposals will not be accepted. Submit three (3) copies of the proposal. Proposals are to be sealed in envelopes or packages with the responder'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 must be valid for the length of the project.

VI. PROJECT COSTS

The POST Board has estimated that the cost of this project should not exceed $25,000.00.

VII. PROJECT COMPLETION DATE

The project will be completed by September 16, 1988.

VIII. PROPOSAL CONTENTS

The following are considered minimal contents of the proposal:

1. A restatement of objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.
2. Identify and describe the learning objectives and skills to be taught by the responder.
3. Outline the responder's background and experience with emphasis on local, state and federal government work. Identify personnel

assigned to the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the State Project Manager.

4. Responder 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. Outline the methodology that will be used to evaluate the student's understanding and participation in the course presentation.

6. Identify the level of the POST Board's participation in the project as well as any other services to be provided by the POST Board such as classroom site selection, equipment, etc.

IX. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the Minnesota POST Board. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of the project objectives.

2. The project work plan.

3. The project cost detail.

4. The qualifications of both the company and its personnel. Experience of the project personnel will be given considerable weight.

Evaluation and selection will be completed by April 8, 1988. The results will be sent to all respondents.

Dated: 24 February 1988

Department of Public Service

Energy Division

Notice of Request for Proposals for a Comprehensive Survey of Organizations that Operate Energy Saving Programs in Minnesota

The Department of Public Service, Energy Division, (DPS), has issued a Request for Proposals to survey and document the nature and extent of energy conservation programs in Minnesota. The survey will be to approximately 400 utilities, government, and non-profit entities.

The Department has estimated that the cost of this project should not exceed $20,000. This project must be completed by June 30, 1988. The deadline for receipt of proposals is 4:30 p.m. Friday, March 25, 1988.

A copy of the Request for Proposals may be obtained from Chris Gilchrist, DPS, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, telephone (612) 297-2291.

The DPS reserves the right not to award any contract, to negotiate modifications with the selected contractor, and to limit funding.

Office of the Secretary of State

Request for Proposal on Statewide Database

DESCRIPTION

The Office of the Secretary of State is requesting proposals for Design, Programming and Documentation assistance in the implementation of the statewide computer database for Uniform Commercial Code Records and Voter Registration Records as required by *Laws of 1987* Chapters 356 and 361. The Department seeks expert technical assistance in completion of certain requirements of the system design and implementation.

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.

I. Scope of Project

The Project will involve the development of:

A) System Security procedures, MAPPER coding, and documentation to ensure that unauthorized entry is not permitted into the Department's UNISYS computer systems.

B) Accounting and billing procedures, MAPPER coding, and documentation to allow accurate charges for services rendered and computer access provided.

C) Cobol sort/merge procedures, coding and documentation for system functions which cannot be accomplished efficiently in the MAPPER language primarily used by the Department.

In addition, the Project will involve technical assistance in the development of user HELP screens, and a system "tudor" for operators of the various systems.

II. Department Contacts

Prospective responders having questions regarding this request for proposal may call or write:

Tom Durand
Operations Director
Room 180 State Office Building
St. Paul, MN 55155
(612) 296-9219

Please note other department personnel are to allowed to discuss the project with responders before submittal of proposal deadline.

III. Submission of Proposals

All proposals must be sent and received by:

Tom Durand (UCC/VR RFP)
Room 180 State Office Building
St. Paul, MN 55155;

no later than 4:00 p.m. Monday, March 28, 1988. Late proposals will not be accepted.

Three copies of the proposal are required. Proposals are to be sealed in mailing envelopes or packages with responder'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. The proposal must state that prices and terms of the proposal will be valid for the length of the project.

IV. Project Costs

The Department wishes to contract for $40,000 in services at an hourly rate.

V. Project Dates

It is required that the technical assistance be available no later than 15 days after the execution of the contract and that the total hours contracted for be provided prior to December 31, 1988.

VI. Qualifications

The following qualifications are desired and believed by the department to be necessary for the successful fulfillment of the assigned duties.

