

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

August 18, 1988

JOCELYN F. OLSON
Assistant Attorney General

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to
Governing Low-Level Radioactive Waste Generator
Fees

The above-refernced rule has been approved as to its legality by the Attorney General on August 9, 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, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accoradance 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.

JAL:rer

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

JAL

RULE REVIEW CHECKLIST

File No. 1506 Docket No. 05-0009.0705

DATE RECEIVED 7-28-88 ADOPTED W/O HEARING ✓

REVIEW DATE 8-8-88 EMERGENCY RULE _____

DUE DATE 8-11-88 REVISOR APPROVED _____

APPROVED 8/9/88 REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

4/4/88 Date published in State Register
_____ Comments

_____ ~~Petition for Adoption of a Rule (if applicable)~~

✓ ~~Board's Authorizing Resolution~~ Set

4/26/88 ~~Date adopted~~

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

116c.834 Statutory Authority
yes Small Business Statement
no Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement
yes/no Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

4/27/88 Date (30)/25 days before adoption
yes Notice attached
yes Copy of rule or summary attached

✓ Publication in State Register

5/16/88 Date (10)/25 days before adoption

_____ 180-day deadline from:

5/27/88 end of comment period (§ 14.26) (rules without hearing)
_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting

7/26/88 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting

7/26/88 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

J. Olson Name of SAAG representing agency

_____ ~~Notice of Submission to Atty. Gen. (if applicable)~~

_____ ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

Pollution Control Agency

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

Rules as Adopted

7042.0030 LOW-LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. [Unchanged.]

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

A. A generator who ships 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal is subject to a fee of $6.65 per cubic foot of low-level radioactive waste shipped per year.

B. A generator who ships at least 100 cubic feet but less than 1,000 cubic feet of low-level radioactive waste per year to a facility for disposal is subject to a fee of $100 per year.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 18 1988

Joan Anderson Growe
Secretary of State

10:30 AM

APPROVED AS TO FORM AND LEGALITY

August 1 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY John O. Zempski
SPECIAL ASSISTANT ATTORNEY GENERAL

Pollution Control Agency

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

Rules as Proposed

7042.0030 LOW-LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. [Unchanged.]

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

A. A generator who ships 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal is subject to a fee of ~~$2.65~~ $6.65 per cubic foot of low-level radioactive waste shipped per year.

B. A generator who ships at least 100 cubic feet but less than 1,000 cubic feet of low-level radioactive waste per year to a facility for disposal is subject to a fee of $100 per year.

Approved by Revisor DSN

Office of the Revisor of Statutes

Administrative Rules

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

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapter 7042

The attached rules are approved for publication
in the State Register

David S. Niss
Assistant Revisor

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendment Governing Low-Level Radioactive Waste Generator Fees, Minn. Rules Part 7042.0030

NOTICE OF INTENT TO ADOPT RULE AMENDMENT WITHOUT A PUBLIC HEARING

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

All persons have until 4:30 p.m. on June 16, 1988, to submit comments in support of or in opposition to the proposed rule amendment or any part or subpart of the rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

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

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

Dagmar Romano
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7319

The proposed rule amendment 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 amendment as noticed.

The proposed rule amendment, if adopted, will increase fees for generators who ship 1000 cubic feet or more of low-level radioactive waste per year to a facility for disposal from $2.65 per cubic foot to $6.65 per cubic foot of waste shipped for disposal. One free copy of the rule amendment is available upon request from Dagmar Romano at the address and telephone number stated above.

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

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

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

Gerald L. Willet

Dated: May 11, 1988

GERALD L. WILLET
Commissioner

Attachment 2

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Amendment to Minn. Rules
Pt. 7042.0030, Low-Level
Radioactive Waste Generator
Fee Rules

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

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

A Notice of Intent to Solicit Outside Opinion regarding the proposed rule amendment was published in the State Register on April 4, 1988. The notice provided a nineteen-day comment period. The three major generators affected by the proposed rule amendment were contacted by telephone concerning the MPCA's intent to amend the rules.

A part of the statutory requirement for the rulemaking process is review and approval of the fee schedules in the rules by the Minnesota Commissioner of

Finance. The approval of the Minnesota Commissioner of Finance is attached and incorporated by reference.

II. STATEMENT OF THE AGENCY'S STATUTORY AUTHORITY

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

The portion of the appropriation which the fees under the rule amendment are intended to cover is in the amount of $130,000. The appropriation of which this sum is a part is set forth in Minn. Laws 1985, ch. 13, § 26, subd. 4. It was intended to cover:

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

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

Based on the provision of Minn. Stat. § 116C.834 and the 1987 Legislature's appropriation, the Agency has the statutory authority to adopt fees which would result in the collection of $130,000.

III. STATEMENT OF NEED

Minn. Stat. ch. 14 (1986) requires the Agency to make an affirmative presentation of facts establishing the need for and reasonableness of the rules as proposed. In general terms, this means that the Agency must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and

reasonableness means that the solution proposed by the Agency is appropriate. The need for the rules is discussed below.

