

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: January 3, 1990

TO: ANN E. COHEN
Special Assistant Attorney General
520 Lafayette Road, Suite 200 (55155)

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Permanent Rule
Relating to Air Quality Permit Fees

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on December 29, 1989.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJC:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "

Pollution Control Agency

Adopted Permanent Rules Relating to Air Quality Permit Fees

Rules as Adopted

7002.0010 SCOPE.

Parts 7002.0010 to 7002.0100 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in parts 7001.0010 to 7001.0210 and 7001.1200 to 7001.1350.

7002.0020 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7002.0010 to 7002.0110, the terms defined in this part have the meanings given them and the definitions in parts 7001.0010, 7001.1260, and 7005.0010 to 7005.3060 apply unless the terms are defined in this part.

Subp. 2. [See Repealer.]

Subp. 2a. **Administrative amendment.** "Administrative amendment" means an amendment to an air emission permit or indirect source permit under part 7001.0190, subparts 2 and 3.

Subp. 3. **Air pollution control equipment.** "Air pollution control equipment" means a device used to prevent, abate, or control air pollution.

Subp. 4. and 5. [See Repealer.]

Subp. 6. **Major emitter.** "Major emitter" means a stationary source that has the potential to emit 100 tons per year or more of a single criteria pollutant.

Subp. 7. [See Repealer.]

Subp. 7a. **Noncriteria pollutant.** "Noncriteria pollutant" means a pollutant that is not a criteria pollutant and that may have the potential to be injurious to human health.

Subp. 9. **Nonmajor emitter.** "Nonmajor emitter" means a stationary source other than a major emitter.

7002.0030 FEE DETERMINATION.

Approved by Revisor CMR

The agency shall calculate processing, compliance demonstration, and annual fees based upon the schedule in part 7002.0100 and shall notify the permittee of the amount due before each payment date, except for application fees, which shall be submitted in accordance with part 7002.0050.

7002.0050 APPLICATION FEE.

A person who applies for (1) a permit to construct, modify, reconstruct, or operate an emissions unit, emission facility, stationary source, air pollution control equipment, or an indirect source, or (2) an administrative amendment, shall submit with the application the appropriate application fee. Failure to submit the fee renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.

7002.0060 PROCESSING AND COMPLIANCE DEMONSTRATION FEES.

Subpart 1. **Processing and compliance demonstration fees.** Except as provided in subpart 2, a permittee shall pay the applicable processing and compliance demonstration fees as listed in part 7002.0100, subparts 3 to 4c, within 30 days of receipt of an invoice from the agency.

Subp. 2. **Annual installment of fees.** If a facility is a "small business" as defined in Minnesota Statutes, section 14.115, subdivision 1, the permittee may request to pay the processing fee in annual installments. Annual installments are determined by dividing the processing fee into equal annual payments based on the term of the permit. The first payment shall be made within 30 days of receipt of an invoice from the agency and annually thereafter on the receipt of another invoice. A facility that qualifies as a "small business" must provide proof of that status upon application for a permit. For purposes of this subpart, the term of an indirect source permit is the construction period unless the permit specifies a term.

7002.0070 ANNUAL FEE.

All persons required to obtain a permit shall pay the

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annual fee for enforcement of applicable statutes and rules required by part 7002.0100, subparts 5, 5a, and 6. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

7002.0080 NOTIFICATION OF ERROR.

A person who thinks that a processing fee, compliance demonstration fee, or annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Air Quality along with the assessed fee. If the director of the Division of Air Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

7002.0100 AIR QUALITY PERMIT FEE SCHEDULE.

Subpart 1. **Scope.** The fees established in this part are applicable to facilities and indirect sources which require an air emission permit under part 7001.1210 (permit rules, air emission permits) or an indirect source permit under part 7001.1270 (permit rules, indirect source permits).

Subp. 2. **Application fee.** A person making application for an air emission permit or an indirect source permit shall submit with the application an application fee of $50.

Subp. 3. **Basic processing fees.** The permittee shall pay the following basic processing fees for the applicable permit activity:

A. $1,000 for the construction of an indirect source;

B. $1,000 for the construction or reconstruction of a major emitter;

C. $500 for the construction or reconstruction of a nonmajor emitter;

D. $350 for the modification of a major emitter or installation of air pollution control equipment at a major emitter;

E. $175 for the modification of a nonmajor emitter or installation of air pollution control equipment at a nonmajor

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emitter;

F. $550 for the reissuance of a permit for a major emitter; and

G. $225 for the reissuance of a permit for a nonmajor emitter;

H. $175 for any modification of an indirect source, other than an administrative amendment;

I. $50 for an administrative amendment to a permit; and

J. $75 for issuance or reissuance of a general permit.

For purposes of this subpart, if activities in items D and E occur simultaneously with items described in items F and G, the agency shall waive the fee for items D and E and only assess a reissuance fee and applicable additional processing fees.

Subp. 3a. **Basic processing fee surcharges.** In addition to the fees in subpart 3, item B, D, or F, a major emitter shall be charged a basic processing fee surcharge for the tons of potential emissions of criteria pollutants above the initial 100 ton per year threshold that classifies it as a major emitter. The surcharge shall be in the following amount, based on potential emissions of the criteria pollutant emitted in the greatest volume by the major emitter:

Total Potential Emissions (tons per year)	Surcharge Subpart 3, item B Construction Reconstruction	Subpart 3, item D Modification	Subpart 3, item F Reissue
250-499	$ 500	$ 175	$ 275
500-999	$ 750	$ 260	$ 415
1,000-4,999	$ 1,125	$ 395	$ 625
5,000-9,999	$ 1,500	$ 590	$ 935
10,000 or more	$ 2,500	$ 895	$ 1,400

Subp. 4. **Additional processing fees.** In addition to the fees required in subparts 3 and 3a, the permittee shall pay the following additional processing fees, when applicable:

A. $2,500 for permits issued to which parts 7005.3010 to 7005.3060 apply;

B. $2,500 for permits issued to which federal prevention of significant deterioration regulations in Code of

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Federal Regulations, title 40, section 52.21 apply;

C. $125 for permits issued to which new source performance standards requirements in Code of Federal Regulations, title 40, part 60 apply, with an additional $125 applying for each additional new source performance standard subpart beyond the first, applicable to the subject permit;

D. $400 for permits requiring evaluation with regard to emissions of noncriteria pollutants;

E. $400 for dispersion modeling reviews performed for reasons other than those covered by item A, B, or D; and

F. $500 for either an indirect source design change as defined in the applicable indirect source permit, or for a modification of an indirect source permit that is neither a minor modification as described in part 7001.1350, nor an administrative amendment.

Subp. 4a. **Additional processing fee surcharges.** In addition to the fees required in subparts 3, 3a, and 4, the permittee shall pay the following additional processing fee surcharges when applicable:

A. $250 for each additional criteria pollutant beyond the first which is subject to parts 7005.3010 to 7005.3060;

B. $250 for each additional criteria pollutant beyond the first which is subject to federal prevention of significant deterioration rules in Code of Federal Regulations, title 40, section 52.21;

C. for each permit that includes permit requirements for facilities subject to new source performance standards, Code of Federal Regulations, title 40, part 60:

(1) $25 for each additional affected facility, as defined in Code of Federal Regulations, title 40, part 60, beyond the first, that is subject to a single subpart of Code of Federal Regulations, title 40, part 60, not to exceed $500 per permit issuance; and

(2) $25 for each additional pollutant, beyond the first, to which the stationary source is subject under a single applicable subpart of Code of Federal Regulations, title 40,

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part 60;

D. $75 for each additional noncriteria pollutant beyond the first that is evaluated; and

E. $75 for each additional pollutant, beyond the first, that is subject to a fee for dispersion modeling review under subpart 4, item E.

Subp. 4b. **Compliance demonstration fees.** Fees under this subpart apply at the time of completion of the review of the activity by the agency. Persons required to perform the following activities shall pay the following applicable fees:

A. $75 for each method 9 visible emissions evaluation or part 7005.0930 odor emission evaluation performance test report reviewed by the agency;

B. $475 for each performance test report on emissions from one stack or equivalent emissions point, other than a method 9 visible emissions evaluation, reviewed by the agency, with a separate $475 fee applying to each stack or equivalent emissions point tested; and

C. $475 for each continuous emission monitor certification, recertification, and any relative accuracy test audit report reviewed by the agency.

Subp. 4c. **Compliance demonstration fee surcharges.** Fees under this subpart apply at the time of completion of the review by the agency. In addition to the fees required in subpart 4b, the permittee shall pay compliance demonstration fee surcharges as listed below when applicable:

A. $25 for each additional method 9 visible emission evaluation included in a single performance test report beyond the first that is reviewed by the agency;

B. for a single performance test report, other than a method 9 visible emission evaluation or part 7005.0930 odor emission evaluation performance test report:

(1) $100 for each additional reference method or its equivalent beyond the first five that is reviewed; and

(2) $100 for each additional emissions unit that contributes to the stack or equivalent emissions point tested

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beyond the first that is reviewed; and

C. $100 for each additional pollutant monitored by a continuous emission monitor submitting a report under subpart 4b, item C, beyond the first, not to include diluent gases necessary for monitor operation.

Subp. 5. **Annual fees.** All persons required to obtain an air emission permit or an indirect source permit shall pay the applicable annual fee according to items A and B.

A. Stationary sources shall pay the following applicable annual fees:

(1) $450 for a major emitter; and

(2) $225 for a nonmajor emitter.

Annual fees for stationary sources shall be based on the potential emissions of the stationary source on January 1 of the year for which the fee applies. Seasonal facilities are not exempt from annual fees and shall pay annual fees in accordance with their potential to emit. The agency shall not charge an annual fee for a stationary source if the potential to emit any single criteria pollutant is ~~more than 25 tons per year but is~~ less than 50 tons per year for each criteria pollutant unless the stationary source has the potential to emit at least 1,000 pounds of lead per year.

B. Persons required to obtain an indirect source permit shall pay an annual fee of $400 through the year in which construction is completed or compliance with all permit provisions is documented, whichever is later.

Subp. 5a. **Annual fee surcharges.** In addition to the fees in subpart 5, item A, a major emitter shall be charged an additional annual fee surcharge for the tons of potential emissions above the initial 100 tons that classifies it as a major emitter. The surcharge shall be in the following amount, based on the potential emissions of the criteria pollutant emitted in the greatest amount:

Table Potential Emissions (tons per year)	Surcharge
250-499	$ 450
500-999	$ 675

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1,000-4,999	$ 1,015
5,000-9,999	$ 1,520
10,000 or more	$ 2,280

Subp. 6. **General permits.** The agency shall not charge annual fees for permits issued as a general permit under the permit rules in part 7001.0210.

REPEALER. Minnesota Rules, part 7002.0020, subparts 2, 4, 5, and 7, are repealed.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY
December 29 1989
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 3 - 1990
12:12 p.m.
Joan Anderson Growe
Secretary of State

Barb let me know when you take them to SS.

MJC

RULE REVIEW CHECKLIST

File No. 1654

Docket No. 05 0009 709

DATE RECEIVED 12-19-89

ADOPTED W/O HEARING _____

REVIEW DATE 12-28-89

EMERGENCY RULE _____

DUE DATE 1-2-90

TO REVISOR ON 12-26-89

REVISOR APPROVED 1-2-90

APPROVED 12.29.89 mjc

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE 1-3-90

WITHDRAWN _____

RETURNED TO AGENCY 1-3-90

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4 Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
Dec 26, 1988 Date published in State Register
_____ Comments

✓ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution
Aug 31, 1989 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule — end of comment period stated in Notice of Intent
116.(07)4d Statutory Authority
yes Small Business Statement Oct 11, 1989
DA Expenditure of public money statement 14.15
8-28-89 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
✓ Fees - § 16A.128 — obtained approval from Commissioner of Finance

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Sept 6, 1989 Date 30/25 days before adoption
✓ Notice attached - indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
Sept 11, 1989 Date 30/25 days before adoption

✓ 180-day deadline from:
NA Effective date of law requiring rule (14.12) (both rules) not mandatory
✓ end of comment period (§ 14.26) (rules without hearing) Oct 11 - Dec 19
_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
Dec 15, 1989 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Nov 28, 1989 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
Ann Cohen Name of SAAG representing agency

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

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

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

December 18, 1989

Ms. Patty Nolte
Office of the Attorney General
5th Floor
525 Park Street
St. Paul, MN 55103

Re: In the Matter of Proposed Rules Governing Air Pollution Permit Fees, Minn. Rules pts. 7002.0010-.0100.

Dear Ms. Nolte:

On November 28, 1989, the Minnesota Pollution Control Agency adopted the above-captioned rules governing permit fees for air pollution. Enclosed for your review are the following:

1. Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules to Amend Air Pollution Permit Fees (Minn. Rules Part 7002.0010-.0100). 13 State Register 1654.

2. Rules as proposed.

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

4. Statement of Need and Reasonableness.

5. Fiscal Note.

6. Certificate of Agency's Authorizing Resolution.

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

8. Notice of Intent to Adopt Rules Without a Public Hearing and of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing.

9. Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without A Public Hearing.

10. Order for Hearing (not needed).

11. Notices as Published in State Register (14 State Register 577).

12. Comments received during the comment period.

13. Affidavit of Mailing the Notice of Intent to Adopt Rules Without A Public Hearing.

14. Affidavit of Mailing Notice of Hearing and Notice of Intent To Cancel Hearing.

15. Certificate Of Mailing List.

16. Mailing List.

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

18. Resolution Adopting Rules.

19. Certificate of Resolution Adopting Rules.

20. Declaration of Counsel.

Very truly yours,

Ann E. Cohen

ANN E. COHEN
Special Assistant
Attorney General

Environmental Protection Division

AEC:mah

Enc.

Pollution Control

Stat auth. 116.(07) subd 4d
(Notice of Intent cites 116. sub-4
the 07. Notice of Intent that
was published in the State
Register includes complete cite 116.07 subd 4d
& the Notice of Intent that they
mailed out has the missing .07
in the cite could be a problem.

- 116.07 subd 4d
"... pollution agency may adopt,
amend and rescind rules and
standards having the force of law
relating to any purpose within the
provisions of Laws 1969, chapter 1046,
for the prevention, abatement, or control
of air pollution.

Public Hearing was held on Aug 31, 1989

Statement of need and Reasonableness
- considered small business needs
- fees for small businesses are
less than large businesses

- considered economic factors

Tuesday 7 part
Modifications were made
12-29-89 & talked to Libby Henderson (PCA) she said the
rules are not effective Jan 1 - later no problem

Rules – p 6 sub 5 Annual Fees
Annual fees for stationary sources shall be based on the potential emissions of the stationary source on January 1 of the year for which the fee applies Does it mean these rules are suppose to be effective on January 1 – problem if they are

Disregard

Pollution Control Agency

Proposed Permanent Rules Relating to Air Quality Permit Fees

Rules as Proposed

7002.0010 SCOPE.

Parts 7002.0010 to 7002.0100 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in ~~part 7001.0020 (permanent rules, scope), items I and J~~ parts 7001.0010 to 7001.0210 and 7001.1200 to 7001.1350.