A) Experience in design and coding of system security features.

B) Experience in design and coding of accounting and billing systems.

C) Experience in user/operator training material development.

D) Cobol in an OS/110 operating system and MAPPER programming experience.

VII. Proposal Contents

The following will be considered the minimum content of the proposal:

A) Restatement of the objectives to show or demonstrate the responder's view of the nature of the project.

B) Outline the responder's background and experience with particular emphasis areas which address the projects similar in nature to the requirements of this request for proposal. Identify personnel to be assigned to the project and state that no change in personnel assigned will be made without approval of the state project director.

C) Hourly rate for each of the personnel assigned to the project and the estimated number of hours they would be assigned.

D) Identity of responder's firm(s) and an indication of its legal status (i.e. corporation, partnership, etc.).

VIII. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Office of the Secretary of State. An interview may be part of the evaluation process. Interviews, if necessary, will be conducted on March 30, 1988 in the Office of the Secretary of State. Factors upon which proposals will be judged include, but are not limited to:

A) Expressed understanding of the project.

B) Experience/Background in projects with similar requirements.

C) Qualifications of both company and personnel including certification by the Minnesota Department of Administration as socially or economically disadvantaged.

D) Hourly rate.

Evaluation and selection will be completed by April 1, 1988. Results will be sent immediately by mail to all responders.

State University Board

Southwest State University

Request for Proposals for Consulting Services

Notice is hereby given that the Minnesota State University Board on behalf of Southwest State University is requesting Proposals from firms able to develop a formal proposal to promote Southwest State University and the consortium of higher education resources, as a prime candidate for Greater Minnesota Corporation support, and coordinate the proposal development to the Greater Minnesota Corporation.

This notice is issued by the Minnesota State University Board on behalf of Southwest State University for review and consideration by individuals or firms engaged in providing consulting or contracting services of this type. Interested persons should contact:

Dr. James Babcock
Director of the Science and Technology Resource Center
Southwest State University
(507) 537-7440
Marshall, MN 56258

Copies of the RFP (Request for Proposal) may be requested from Dr. Babcock, and must be in writing and received by the University no later than 4:30 p.m., Monday, March 21, 1988.

The cost of the project has been estimated to not exceed $15,000.

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact the editor for further details.

Metropolitan Council of the Twin Cities Area

Request for Proposals for Preparation of a Draft SEIS on Solid Waste Transfer Stations

The Metropolitan Council desires proposals for preparation of a draft supplemental environmental impact statement on transfer station changes in Hennepin County's Resource Recovery Project.

Responses must be received on or before 4 p.m., March 21, 1988. Questions and requests for copies of the RFP should be directed to:

Wayne Nelson
Metropolitan Council
300 Metro Square Bldg.
7th & Robert Streets
St. Paul, MN 55101
(612) 291-6406

Minnesota Property Insurance Placement Facility

Minnesota FAIR Plan

Position Available for FAIR Plan Manager

The Minnesota FAIR Plan is seeking a dynamic, highly motivated individual to assume the position of Plan Manager. The ideal candidate will have successful experience in the Personal and Commercial Property environment. Additionally, the candidate will demonstrate experience in the areas of Human Relations, Administration, Claims, Planning/Budgeting and the various Agency Systems that provide service to the insuring public.

The Minnesota FAIR Plan offers an outstanding salary and benefit package.

If you are seeking a challenging management opportunity that offers professional growth, and feel you have the requisite skills, you are invited to forward your confidential resume before March 16, 1988 to:

Howard Olson
Minnesota FAIR Plan
Suite 903
12 South 6th Street
Minneapolis, MN 55402
Equal Opportunity Employer

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 Education

Division of Development and Partnerships

Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Education announces the availability of funds for the 1988-1989 school year to subsidize Adult Basic Education under Public Law 91-230, as amended.