In 1983, the Minnesota Legislature enacted Minn. Stat. § 116.831 (1986) by which Minnesota joined the Compact. The terms of the Compact require each party state to contribute a sum of money in order to fund the Commission's activities. The Commission's assessment has increased from $67,600 for Fiscal Year 1987 to $91,500 for Fiscal Year 1988. In addition, funding is required for costs incurred by the State to carry out its activities under the Compact. The Legislature in 1987 appropriated $179,600 to cover Minnesota's costs of membership in the Compact as well as the other expenses of the Agency Commissioner and his staff incurred by participating in the Commission's activities. By the end of the third quarter of Fiscal Year 1988, $115,210.20 of the $179,600 appropriation had been disbursed. This disbursement includes the $91,500 assessed by the Commission for Fiscal Year 1988 and $13,500 that was outstanding from the Fiscal Year 1987 Commission assessment. Based on the disbursement and projected expenses for the remainder of Fiscal Year 1988, total expenditures from the appropriation for Fiscal Year 1988 are projected at $130,000. The Agency must collect this amount in order to reimburse the special revenue fund for this portion of the appropriation. In the event that expenses resulting from Minnesota's membership in the Compact exceed $130,000, a special assessment would be levied by further amending the rule to collect the additional amount. The existing fees in Minn. Rules pt. 7042.0030 would collect only $51,991.34 of the required $130,000. Therefore, the fees established in Part 7042.0030 are insufficient to collect the required amount. In order to comply with the Legislature's direction in Minn. Stat. § 116C.834 (1986) to collect these expenses from generators, there is a need to amend Minn. Rules pt. 7042.0030 to increase the generator fees.

IV. STATEMENT OF REASONABLENESS

The Agency is required by Minn. Stat. ch. 14 (1986) to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Agency's proposed action. The reasonableness of the proposed rule is discussed below.

Having determined the need for an increase in the low-level radioactive waste generator fees to collect $130,000 by September 30, 1987, the Agency then had to decide on an approach to achieve the necessary increase. The existing rules are based on volume of low-level radioactive waste shipped and establish two categories: 1) generators who ship 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal; and 2) generators who ship at least 100 cubic feet but less than 1,000 cubic feet of low-level radioactive waste per year to a facility for disposal. The former category of generators are charged a fee $2.65 per cubic foot of low-level radioactive waste shipped per year. The latter category of generators are charged a fee of $100 per year.

There are only three generators in Minnesota who ship 1,000 cubic feet or more of low-level radioactive waste per year: Honeywell, Northern States Power Company (NSP), and the University of Minnesota. The Agency proposes to amend Minn. Rules pt. 7042.0030, subp. 2, item A to increase the fees for this category of generators from $2.65 to $6.65 per cubic foot of low-level radioactive waste shipped per year. This means that all of the increase in fees will be borne by the three major generators. This is reasonable because those who generate and ship the large volumes of low-level radioactive waste are contributing the most to the need to manage, dispose of, and regulate these

wastes. The three generators were contacted regarding the proposed rule amendment and they do not oppose the fee increase.

The level of the fee increase is reasonable because it will generate enough additional revenue so that the needed $130,000 will be collected by September 30, 1988. The breakdown of the revenue estimated to be collected from the three major generators is as follows:

Table 1: Revenues From Major LLRW Generators

Major Generators/ Shippers	Reported Volume Shipped (in ft^3)*	Fee
Northern State Power Company	12,748.4	$84,776.86
Honeywell	5,348	$35,564.20
University of Minnesota	1,447.5	$ 9,625.88
TOTAL	19,543.9	$129,966.94

* Volume of waste shipped in calendar year 1987 as reported in a telephone survey conducted by Agency staff.

The additional amount needed to make up the full $130,000 is expected to be collected from the second category of generators who pay the $100 per year flat fee. The number of generators in this category has averaged two generators per year.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

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

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

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

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

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

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

The proposed amendment to Minn. Rules pt. 7042.0030, subp. 2, item A, affects only the three major generators; namely, Honeywell, Northern States Power Company, and the University of Minnesota. None of these entities is a small business, and therefore the rule amendment has no impact on small business.

VI. CONCLUSION

Based on the foregoing, the proposed amendment to Minn. Rules pt. 7042.0030 is both needed and reasonable.

Dated: April 15, 1988

for Barbara Lindsey Sims
GERALD L. WILLET
Commissioner

SF-00006-05 (4-86)

DEPARTMENT : of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : April 12, 1988

TO : Gerald L. Willet, Commissioner
Pollution Control Agency

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

PHONE : 296-5188

SUBJECT : Fee Schedule for Low-Level Radioactive Waste Generators

The following fee schedule is approved for generators shipping low-level radioactive waste.