7002.0020 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of ~~this chapter~~ parts 7002.0010 to 7002.0110, the terms defined in this part have the meanings given them and the definitions in parts 7001.0010, 7001.1260, and 7005.0010 to 7005.3060 apply unless the terms are defined in this part.

Subp. 2. [See Repealer.]

Subp. 2a. **Administrative amendment.** "Administrative amendment" means an amendment to an air emission permit or indirect source permit under part 7001.0190, subparts 2 and 3.

Subp. 3. **Air pollution control equipment.** "Air pollution control equipment" means a device used to prevent, abate, or control air pollution.

Subp. 4. and 5. [See Repealer.]

Subp. 6. **Major ~~emission facility~~ emitter.** "Major ~~emission facility~~ emitter" means a stationary source ~~having~~ that has the potential ~~emissions of~~ to emit 100 tons per year or more of ~~sulfur dioxide or particulate matter~~ a single criteria pollutant.

Subp. 7. [See Repealer.]

Subp. 7a. **Noncriteria pollutant.** "Noncriteria pollutant" means a pollutant that is not a criteria pollutant and that may have the potential to be injurious to human health.

Subp. 9. **Nonmajor emitter.** "Nonmajor emitter" means a stationary source other than a major emitter.

Approved by Revisor

7002.0030 FEE DETERMINATION.

The agency shall calculate processing, compliance demonstration, and annual fees based upon the schedule in part 7002.0100 and shall notify the permittee of the amount due ~~prior to~~ before each payment date, except for application fees, which shall be submitted in accordance with part 7002.0050.

7002.0050 APPLICATION FEE.

A person who applies for (1) a permit to construct, ~~install,~~ modify, reconstruct, or operate ~~a facility~~ an emissions unit, emission facility, stationary source, air pollution control equipment, or an indirect source, or (2) an administrative amendment, shall submit with the application the appropriate application fee. Failure to submit the fee renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.

7002.0060 PROCESSING ~~FEE~~ AND COMPLIANCE DEMONSTRATION FEES.

Subpart 1. **Processing and compliance demonstration fees.** Except as provided in subpart 2, a permittee shall pay the applicable processing ~~fee~~ and compliance demonstration fees as listed in part 7002.0100, subparts 3 to 4c, within 30 days of ~~issuance of the permit by~~ receipt of an invoice from the agency.

Subp. 2. **Annual installment of fees.** If a facility is a "small business" as defined in Minnesota Statutes, section 14.115, subdivision 1, the permittee may request to pay the processing fee in annual installments. Annual installments are determined by dividing the processing fee into equal annual payments based on the term of the permit. The first payment shall be made within 30 days of ~~issuance of the permit~~ receipt of an invoice from the agency and annually thereafter on the ~~anniversary of issuance~~ receipt of another invoice. A facility that qualifies as a "small business" must provide proof of that status upon application for a permit. For purposes of this subpart, the term of an indirect source permit is the construction period unless the permit specifies a term.

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7002.0070 ANNUAL FEE.

All persons required to obtain a permit shall pay ~~an~~ the annual fee for enforcement of applicable statutes and rules ~~except as provided in~~ required by part 7002.0100, subparts 5, 5a, and 6. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

7002.0080 NOTIFICATION OF ERROR.

A person who thinks that a ~~basic~~ processing fee, ~~additional processing~~ compliance demonstration fee, or annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Air Quality along with the assessed fee. If the director of the Division of Air Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

7002.0100 AIR QUALITY PERMIT FEE SCHEDULE.

Subpart 1. **Scope.** The fees established in this part are applicable to facilities and indirect sources which require an air emission permit under part 7001.1210 (permit rules, air emission permits) or an indirect source permit under part 7001.1270 (permit rules, indirect source permits). ~~For the purpose of this part, the terms used have the meanings given them in part 7005.0100 (air pollution control rules, definitions).~~

Subp. 2. **Application fee.** A person making application for an air emission permit or an indirect source permit shall submit with the application an application fee of ~~$80~~ $50.

Subp. 3. **Basic processing fees.** The permittee shall pay the following basic processing fees for the applicable permit activity:

A. ~~$1,440~~ $1,000 for the construction of an indirect source;

B. ~~$1,440~~ $1,000 for the construction or reconstruction of a major ~~emission facility~~ emitter;

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C. ~~$480~~ $500 for the construction or reconstruction of ~~an emission facility other than a major emission facility~~ a nonmajor emitter;

D. ~~$480~~ $350 for the modification of a major ~~emission facility~~ emitter or installation of air pollution control equipment at a major ~~emission facility~~ emitter;

E. ~~$160~~ $175 for the modification of ~~an emission facility other than a major emission facility~~ a nonmajor emitter or installation of air pollution control equipment at ~~an emission facility other than a major emission facility~~ a nonmajor emitter;

F. ~~$720~~ $550 for the reissuance of a ~~major emission facility~~ permit for a major emitter; and

G. ~~$240~~ $225 for the reissuance of ~~an emission facility~~ a permit ~~other than a major emission facility~~ for a nonmajor emitter;

H. $175 for any modification of an indirect source, other than an administrative amendment;

I. $50 for an administrative amendment to a permit; and

J. $75 for issuance or reissuance of a general permit.

For purposes of this subpart, if activities ~~as described~~ in items D and E ~~that~~ occur ~~during the last year of the term of a permit will be addressed along with the reissuance of the permit for a new term.~~ simultaneously with items described in items F and G, the agency shall waive the fee for items D and E and only assess a reissuance fee and applicable additional processing fees.

Subp. 3a. **Basic processing fee surcharges.** In addition to the fees in subpart 3, item B, D, or F, a major emitter shall be charged a basic processing fee surcharge for the tons of potential emissions of criteria pollutants above the initial 100 ton per year threshold that classifies it as a major emitter. The surcharge shall be in the following amount, based on potential emissions of the criteria pollutant emitted in the greatest volume by the major emitter:

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Total Potential Emissions (tons per year)	Surcharge Subpart 3, item B Construction Reconstruction	Surcharge Subpart 3, item D Modification	Surcharge Subpart 3, item F Reissue
250-499	$ 500	$ 175	$ 275
500-999	$ 750	$ 260	$ 415
1,000-4,999	$ 1,125	$ 395	$ 625
5,000-9,999	$ 1,500	$ 590	$ 935
10,000 or more	$ 2,500	$ 895	$ 1,400

Subp. 4. **Additional processing fees.** In addition to the ~~basic-processing~~ fees required in ~~subpart~~ subparts 3 and 3a, the permittee shall pay the following additional processing fees, ~~if~~ when applicable:

A. ~~$800-for-a-major-stationary-source,-as-defined-in-Code-of-Federal-Regulations,-title-40,-section-51.18(j)(1)(iv),-as-amended-through-June-25,-1982,-located-in-a-nonattainment-area~~ $2,500 for permits issued to which parts 7005.3010 to 7005.3060 apply;

B. ~~$240-for-an-emission-facility-that-is-subject-to-the~~ $2,500 for permits issued to which federal prevention of significant deterioration ~~requirements-as-established~~ regulations in Code of Federal Regulations, title 40, section ~~51.24~~ 52.21 apply;

C. ~~$80-for-an-emission-facility-that-is-subject-to-the-federal~~ $125 for permits issued to which new source performance standards ~~established~~ requirements in Code of Federal Regulations, title 40, part 60 apply, with an additional $125 applying for each additional new source performance standard subpart beyond the first, applicable to the subject permit;

D. ~~$240-for-an-emission-facility-that-must-apply-best-available-control-technology-as-required-under-Code-of-Federal-Regulations,-title-40,-section-51.24~~ $400 for permits requiring evaluation with regard to emissions of noncriteria pollutants;

E. $400 for ~~evaluation-of-air-emissions-containing-pollutants-for-which-no-ambient-air-quality-standard-has-been-established-under-part-7005.0080-(state-ambient-air-quality-standards)-and-which-have-the-potential-to-be-injurious-to-human~~

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~~health~~ dispersion modeling reviews performed for reasons other than those covered by item A, B, or D; and

~~F. $240 for dispersion modeling review; and~~

~~G. $240 for each performance test review~~ $500 for either an indirect source design change as defined in the applicable indirect source permit, or for a modification of an indirect source permit that is neither a minor modification as described in part 7001.1350, nor an administrative amendment.

Subp. 4a. **Additional processing fee surcharges.** In addition to the fees required in subparts 3, 3a, and 4, the permittee shall pay the following additional processing fee surcharges when applicable:

A. $250 for each additional criteria pollutant beyond the first which is subject to parts 7005.3010 to 7005.3060;

B. $250 for each additional criteria pollutant beyond the first which is subject to federal prevention of significant deterioration rules in Code of Federal Regulations, title 40, section 52.21;

C. for each permit that includes permit requirements for facilities subject to new source performance standards, Code of Federal Regulations, title 40, part 60:

(1) $25 for each additional affected facility, as defined in Code of Federal Regulations, title 40, part 60, beyond the first, that is subject to a single subpart of Code of Federal Regulations, title 40, part 60, not to exceed $500 per permit issuance; and

(2) $25 for each additional pollutant, beyond the first, to which the stationary source is subject under a single applicable subpart of Code of Federal Regulations, title 40, part 60;

D. $75 for each additional noncriteria pollutant beyond the first that is evaluated; and

E. $75 for each additional pollutant, beyond the first, that is subject to a fee for dispersion modeling review under subpart 4, item E.

Subp. 4b. **Compliance demonstration fees.** Fees under this

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subpart apply at the time of completion of the review of the activity by the agency. Persons required to perform the following activities shall pay the following applicable fees:

A. $75 for each method 9 visible emissions evaluation performance test reviewed by the agency;

B. $475 for each performance test report on emissions from one stack or equivalent emissions point, other than a method 9 visible emissions evaluation, reviewed by the agency, with a separate $475 fee applying to each stack or equivalent emissions point tested; and

C. $475 for each continuous emission monitor certification, recertification, and any relative accuracy test audit report reviewed by the agency.

Subp. 4c. **Compliance demonstration fee surcharges.** Fees under this subpart apply at the time of completion of the review by the agency. In addition to the fees required in subpart 4b, the permittee shall pay compliance demonstration fee surcharges as listed below when applicable:

A. $25 for each additional method 9 visible emission evaluation included in a single performance test report beyond the first that is reviewed by the agency;

B. for a single performance test report, other than a method 9 visible emission evaluation report:

(1) $100 for each additional reference method or its equivalent beyond the first five that is reviewed; and

(2) $100 for each additional emissions unit that contributes to the stack or equivalent emissions point tested beyond the first that is reviewed; and

C. $100 for each additional pollutant monitored by a continuous emission monitor submitting a report under subpart 4b, item C, beyond the first, not to include diluent gases necessary for monitor operation.

Subp. 5. **Annual fees.** All persons required to obtain an air emission permit or an indirect source permit shall pay the ~~following~~ applicable annual fee: according to items A and B.

A. ~~$1,040 for a major emission facility; or~~

Approved by Revisor _____

~~B.---$240-for-a-stationary-source-other-than-a-major emission-facility~~ Stationary sources shall pay the following applicable annual fees:

(1) $450 for a major emitter; and

(2) $225 for a nonmajor emitter.

Annual fees for stationary sources shall be based on the potential emissions of the stationary source on January 1 of the year for which the fee applies. Seasonal facilities are not exempt from annual fees and shall pay annual fees in accordance with their potential to emit. The agency shall not charge an annual fee for a stationary source ~~with~~ if the potential ~~emissions-of-a~~ to emit any single criteria pollutant ~~of~~ is more than 25 tons per year but is less than 50 tons per year for each criteria pollutant unless the stationary source ~~also discharges-lead-to-the-ambient-air~~ has the potential to emit at least 1,000 pounds of lead per year.

B. Persons required to obtain an indirect source permit shall pay an annual fee of $400 through the year in which construction is completed or compliance with all permit provisions is documented, whichever is later.

Subp. 5a. **Annual fee surcharges.** In addition to the fees in subpart 5, item A, a major emitter shall be charged an additional annual fee surcharge for the tons of potential emissions above the initial 100 tons that classifies it as a major emitter. The surcharge shall be in the following amount, based on the potential emissions of the criteria pollutant emitted in the greatest amount:

Table Potential Emissions (tons per year)	Surcharge
250-499	$ 450
500-999	$ 675
1,000-4,999	$ 1,015
5,000-9,999	$ 1,520
10,000 or more	$ 2,280

Subp. 6. **General permits.** The agency shall not charge ~~processing-or~~ annual fees for permits issued as a general permit under the permit rules in part 7001.0210 ~~(permit-rules)~~.

Approved by Revisor _____

REPEALER. Minnesota Rules, part 7002.0020, subparts 2, 4, 5, and 7, are repealed.

Approved
by Revisor _____

Court File No. _____

PLEADINGS REGISTER FOR

_____ v. _____

No.	Title of Pleading (Date or If Undated, Date Received.)	No.	Title of Pleading (Date, or If Undated, Date Received.)
1.	Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules to Amend Air Pollution Permit Fees (Minn. Rules Part 7002.0010-.0100) 13 S.R. 1654	18.	Resolution Adopting Rules
2.	Rules as proposed	19.	Certificate of Resolution Adopting Rules
3.	Rules as adopted	20.	Declaration of Counsel
4.	Statement of Need and Reasonableness		
5.	Fiscal Note		
6.	Certificate of Agency's Authorizing Resolution		
7.	Affidavit of Sending Notice of Proposed Rules to Chairs of House Appropriations and Senate Finance Committees		
8.	Notice of Intent to Adopt Rules Without a Public Hearing and Of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing		
9.	Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing		
10.	Order for Hearing		
11.	Notices as Published in State Register (14 S.R. 577)		
12.	Comments Received during the comment period.		
13.	Affidavit of Mailing the Notice of Intent to Adopt Rules Without a Public Hearing		
14.	Affidavit of Mailing Notice of Hearing and Notice of Intent to Cancel Hearing		
15.	Certificate of Mailing List		
16.	Mailing List		
17.	Findings of Fact, Conclusions and Order Adopting Rule Amendments		

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 Marriage and Family Therapy

Meeting Schedule of the Board of Marriage and Family Therapy

NOTICE IS HEREBY GIVEN that regular meetings of the board will be held every third Friday of the month, 10:00 A.M. to 3:00 P.M. at the Office of Social Work and Mental Health Boards Conference Room, Suite 225.

Meeting Dates:

January 20, 1989	July 21, 1989
February 17, 1989	August 18, 1989
March 17, 1989	September 15, 1989
April 21, 1989	October 20, 1989
May 19, 1989	November 17, 1989
June 16, 1989	December 15, 1989

Office of Social Work and Mental Health Boards

Meeting Schedule of the Board of Social Work

NOTICE IS HEREBY GIVEN that Regular Board Meetings will be held every first Friday of the month during 1989 as follows:

January 6	July 7
February 3	August 4
March 3	September (will be announced)
April 7	October 6
May 5	November 3
June 2	December 1

Time: 1:00 - 4:30 p.m.
Place: COLONIAL PARK OFFICE BUILDING
Room 225, Conference Room

Meetings are held in the office of Social Work and Mental Health Boards' conference room, suite 225, Colonial Park Office Building, 2700 University Ave. West, St. Paul, Minnesota 55114.