Public Law 91-230's purpose is to continue providing and expand the availability of appropriate learning opportunities for adults with educational needs below the level equivalent to high school completion that will:

1. Enable all educationally disadvantaged adults to acquire the basic literacy, coping and learning-to-learn skills necessary to function fully and effectively in their own environments and in society at large;

2. Enable educationally disadvantaged adults who so desire to continue their education to at least the level of secondary school completion, and

3. Enable educationally disadvantaged adults to secure and benefit from continued training and education that will further enhance their employability, productiveness, and responsible citizenship.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies, and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after March 15, 1988, by writing to: Brian Kanes, Coordinator, Adult Basic Education, Minnesota Department of Education, 997 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

To be considered for approval all completed applications must be delivered to the Department of Education's Community and Adult Education Section on or before June 1, 1988.

Minnesota Department of Health

Funds Available for the Implementation of School Fluoridation

The Minnesota Department of Health has available limited funds and technical consultation to assist with the implementation of school fluoridation. School fluoridation is a proven, cost effective public health measure that reduces tooth decay by up to 40 percent. Selection of schools for the school fluoridation program is based on the following four criteria: 1) the school building must have its own private well water supply; 2) the school building must have over 100 students; 3) the students must not have access to municipal drinking water at home; and 4) the school building must be located in a lower income area. For additional information call Dr. Richard J. Hastreiter, State Dental Director at (612) 623-5441.

Department of Public Service

Energy Division

Notice of Availability of Community Energy Council Grant Funds

Pursuant to *Minnesota Rules*, 4160.5100-4160.5900 the Department of Public Service announces that it is accepting applications for community energy council grants from cities and counties, individually, collectively, or through the exercise of joint powers agreements. The maximum amount of a grant to an individual applicant is $30,000 for the first year and $15,000 for the second year. The maximum amount of a grant to a joint application for the first year is $30,000 for the first applicant and $24,000 for each additional applicant to a maximum of $80,000. The maximum amount of a grant to a joint application for the second year is $15,000 for the first applicant and $12,000 for each additional applicant up to a maximum of $48,000. All grants require at least a ten percent local match.

The total amount of funds available is $1,425,458, from the following sources:

Previously announced Exxon oil overcharge funds of $1,245,981
New Exxon oil overcharge interest of $179,477

Pursuant to *Minnesota Rules*, Part 4160.5300, subpart 4, a portion of the new interest is reserved to fund applications submitted by cities of the first class. This portion equals the percent of the state population constituted by cities of the first class. Therefore:

$15,327 is reserved for the City of Minneapolis
$11,379 is reserved for the City of St. Paul
$3,572 is reserved for the City of Duluth

The balance of $1,395,180 is available to fund applications submitted by all other eligible communities. Funds are available from these sources to support a variety of local energy programs in different energy use sectors.

Applications must be received no later than 4:30 p.m. on Wednesday, June 1, 1988, at the address given below.

Application forms, program rules and other information can be obtained by contacting:

Mark Schoenbaum
Department of Public Service
900 American Center Bldg.
150 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 297-3602

STATE OF MINNESOTA

Department of Administration

Minnesota Documents Division

117 University Avenue • St. Paul, Minnesota 55155

Metro area 612-297-3000
In Minnesota, toll free 1-800-652-9747

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Board of Teaching

Adopted Permanent Rules Relating to Teacher Licensing

Rules as Adopted

8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Written evaluation report; decision of board.** The written report of findings and the recommendation of the evaluators shall be forwarded to the institution and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' report, the institution may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report of findings and the recommendation of the evaluators, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the institution, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs. The Board of Teaching shall disapprove institutions that do not substantially meet the requirements in subpart 5.

Subp. 8. **Conditional approval.** If an institution is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the institution upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the institution shall be disapproved.

Subp. 9. and 10. [Unchanged.]

8700.7700 APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS APPROVED TO PREPARE TEACHERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Decision of board.** Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the teacher licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program. The Board of Teaching shall disapprove any teacher licensure program that does not substantially meet the requirements in subparts 2 and 3, or if the requirements for entrance into or completion of the teacher licensure program substantially change the requirements set forth in licensure rules.