A. A generator who ships 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal is subject to a fee of $6.65 per cubic foot of low-level radioactive waste shipped per year.

B. A generator who ships at least 100 cubic feet but less than 1,000 cubic feet of low-level radioactive waste per year to a facility for disposal is subject to a fee of $100.00 per year.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MN POLLUTION CONTROL AGENCY

DATE : April 7, 1988

TO : Thomas Triplett
Commissioner
Department of Finance

FROM : Gerald L. Willet G. L. Willet
Commissioner

PHONE : 296-7301

SUBJECT : FEE SCHEDULE APPROVAL

In accordance with Minn. Stat. § 116C.834 (1986), the fee schedule for the Minnesota Pollution Control Agency's (MPCA) proposed amendment to the low-level radioactive waste generator fee rules is submitted for your review and approval. The attached sheet shows the volume of low-level radioactive waste shipped for disposal, the proposed fee and the expected revenues. The fees will be used to reimburse the special revenue fund for the projected Fiscal Year 1988 disbursement of $130,000. Should expenditures exceed that amount, the MPCA may need to levy a special assessment based on the full amount of the appropriation.

Approval to begin rulemaking procedures is expected from the MPCA Board at its April 26, 1988, meeting. In light of the time-consuming nature of the overall process, we ask for your prompt consideration and written approval of our request. If you have any questions, regarding this matter, please call Dagmar Romano, Commissioner's Office at 296-7319. Thank you.

GLW/rj

cc: Doug Watnemo

Calculations Underlying Proposed
Amendments to Minn. Rules Pt. 7042.0030,
Low-Level Radioactive Waste Generator Fee Rules

F.Y. 88 Appropriation	$179,600
F.Y. 88 Projected Disbursements	$130,000*

1987 Volume of waste shipped by three major generators shipping over 1000 ft^3/yr = 19,543.9 ft^3

Proposed fee of $6.65 will generate

6.65 x 19,543.9 = $129,966.94

Amount to be collected from three major generators	129,966.94
Amount projected to be collected from generators shipping 100 - 1000 ft^3/yr (flat fee of $100) - approximate	100.00
Total amount projected to be collected by September 30, 1988 under proposed rule amendment.	$130,066.94

* Breakdown of Disbursements

Salaries	10,100
Purchased services	5,600
Travel	5,500
Fees	105,000
Indirect Costs	3,800
Total	$130,000

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Rule Amendment Governing Low-Level
Radioactive Waste Generator Fee
Rules Part 7042.0030

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Dagmar Romano, being duly sworn says:

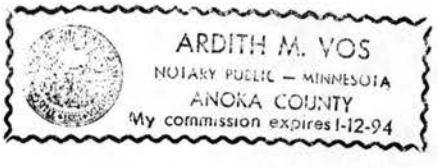
I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) that their names be placed on the Minnesota Pollution Control Agency's rulemaking mailing list is accurate, complete, and current as of this 11th day of May, 1988.

That on the 11th day of May, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System or in the United States mail for first class mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Dagmar Romano

Subscribed and sworn to before me
this 11th day of May, 1988.

Ardith M. Vos
Notary Public



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

AMERICAN CRYSTAL SUGAR
ATTN F A HEINBAUGH
MGR ENV CONTR
101 N THIRD ST
MOORHEAD MN 56560 1

AMOCO PIPELINE CO
ATTN COORD-REGULATIONS
P O BOX 3548
OAK BROOK IL 60522-3548 1

ANHEUSER-BUSCH CO INC
J V STIER MGR ENV AFFAIRS
ONE BUSCH PLACE 202-4
ST LOUIS MO 63118-1852 1

ANOKA CO COMM HEALTH &
SOC SERV DEPT LOIS HACKER
COURTHOUSE 4TH FL
325 E MAIN STREET
ANOKA MN 55303 1

ANOKA COUNTY HEALTH DEPT
ATTN ROBERT HUTCHISON
COURTHOUSE 4TH FLOOR
ANOKA MN 55303 1

ARMOUR & COMPANY
ATTN ROBERT J SHERMAN
CONAGRA CENTER
ONE CENTRAL PARK PLAZA
OMAHA NE 68102-1679 1

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

ASHLAND PETROLEUM CO
ATTN A C MEKO LAW DEPT
P O BOX 391
ASHLAND KY 41114 1

ASSN OF MN COUNTIES
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525 PARK STREET
ST PAUL MN 55103 1