Minnesota Pollution Control Agency

Division of Air Quality

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules to Amend Air Pollution Permit Fees (*Minnesota Rules* Part 7002.0010-.0100)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to promulgate amendments to the rules which establish the fees to be paid the Agency for issuing air quality pollution control permits and enforcing these permits. The promulgation of these rules is authorized by *Minnesota Statute* section 116.07, subd. 4d (1986). This rule, in association with the Agency's enabling legislation, provides authority for the State of Minnesota to collect fees from air quality permit applicants and permittees for the purpose of reviewing, issuing and enforcing air pollution control permits.

The Agency 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 or oral statements relating specifically to the subject matter of the rule should be submitted to Mr. Joel Smith at the address and telephone number listed below. Oral comments and inquiries will be accepted by Mr. Smith during regular business hours over the telephone or in person at the Agency offices as follows:

Mr. Joel C. Smith
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota
Telephone: (612) 296-7512

Gerald L. Willet
Commissioner

Minnesota Pollution Control Agency

Outside Opinion Sought Regarding Amendments of State Water Quality Standards (*Minnesota Rules* Chapter 7050)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (agency) is seeking opinions, suggestions, and comments from sources outside the agency to assist in the preparation of proposed amendments to state water quality standards found in *Minnesota Rules* Chapter 7050. Chapter 7050 includes general standards applicable to all waters of the state, numerical water quality standards for the protection of specific beneficial uses such as swimming and fishing, effluent standards for dischargers, and a use classification system for all waters of the state.

The Clean Water Act Amendment of 1987 requires states to establish water quality standards for certain toxic substances. The guidance from the U.S. Environmental Protection Agency to states on how to meet these requirements says states can adopt numerical standards or the procedures for developing numerical standards, or both. The agency is seeking opinions on any portion of the cited rule, but is particularly interested in comments on the following changes the agency is considering to comply with the federal requirements. The issues the agency must address in these amendments are very technical. To assist the public in providing opinions, the changes the agency is considering will be followed by questions to serve as examples of issues the public may wish to comment on.

1. Procedures for developing standards for toxic substances. The agency is proposing to include a detailed procedure in the rule that will be used to set numerical water quality standards for surface waters. The procedure the agency is considering will protect fish and other aquatic organisms, the health of people who catch and eat fish, and wildlife that eat aquatic plants and animals. The range of toxic substances for which standards must be set includes common industrial chemicals such as solvents and petroleum by-products, trace metals such as lead and mercury, and pesticides such as chlordane and atrazine. Some of these substances have direct toxic effects on aquatic life (systemic), some are believed to cause cancer, and some are bioaccumulative or persistent in the environment.

Some of the specific questions or issues raised as a result of this area of rulemaking are:

a. The agency is currently mandated to control toxic pollutants in toxic amounts, but the public may wish to comment on the level of protection that the agency should try to achieve with the new standards. For example, should standards designed to protect aquatic life be set low enough to protect all species, including the most sensitive species in the aquatic community? Should standards designed to protect people that eat fish taken from Minnesota's lakes and rivers be set to protect people who eat freshwater fish on a daily basis or should standards be set to protect a more typical consumer who eats freshwater fish about once a month?

b. The agency is required to consider the economic impact of the proposed amendments but the weight given to economics is open for comment. To what extent should the standards take into account potential costs to consumers, communities, businesses and industries that must meet the standards?

c. Does the public have specific ideas as to how the economic consideration can be addressed?

2. Procedures for implementing standards for toxic substances. The agency is considering new procedures to implement the new standards. How standards are implemented can have as much effect on how protective the standards are as the process of setting the standards. Implementation includes issues such as the appropriate averaging period for standards, how often standards can be exceeded without causing significant harm to the resources being protected, and how standards are used to set effluent limitations for dischargers. The agency recognizes that these are very technical issues but the public may wish to consider these questions.

Questions for comment:

a. The averaging period for standards is the number of hours or days over which measured concentrations are averaged when the standard is applied. For example, should a standard set at a level that protects aquatic organisms throughout their life cycle be averaged over one day, four days, or some other time period? How long should the averaging period be for standards that protect human consumers of fish over a 70 year life span?

b. Should effluent limitations be set such that the standard is met downstream of a discharge at a specified low stream flow? How should this flow be determined for streams?

c. The current requirements are that no discharge, and no part of the zone in the receiving stream where a discharge mixes with the stream, can be acutely toxic. Is this an adequate level of control for toxic materials?

d. Can an allowable flow or dilution be determined for discharges to lakes? The agency's current practice is to require discharges of toxics to lakes to meet the water quality standards in the discharge in most situations.

Any person may submit data or opinions on these possible amendments or any other provisions in the cited rule. Comments may be written or oral. Any written material received in response to this notice will become a part of any rulemaking record generated in this matter.

Written comments and statements may be submitted to Mr. David Maschwitz at the address listed below:

Minnesota Pollution Control Agency
Division of Water Quality
520 Lafayette Road
St. Paul, MN 55155

Oral comments and inquiries may be directed to Mr. Maschwitz during normal business hours at the agency office or over the telephone at (612) 296-7255.

Written and oral comments will be accepted until January 31, 1989.

Gerald L. Willet
Commissioner

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.

Commodity: Software
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: December 28
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 21200 20018

Commodity: Lease—computer equipment
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: December 28
Agency: Human Services
Deliver to: Brainerd
Requisition #: 55304 08030

Commodity: Control total stations
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: December 29
Agency: MN Department of Transportation
Deliver to: St. Paul
Requisition #: 79000 92599

Commodity: Ford E 152 cargo
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: December 29
Agency: Jobs & Training Department
Deliver to: Minneapolis
Requisition #: 21607 76179

Commodity: 1989 Ford E150 124" wheel base
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: December 27
Agency: Jobs & Training Department
Deliver to: Minneapolis
Requisition #: 21607 77131

Commodity: 1988 or newer 4-door sedan
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: December 27
Agency: Jobs & Training Department
Deliver to: Minneapolis
Requisition #: 21607 75864

Commodity: Purchase of copier
Contact: Theresa Ryan 612-296-7556
Bid due date at 2pm: December 27
Agency: DNR
Deliver to: Various
Requisition #: 29005 12264

Commodity: Traffic marking paint
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: January 4
Agency: MN Transportation Department
Deliver to: Various
Requisition #: 79100 08969 etc.

Commodity: Wang upgrade
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: December 29
Agency: Employee Relations
Deliver to: St. Paul
Requisition #: 24000 95586

Commodity: Large electric lamps: fluorescent, incandescent, etc.
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: December 29
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Ford automobile, station wagon & light truck parts
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: December 29
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Walk-in cooler/freezer
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: December 30
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 04661 92207

Commodity: Ultracentrifugal scintillation system spectrophometers
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: December 30
Agency: State University
Deliver to: Bemidji
Requisition #: 26070 14001

Commodity: Robotic sampler
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: December 30
Agency: MN Department of Health
Deliver to: Minneapolis
Requisition #: 12400 29185

Commodity: System 36 software
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: December 30
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 21200 20015

Commodity: Surveying equipment
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: December 21
Agency: MN Transportation Department
Deliver to: St. Paul
Requisition #: 79000 92683

Contract Awards—Materials Management Division

Item: Library furniture
Req.#: 02310 16383 01
Awarded to: Olm Equipment Inc., Eden Prairie, MN
Awarded amount: $24,547.00
Awarded date: December 14, 1988
Expir/deliv date: March 18, 1989
Shipped to: Rochester Community College

Item: Van conversion for handicapped
Req.#: 21607 72627 01
Awarded to: Superior Ford, Minneapolis, MN
Awarded amount: $13,892.00
Awarded date: December 14, 1988
Expir/deliv date: February 13, 1989
Shipped to: Various Locations

Item: Computer software purchase (non-PC)
Req.#: 21200 19816 01
Awarded to: IBM Corp., Minneapolis, MN
Awarded amount: $382,205.00
Awarded date: December 14, 1988
Shipped to: Minnesota Department of Jobs and Training

Item: Maintenance contract equipment only
Req.#: 24000 91610 01
Awarded to: Sovran Inc., Bloomington, MN
Awarded amount: $8,820.00
Awarded date: December 14, 1988
Expir/deliv date: January 1, 1989
Shipped to: Minnesota Department of Employee Relations

Item: Service other purchased
Req.#: 43000 10360 01
Awarded to: Finish Line, Cable, WI
Awarded amount: $13,200.00
Awarded date: December 14, 1988
Expir/deliv date: December 30, 1988
Shipped to: Giants' Ridge Recreation Area

Item: Radio communications equipment: mobile/portable
Req.#: 43000 09575 02
Awarded to: Jayen Inc., Duluth, MN
Awarded amount: $7,266.00
Awarded date: December 14, 1988
Expir/deliv date: December 31, 1988
Shipped to: Giant's Ridge Recreation Area

Official Notices

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Board of Marriage and Family Therapy

Meeting Schedule of the Board of Marriage and Family Therapy

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June 16, 1989	December 15, 1989

Office of Social Work and Mental Health Boards

Meeting Schedule of the Board of Social Work

NOTICE IS HEREBY GIVEN that Regular Board Meetings will be held every first Friday of the month during 1989 as follows:

January 6	July 7
February 3	August 4
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May 5	November 3
June 2	December 1

Time: 1:00 - 4:30 p.m.
Place: COLONIAL PARK OFFICE BUILDING
Room 225, Conference Room

Meetings are held in the office of Social Work and Mental Health Boards' conference room, suite 225, Colonial Park Office Building, 2700 University Ave. West, St. Paul, Minnesota 55114.

Minnesota Pollution Control Agency

Division of Air Quality

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules to Amend Air Pollution Permit Fees (*Minnesota Rules* Part 7002.0010-.0100)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to promulgate amendments to the rules which establish the fees to be paid the Agency for issuing air quality pollution control permits and enforcing these permits. The promulgation of these rules is authorized by *Minnesota Statute* section 116.07, subd. 4d (1986). This rule, in association with the Agency's enabling legislation, provides authority for the State of Minnesota to collect fees from air quality permit applicants and permittees for the purpose of reviewing, issuing and enforcing air pollution control permits.

The Agency 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 or oral statements relating specifically to the subject matter of the rule should be submitted to Mr. Joel Smith at the address and telephone number listed below. Oral comments and inquiries will be accepted by Mr. Smith during regular business hours over the telephone or in person at the Agency offices as follows:

Mr. Joel C. Smith
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota
Telephone: (612) 296-7512

Gerald L. Willet
Commissioner

Minnesota Pollution Control Agency

Outside Opinion Sought Regarding Amendments of State Water Quality Standards (*Minnesota Rules* Chapter 7050)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (agency) is seeking opinions, suggestions, and comments from sources outside the agency to assist in the preparation of proposed amendments to state water quality standards found in *Minnesota Rules* Chapter 7050. Chapter 7050 includes general standards applicable to all waters of the state, numerical water quality standards for the protection of specific beneficial uses such as swimming and fishing, effluent standards for dischargers, and a use classification system for all waters of the state.

The Clean Water Act Amendment of 1987 requires states to establish water quality standards for certain toxic substances. The guidance from the U.S. Environmental Protection Agency to states on how to meet these requirements says states can adopt numerical standards or the procedures for developing numerical standards, or both. The agency is seeking opinions on any portion of the cited rule, but is particularly interested in comments on the following changes the agency is considering to comply with the federal requirements. The issues the agency must address in these amendments are very technical. To assist the public in providing opinions, the changes the agency is considering will be followed by questions to serve as examples of issues the public may wish to comment on.

1. Procedures for developing standards for toxic substances. The agency is proposing to include a detailed procedure in the rule that will be used to set numerical water quality standards for surface waters. The procedure the agency is considering will protect fish and other aquatic organisms, the health of people who catch and eat fish, and wildlife that eat aquatic plants and animals. The range of toxic substances for which standards must be set includes common industrial chemicals such as solvents and petroleum by-products, trace metals such as lead and mercury, and pesticides such as chlordane and atrazine. Some of these substances have direct toxic effects on aquatic life (systemic), some are believed to cause cancer, and some are bioaccumulative or persistent in the environment.

Some of the specific questions or issues raised as a result of this area of rulemaking are:

a. The agency is currently mandated to control toxic pollutants in toxic amounts, but the public may wish to comment on the level of protection that the agency should try to achieve with the new standards. For example, should standards designed to protect aquatic life be set low enough to protect all species, including the most sensitive species in the aquatic community? Should standards designed to protect people that eat fish taken from Minnesota's lakes and rivers be set to protect people who eat freshwater fish on a daily basis or should standards be set to protect a more typical consumer who eats freshwater fish about once a month.

b. The agency is required to consider the economic impact of the proposed amendments but the weight given to economics is open for comment. To what extent should the standards take into account potential costs to consumers, communities, businesses and industries that must meet the standards?

c. Does the public have specific ideas as to how the economic consideration can be addressed.

2. Procedures for implementing standards for toxic substances. The agency is considering new procedures to implement the new standards. How standards are implemented can have as much effect on how protective the standards are as the process of setting the standards. Implementation includes issues such as the appropriate averaging period for standards, how often standards can be exceeded without causing significant harm to the resources being protected, and how standards are used to set effluent limitations for dischargers. The agency recognizes that these are very technical issues but the public may wish to consider these questions.

Questions for comment:

a. The averaging period for standards is the number of hours or days over which measured concentrations are averaged when the standard is applied. For example, should a standard set at a level that protects aquatic organisms throughout their life cycle be averaged over one day, four days, or some other time period? How long should the averaging period be for standards that protect human consumers of fish over a 70 year life span?

Office of the Revisor of Statutes
Administrative Rules

Carla M. Riehle
Assistant Revisor
297-2948

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

August 23, 1989

RECEIVED
AUG 25 1989
Minnesota Pollution Control Agency
Division of Air Quality

Ms. Libbie Henderson
Pollution Control Agency
Division of Air Quality
520 Lafayette Road
St. Paul, MN 55155

RE: File No. 1539

Dear Libbie:

I am enclosing six copies of your rules, approved as to form.
Please submit two copies to the State Register for publication.

If you have any questions, please call me.

Very truly yours,

Carla M. Riehle

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing Air Quality Permit Fees, Minn. Rules Part 7002.0100

STATEMENT OF NEED AND REASONABLENESS

I. Introduction

The Minnesota Pollution Control Agency (Agency) was required by the 1985 Minnesota Legislature to adopt rules for the establishment and collection of permit fees to cover the reasonable costs of reviewing and acting upon permit applications and for implementing and enforcing conditions of Agency permits. Pursuant to this mandate, the Agency has adopted Minn. Rules pts. 7002.0010 to 7002.0110, rules relating to air quality permit fees. These rules became effective on January 21, 1986.