Subp. 7. **Conditional approval.** If a teacher licensure program is conditionally approved, the Board of Teaching shall reconsider the approval status of the teacher licensure program upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the program shall be disapproved.

Subp. 8. [Unchanged.]

Subp. 8a. **Approval of experimental teacher licensure programs.** Institutions that have been approved by the Board of Teaching to prepare persons for teacher licensure may request approval of experimental teacher licensure programs that vary from Board of Teaching rules. The Board of Teaching shall approve requests from institutions for experimental proposals for exemption from Board of Teaching rules when a determination has been made that all of the criteria listed in subpart 8b have been met.

Subp. 8b. **Criteria for exemptions.** An institution applying for an exemption from a Board of Teaching rule shall submit a proposal for each exemption that sets forth:

A. a statement of goals and objectives;

B. a description of the proposed program, that includes:

(1) evidence that the proposed program will serve as a model for possible replication;

(2) evidence that the proposed program reflects current research in teacher education;

(3) evidence that the proposed program has an ongoing research and development component;

(4) evidence that the proposed program has been designed so that it is significantly different in content and delivery from the currently approved program;

(5) evidence that the proposed program provides opportunities for persons enrolled in the program to know and apply current research on educational effectiveness;

(6) evidence that the proposed program provides opportunities for persons enrolled in the program to have regular and systematic field experiences in schools that demonstrate knowledge and use of current research on educational effectiveness;

(7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate as partners with teacher education faculty in the preparation of teachers;

(8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and

(9) evidence that the academic knowledge component of the program is completed in an area of licensure;

C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and

D. an identification of the Board of Teaching rule from which the institution seeks exemption.

Subp. 8c. **Five-year review of experimental teacher**

licensure programs. The Board of Teaching shall approve, disapprove, or modify continuation of the experimental program approved under subparts 8a and 8b within five years.

Subp. 9. to 11. [Unchanged.]

Board of Teaching

Adopted Permanent Rules Relating to Teacher Licensing

Rules as Adopted

8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Written evaluation report; decision of board.** The written report of findings and the recommendation of the evaluators shall be forwarded to the institution and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' report, the institution may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report of findings and the recommendation of the evaluators, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the institution, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs. The Board of Teaching shall disapprove institutions that do not substantially meet the requirements in subpart 5.

Subp. 8. **Conditional approval.** If an institution is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the institution upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the institution shall be disapproved.

Subp. 9. and 10. [Unchanged.]

8700.7700 APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS APPROVED TO PREPARE TEACHERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Decision of board.** Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the teacher licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program. The Board of Teaching shall disapprove any teacher licensure program that does not substantially meet the requirements in subparts 2 and 3, or if the requirements for entrance into or completion of the teacher licensure program substantially change the requirements set forth in licensure rules.

Subp. 7. **Conditional approval.** If a teacher licensure program is conditionally approved, the Board of Teaching shall reconsider the approval status of the teacher licensure program upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the program shall be disapproved.

Subp. 8. [Unchanged.]

Subp. 8a. **Approval of experimental teacher licensure programs.** Institutions that have been approved by the Board of Teaching to prepare persons for teacher licensure may request approval of experimental teacher licensure programs that vary from Board of Teaching rules. The Board of Teaching shall approve requests from institutions for experimental proposals for exemption from Board of Teaching rules when a determination has been made that all of the criteria listed in subpart 8b have been met.