MARY AYDE
1201 N BIRCH LAKE BLVD
WHITE BEAR LAKE MN 55110 1

BADGER SAFE ENERGY ALLI
BOX 239
ELLSWORTH WI 54011 1

MARTHA BALLOU
155 SO WABASHA
ST PAUL MN 55107 1

BARR ENGINEERING CO
DALE WIKRE
803 GLENROY RD
SUITE 100
MPLS MN 55435 1

BRUCE E BENSON
ZONING OFFICER
COURTHOUSE
P O BOX 220
CARLTON MN 55718 1

BLACK & VEATCH
ATTN JILL WRIGHT
SUITE 1240
TOWER 600 RENCEN
DETROIT MI 48243 1

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

BLANDIN WOOD PRODUCTS CO
ATTN CURT R FIRMAN
502 COUNTY ROAD 63
GRAND RAPIDS MN 55744 1

BOISE CASCADE CORPORATION
ATTN AL MEADOWS
ENVIRONMENTAL ENGINEER
INT'L FALLS MN 56649 1

BOLTON & MENK INC
ATTN ROBERT M BROWN
515 N FRONT STREET
MANKATO MN 56001 1

BRAUN ENVIRONMENTAL LAB
ANNE OCHS
6800 S COUNTY RD 18
P O BOX 35108
MPLS MN 55435-0108

BROEKER GEER FLETCHER &
LAFOND LTD DIANE HELDT
8500 NORMANDALE LAKE BLVD
SUITE 1510
BLOOMINGTON MN 55437

BUREAU OF NAT'L AFFAIRS
ATTN MARK WOLSKI
1729 HAGUE AVENUE
ST PAUL MN 55104

DONALD BURGER
501 22ND AVE NE
MPLS MN 55418

BURLINGTON NORTHERN
LAW DEPT THOMAS SPENCE
ROOM 600 325 CEDAR ST
ST PAUL MN 55101

BURLINGTON NORTHERN RLRD CO
BERNARD NOONAN
P O BOX 29136
OVERLAND PARK KS 66201-9136

CHAMPION INT'L CORP
RICHARD W WIGGER
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STAMFORD CN 06921

CHEMLAWN SERVICES CORP
ROBERT L ROBERTS
8275 NORTH HIGH ST
COLUMBUS OH 43085

CITIZENS FOR A BETTER ENV
ATTN SUSAN MUDD
647 W VIRGINIA ST
SUITE 303
MILWAUKEE WI 53204

CITIZENS FOR BETTER ENVIR
SUITE #201
1515 E LAKE ST
MPLS MN 55407 2

CLEVELAND-CLIFFS INC
ATTN P D BRICK
1100 SUPERIOR AVE
CLEVELAND OH 44114 2

COLOR-AD PACKAGING INC
ATTN MICHAEL S KECKEISEN
3600 ALABAMA AVE
MPLS MN 55416 2

COMM HEALTH SERV BRD
ATTN MICHAEL J DUFFY DIR
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COOPERATIVE POWER ASSOC
ATTN SCOTT SCHULER
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EDEN PRAIRIE MN 55344 2

CORNELIUS CO
JERRY DIRKS
L CORNELIUS PLACE
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ATTN LAWRENCE ANNEN
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1846 HOFFMAN
MADISON WI 53704 2

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1313 5TH ST S E #322
MPLS MN 55414 2