Since the adoption of the original rules in 1985, the rules have been revised to reflect the amounts appropriated by the Legislature to be collected as fees and appropriated to the Special Revenue Fund. The 1988-89 biennium appropriation was $831,383 for the Air Quality Division. The 1989 Legislature has appropriated an additional $436,617 (not including salary supplement) to the Special Revenue Fund to be collected as fees to support Division of Air Quality change levels approved for the 1990-1991 biennium. These appropriations reflect legislative recognition of the needs of the Agency for additional personnel and activities. The fees will be used by the Agency to hire additional personnel and conduct activities that will enable the Division of Air Quality to carry out its duties as prescribed by

the Minnesota Legislature. To raise the funds required, the Agency is proposing to amend the permit fee rules. At the same time, the Agency proposes to restructure the permit fee rule to achieve a more equitable distribution of payments.

As a result of the proposed restructuring, fees charged to some permittees and for some activities will increase while others may decrease. The overall result will be an increase in total fees collected.

A part of the administrative requirement involved in adopting these rules is the review and approval of the fee schedule by the Minnesota Commissioner of Finance. Pursuant to Minn. Stat. § 16A.128, subd. 1a (1988), this approval is included as Exhibit 1 to this document.

A technical advisory committee (TAC) was formed in January 1989, to work with Agency staff on the proposed rule amendments. The TAC was made up of representatives of regulated industry, Agency staff, a representative of the municipal league, and a representative of an environmental organization (refer to Exhibit 6). Four TAC meetings were held between January and April of this year. Proposed rule amendments were discussed in detail with the TAC and their input and comments were taken into account in many areas of the proposed rule amendments.

II. STATEMENT OF THE AGENCY'S STATUTORY AUTHORITY

The Agency's statutory authority is set forth in Minn. Stat. 116.07, subd 4.d. (1988), which provides:

> The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of

> reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under section 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision. Any money collected under this subdivision shall be deposited in the special revenue fund.

The Agency adopted Minn. Rules pts. 7002.0010 to 7002.0110 in accordance with Minn. Stat. § 16A.128 (1988), as required by the above-quoted statute. Subdivision 1a of that statute requires fees to be reviewed and, if necessary, adjusted. The statute provides, in relevant part:

> These fees must be reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees must be set or fee adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function.

Under these statutes the Agency has the necessary statutory authority to adopt the proposed rule amendments.

III. STATEMENT OF NEED

Minn. Stat., §§ 14.131, 14.14, subd. 2, 14.23 and 14.26 (1988) require the Agency to make an affirmative presentation of facts establishing the need for and the reasonableness of the proposed rule amendments. 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.

The 1989 Legislature appropriated $651,100 for the Fiscal Year 1990 and $658,200 for the Fiscal Year 1991 or $1,309,300 for the 1990-1991 Biennium in direct salary, fringe benefit costs, estimated salary supplement and indirect costs from the Special Revenue Fund for Permit Fees to the Agency's Division of Air Quality. Conference Committee Report on H.F. No. 372 Sec. 23, subd. 3. The derivation of these numbers is detailed in the following discussion.

The 1989 Legislature approporiated $608,000 for Fiscal Year 1990 and $604,000 for FY 1991 to the Divison of Air Quality from the Special Revenue fund (Minn. Laws, 1989, chapter 335, article 1, sec. 23, subd. 3). Of this amount $75,000 is paid each year by the Metropolitan Airport Commission for activities related to noise monitoring. This leaves $533,000 for FY90 and $529,000 for FY91, that the Division of Air Quality must collect.

In addition to the appropriation noted above, the Agency was appropriated $573,000 for each of the years for general support (page 2735, ibid.). The appropriation is divided up among the different divisions in the Agency. The Division of Air Quality's share is $103,000 for each year.

Finally, the Legislature does not attempt to anticipate the salary and fringe increases being concurrently negotiated between the State and Collective Bargaining Units. Instead, the Legislature establishes an open appropriation to account for the future salary and fringe benefit increases. Collective

bargaining agreements have only recently been negotiated and are still being executed. Therefore, the actual salary increases were not able to be included in budgeting for these proposed fee amendments. However, the Agency reviewed the past four years of salary increases and determined that the average salary and fringe benefit increases have been slightly over six percent. This amount appears to be consistent with the collective bargaining settlements completed to date. Therefore, the Agency includes a salary supplement of $41,300 for the Division of Air Quality for the 1990-1991 Biennium, based on the authority of the Salary Supplement appropriation, to be funded through the collection made from the Special Revenue Fund for Permit Fees. Based on other budgetary items, this amount is divided into $15,000 for FY90 and $26,000 for FY91.

The table below summarizes the appropriations and permit fee collection requirements:

	FY 1990	FY 1991	BIENNIUM
APPROPRIATION			
Division of Air Quality	$608,000	$604,000	$1,212,000
(less Airport Noise)	($75,000)	($75,000)	($150,000)
Total	$533,000	$529,000	$1,062,000
Agency General Support	$103,000	$103,000	$206,000
Salary Supplement	$15,000	$26,000	$41,300
Revenues needed	$651,100	$658,200	$1,309,300

In FY88, the Divison of Air Quality collected $362,333 in fees, and in FY89, approximately $413,000 was collected. It is clear from these numbers that an increase in fees is necessary to collect the required, appropriated amount.

IV. STATEMENT OF REASONABLENESS

The Agency is required by Minn. Stat. ch. 14 (1988) 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 rules is discussed below.

A. Reasonableness of the Rules as a Whole

The Agency proposes to amend Minn. Rules pts. 7002.0010 to 7002.0100, by restructuring the existing fee system in order to distribute fees more fairly among permittees while also increasing total fee collections to that level established by the legislature (see part III). The proposed restructuring of the fee system responds to requests made by the parties which contested the Agency's proposed fee increases in 1987 and the instructions of the hearing officer who conducted the hearings. See reports of the Administrative and Chief Administrative Law Judges, October 27, 1987, October 30, 1987, and February 1, 1988, attached as Exhibits 2, 3, and 4.

The demand for regulatory resources increases with the complexity of each source of air pollution. The complexity of a stationary source is related to amount of pollutants, numbers of pollutants and number of emission points. The proposed rules redistribute fees more equitably among sources of air pollution to reflect the effort required to issue permits and enforce permit conditions. The fees that will be collected after the

proposed rule amendments are detailed in "Air Quality Fee Determination", included in Exhibit 5.

B. Reasonableness of Individual Rules

The following discussion addresses the specific provisions of the proposed rule amendments.

Part 7002.0010 SCOPE

This proposed rule sets forth the scope of applicability of the air quality pemit fee rules. The amendment makes the fee rules applicable to all air emission facilities and indirect sources which require air emission or indirect source permits from the Agency. The amendment is reasonable because it clarifies the scope of the current rule. The current rule applies to the same air pollution sources as the amended rule, but references these sources indirectly by citing exemptions from certain procedural requirements in obtaining a permit, rather than the requirement to obtain a permit.

Part 7002.0020 DEFINITIONS

This proposed rule sets forth the definition of terms used within the rules. Definitions proposed for change or addition in this rulemaking are discussed below.

Subp. 1.a. This new subpart references all other definitions that apply to the fee rules. The addition of this subpart is reasonable because many complex terms are involved in air pollution regulation which have been defined in other air quality rules. It is a duplication of effort to repeat such definitions

in this part. However, this new subpart ensures that all these defined terms are used consistently.

As a result of the inclusion of this subpart, some definitions are proposed to be repealed. These are "Agency", which is defined in Minn. Rules pt. 7005.0100, subp. 2; "Commissioner", which is defined in Minn. Rules pt. 7005.0100, subp. 4.b; "Indirect Source", which is defined in Minn. Rules pt. 7001.1260, subp. 5; and "Non-attainment area", which is defined in Minn. Rules pt. 7005.3030, subp. 10. All of these references are included by reference in the proposed new subpart 1.a.

Subp. 2. Administrative Amendment. This definition is added in order to identify a type of permit amendment which is not for a physical change in equipment or emissions. This includes such actions as changes in ownership, changes in descriptions, and correction of errors pursuant to Minn. Rules pt. 7001.1090, subps. 2 and 3. The fees for this type of change are less than other more substantive amendments because changes soley as to ownership and control, or minor modification (as defined by Minn. Rules pt. 7001.0190, subp. 3) do not require the same amount of effort as other changes. However it is reasonable to identify these activities by defining this type of permit amendment and charge the applicant fees for staff time required to perform such changes.

Subp. 6. Major emitter. "Major emitter" is defined as a stationary source which has the potential to emit greater than 100 tons per year of any single criteria pollutant. The changes

in this definition correspond to changes in nomenclature made in amendments to the air emission permit rules in 1989. The changes also clarify the term with regard to the applicability of certain permit fees.

The previous definition, which defined "major emission facility" created ambiguity in the application of the permit fee rules. The term "emission facility" could apply either to an entire industrial facility or only one set of equipment. To correct this ambiguity, the term "stationary source" (defined in pt. 7005.0100, subp. 42.c.), which refers to the complete industrial facility, was added to the state air pollution control rules in a recent rulemaking process. However, the ambiguous term "emission facility" remained in the fee rules.

The term "emitter" is now proposed for use in the fee rules rather than "stationary source", because the term "major stationary source" has a meaning in state and federal rules that varies depending on type, size and location of the stationary source, and could leave the applicable permit fees confusing and inconsistent. Therefore, it is reasonable to use the term "emitter", not otherwise defined, to avoid confusion.

The definition also has been expanded to apply the term "major" to all criteria pollutants. Previously it applied to only total suspended particulates (TSP) and sulfur dioxide (SO_2). Comments were received in previous rulemaking activities that this was not equitable because it assumed a greater impact due to 2 criteria pollutants over other criteria pollutants defined by Minn. Rules pt. 7005.0100 subp. 8.a., including carbon monoxide

(CO), nitrogen oxides (NO_x), and volatile organic compounds (VOCs) as well as TSP and SO_2. In general, all air emission rules are becoming more strict with respect to all pollutants. It is therefore reasonable to include major emitters of all criteria pollutants in the definition of "major emitters" because permit development and enforcement has become more costly for all major emitters, not just for TSP and SO_2 emitters. Agency staff agree that it is inappropriate to continue this differentation and therefore propose to remove it.

This change in applicability of a "major emitter" to include emitters of all criteria pollutants is one of the amendments which will result in a significant restructuring of fee charges. The number of "major emitters" was previously very limited and is greatly expanded by this change.

Subp. 7. Non-criteria pollutant. This term is added and means any pollutant which is not a criteria pollutant and which may be injurious to human health. Criteria pollutants are defined by 7005.0100, subp. 8a. It is reasonable to define these pollutants because emissions of non-criteria pollutants result in additional permitting requirements and regulatory activities, for which a fee will be assessed.

Subp. 8. Non-major emitter. The term "non-major emitter" is proposed for addition and refers to those stationary sources which are not major emitters. Non-major emitters are small sources of air pollution and as such are required to pay smaller fees than major emitters in this regulation, and are not subject

to as many rules and regulations as major emitters. Therefore it is reasonable to identify these emitters in a definition.

The phrase "other than a major" was used previously throughout the body of the air quality fee rules. This definition is reasonable because it avoids cumbersome language throughout the rule.

Part 7002.0030 FEE DETERMINATION

The amendment clarifies that the Agency does not notify the permittee of the amount and due date of application fees, but only for processing and annual fees, and clarifies that application fees are due when an application is submitted to the Agency. The amendment is reasonable because it prevents confusion about when the permittee is obligated to pay the application fee.

Part 7005.0050 APPLICATION FEE.

The applicability of the application fee is clarified. The language is changed to insure that an application fee is required for any activity that may result in a permit action, including administrative amendments, and modifications to permits. This amendment is reasonable because it establishes the same due date for application fees for modifications and administrative amendments to permits that exists for application fees for permits in the current rule.

Part 7002.0060 PROCESSING AND COMPLIANCE DEMONSTRATION FEES.

Language is modified in this part to reflect changes in the fee structure and to reflect actual billing practices. The fee structure is proposed to be modified in these rule amendments to part 7002.0100 to include compliance demonstration fees as well as processing fees. Compliance demonstration fees are similar to processing fees in that they occur on a one-time basis, as opposed to annual fees which recurr on a known and predictable basis (annually). It is therefore reasonable to expand this part to include them.

Billings for processing and compliance demonstration fees occur on a monthly basis. At the beginning of each month, the Agency generates invoices for those activities that occurred in the previous month. This approach has evolved as Agency staff have instituted the fee program. It is reasonable that the rule be amended so that fees are not due until after invoices are issued because the rule will accurately reflect Agency practice and there will be no doubt about exactly when the permittee is to pay the applicable fee.

The amendment also clarifies the applicability of subpart 2 of this rule, which discusses small businesses, to indirect source permittees. Indirect source permits issued to small businesses will not generally have a term because the permit applies to construction only. Therefore it is reasonable to apply this provision to indirect source permits based on the length of construction unless a term of the permit is stated.

Part 7002.0100 AIR QUALITY PERMIT FEE SCHEDULE

Subp. 2. Application Fee. The original application fee was $50. When the fee rules were amended in 1987/88, they increased all fees proportionally. This resulted in an application fee of $80. With the proposed restructuring of fees, it is possible to return that fee to $50 and still achieve the revenue generation required by the legislature for the 1990-91 biennium. The application fee is largely a mechanism to prevent frivolous applications. A $50 fee is sufficient for this purpose. It is therefore reasonable to reduce the fee to that level.

Subp. 3. Basic processing fees. This existing rule sets out a schedule of fees for processing permit applications including construction/reconstruction, modifications, or reissuance of permits. The current rule identifies seven categories of fees. These categories are maintained. The proposed amendments alter the fees charged for each of the seven activities and add three new activities for which fees will be charged. The existing and proposed fees in this rule amendment are based on the relative difficulty of reviewing, issuing and enforcing permit conditions in combination with the revenue generation requirements of the legislature. The larger and more complex facilities are required to pay a higher fee because the Agency expends more effort regulating them. New sources require higher fees than existing sources because regulation of new sources requires more effort because there is no known information about the source.

The proposed fees are changed in three ways: 1) many are reduced to levels close to those as originally applied in 1985, 2) some changes are made to address inadequacies in that original rule; and 3) some new categories are added.

Some fees can be reduced due to the additional revenue generated by restructuring the fee rules in this amendment. The restructuring results in more stationary sources paying major emitter fees through the expansion of the "major emitter" category to include emitters of all criteria pollutants.

Fees for non-major emitters were too low when compared to the activities the staff is required to perform. The basic effort required in any permitting activity, even if for a non-major emitter, must be reflected in the fee. Therefore in the restructuring of fees, it is reasonable not to significantly reduce fees for non-major emitters. Non-major basic fees are proposed at a level that is approximately 50 percent of major basic fees, which resulted in slight increases in some categories. The proposed amendments do not significantly raise fees for non-major emitters.

The proposed amendments add fees for modification of indirect source permits, administrative amendments, and general permits. Because permittees regularly request these permit activities and because these activities require Agency staff time to perform, it is reasonable to charge fees for them. The fees for adminstrative amendments and general permits are much lower than other basic processing fees, but are added to reflect that Agency staff do expend some effort to process these applications.