Subp. 8b. **Criteria for exemptions.** An institution applying for an exemption from a Board of Teaching rule shall submit a proposal for each exemption that sets forth:

A. a statement of goals and objectives;

B. a description of the proposed program, that includes:

(1) evidence that the proposed program will serve as a model for possible replication;

(2) evidence that the proposed program reflects current research in teacher education;

(3) evidence that the proposed program has an ongoing research and development component;

(4) evidence that the proposed program has been designed so that it is significantly different in content and delivery from the currently approved program;

(5) evidence that the proposed program provides opportunities for persons enrolled in the program to know and apply current research on educational effectiveness;

(6) evidence that the proposed program provides opportunities for persons enrolled in the program to have regular and systematic field experiences in schools that demonstrate knowledge and use of current research on educational effectiveness;

(7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate as partners with teacher education faculty in the preparation of teachers;

(8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and

(9) evidence that the academic knowledge component of the program is completed in an area of licensure;

C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and

D. an identification of the Board of Teaching rule from which the institution seeks exemption.

Subp. 8c. **Five-year review of experimental teacher**

licensure programs. The Board of Teaching shall approve, disapprove, or modify continuation of the experimental program approved under subparts 8a and 8b within five years.

Subp. 9. to 11. [Unchanged.]

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Teacher Licensing

AGENCY: Board of Teaching

MINNESOTA RULES: Chapter 8700

The attached rules are approved for
filing with the Secretary of State

Richard J. Sands
Senior Assistant Revisor

Board of Teaching

Adopted Permanent Rules Relating to Teacher Licensing

Rules as Adopted

8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Written evaluation report; decision of board.** The written report of findings and the recommendation of the evaluators shall be forwarded to the institution and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' report, the institution may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report of findings and the recommendation of the evaluators, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the institution, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs. The Board of Teaching shall disapprove institutions that do not substantially meet the requirements in subpart 5.

Subp. 8. **Conditional approval.** If an institution is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the institution upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the institution shall be disapproved.

Subp. 9. and 10. [Unchanged.]

8700.7700 APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS APPROVED TO PREPARE TEACHERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Decision of board.** Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the teacher licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program. The Board of Teaching shall disapprove any teacher licensure program that does not substantially meet the requirements in subparts 2 and 3, or if the requirements for entrance into or completion of the teacher licensure program substantially change the requirements set forth in licensure rules.

Subp. 7. **Conditional approval.** If a teacher licensure program is conditionally approved, the Board of Teaching shall reconsider the approval status of the teacher licensure program upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the program shall be disapproved.

Subp. 8. [Unchanged.]

Subp. 8a. **Approval of experimental teacher licensure programs.** Institutions that have been approved by the Board of Teaching to prepare persons for teacher licensure may request approval of experimental teacher licensure programs that vary from Board of Teaching rules. The Board of Teaching shall approve requests from institutions for experimental proposals for exemption from Board of Teaching rules when a determination has been made that all of the criteria listed in subpart 8b have been met.

Subp. 8b. **Criteria for exemptions.** An institution applying for an exemption from a Board of Teaching rule shall submit a proposal for each exemption that sets forth:

A. a statement of goals and objectives;

B. a description of the proposed program, that includes:

(1) evidence that the proposed program will serve as a model for possible replication;

(2) evidence that the proposed program reflects current research in teacher education;

(3) evidence that the proposed program has an ongoing research and development component;

(4) evidence that the proposed program has been designed so that it is significantly different in content and delivery from the currently approved program;

(5) evidence that the proposed program provides opportunities for persons enrolled in the program to know and apply current research on educational effectiveness;

(6) evidence that the proposed program provides opportunities for persons enrolled in the program to have regular and systematic field experiences in schools that demonstrate knowledge and use of current research on educational effectiveness;

(7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate as partners with teacher education faculty in the preparation of teachers;

(8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and

(9) evidence that the academic knowledge component of the program is completed in an area of licensure;

C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and

D. an identification of the Board of Teaching rule from which the institution seeks exemption.

Subp. 8c. **Five-year review of experimental teacher**

licensure programs. The Board of Teaching shall approve, disapprove, or modify continuation of the experimental program approved under subparts 8a and 8b within five years.

Subp. 9. to 11. [Unchanged.]