DEWITT SUNDBY HUGGETT
SCHUMACHER & MORGAN
JEANNE STEBBINS LEG ASST
6515 GRAND TETON PLAZA #120
MADISON WI 53719 2

DNR/MEEB
CAROL LANGER
1201 E HIGHWAY #2
GRAND RAPIDS MN 55744 2

DONOHUE & ASSOC INC
CONSULTING ENGINEERS DIV
SUITE 200
7200 HEMLOCK LANE N
MAPLE GROVE MN 55369 2

DORSEY & WHITNEY
GREGG FONTAINE
2200 FIRST BANK PLACE E
MPLS MN 55402 2

DORSEY & WHITNEY
ATTN MARK KASTOR
2200 FIRST BANK PLACE E
MPLS MN 55402 2

DORSEY & WHITNEY
ATTN BILL KEPPEL
2200 FIRST BANK PLACE E
MPLS MN 55402 2

DULUTH MISSABE & IRON
RANGE RLWY CO D R HARRIS
MGR GOV & ENV AFFAIRS
500 MISSABE BLDG
DULUTH MN 55802 2

E I DU PONT DE NEMOURS CO
ATTN PAMELA MEITNER
LEGAL DEPT
1007 MARKET STREET
WILMINGTON DE 19898 2

ECRDC
100 S PARK STREET
MORA MN 55051 2

ENVIR ENG & POLLUTION
CONTROL/3M 21-2W-06
DAVID M BENFORADO P E
900 BUSH AVE
ST PAUL MN 55144 2

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

EPA REGION V
DAVE ULLRICH 5C-TUB-3
230 S DEARBORN ST
CHICAGO IL 60604 2

ERN-NORTH CENTRAL INC
ATTN ROY O BALL
102 WILMOT SUITE 300
DEERFIELD IL 60015 2

EWALD CONSULTING GROUP
245 E 6TH STREET
ST PAUL MN 55101 2

FAIRMONT AREA CHAMBER
OF COMMERCE CHAIRMAN
P O BOX 102
101 S MAIN
FAIRMONT MN 56031 2

FINANCE & COMMERCE DAILY
615 SOUTH 7TH STREET
MPLS MN 55415 2

FMC CORP
NAVAL SYSTEMS DIV
P O BOX 50943
4800 E RIVER ROAD
MPLS MN 55059-9943 2

FRUNDT FRUNDT
JOHNSON & ROVERUD LTD
117 WEST 5TH STREET
BLUE EARTH MN 56013 2

GENERAL MILLS INC
ATTN WM T TAYLOR
P O BOX 1113
MPLS MN 55440 2

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

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

GRACO INC
DEAN HOWARTH
P O BOX 1441
MPLS MN 55440 3

GREENPEACE
HILD SANDSTEDE
800 WASHINGTON AVE SE
MPLS MN 55414 3

HANFT ETC LAW OFFICE
G W HARRIES
1000 FIRST BANK PLACE
130 W SUPERIOR STREET
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Mr. Jack Ditmore, Chairman
Environmental Quality Board
State Planning Agency
101 Capitol Square Building
St. Paul, MN 55101

Mr. Bill Clausen
Capitol Square Building
550 Cedar Street - Room 110
St. Paul, Minnesota 55101

Ms. Ruth Ericson
Minnesota PCA Board
80 Edison Boulevard
Silver Bay, Minnesota 55614

Dr. Daniel D. Foley
427 South O'Day Circle
Maplewood, Minnesota 55119

Mr. John Helland
House Research Department
17 State Capitol
St. Paul, Minnesota 55155

Mr. Harry Rosefelt
Dept. of Trade & Economic Dev.
900 American Ctr. Building
150 East Kellogg Blvd.
St. Paul, Minnesota 55101

Mr. Milton Radjenovich
Post Office Box 667
604 Jones Avenue
Buhl, Minnesota 55713

Ms. Jocelyn Olson
Attorney General's Office
520 Lafayette Road
2nd Floor
St. Paul, Minnesota 55155

Mr. Bill Clausen
Capitol Square Building
550 Cedar Street - Room 110
St. Paul, Minnesota 55101

Ms. Ruth Ericson
Minnesota PCA Board
80 Edison Boulevard
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Post Office Box 667
604 Jones Avenue
Buhl, Minnesota 55713

Ms. Jocelyn Olson
Attorney General's Office
520 Lafayette Road
2nd Floor
St. Paul, Minnesota 55155

CC's to TTF
Mailing list 3/10/88

The agency has historically administered its arbitration roster under informal agency policies, but has determined that public policy interests encourage formalizing these matters through normal rulemaking procedures. Comments concerning standards or qualifications for appointment to or removal from the agency roster of arbitrators are welcomed, as are comments concerning empanelment, referral, monitoring, and operational standards.

Interested persons are encouraged to submit information and opinions orally or in writing. Written statements should be directed to: Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, MN 55108-5253. Oral comments can be provided in person at the above address or by telephoning (612) 649-5421.

All statements of information and opinions shall be accepted until the close of business on Friday, May 6, 1988. Any written material provided 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.

4 April 1988

Paul W. Goldberg
Commissioner

Department of Natural Resources

Minerals Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Adoption of Rules Relating to Metallic Mineral Mineland Reclamation

Notice is hereby given that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to promulgate rules relating to the reclamation of metallic mineral minelands. The promulgation of these rules is authorized by *Minnesota Statutes* section 93.481, subdivision 6, which requires the department to either adopt new rules, or amend existing rules relating to reclamation of metallic mineral minelands, before a permit to mine metallic minerals other than taconite and iron ore can be issued.

The Minnesota Department of Natural Resources requests information and comments concerning the subject matter of the proposed rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements shall be addressed to:

Paul Pojar
Department of Natural Resources
Division of Minerals
500 Lafayette Road
St. Paul, MN 55155-4045

Oral statements will be received during regular business hours over the telephone at (612) 296-4807 and in person at the above address.

All statements of information and comment shall be accepted until June 1, 1988. Any written material received by the Minnesota Department of Natural Resources shall become part of the record in the event that the rules are promulgated.

Minnesota Pollution Control Agency

Notice of Intent to Solicit Outside Opinions Concerning a Proposed Amendment to Rules for Establishing Fee Systems for Generators of Low-Level Radioactive Waste (LLRW)

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

The proposed amendment raises the LLRW generator fees to cover the increased assessment by the Midwest Interstate Low-Level Radioactive Waste Commission. The Agency requests information and comments concerning the subject matter of the proposed amendment. Written or oral statements and comments concerning these matters will be accepted for consideration until April 22, 1988 and should be addressed to:

Ms. Dagmar M. Romano
Commissioner's Office
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone Number: 612/296-7319

Oral statements will be accepted during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, at 612/296-7319 or in person at the above address.

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

Gerald L. Willet
Commissioner

Office of the State Treasurer

Notice of Meeting

The State Board of Investment Study Group will meet on Wednesday April 6, 1988, from 9:00 a.m. to 11:00 a.m. in the State Board of Investment Conference Room 105, 55 Sherburne Avenue, MEA Building, St. Paul, MN.