The amendment also specifies that if modification of a major or non-major emitter is sought at the same time as reissuance of the permit, the Agency waives the modification fee. This is reasonable because in this situation the modification and reissuance can be handled in one permit activity by Agency staff and therefore the emitter need not be assessed two fees.

Subp. 3a. Basic processing fee surcharges. Provisions of this rule set forth a schedule of additional fees to be paid by major emitters that emit a criteria pollutant in excess of 250 tons per year. A major emitter is any stationary source that emits greater than 100 tons per year. The 100 to 250 ton per year category is not subject to the basic processing fee surcharge. The rule amendments propose a graduated scale for surcharges, above the basic fees, according to the type of permit action and the amount of criteria pollutants emitted. The surcharge is based on the criteria pollutant emitted in the greatest volume. This is reasonable because it clarifies how the classification is made and is equitable to all emitters.

Larger sources have a greater impact on air quality and are more complex (either having more emission points or multiple pollutants) requiring more time for permit reviews and enforcement activities. Therefore, it is reasonable that such sources pay a correspondingly higher fee to account for their share of the activities required. The structure of fee surcharges established here is carried on throughout the proposed rule amendments. This proposed structure was established in

response to concerns of the regulated community that due to the lack of such a structure, small facilities were paying a disproportionately large share of fees. The Agency has therefore established categories which both reflect levels where the Agency's permitting and enforcement efforts increase and reflect a manageable number of categories for Agency fee billing purposes and other administrative purposes.

When such categorization is introduced, facilities will have an incentive to maintain emission levels within certain categories in order to reduce fees. This already occurs with the existing major/non-major cutoff level of 100 tons per year.

Agency staff have estimated the number of facilities that will fall into these various categories as follows:

Category	Tons per year	Approximate Number of facilities
Non-major	<100	220
Major	100 - 250	130
	250 - 500	100
	500 - 1000	80
	1000 - 5000	70
	5000 - 10,000	15
	>10,000	10

Upon advice of the technical advisory committee, the Agency has determined that a cap on increasing fees with the size of a facility was appropriate. This is true because after a certain point, the increase in level of emissions no longer increases to the complexity of permitting a major emitter. The 10,000 ton per year maximum category is therefore reasonable.

Subp. 4. Additional processing fees. This rule provides additional fees for facilities that require additional work due to the applicability of various federal and state regulatory programs. Federal programs include Prevention of Significant Deterioration, New Source Performance Standards, and Nonattainment review. The rule also assesses fees for facilities that require Agency permitting and enforcement for non-criteria pollutant emissions, that require the performance of air quality dispersion modeling, and for Indirect Source modifications. This rule is reasonable because these facilities require additional staff time to assure compliance with all applicable regulations.

The proposed revisions maintain the basic set of categories for fees in this area. Changes have been made to update the fees to reflect current effort expanded for each category.

Item A charges fees for permits subject to rules applicable to major construction or modification in non-attainment areas. The language is updated to reflect the 1989 adoption of Minn. Rules pts. 7005.3010 to 7005.3060, which apply to such permits.

Fees for permits subject to non-attainment regulations and Prevention of Significant Deterioration (PSD) regulations are raised significantly to more realistically reflect the amount of time required to complete such a permitting process. Such permits require 6 months to 1 year to complete and can require significant staff time. It is reasonable to raise the fee significantly to reflect the large effort involved in review of permits for these facilities.

The applicability of fees for federal new source performance standards (NSPS) is clarified by applying the fee whenever an individual NSPS is applicable. Federal NSPS are required to be implemented by the Agency through its state permitting and enforcment program. The NSPS regulations are issued on the basis of industry type. Each subpart regulates a different industrial category and has different requirements that must be implemented by the Agency. For instance, a kraft pulp paper mill and an industrial boiler have different NSPS requirements. At this time there are approximately 60 NSPS subparts. Therefore it is reasonable to charge an additional processing fee for each applicable NSPS.

The fee for a best available control technology (BACT) review is removed in the proposed amendments because BACT is required only when PSD review is required. Therefore the PSD fee increase includes the fee to review the BACT analysis.

The fee for evaluation of non-criteria pollutants is not changed, but has been reworded to reflect the definition of non-criteria pollutant added to Minn. Rules pt. 7002.0020.

The fee for dispersion modeling is changed so that it is assessed only when the dispersion modeling is not regularly conducted under another permitting process for which a fee is charged. Dispersion modeling is regularly conducted for non-attainment, PSD, and non-criteria pollutant reviews. A dispersion modeling fee will not be charged if charges for those other reviews already apply and is incorporated into the fee increase for those types of permitting activities. This is

reasonable because it prevents a double fee for the same activity.

Fees for performance test reviews have been removed from this section because they are established in new subparts 4b and 4c.

Subp. 4a. Additional processing fee surcharges. This rule identifies fees to be paid for more complex facilities. These are facilities which emit more than one air pollutant subject to additional permit processing requirements or have more than one piece of equipment which must undergo a particular additional permit review. Each pollutant emitted by a facility, or each additional piece of equipment, requires additional review and permitting activities so it is reasonable to request such facilities to pay an additional fee for the increased work required to review the permit and assure compliance with the permit conditions. This is also reasonable because it results in a more equitable fee structure by requiring stationary sources which require more effort from the Agency to pay higher fees, while stationary sources that do not require such additional review are not subject to these fees.

Subp. 4b. Compliance demonstration fees. The current fee rule assesses fees for performance testing. Over time, however, it has become clear to Agency staff that the determination of compliance with applicable rules and regulations through testing and monitoring of air emissions is of increasing importance and requires increasing staff time. The legislature confirmed the

importance of these activities in its last session by providing additional staff resources to be dedicated to the audit and verification program.

Because not every facility is required to conduct such tests, because test complexity varies with the facility, and because staff time is required to review and evaluate the test results, it is reasonable to charge a fee for the costs of this work by the Agency specifically to the facilities undergoing the testing.

Further, during the last four years of implementation of these rules it has become clear that more clarification of what these fees apply to and when they apply is necessary. For example, testing can occur as a result of a permit issuance, which could require testing once every two years or as a result of an inspection, where an inspector notes a potential violation. When a test is required, Agency staff meet with the permittee and independent testing firm to define the test conditions. Agency staff observe tests and review test results.

In some cases compliance is determined through the use of continuous emission monitors. Such monitors must be certified and Agency staff must review and confirm the certification procedures and results.

Therefore, due to the conditions discussed above, it is reasonable to separate and expand the fee rules to include a separate compliance demonstration fee subpart.

The proposed fees are set for basic testing procedures or certification of continuous emission monitors (CEMs) according to

required state and federal procedures. Fees are varied based on the complexity of the activity and number of tests taking place.

The major activity performed by the Agency is review of the test results. This review determines if testing was done properly and what the compliance status is. It is therefore reasonable to charge the fee at the time of completion of the test review by Agency staff.

Following the advice of the technical advisory committee a separate, reduced fee is proposed for a Method 9 visible emission evaluation. This type of test is done by a qualified person observing a plume and determining its opacity of a three hour period. Review of such a test differs significantly from other more complex physical and chemical testing procedures due to the simple observatory nature of the test. Therefore, it is reasonable to charge a smaller fee to reflect the lesser work involved in test review.

Tests, other than visible emissions evaluations, generally involve the physical extraction of exhaust gases from a process exhaust stack. The process of extraction of the exhaust gases is a major component of testing and test review. Therefore, it is reasonable to charge a separate fee for each stack tested.

Similarly, with a continuous emission monitor, each monitor must be individually certified. Therefore it is reasonable to charge a separate fee for each monitor.

Subp. 4c. Compliance demonstration fee surcharges. In conjunction with the compliance testing activities discussed in

subpart 4b, some facilities have more than one piece of equipment involved in the test of a single stack, more than one pollutant being tested, and potentially use several methods for testing. For instance, two dryers can be exhausted through one stack, and the gas may be tested for particulates and sulfur dioxide. This requires review of the operating parameters of both dryers, and requires two testing procedures. Such tests require additional staff time for observation and review which adds to the costs of the work being done by the Agency. Therefore, it is reasonable to charge additional fees for the added costs to conduct this work.

Subp. 5. Annual fees. This rule identifies fees to be paid annually for major emitters, non-major emitters, and indirect sources required to obtain permits. It is reasonable to charge annual fees for the work done each year to assure compliance with the permits and air pollution control regulations. Such fees are required by the existing rule. Activities conducted on an annual or continuous basis include emission inventories, inspections, enforcement activities, development of rules, and air quality monitoring. As these activities occur on a continuous or annual basis, or are applicable to all air emitters in a general sense and not to one specifically, it is reasonable to charge annual fees. Because the level of effort associated with many of these activities increases with the size of the stationary source, it is reasonable to charge different fees based on the size and type of stationary sources.

The proposed revisions result in a significant lowering of these fees for many permittees. This is again the result of the restructuring activities included in these revisions, through the definition of a major emitter, to include all criteria pollutants.

The rule amendments also clarify when the potential to emit of a stationary source will be determined for the purposes of determining the annual fee. The rule proposes to evaluate the potential to emit of the stationary source on January 1 of the year for which the fee is charged. In the past, if a stationary source expanded or decreased its activities it was not clear what effect, if any, this would have on the annual fee. Therefore, it is reasonable to propose this clarification.

In order to avoid confusion, the proposed rule amendments address seasonal facilities specifically. It is possible for a seasonal facility to interpret the January 1 date as implying that seasonal facilities, not actually in operation on January 1, would be exempted from annual fees. This is not true because of the definition of potential to emit is contained in Minn. Rules pt. 7005.0100, subp. 35.a. Under that definition, the potential to emit is an intrinsic characteristic of any equipment that may emit air pollutants. It is not dependent on its actual operation at a point in time. The hours of operation may be considered in determining its annual emissions, but the potential exists at all times, even if the source cannot operate on January 1. Therefore, seasonal facilities are not exempted by the proposed

language and it is reasonable to include language clarifying the point to avoid misinterpretation.

The proposed rule amendments add annual fees for indirect source permits. Indirect sources are subject to permit conditions that must be enforced and monitored in the same way as other facility permits. Therefore it is consistent and reasonable to charge annual fees for indirect source permits. However, since indirect source permits only apply to the construction period, or until compliance is documented as required by the permit, it is reasonable to charge annual fees only for that period of time.

Subp. 5a. Annual fee surcharges. This rule identifies additional fees for sources with a potential to emit more than 250 tons per year of air pollutants. Again, the larger sources require more work to regulate and therefore, it is reasonable that they pay a correspondingly larger fee for the work done by the Agency. The same categorization is used as was discussed under subp. 3.a.

Subp. 6. General Permits. Subpart 3. Item J. of Minn. Rules pt. 7002.0100 requires general permittees to pay a permit processing fee. It is therefore reasonable to amend this subpart (6) to reflect that proposed amendment.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1988) 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 rules may affect small businesses as defined Minn. Stat. § 14.115 (1988). As a result, the Agency has considered the above-listed methods for reducing the impact of the rule on small businesses. Permit fees for small businesses were established in the existing rules at a level proportionate to their air emissions. Most small businesses are minor sources of air pollution, and therefore the fees are considerably less than those for the major sources. This differentiation in fees between minor and major sources will remain substantially the same under the proposed fee revisions.

Small business that qualify for general permits are not required to pay annual fees by the current rule. This situation is not changed by the proposed rule. A minimal permit processing fee ($75) is added by this rule for general permits. The fee should not represent a significant burden to small sources.

VI. CONSIDERATION OF ECONOMIC FACTORS

In exercising its powers, the Agency is required by Minn. Stat. § 116.07, subd. 6 (1988) to give due consideration to economic factors. The statute provides:

> In exercising all its powers the pollution control agency shall give due consideration to the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom, and shall take or provide for such action as may be reasonable, feasible, and practical under the circumstances.

In proposing the rule amendments, the Agency has given due consideration to available information as to any economic impacts the proposed rules would have. The Agency collects annual fees from approximately 600 air emission facilities each year. Annual fees will amount to approximately 70 percent or $916,500 of the $1,309,300 total special revenue appropriation for the 1990-1991 State Biennium. The remaining $392,800 for the Biennium will come from various other fees associated with approximately 220 permit actions and 170 compliance demonstrations to be conducted over the Biennium. While the Agency has considered the economic impacts of the proposed rules, it does not have the option of

eliminating them in light of the Legislature's requirement to collect additional fees.

VII. CONCLUSION

Based on the foregoing, the proposed amendments to Minn. Rules pts. 7002.0100 to 7002.0100 (1989) are both needed and reasonable.

DATED: August 11, 1989

Barbara Lindsey Sims
for Gerald L. Willet
Commissioner

Exhibit 1

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MPCA DAQ

DATE : August 3, 1989

TO : Thomas Triplett, Commissioner
Department of Finance

FROM : Gerald L. Willet, Commissioner
Pollution Control Agency

PHONE : 296-7301

SUBJECT : FEE SCHEDULE APPROVAL FOR THE DIVISION OF AIR QUALITY

In accordance with M.S. 16A.128, the fee schedule for the Minnesota Pollution Control Agency's proposed amendments to air quality fee rules is submitted for your review and approval. The attached sheets show the proposed fees, the expected revenues and the required revenues. Please note that the projected revenues slightly exceed the required revenues. The reason for the difference is that we do not know the exact number of permits we will issue and we have to estimate their numbers. For example, if we have underestimated by just one major source the number of applications we will receive can result in a shortfall of several thousand dollars.

Approval to begin rulemaking procedures is expected from the Agency Board at its August 22, 1989, meeting. We request your review and written approval be done at your earliest convenience so that we can proceed with the rule making process. If you have any questions please call Joel C. Smith of the Division of Air Quality at 296-7512, or Ms. Henderson of my staff at 296-7554.