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Teacher Licensing

AGENCY: Board of Teaching

MINNESOTA RULES: Chapter 8700

The attached rules are approved for
filing with the Secretary of State

Richard J. Sands
Senior Assistant Revisor

Board of Teaching

Adopted Permanent Rules Relating to Teacher Licensing

Rules as Adopted

8700.7600 APPROVAL OF MINNESOTA INSTITUTIONS TO PREPARE PERSONS FOR TEACHER LICENSURE.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Written evaluation report; decision of board.** The written report of findings and the recommendation of the evaluators shall be forwarded to the institution and to the Board of Teaching. Within 30 days from the mailing date of the evaluators' report, the institution may submit to the Board of Teaching additional information or arguments in support of its request. Based upon the written report prepared by the institution, and the written report of findings and the recommendation of the evaluators, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the institution, state the reasons for disapproval, and, if needed, stipulate a termination date which shall accommodate persons currently enrolled in teacher licensure programs. The Board of Teaching shall disapprove institutions that do not substantially meet the requirements in subpart 5.

Subp. 8. **Conditional approval.** If an institution is conditionally approved to prepare persons for teacher licensure, the Board of Teaching shall reconsider the approval status of the institution upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the institution shall be disapproved.

Subp. 9. and 10. [Unchanged.]

8700.7700 APPROVAL OF TEACHER LICENSURE PROGRAMS IN MINNESOTA INSTITUTIONS APPROVED TO PREPARE TEACHERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Decision of board.** Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the Board of Teaching shall:

A. to C. [Unchanged.]

D. disapprove the teacher licensure program, state the reasons for disapproval, and, if needed, stipulate a termination date which will accommodate persons currently enrolled in said program. The Board of Teaching shall disapprove any teacher licensure program that does not substantially meet the requirements in subparts 2 and 3, or if the requirements for entrance into or completion of the teacher licensure program substantially change the requirements set forth in licensure rules.

Subp. 7. **Conditional approval.** If a teacher licensure program is conditionally approved, the Board of Teaching shall reconsider the approval status of the teacher licensure program upon verification by the executive secretary of the Board of Teaching that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval shall be withdrawn and the program shall be disapproved.

Subp. 8. [Unchanged.]

Subp. 8a. **Approval of experimental teacher licensure programs.** Institutions that have been approved by the Board of Teaching to prepare persons for teacher licensure may request approval of experimental teacher licensure programs that vary from Board of Teaching rules. The Board of Teaching shall approve requests from institutions for experimental proposals for exemption from Board of Teaching rules when a determination has been made that all of the criteria listed in subpart 8b have been met.

Subp. 8b. **Criteria for exemptions.** An institution applying for an exemption from a Board of Teaching rule shall submit a proposal for each exemption that sets forth:

A. a statement of goals and objectives;

B. a description of the proposed program, that includes:

(1) evidence that the proposed program will serve as a model for possible replication;

(2) evidence that the proposed program reflects current research in teacher education;

(3) evidence that the proposed program has an ongoing research and development component;

(4) evidence that the proposed program has been designed so that it is significantly different in content and delivery from the currently approved program;

(5) evidence that the proposed program provides opportunities for persons enrolled in the program to know and apply current research on educational effectiveness;

(6) evidence that the proposed program provides opportunities for persons enrolled in the program to have regular and systematic field experiences in schools that demonstrate knowledge and use of current research on educational effectiveness;

(7) evidence that the proposed program has been collaboratively designed, implemented, and evaluated to ensure that elementary and secondary teachers participate as partners with teacher education faculty in the preparation of teachers;

(8) evidence that the proposed program provides opportunities for teacher education faculty to enhance effective teaching behaviors through staff development opportunities and that faculty are enabled and supported in the change process; and

(9) evidence that the academic knowledge component of the program is completed in an area of licensure;

C. a description of the annual evaluation procedures to be used to demonstrate attainment of the goals and objectives; and

D. an identification of the Board of Teaching rule from which the institution seeks exemption.

Subp. 8c. **Five-year review of experimental teacher**

licensure programs. The Board of Teaching shall approve, disapprove, or modify continuation of the experimental program approved under subparts 8a and 8b within five years.

Subp. 9. to 11. [Unchanged.]