Dated: 25 March 1988

Michael A. McGrath, Chair
Treasurer, State of Minnesota
Phone: 296-7091

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: Lease/purchase of Xerox 1075
Contact: T.R.
Bid due date at 2pm: April 4
Agency: Vocational-Technical Ed.
Deliver to: St. Paul
Requisition #: 36000 10842

Commodity: Disposable drinking cups
Contact: A.W.
Bid due date at 2pm: April 4
Agency: Central Stores
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Diesel crawler tractor w/ dozer
Contact: B.T.
Bid due date at 2pm: April 4
Agency: Natural Resources
Deliver to: Bemidji
Requisition #: 29000 49639

Commodity: Autovalue, Cololmeters
Contact: J.G.
Bid due date at 2pm: April 6
Agency: Agriculture
Deliver to: St. Paul
Requisition #: 04111 82522

Commodity: Aggregates
Contact: P.A.
Bid due date at 2pm: April 6
Agency: Transportation
Deliver to: Crookston
Requisition #: 79250A

Commodity: Bituminous mixture
Contact: P.A.
Bid due date at 2pm: April 6
Agency: Transportation
Deliver to: Brainerd
Requisition #: 790300 B

CERTIFICATE OF RESOLUTION ADOPTING RULE AMENDMENT

I, Gerald L. Willet, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 26th day of July, 1988, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

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

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of July, 1988.

Gerald L. Willet

GERALD L. WILLET, Commissioner

Attachment 1

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment Governing Low-Level Radioactive Waste Generator Fee Rules, Minn. Rules Part 7042.0030

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE AMENDMENT

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 26th day of July, 1988. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled rule amendment without a public hearing was published in the State Register on May 16, 1988, and was sent by mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) on May 12, 1988.

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

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on June 16, 1988.

4. No requests for public hearing were received during the comment period.

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

6. During the comment period the Agency received no written comments. The Agency finds that no modifications to the proposed rules are justified by the record in this proceeding.

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

8. The above-captioned rule amendment is needed and reasonable.

CONCLUSIONS

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

2. The Agency published and served due, timely, and adequate notice of the intent to adopt the rule amendment without a public hearing.

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

ORDER

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

MINNESOTA POLLUTION CONTROL AGENCY

Dated: July 26, 1988

Gerald L. Willet

Gerald L. Willet, Commissioner

Attachment 1

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment Governing Low-Level Radioactive Waste Generator Fee Rules, Minn. Rules Part 7042.0030

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE AMENDMENT

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 26th day of July, 1988. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled rule amendment without a public hearing was published in the State Register on May 16, 1988, and was sent by mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) on May 12, 1988.

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

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on June 16, 1988.

4. No requests for public hearing were received during the comment period.

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

6. During the comment period the Agency received no written comments. The Agency finds that no modifications to the proposed rules are justified by the record in this proceeding.

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

8. The above-captioned rule amendment is needed and reasonable.

CONCLUSIONS

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

2. The Agency published and served due, timely, and adequate notice of the intent to adopt the rule amendment without a public hearing.

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

ORDER

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

MINNESOTA POLLUTION CONTROL AGENCY

Dated: July 26, 1988

Gerald L. Willet

Gerald L. Willet, Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Amendment to Minn. Rules Pt. 7042.0030,
Low-Level Radioactive Waste Generator
Fee Rules

DECLARATION OF COUNSEL

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

Dated: July 27, 1988

Jocelyn F. Olson
JOCELYN F. OLSON
Assistant Attorney General

CERTIFICATE OF AGENCY'S AUTHORIZING RESOLUTION

I, Gerald L. Willet, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 26th day of April, 1988, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Commissioner of the Minnesota Pollution Control Agency (Agency) is hereby granted the authority to sign and to give notice of the Agency's intent to adopt without a public hearing, the attacned amendment to Minn. Rules Part 7042.0030, Low-Level Radioactive Waste Generator Fee Rules, to all persons who have registered their names with the Agency for that purpose and publish the notice and the rules in the State Register, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1986).
>
> BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Commissioner is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rule amendment as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for and Notice of Hearing, as well as acting as the Agency's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of April, 1988.

Gerald L. Willet

GERALD L. WILLET
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Rule
Amendment Governing Low-Level
Radioactive Waste Generator Fee
Rules Part 7042.0030

AFFIDAVIT OF SENDING
NOTICE AND PROPOSED
RULES TO CHAIRS OF
HOUSE APPROPRIATIONS
AND SENATE FINANCE
COMMITTEES

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Dagmar Romano, being duly sworn says:

That on the 27th day of April, 1988, prior to submitting the Notice of Intent to Adopt Rule Amendment Without a Public Hearing to the State Register, I mailed a copy of the Notice of Intent to Adopt Rule Amendment Without a Public Hearing and the proposed rule amendment, along with the attached cover letters, to the chairs of the House Appropriations Committee and the Senate Finance Committee by depositing them in the United States Mail, properly enveloped and with first class postage prepaid.