GLW/lmh

Approved

B.J. Reddemann, Director
Budget Operations & Support

AIR QUALITY FEE DETERMINATION - 1989 RULE AMENDMENTS

ACTIVITIES	COST PER ACTIVITY $	PROJECTED NUMBER OF ACTIVITIES AVG-FY90/91	PROJECTED FEES COLLECTED AVG-FY90/91
APPLICATION FEES	50	200	10,000
PERMIT PROCESSING FEES:			
Construct Indirect Source	1000	12	12,000
Construct/Recon. Major - Basic	1000	3	3,000
Surcharges - 250-500	500	1	500
500-1000	750	1	750
1000-5000	1125	0	0
5000-10,000	1500	0	0
>10,000	2500	0	0
Construct/Recon. Non-Major	500	10	5,000
Modify Indirect Source	175	5	875
Modify Major - Basic	350	20	7,000
Surcharges - 250-500	175	5	875
500-1000	260	4	1,040
1000-5000	395	3	1,185
5000-10,000	590	1	590
>10,000	895	1	895
Modify Non-Major	175	10	1,750
Reissue Major	550	40	22,000
Surcharges - 250-500	275	10	2,750
500-1000	415	8	3,320
1000-5000	625	7	4,375
5000-10,000	935	2	1,870
>10,000	1400	1	1,400
Reissue Non-major	225	50	11,250
General Permits	75	30	2,250
Administrative Amendments	50	40	2,000
Sub-Total			86,675
ADDITIONAL PROCESSING FEES			
Non-Attainment Area - Basic	2500	2	5,000
Surcharges - add. pollutants	250	0	0
PSD - Basic	2500	5	12,500
Surcharges - add. pollutants	250	5	1,250
NSPS - Basic	125	20	2,500
Surcharges - add. facilities	25	10	250
add. pollutants	25	10	250
Non-Criteria Emissions - Basic	400	20	8,000
Surcharges - add. pollutants	75	80	6,000
Dispersion Modeling - Basic	400	3	1,200
Surcharges - add. pollutants	75	0	0
Indirect Soure	500	3	1,500
Sub-total			38,450
COMPLIANCE DEMONSTRATION FEES			
Visible Emissions Eval. - Basic	75	50	3,750
Surcharges - add. units	25	25	625
Performance Tests - Basic	475	100	47,500
Surcharges - add. ref. methods	100	100	10,000
add. units	100	100	10,000

Approved 8-8-89
B.J. Reidemann, Director
Budget Operations & Support

CEM's - Basic		475	20	9,500
Surcharges - add. pollutants		100	10	1,000
Sub-Total				82,375
Total Non-annual Fees				217,500
ANNUAL FEES:				
Major - Basic		450	405	182,250
Surcharges - 250-500	450		100	45,000
500-1000	675		80	54,000
1000-5000	1015		70	71,050
5000-10,000	1520		15	22,800
>10,000	2280		10	22,800
Non-Major		225	220	49,500
Indirect Source Permits		450	1	450
Total Annual Fees				447,850
TOTAL FEES				665,350

Approved B.J. Reddemann 8-8-85

B.J. Reddemann, Director
Budget Operations & Support

PCA-88-002-BC
2-2200-1702-1

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed
Amendments to Rules Governing
Air Quality Permit Fees,
Minn. Rules part 7002.0100.

REPORT OF THE
ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for hearing before Bruce D. Campbell, Administrative Law Judge, at 9:30 A.M. on September 1, 1987, in the Board Room of the Minnesota Pollution Control Agency at 520 Lafayette Road, St. Paul, Minnesota.

This Report is part of a rulemaking proceeding held pursuant to Minn. Stat. §§ 14.01 through 14.28 (1986), to determine whether the proposed amendments governing air quality permit fees should be adopted by the Minnesota Pollution Control Agency (PCA or Agency).

The Agency was represented by Beverly Conerton, Special Assistant Attorney General, Suite 200, 520 Lafayette Road, St. Paul, Minnesota 55155. Members of the Agency panel appearing at the hearing were Elizabeth Henderson, J. Michael Valentine and Ahto Niemioja, Division of Air Quality, Minnesota Pollution Control Agency, 520 Lafayette Avenue North, St. Paul, Minnesota 55155.

The hearing register was signed by 11 persons. Four members of the public provided oral testimony at the hearing. All persons desiring to testify were given an opportunity to do so. The record remained open through September 21, 1987, for the submission of initial written comments. At the hearing herein, the Agency offered PCA Ex. 1-15 as jurisdictional documents. Public Exhibits 16-25 were also received during the hearing. During the initial comment period, which expired on September 21, 1987, the Administrative Law Judge received the following timely-filed comments:

Pub. Ex. 26 -- Outdoors Committee, September 21, 1987;
Pub. Ex. 27 -- Pickands Mather, September 21, 1987;
PCA Ex. 28 -- Minnesota Pollution Control Agency, September 21, 1987;
Pub. Ex. 30 -- J.L. Shiely Company, September 21, 1987.

As authorized by Minn. Stat. § 14.15, subd. 1 (1986), three business days were allowed for the filing of responsive comments. During the period for reply comments, the following submissions were made:

Pub. Ex. 29 -- Outdoors Committee, September 23, 1987;
Pub. Ex. 31 -- J.L. Shiely Company, September 24, 1987;
PCA Ex. 32 -- Minnesota Pollution Control Agency, September 24, 1987.

On September 24, 1987, the record of this rulemaking proceeding finally closed for all purposes.

The Board must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

Pursuant to the provisions of Minn. Stat. § 14.15, subd. 3 and 4, this Report has been submitted to the Chief Administrative Law Judge for his approval. If the Chief Administrative Law Judge approves the adverse findings of this Report, he will advise the Board of actions which will correct the defects and the Board may not adopt the rule until the Chief Administrative Law Judge determines that the defects have been corrected. However, in those instances where the Chief Administrative Law Judge identifies defects which relate to the issues of need or reasonableness, the Board may either adopt the Chief Administrative Law Judge's suggested actions to cure the defects or, in the alternative, if the Board does not elect to adopt the suggested actions, it may submit the proposed rule to the Legislative Commission to Review Administrative Rules for the Commission's advice and comment.

If the Board elects to adopt the suggested actions of the Chief Administrative Law Judge and makes no other changes and the Chief Administrative Law Judge determines that the defects have been corrected, then the Board may proceed to adopt the rule and submit it to the Revisor of Statutes for a review of the form. If the Board makes changes in the rule other than those suggested by the Administrative Law Judge and the Chief Administrative Law Judge, then it shall submit the rule, with the complete record, to the Chief Administrative Law Judge for a review of the changes before adopting it and submitting it to the Revisor of Statutes.

When the Board files the rule with the Secretary of State, it shall give notice on the day of filing to all persons who requested that they be informed of the filing.

Based upon all the testimony, exhibits, and written comments, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Requirements.

1. On July 10, 1987, the Agency filed the following documents with the Administrative Law Judge:

(a) A copy of the proposed rules, with the certification of approval as to form by the Revisor of Statutes.
(b) A draft Order for Hearing.
(c) A proposed Notice of Hearing.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.
(e) A copy of the Statement of Need and Reasonableness (SONAR).
(f) A Certificate of the Agency's Authorizing Resolution, executed on behalf of the Executive Director of the Agency, Thomas J. Kalitowski, by Barbara Lindsey Sims.

2. On July 27, 1987, a Notice of Hearing and copy of the proposed amendments to the existing rule were published at 12 State Register 136-138.

3. On July 23, 1987, the Agency mailed the Notice of Hearing to all persons and associations who had registered their names with the Agency for the purpose of receiving such notice. In addition, a copy of the Notice was mailed by the Agency to all persons or entities currently holding an air quality permit under the existing rule.

4. On July 31, 1987, the Agency filed the following documents with the Administrative Law Judge:

(a) The Notice of Hearing as mailed.
(b) A photocopy of the pages of the State Register on which the Notice of Hearing and the proposed rule amendments were published.
(c) The Agency's certification that the mailing list required by Minn. Stat. § 14.14, subd. 1a (1986) which was used for the mailing of the Notice was accurate and complete.
(d) The Affidavit of Mailing of the Notice to all persons on the Agency's mailing list and the mailing list. This mailing list contains a list of all persons currently holding an air quality permit from the Agency. That mailing constitutes additional discretionary notice given pursuant to Minn. Stat. § 14.14, subd. 1a (1986).
(e) Copies of the pages of the State Register on which a Notice of Intent to Solicit Outside Opinion was published. No comments were received from members of the public following publication of the Notice.
(f) The names of the Agency personnel who would represent the Agency at the hearing.

These documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

5. The period for submission of written comments remained open through September 21, 1987, the period having been extended by Order of the Administrative Law Judge to 20 calendar days following the close of the hearing. Pursuant to Minn. Stat. § 14.15, subd. 1 (1986), an additional three business days were allowed for the filing of responsive comments. The record therefore closed on September 24, 1987.

Nature of Proposed Amendments.

6. The proposed amendments modify Minn. Rule 7002.0100, Air Quality Permit Fee Schedule, by increasing each stated fee a uniform proportional percentage. No change other than that proportional increase in fees is contained in the proposed amendments. The amount of the proportional increase is approximately 60%. All of the oral testimony at the hearing and subsequent written comments would apply equally to all changes in the fee schedule, and none is directed towards an individual change in that schedule.

Notification to Legislative Committees.

7. Minn. Stat. § 16A.128, subd. 2a., which was adopted by laws 1986, C. 436, § 2 and which became effective on July 1, 1987, provides:

> Procedure. Other fees not fixed by law must be fixed by rule according to chapter 14. Before an agency submits notice to the state register of intent to adopt rules that establish or adjust fees, the agency must send a copy of the notice and the proposed rules to the chairs of the

house appropriations committee and senate finance committee.

8. The Agency submitted its Notice of and Order for Hearing herein to the State Register sometime subsequent to July 1, 1987 and before the publication of the Notice of Hearing in the State Register on July 27, 1987. The Agency did not send a copy of the Notice and a copy of the proposed amendment to the Chairperson, of either the House Appropriations Committee or Senate Finance Committee as required by Minn. Stat. § 16A.128, subd. 2a. (1986). The record does not indicate that the Senate Finance Committee or the House Appropriations Committee has ever received a copy of the Notice and the proposed rule amendments.

9. The Outdoors Committee, in Pub. Ex. 26 and 29, argues that the failure to provide the Notice and a copy of the proposed amendment is an incurable procedural defect, requiring a re-noticing of the hearing. The Agency argues that the receipt by the two Legislative committees of a copy of PCA Ex. 3, dated June 11, 1987, is substantial compliance with the statutory requirement. PCA Ex. 32. In the alternative, the Agency suggests that the defect be corrected by allowing the Legislative Committees to supplement the existing rulemaking record with comments. PCA Ex. 32.

10. It is not clear that Minnesota has adopted a substantial compliance exception to statutory rulemaking requirements. Johnson Bros. Wholesale Liquor v. Novak, 295 N.W.2d 238, 242 (Minn. 1980); Handle With Care, Inc. v. Department of Human Services, 393 N.W.2d 421, 424-425 (Minn.App. 1986), reversed on other grounds, Handle With Care v. Department of Human Services, 406 N.W.2d 518 (Minn. 1987). Even if that doctrine were available, however, the document upon which the Agency relies, PCA Ex. 3, does not establish substantial compliance with Minn. Stat. § 16A.128, subd. 2a. (1986). PCA Ex. 3 is a memorandum from the Commissioner of Finance to the Executive Director of the Minnesota Pollution Control Agency regarding methods of calculating fee revisions to provide direction to the Agency in formulating a proposal. PCA Ex. 3, at most, apprised the Legislative Committees that the Agency was considering a revision to its permit schedule. It does not indicate the stage of development of the revision or, even, that the Agency will finally commence a rulemaking to accomplish a revision. Under such circumstances, at most, it alerted the Committees and their staffs, that the matter was being considered by the Agency. Unless the Administrative Law Judge were to place some undefined duty of inquiry upon the Committees, PCA Ex. 3 would not substitute for the filing required by Minn. Stat. § 16A.128, subd. 2a. (1986). A number of agencies consider revisions to fees and, presumably, do so without that consideration resulting in proposed rule amendments. Placing such a duty upon the Legislative committees is neither reasonable, nor in accordance with the literal language of the statute. Undeniably, one purpose of the statute was to avoid such diverse investigation by the Committees. Hence, the Administrative Law Judge finds that the Agency has not substantially complied with the statute, either prior to the hearing or subsequently. The failure to comply with Minn. Stat. § 16A.128, subd. 2a. (1986), is a unremedied procedural irregularity.

11. Having determined that the failure to comply with Minn. Stat. § 16A.128, subd. 2a. (1986), constitutes a procedural irregularity, it must be determined whether that irregularity is subject to correction or whether it is jurisdictional, requiring a re-noticing of the hearing. The Agency suggests that the Administrative Law Judge allow an additional comment period

during which members of the Committees may file additional comments, presumably, for review by the Administrative Law Judge. PCA Ex. 32, p. 2. The record of a rulemaking proceeding, however, closes after the comment periods authorized by Minn. Stat. § 14.15, subd. 1 (1986). See, Minn. Stat. §§ 14.14, subd. 2a.; 14.15, subd. 1, 2; 14.45 (1986). Hence, the Administrative Law Judge is without statutory authority to accept additional substantive comments upon which he may rely in determining compliance with statutory requirements and need and reasonableness.

12. The Agency's request for an opportunity to obtain Legislative comments could be construed as a request that it be directed to obtain a written statement from the Chairpersons of each of the two Committees that the Legislature had no interest in participating in this rulemaking and, hence, any failure to follow statutory procedure was harmless error. PCA Ex. 32, p. 2. Presumably, under that suggestion, any comment other than an expression of disinterest in participating would result in the finding of a jurisdictional defect and a re-noticing of the hearing.

13. There is general language in several decisions of the Minnesota court suggesting that the absence of demonstrated prejudice to persons entitled to participate in a governmental proceeding is material in judging compliance with procedural requirements. See, City of Minneapolis v. Wurtele, 291 N.W.2d 386, 391 (Minn. 1980). See also, Handle With Care v. Department of Human Services, 406 N.W.2d 518 (Minn. 1987). The elements of that test have been articulated by several commentators. Auerbach, Administrative Rulemaking in Minnesota, 63 Minn. L. Rev. 151, 215 (1979), quoting, Bonfield, The Iowa Administrative Procedure Act; Background, Construction, Applicability, Public Access to Agency Law, the Rulemaking Process, 60 Iowa L. Rev. 781, 834 (1975). As previously indicated, however, the Minnesota court has not clearly recognized the doctrine of substantial compliance in a rulemaking context. Wurtele, supra, involved a governmental action where substantial compliance was a recognized tenant of the applicable law. Handle With Care, supra, merely holds that the Legislature did not intend the requirement of a study to be a precondition to rulemaking; it did not involve an issue of substantial compliance.

Moreover, even adopting lack of prejudice as the test of whether a procedural defect is correctable, does not support the Agency position. The statute provides that the required information be made available at a particular time, in a particular way to two identified committees of the Legislature. Reasonably, that filing would be available not only to the two individual Committee Chairpersons, but to their staff, other members of the two Committees and, even, other members of the Legislature who might wish to be apprised of developments in agency fee rulemaking. Rationally, Legislative interest in fee-related rulemaking could vary significantly with the fee involved. The Agency has not relied on any portion of the legislative history of Minn. Stat. § 16A.128, subd. 2a. (1986), which would justify a conclusion that the Chairpersons of the two Committees were the intended sole beneficiaries of the statute. Given the plain language of the provision, the Administrative Law Judge must conclude that affording the two Chairpersons an opportunity to express a retroactive disinterest in this proceeding would not affirmatively establish the absence of prejudice.

Nor is it clear, if this solution were adopted, what each Chairperson would enter into the record. The possibilities range from a lack of a personal interest to an expression of a lack of interest on the part of anyone

to participate who may have been the beneficiary of such notice. It is inconceivable how the identified individuals could speak for other members of their Committees, unidentified members of the Legislature or members of the public.

It should also be noted that the amendments herein raise existing fees by 60%, that the initial fee schedule was legally adopted without a public hearing and has been the subject of controversy since its adoption, and the Agency contends that questions relating to need and reasonableness cannot be examined in this rulemaking proceeding. See Findings 25 - 28 , infra. Under such circumstances, fashioning an extra-record substitute for a statutorily required notice is doubly objectionable.