Dagmar Romano

Subscribed and sworn to before
me this 5th day of May, 1988

Ardith M. Vos
Notary Public

ARDITH M. VOS
NOTARY PUBLIC — MINNESOTA
ANOKA COUNTY
My commission expires 1-12-94

Minnesota Pollution Control Agency

April 27, 1988

The Honorable Gene Merriam, Chairman
Senate Finance Committee
122 Capitol
St. Paul, Minnesota 55155

Dear Senator Merriam:

Enclosed, pursuant to Minn. Stat. § 16A.128, subd. 2a (1986), are copies of 1) the proposed rule amendment, and 2) the Notice of Intent to Adopt Rules for the proposed amendment to the Minnesota Pollution Control Agency's (Agency) low-level radioactive waste generator fee rules. This amendment is being proposed pursuant to the Agency's authority under Minn. Stat. § 116C.834 (1986).

If you need any further information, please do not hesitate to call me at 296-7305.

Sincerely,

Barbara Lindsey Sims

Barbara Lindsey Sims
Assistant Commissioner

BLS/rj

Enclosures

Phone:_____
520 Lafayette Road, St. Paul, Minnesota 55155
Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester
Equal Opportunity Employer

Minnesota Pollution Control Agency

April 27, 1988

The Honorable Glen Anderson, Chairman
House Appropriations Committee
365 State Office Building
St. Paul, Minnesota 55155

Dear Representative Anderson:

Enclosed, pursuant to Minn. Stat. § 16A.128, subd. 2a (1986), are copies of 1) the proposed rule amendment, and 2) the Notice of Intent to Adopt Rules for the proposed amendment to the Minnesota Pollution Control Agency's (Agency) low-level radioactive waste generator fee rules. This amendment is being proposed pursuant to the Agency's authority under Minn. Stat. § 116C.834 (1986).

If you need any further information, please do not hesitate to call me at 296-7305.

Sincerely,

Barbara Lindsey Sims

Barbara Lindsey Sims
Assistant Commissioner

BLS/rj

Enclosures

Phone:_____
520 Lafayette Road, St. Paul, Minnesota 55155
Regional Offices • Duluth/Brainerd/Detroit Lakes/Marshall/Rochester
Equal Opportunity Employer

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendment Governing Low-Level Radioactive Waste Generator Fees, Minn. Rules Part 7042.0030

NOTICE OF INTENT TO ADOPT RULE AMENDMENT WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The Agency's authority to adopt the rule amendment is set forth in Minn. Stat. § 116C.83 (1986).

All persons have until 4:30 p.m. on June 16, 1988, to submit comments in support of or in opposition to the proposed rule amendment or any part or subpart of the rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

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

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

Dagmar Romano
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7319

The proposed rule amendment 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 amendment as noticed.

The proposed rule amendment, if adopted, will increase fees for generators who ship 1000 cubic feet or more of low-level radioactive waste per year to a facility for disposal from $2.65 per cubic foot to $6.65 per cubic foot of waste shipped for disposal. One free copy of the rule amendment is available upon request from Dagmar Romano at the address and telephone number stated above.

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

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

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

Gerald L. Willet

Dated: May 11, 1988

GERALD L. WILLET
Commissioner

Pollution Control Agency

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

Rules as Proposed

7042.0030 LOW-LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. [Unchanged.]

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

A. A generator who ships 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal is subject to a fee of ~~$2.65~~ $6.65 per cubic foot of low-level radioactive waste shipped per year.

B. A generator who ships at least 100 cubic feet but less than 1,000 cubic feet of low-level radioactive waste per year to a facility for disposal is subject to a fee of $100 per year.

Approved by Revisor

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Rule Amendment Governing Low-Level Radioactive Waste Generator Fee Rules, Minn. Rules Pt. 7042.0030

AFFIDAVIT OF RECEIVING NO COMMENTS PURSUANT TO THE NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Dagmar Romano, being duly sworn says:

I hereby certify that I am the person named in the Notice of Intent to Solicit Outside Opinion for the above-entitled matter which was published in the State Register on April 4, 1988 and that no comments or opinions were received by the Minnesota Pollution Control Agency from any persons or associations pursuant to said notice.

Dagmar Romano

Subscribed and sworn to before me
this 3rd day of May, 1988

Ardith M. Vos
NOTARY PUBLIC

ARDITH M. VOS
NOTARY PUBLIC — MINNESOTA
ANOKA COUNTY
My commission expires 1-12-94

B. If the owner or operator removes or decontaminates all the impoundment materials described in item A ~~or can demonstrate that none of the materials listed in item A remaining at any stage of removal are hazardous waste~~, the impoundment is not further subject to the requirements of parts 7045.0552 to 7045.0642. At closure and throughout the operating period, unless the owner or operator can demonstrate that any waste removed from the surface impoundment is not a hazardous waste, he or she becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of parts 7045.0205 to 7045.0397 and 7045.0552 to 7045.0642.

C. If the owner or operator does not remove or decontaminate all the impoundment materials described in item A, ~~or does not make the demonstration described in item B.~~ he or she shall close the impoundment and provide post-closure care as for a landfill under parts 7045.0594 to 7045.0606 and 7045.0638, subpart 4. ~~If necessary to support the final cover specified in the approved closure plan, the owner or operator shall treat remaining liquids, residues, and soils by removal of liquids, drying, or other means.~~, including the following:

(1) eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

(2) stabilize remaining wastes to a bearing capacity sufficient to support the final cover; and

(3) cover the surface impoundment with a final cover designed and constructed to provide long-term minimization of the migration of liquids through the closed impoundment, function with minimum maintenance, promote drainage and minimize erosion or abrasion of the cover, accommodate settling and subsidence so that the cover's integrity is maintained, and have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

D. In addition to the requirements of parts 7045.0594 to 7045.0606 and 7045.0638, subpart 4, during the post-closure care period, the owner or operator of a surface impoundment in which wastes, waste residues, or contaminated materials remain after closure in accordance with item C shall:

(1) maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events;

(2) maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of part 7045.0590; and

(3) prevent run-on and run-off from eroding or otherwise damaging the final cover.

The closure requirements under part 7045.0638, subpart 4, will vary with the amount and nature of the residues remaining, if any, and the degree of contamination of the underlying and surrounding soil. The commissioner may vary post-closure requirements, according to part 7045.0602, subpart 1.

Subp. 7. and 8. [Unchanged.]

Pollution Control Agency

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

Notice of Intent to Adopt Rule Amendment Without a Public Hearing

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

All persons have until 4:30 p.m. on June 16, 1988, to submit comments in support of or in opposition to the proposed rule amendment or any part or subpart of the rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

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

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

Dagmar Romano
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7319

The proposed rule amendment 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 amendment as noticed.

The proposed rule amendment, if adopted, will increase fees for generators who ship 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal. The proposed rule amendment is published below. One free copy of the rule amendment is available upon request from Dagmar Romano at the address and telephone number stated above.

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

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

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

Gerald L. Willet
Commissioner

Rules as Proposed

7042.0030 LOW-LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. [Unchanged.]

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

A. A generator who ships 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal is subject to a fee of ~~$2.65~~ $6.65 per cubic foot of low-level radioactive waste shipped per year.

B. A generator who ships at least 100 cubic feet but less than 1,000 cubic feet of low-level radioactive waste per year to a facility for disposal is subject to a fee of $100 per year.

Department of Revenue

Proposed Permanent Rules Relating to Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies

Notice of Intent to Adopt Rules Without A Public Hearing

Notice is hereby given that the State Department of Revenue, Local Government Services Division proposes to adopt the above-entitled rules without a public hearing. The Commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, sections 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of *Minnesota Statutes*, sections 14.13 to 14.18.

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

Ronald Cook
Local Government Services
Minnesota Department of Revenue
Mail Station 3340
St. Paul, MN 55146-3340
(612) 642-0486

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.

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

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

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

July 27, 1988

Ms. Christie Eller
Assistant Attorney General
Office of the Attorney General
515 Transportation Building
John Ireland Blvd.
St. Paul, MN 55155

Re: In the Matter of Proposed Amendment to Rules Governing Low-Level Radioactive Waste Generator Fees, Minn. Rules Part 7042.0030

Dear Ms. Eller:

On July 26, 1988, the Minnesota Pollution Control Agency adopted the above-captioned rule amendment governing low-level radioactive waste generator fees. Enclosed for your review are the following:

1. Rules as adopted (original and three copies).

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

3. Certificate of Resolution Adopting Rules.

4. Notice of Intent to Solicit Outside Opinion (12 S.R. 2218, April 4, 1988).

5. Affidavit of Receiving No Comments Pursuant to the Notice of Intent to Solicit Outside Opinion.

6. Certificate of Authorizing Resolution.

7. Notice of Intent to Adopt Rule Amendment Without a Public Hearing and rules as proposed (12 S.R. 2500, May 16, 1988).

8. Notice of Intent to Adopt Rules Without a Public Hearing, as mailed.

9. Affidavit of Sending Notice and Proposed Rules to Chairs of House Appropriations and Senate Finance Committees.

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

11. Rules as proposed.

12. Statement of Need and Reasonableness.

13. Declaration of Counsel.

As indicated in the Findings of Fact, there were no comments received during the comment period on the proposed rule amendments. No person requested notification of the date of submission of the rules to the Attorney General.

Very truly yours,

Jocelyn F. Olson

JOCELYN F. OLSON
Assistant Attorney General