It could be argued that, since the statute provides no express penalty for a failure to accomplish the required filing, it is only informational and not a jurisdictional prerequisite to rulemaking. See generally, Handle With Care v. Department of Human Services, 406 N.W.2d 518 (Minn. 1987). In that case, however, the requirement of performing an administrative study was not expressly tied to the Agency's rulemaking authority and specific legislative history stated a contrary Legislative intent. In this proceeding no such specific Legislative intent has been demonstrated and the purpose of the filing is to facilitate participation in the rulemaking. The timing of the required notice, prior to the submission of rules to the State Register, indicates an intent to provide interested legislators, at least, with an opportunity to contact the Agency prior to the commencement of the proceedings and participate in the hearing process, if noticed. Nor, can the filing be characterized as only informational. When the Legislature has intended that a filing with Legislative Committees be for informational purposes only in the context of rulemaking, it has clearly so provided. See, Laws of 1977 C. 453, § 16.

The Administrative Law Judge equates the procedural defect with a failure to provide adequate notice. At least in situations where the beneficiary of such notice is unidentifiable, a failure to give the required notice is jurisdictional. In re Wilmarth Line of C.U. Project, 299 N.W.2d 731 (Minn. 1980), appeal after remand, 380 N.W.2d 127 (1986). The Administrative Law Judge finds, therefore, that the failure to make the filing with the Chairpersons of the House Appropriations Committee and Senate Finance Committee required by Minn. Stat. § 16A.128, subd. 2a. (1986), is a procedural defect which is jurisdictional, that is, not subject to remedy. The rulemaking proceeding must be recommenced.

15. Since the finding of a jurisdictional defect by the Administrative Law Judge is reviewable at both the administrative level and in the courts, the Administrative Law Judge will make Findings regarding the other issues raised in this proceeding. Any further Findings however, presume an integral existing record. They will have no effect unless a reviewing authority determines that the procedural defect is curable and the remedy required is strictly implemented.

Small Business Considerations.

16. Minn. Stat. § 14.115, subd. 2 (1986), requires the Agency, when proposing rules which affect small businesses, to consider methods for reducing the resulting impact on them. Since some of the entities required to pay air quality permit fees are small businesses, as statutorily defined, an

increase in the permit fee will have a financial impact upon them. Several members of the public stated that the Agency has given insufficient consideration to the impact of both the initial rule and the proposed amendment on small businesses. Pub. Ex. 26, p. 4; Pub. Ex. 29, p. 2. The Outdoors Committee argues that the level of fee imposed by the rule depends upon the annual potential emissions of two pollutants - particulates, and SO_2 - and there is no necessary correlation between the size of a business and the annual level of the specified pollutants emitted. Pub. Ex. 26, p. 2. Small businesses might be major emission sources and a large company may emit few, if any, of the specified air pollutants.

17. The Agency considered the methods suggested in the statute for reducing impact on small businesses when the initial rules were adopted. PCA Ex. 28, p. 3. It determined that the initial permit fee structure, which distinguished between major and non-major sources of air emissions in the amount of fees required, appropriately considered the impact on small businesses. PCA Ex. 28, p. 3; PCA Ex. 32, p. 5. Most small businesses are non-major sources. As discussed at Findings 25 - 28, infra, the Administrative Law Judge may not reexamine that decision in this rulemaking proceeding.

18. In this proceeding, the Agency has once again examined the impact of its permit fee schedule on small businesses, as defined in Minn. Stat. § 14.115 (1986). SONAR, pp. 6-7. It considered the methods for reducing the impact of its rule amendments on small businesses specified in the statute. The Agency concluded that it was appropriate to maintain the existing fee relationship between non-major and major sources with smaller fees or no fees imposed on non-major sources. PCA Ex. 32, p. 5; SONAR, p. 7. The fee amount relationship between non-major and major sources will remain substantially the same under the proposed fee revisions. PCA Ex. 32, p. 5. Minn. Stat. § 14.115 (1986), does not require that the Agency adopt any particular solution to minimize the impact of its proposals on small businesses. If small businesses did not pay a proportionately increased amount for their air emission permits, that deficit would have to be recovered from other permit holders. Since the Administrative Law Judge may not reexamine the Agency's initial decision to distinguish only between non-major and major sources of specified pollutants to determine the permit fee, uniformly proportional increases for all permits are fair to all permittees. Findings 25 - 28, infra. The Outdoors Committee does not suggest that preferring small businesses over larger ones is required, or even appropriate, under Minn. Stat. § 14.115, subd. 2 (1986).

19. The Administrative Law Judge, therefore, finds that the Agency has complied with Minn. Stat. § 14.115, subd. 2 (1986), by giving appropriate consideration to methods for reducing the impact of its amendments on small businesses. SONAR, pp. 6-7; PCA Ex. 28, p. 3; PCA Ex. 32, p. 5.

Consideration of Economic Factors.

20. The Agency must by give due consideration to economic factors in the exercise of its authority and the promulgation of rules. Minn. Stat. § 116.07, subd. 6 (1986). Pickands Mather suggests that an increase of approximately 60% is not appropriate given existing economic conditions. Pub. Ex. 27, p. 1. That commentator suggests that the Agency must demonstrate its attempts to reduce costs. Pub. Ex. 27, p. 1. The Agency must, however, recover from its permittees the direct and indirect cost of regulation. See

Findings 29 - 32, infra. The Agency has no discretion in the total amount to be recovered from permit holders. The Agency collects fees under Minn. Rules Part 7001.0011, subp. 5 from approximately 550 air emission facilities each year. Annual fees will amount to approximately 66% or $552,000 of the $831,383 total special revenue appropriation for the 1987-1989 state biennium. The remaining $279,383 for the biennium will come from various other fees associated with approximately 1400 permit actions to be conducted over the biennium. SONAR, p. 8. The Agency has a statutory responsibility to develop, implement and monitor an air quality permit program. It must recover the direct and indirect costs of that effort from permit holders, except as limited by statute. The Agency cannot eliminate its oversight responsibilities or defer collecting the costs of oversight from permit holders. SONAR, p. 8. The Agency could only reduce the amount to be collected by eliminating inefficiencies or unnecessary costs in its current air quality permit program. There is no evidence in the record that the spending on behalf of the Agency for air quality permit oversight is in any way unnecessary, inefficient or otherwise inappropriate. The Administrative Law Judge finds that the Agency has given due consideration to available information as to the economic impacts that would result from the amendments to its existing rules. Minn. Stat. § 116.07, subd. 6 (1986).

Statutory Authority.

21. The Agency's statutory authority to adopt the proposed rule amendments is contained in Minn. Stat. § 116.07, subd. 4d. (1986), which provides:

> The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under sections 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision. Any money collected under this subdivision shall be deposited in the special revenue fund.

22. The Agency adopted Minn. Rules Parts 7002.0010 - 7002.0110 in accordance with Minn. Stat. § 16A.128 (1986), as required by Minn. Stat. § 116.07, subd. 4d. (1986). Minn. Stat. § 16A.128, subd. 1a. (1986), requires fees to be reviewed and, if necessary, adjusted:

> These fees must be reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees must be set or fee adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function.

23. No member of the public questioned the statutory authority of the Agency to adopt rules relating to air quality permit fees.

24. As a consequence of Findings 21 - 23, supra, the Agency has statutory authority to adopt amendments to its air quality permit fee rules.

Scope of Review for Need and Reasonableness.

25. Minn. Stat. § 14.14, subd. 2 (1986), requires the Agency to establish the need for and reasonableness of the rule amendments. A number of public witnesses stated, both at the hearing herein and in subsequent written comments, that the Agency should justify the need for and reasonableness of not only the fee increases, but also the existing fee structure which is based on potential emissions of two pollutants and has only two fee classes. See, e.g., Pub. Ex. 26, pp. 2-3; Pub. Ex. 29, p. 1; Pub. Ex. 31, pp. 1-3, and attachments; Tr. 45-47; Tr. 54-55. In summary, the argument is that since the PCA did not hold a public hearing when the initial fee structure was adopted, the reasonableness of the existing fee structure has never been reviewed independently. They request the Administrative Law Judge to consider the need for and reasonableness of the fee structure contained in the original rulemaking and carried forward in the proposed amendments. Several witnesses described the confusion and asserted misinformation extant at the time of the original rulemaking, their inability to determine the number of requests required to force a public hearing on the initial fee schedule and the financial disincentives to perfecting a judicial appeal. Pub. Ex. 26, pp. 2-3; Pub. Ex. 29, p. 1; Pub. Ex. 31, pp. 1-5; Tr. 16-18.

26. The Agency argues that it had no legal obligation, at the time of the initial adoption of an air quality permit fee schedule, to conduct a public hearing and, as a consequence, the Administrative Law Judge cannot consider arguments related to the structure of the existing fee schedule. Rather, he must confine his review to the need for and reasonableness of the proportionate increase in fees over all categories of air quality permits subject to the fee schedule. See, e.g., PCA Ex. 28, pp. 1-2; PCA Ex. 32, pp. 3-4. Moreover, it states that there was a measure of public participation in the development of the original proposal. PCA Ex. 32, pp. 3-4.

27. Minn. Stat. § 14.14, subd. 2 (1986), requires an agency to establish the need for and reasonableness of the rule amendments. Minn. Stat. § 14.131 (1986), requires the agency to prepare a Statement of Need and Reasonableness. Rules promulgated pursuant to that statute are found at Minn. Rules 1400, et seq. Part 1400.0500 specifies the content and nature of the Statement of Need and Reasonableness which would comport with the statutory requirement. Subpart 1, Item C of the rule qualifies the nature of the agency's burden when it proposes to amend existing rules:

> To the extent that an agency is proposing amendments to existing rules, the agency need not demonstrate the need for and reasonableness of existing rules not affected by the proposed amendments.

The Agency has not attempted to modify the original fee structure but has proposed a uniform proportional increase in amounts. The Agency must only justify the increased amounts with a presentation of facts establishing need and reasonableness. Although the Agency might have avoided subsequent controversy by holding a public hearing prior to adopting its initial rules, it was not required to do so by law. Minn. Stat. § 16A.128, subd. 2a. (1985). In 1986, the Legislature amended the statute to require the promulgation of rules under the Administrative Procedures Act. Laws of 1986, C. 436. The Administrative Law Judge has carefully reviewed the arguments of members of the public relating to the scope of review for need and

reasonableness. He finds that the Agency acted within the statutory framework existing at that time and there is no basis in this record to depart from the rule of law previously enunciated when only amendments to existing rules are proposed. The comments do contain a number of reasons why limiting the scope of inquiry in this proceeding might be inequitable. The Agency, however, acted within the then existing law, its fee structure was duly adopted and no judicial appeal was perfected. Hence, it is appropriate to limit the scope of review for need and reasonableness in this proceeding to the proportional increase in the air quality permit fees without considering the reasonableness of the existing fee structure.

28. The fear is expressed that no practical forum exists for permit holders to require the Agency to amend the structure of its fee schedule and the reasonableness of the existing schedule will ever remain unreviewed. It will not be presumed, however, that the Agency is acting in bad faith and will not consider comments offered in this proceeding for a future revision of its air quality permit fee schedule. If necessary, a petition could be filed pursuant to Minn. Stat. § 14.09 (1986) to hasten consideration of the issue. Should the Agency fail to do so, the Legislative Commission to Review Administrative Rules (LCRAR) may be an inexpensive expedient to require the Agency to reconsider the structure of the fee schedule in a rulemaking proceeding. For a discussion of the authority of the LCRAR see, Beck, Bakken, and Muck, Minnesota Administrative Procedure, C. 26 (Butterworth, 1987).

Need for the Proposed Rule Amendments.

29. Minnesota Rules parts 7002.0010 - 7002.0110 became effective on January 21, 1986, in response to the legislative requirement that the Agency collect through permit fees the funds necessary to recover the cost of permit issuance and enforcement. The rules, as initially adopted, were designed to result in revenues of approximately $270,000. Minn. Stat. § 16A.128, subd. 1a. (1986) requires Agency fees to be reviewed annually and to be adjusted if collections under the current fee schedule will not cover the applicable appropriation. In 1987, the Legislature increased the total amount that the Agency is required to collect through permit fees. Most of the increase in required recovery results from the Legislature's determination that the indirect costs associated with issuing and monitoring PCA permits must also be recovered from permit holders. The additional items of recovery mandated by the Legislature in 1987 include amounts necessary to match the Special Revenue Appropriation and Salary Supplements hereinafter summarized. In 1987 the Legislature appropriated $286,400 for each of Fiscal Years 1988 and 1989, or $572,800, for the 1987-89 biennium in direct salary and fringe benefit costs from the Special Revenue Fund for Permit Fees to the Agency's Air Pollution Control Program. SONAR p. 4. The 1987 Legislature also appropriated $533,700 for each of Fiscal Years 1988 and 1989, or $1,067,400 for the 1987-1989 Biennium to the Agency from the Special Revenue Fund for Permit Fees for the purpose of funding indirect costs. SONAR, p. 4.

30. The Agency divided the amount of the additional item of permit recovery, $1,067,400, among its three divisions. It determined that the proportional amount of additional recovery for this item required of the Air Quality Division was $206,000 for the 1987-1989 biennium. SONAR, p. 4. In response to the open appropriation of the Legislature for a salary supplement, the Agency determined that average annual salary and fringe benefit increases have been slightly in excess of 6% over the past four year period. SONAR, p. 5. It therefore apportioned to the Division of Air Quality a total amount for

salary supplement recovery of $52,583. In determining the level of indirect costs required to be recovered, the Agency used a factor of 36% of the direct costs. This rate is the federal indirect cost rate approved by the Department of Finance for use by the Minnesota Pollution Control Agency. PCA Ex. 28, p. 3. The following table summarizes the appropriations and permit fee collection requirements for the Division of Air Quality, as determined by the Agency:

AIR QUALITY DIVISION	FY 1988	FY 1989	BIENNIUM
Direct Appropriation	$ 286,400	$ 286,400	$ 572,800
Indirect Appropriation	103,000	103,000	206,000
Salary Supplement	17,184	35,399	52,583
TOTAL	$ 406,584	424,799	$ 831,383

SONAR, p. 6.

31. The Agency has determined that it will recover from the existing fee schedule approximately $270,000 during fiscal year 1987. Since the existing fee schedule will recover significantly less than the amount considered necessary to meet the legislative requirement of cost recovery, $831,383 for the biennium, the Agency determined it was necessary to amend its fee schedule.

32. The Agency is, undoubtedly required by statute to recover from permit holders through air quality permit fees an amount necessary to recover the reasonable direct and indirect costs of issuing and monitoring air quality permits, subject to the limitation of Minn. Stat. § 116.07, subd. 4d. (1986). If the Agency's calculation of the amount to be recovered is accepted by the Administrative Law Judge, it has demonstrated a need to adjust existing air quality permit fee amounts.

33. The Outdoors Committee argues that no determination about the need to adjust existing fee levels may be made until after the Commissioner of Finance has performed the annual review of all agency fees required by law to be set by rule mandated by Minn. Stat. § 16A.128, subd. 1a. (1986). Pub. Ex. 26, pp. 3-4. The Commissioner of Finance has, however, reviewed and approved the Agency's proposed fee increase. PCA Ex. 1-3. While it is true that the Department of Finance is, currently, only in the process of completing a total fee review for 1986-87, Agency data will be submitted to the Department of Finance prior to September 30, 1987. PCA Ex. 28, p. 3. For purposes of this rulemaking, the approval and certification by the Commissioner of Finance, acting pursuant to Minn. Stat. § 16A.128, subd. 1a. (1986), is sufficient. PCA Ex. 28, p. 3.

34. Both the Outdoors Committee and J.L. Shiely Company, in oral and written comments, stated that the Agency was including in its totals costs not authorized by Minn. Stat. § 116.07, subd. 4d. (1986). Pub. Ex. 26, pp. 2-3; Pub. Ex. 31, p. 7; Tr. 76. Both commentators argue that the statute limits the Agency to recover from fees the actual costs of reviewing and acting upon applications for Agency permits and implementing and enforcing the conditions of permits pursuant to Agency rules. The Agency has agreed that it seeks to recover from permit holders the costs associated with staff members making determinations about whether a permit is necessary, as well as acting upon

permit applications and enforcing conditions imposed. Tr. 34. Apparently, both commentators interpret Minn. Stat. § 116.07, subd. 4d. (1986), to limit recoverable costs to those costs directly resulting from the Agency's action on actual applications for permits and enforcing their conditions. J.L. Shiely Company, at the hearing herein, requested that the Agency document the size of its permit staff, their job duties and the percentage of time spent on permit administration. Tr. 76.

35. The Agency stated that the Legislature has determined the reasonableness of its costs through the appropriations process and the Agency must recover that amount from permit holders. See, Minn. Stat. § 16A.128, subd. 1a. (1986); Laws of 1987, C. 404; Pub. Ex. 28, p. 3; Pub. Ex. 32, p. 4.

36. The Administrative Law Judge does not accept the limited reading of Minn. Stat. § 116.07, subd. 4d. (1986), suggested by J.L. Shiely Company or the Outdoors Committee. Rather, the statute should be read to allow the PCA to recover from permittees the cost of not only issuing and securing compliance with permits but also determining whether permits are necessary. Tr. 36-37. That interpretation is consistent with a House of Representatives staff determination and the certification by the Commissioner of Finance. Pub. Ex. 26, attachment; PCA Ex. 1. Although the Agency did not provide for the record the detailed staff fiscal data requested, it did document to the Legislature at the time of the appropriation, the reasonable costs of its air quality permit program and the Legislature appropriated that amount. Tr. 18-19. Moreover, all of the staff funded by the appropriation are directly engaged in activities related to permitting and the enforcement of permits. PCA Ex. 32, p. 4; PCA Ex. 28, p. 3. The Administrative Law Judge has no basis for substituting his judgment for that of the Legislature expressed in the appropriations process.

37. Although not questioned at the hearing or in subsequent written comments, authority for including the amount of a salary supplement in the amount to be raised through permit fees is contained in Laws of 1987, C. 404, § 43, subd. 1, and Laws of 1987, C. 404, § 24, subd. 2.

38. The amount appropriated in the Special Revenue Fund for the direct costs, including salary and fringe benefits, of Agency staff engaged in air quality permitting activities is $572,800 for Fiscal Years 1988 and 1989 combined. PCA Ex. 4, Journal of the Senate, p. 5190; PCA Ex. 28, p. 3. Hence, with respect to the direct appropriation for air quality permitting in the Special Revenue Fund, the Legislature has determined that $572,800 is appropriate for recovery by the Agency in air quality fees.

39. Minn. Stat. § 16A.128, subd. 1a. (1986), requires the Agency to recover in fees not only the appropriation for the account specifically but also indirect costs. Indirect costs, as noted in Finding 30, supra, have been determined by multiplying the direct appropriation in the special account by 36%. That percentage is the factor used by the federal government and has been uniformly recognized both by the Agency and the Minnesota Department of Finance as the appropriate factor to determine indirect costs. PCA Ex. 28, p. 3. Use of the 36% factor to determine the proper amount of indirect costs is reasonable.

40. The amount included in the salary supplement portion of the fee calculation, $52,583, was derived by multiplying the direct cost,

approximately $572,000, by an annual factor of 6%, which the Agency determined was the average annual increase in salary and fringe benefits over the past four years. SONAR, p. 5. Use of the average annual increase over the past four year period is reasonable.

41. As a consequence of Findings 29 - 40, supra, the Agency has shown a need to recover in air quality permit fees the following: that portion of the direct appropriation from the Special Fund in 1987 which represents costs meeting the requirements of Minn. Stat. § 116.07, subd. 4d. (1986), $572.800; an additional 36% of that amount for recoverable indirect costs; and an additional 12% of the direct costs for the biennium for a salary supplement. PCA Ex. 28, p. 3. The Agency, must, therefore, increase revenues from air quality permit fees from $270,000 annually to $406,854 for Fiscal Year 1988 and $424,799 for Fiscal Year 1989, or $831,383 for the biennium.

Reasonableness of Amendments to Fees.

42. As previously discussed, each fee is increased a uniform 60% based on projections that the number of permit holders required to pay fees will not increase markedly. Multiplying the number of existing permit holders required to pay fees by the amount of the amended fees, assuming relative stability in the number of permittees, would result in recovering the amount found necessary in Finding 41, supra. The Agency has calculated that the amended fee levels will result in the collection of revenue of $831,415 for the biennium. PCA Ex. 2. Since the Agency must increase fees by a significant amount, a proportionate increase over all classes of fees spreads the burden of the increase evenly without a disproportionate increase in any single category of fee. A proportionate 60% increase over all categories of fees to raise the amount found necessary is reasonable if the Agency's assumptions in determining the fee levels required to generate the necessary revenue are accurate.

43. Several commentators argued that the actual number of persons who are subject to the air quality fee rules substantially exceeds the existing number of fee-paying permit holders. It is argued that the PCA's asserted failure to identify all installations required to pay fees results in a disproportionately higher fee for those who have been identified. Pub. Ex. 27, p. 1; Pub. Ex. 31, p. 5. The PCA collects fees from 532 air emission facilities each year. Pub. Ex. 27, p. 1. This number represents only a fraction of all air emission facilities in Minnesota.

44. The Outdoors Committee sponsored two public exhibits to demonstrate that the Agency has not identified all facilities that should pay permit fees. Pub. Ex. 16 is the first and last page of a ten page computer printout from the Agency, listing the 532 entities required to pay permit fees, as of July 8, 1987. The Agency estimates that, for 1988, there will be approximately 550 fee payers. Tr. 25; SONAR, p. 8.

45. Pub. Ex. 17 is a portion of an Agency-generated computer printout which, in its entirety, includes approximately 2,175 facilities potentially subject to air emission regulations. Tr. 30. Under the column in Pub. Ex. 17 marked "priority" it was the intention of the Agency to include numbers ranging from zero, representing no permitting requirement, to a five, indicating status of facility unknown. A number between 1 and 4 would indicate that fees were required. Of the 2,175 facilities listed in Pub. Ex. 17, approximately 811 have a blank space in the priority column. Tr. 27. The

Outdoors Committee argues that Pub. Ex. 17 shows the Agency has not made a good faith effort to identify facilities required to pay air quality permit fees. Tr. 26-31.

46. The blank spaces in the priority code column for facilities listed in Pub. Ex. 17 should not be interpreted as indicating that they have not been reviewed for compliance with air emission fee payment requirements. The Agency began collecting data on air emission facilities for permitting purposes in approximately 1975, when most air emission permit requirements were adopted. Between 1975 and 1985, the facilities have been visited by permitting staff, who became acquainted with the source's permit requirements. In 1985, when air emission fees were initially adopted, the PCA staff, during the months of July, August and September, made determinations as to which of the facilities on its master list would be required to pay air quality permit fees under the new regulations. Those decisions were based on a large variety of information and included direct contact with the facility when necessary. Pub. Ex. 21, p. 2. The annual fee list has been updated on a monthly basis both by adding permits issued during that month and by an internal annual review prior to actual billing. Pub. Ex. 21, p. 2. A blank in the priority column of Pub. Ex. 17 does not indicate that Agency staff have not made a determination that no permit is required. Eighty to 90% of the 800 facilities with a blank in the priority code column in Pub. Ex. 17 have been determined by Agency staff not to require a permit. Tr. 34. The blanks in the priority column indicate, then, only that the staff has not as yet entered the results of its investigations into the list. Moreover, the Agency is correcting the apparent oversight that initially excluded sand and gravel facilities. Although sand and gravel facilities were not included on the Agency's list when the fee schedule was adopted in 1985, the Agency made a state-wide survey of such facilities. It identified 225 potential facilities involved in sand and gravel activities. The staff determined that only 37 of the facilities were required to obtain a permit. Agency staff is currently working with the sand and gravel industry to secure compliance with permit requirements. Pub. Ex. 21, p. 2.

47. As a consequence of Finding 46, supra, the Administrative Law Judge finds that the Agency has reasonably identified the number of entities required to pay air quality permit fees under its rules.

48. Several commentators suggested that the Agency's fee calculations were unreasonable because they projected only insignificant growth in the number of entities required to pay air quality permit fees in 1988, over 1987. Tr. 24-25; Tr. 37. The Agency responded that, since it has already identified most entities required to pay permit fees, its projected growth in air quality permit fee payers from 535 to 550 in 1988 is reasonable.

49. Since the Agency has already identified most of the sources that are required to pay permit fees, it is reasonable to anticipate only minor growth in the number of permit holders required to pay fees in 1988.

50. The Agency's activity in identifying new sources is a dynamic process. It can be expected that new facilities will begin, old facilities will be discontinued and the emissions at a particular facility may vary with the specific activities the company wishes to undertake. Tr. 38. Fee payers are protected from continued under-estimation of the number of entities who will be remitting fees. Minn. Stat. § 16A.128, subd. 1a. (1986). Over-recovery of fees on a more than sporadic basis would result in an

adjustment to achieve the correct recovery level.

51. Several commentators stated that the classifications contained in the existing rules were unreasonable and, hence, required existing fee payers to pay unreasonable amounts. The Outdoors Committee and Pickands Mather argued that the exemption contained in the rules, which imposes no fee unless emissions of two specified pollutants are potentially at least 50 tons, results in an unreasonable fee to the entities who do pay such fees. Pub. Ex. 26, p. 5; Pub. Ex. 27, p. 1. Other commentators suggested that the current fee structure, which bases the existing fee on the amount of only two pollutants potentially emitted, also results in an unreasonable monetary burden on existing fee payers. Pub. Ex. 30, pp. 1-3; Pub. Ex. 31, pp. 6-7.

52. The Agency did not respond directly to such comments. Rather it stated that the pollutants considered and categories established are parts of the structure of the fee schedule contained in the unamended rule. PCA Ex. 28, p. 2. It contends that the Agency need not establish in this proceeding the reasonableness of the structure of the original fee schedule, adopted by rule in 1986 and never judicially challenged. PCA Ex. 32, p. 5; PCA Ex. 28, p. 2.

53. As a consequence of Findings 25 - 28, supra, challenges to the reasonableness of the fee schedule established in the existing rule are beyond the scope of review in this rulemaking proceeding. Minn. Rule 1400.0500, subp. 1 (1985).

54. As a consequence of Findings 29 - 53, supra, the Agency has established that the 60% proportional increase in air quality fee levels is necessary, as a consequence of legislative requirements, and is reasonable, in that it will recover the required amount.

Comments on Existing Rules.

55. Several commentators provided specific suggestions to the Agency for improvements in the existing air quality permit fee rules. J.L. Shiely Company offered information about the air quality fee rules in Oregon, Michigan, Wisconsin, California and Colorado. Pub. Ex. 18, 22, 30. It also offered information regarding the use of other pollutants for structuring air quality permit fees. Pub. Ex. 31. In addition, many of the comments relating to the reasonableness of the existing rules were also suggestions for changing the underlying fee structure. The Agency responded to these comments by accepting copies of the submissions, but asserting that revisions to the structure of the existing rules were beyond the scope of this rulemaking proceeding. PCA Ex. 28, p. 2; PCA Ex. 32, pp. 5-6.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Minnesota Pollution Control Agency gave proper notice of the hearing in this matter.

2. The Agency has fulfilled the procedural requirements of Minn. Stat. § 14.14 (1986), and all other procedural requirements of law or rule, except as discussed at Findings 7 - 14, supra. As a result of that procedural

irregularity the Agency may not adopt the proposed rule amendment. Rather, it must renotice the hearing herein, after complying with Minn. Stat. § 16A.128, subd. 2a. (1986).

3. The Agency has documented its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. § § 14.05, subd. 1, 14.15, subd. 3 and 14.50(i) and (ii) (1986), except as stated in Conclusion 2 hereof.

4. If a reviewing authority determines that the procedural defect stated in Conclusion 2, supra, is either subject to remedy or not prejudicial, the Agency has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. § § 14.14, subd. 2 and 14.50(iii) (1986).

5. The defect cited in Conclusion 2, supra, is not subject to correction and must result in a re-noticing of the hearing herein after compliance with Minn. Stat. § 16A.128, subd. 2a. (1986).

6. Due to Conclusions 2 and 5, supra, this Report has been submitted to the Chief Administrative Law Judge for his approval pursuant to Minn. Stat. § 14.15, subd. 3 (1986).

7. Any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

It is hereby recommended that the Agency re-notice a public hearing for the proposed amendments to its air quality permit fee schedule, in accordance with Conclusions 2 and 5, supra, after compliance with the requirements of Minn. Stat. § 16A.128, subd. 2a. (1986). It may not proceed to adopt the proposed rule amendments until that is accomplished.

Dated this 27th day of October, 1987.



BRUCE D. CAMPBELL
Administrative Law Judge

Reported: Court Reported. Kirby A. Kennedy & Associates
(612) 922-1955
1-800-642-7317

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing Air Quality Permit Fees, Minn. Rules Part 7002.0100.

REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for review by the Chief Administrative Law Judge pursuant to the provisions of Minn. Stat. § 14.15, subds. 3 and 4, which provide:

> Subd. 3. Finding of substantial change. If the [administrative law judge's] report contains a finding that a rule has been modified in a way which makes it substantially different from that which was originally proposed, or that the agency has not met the requirements of sections 14.131 to 14.18, it shall be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief administrative law judge determines that the defects have been corrected.
>
> Subd. 4. Need or reasonableness not established. If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to delay adoption longer than 30 days after the commission has received the agency's submission. Advice of the commission shall not be binding on the agency.

Based upon a review of the record in this proceeding, the Chief Administrative Law Judge hereby approves the Report of the Administrative Law Judge in all respects.

Judge Campbell has concluded that this rulemaking proceeding contains a procedural defect which cannot be cured and is jurisdictional. It seems clear that the Agency's suggested method of curing the defect by supplementing the record is not authorized by Chapter 14 and, additionally, does not provide the Legislative Chairs with the same opportunity for input obviously contemplated by Minn. Stat. § 16A.128, subd. 2a. After reviewing the record in this matter, consideration was given, however, to the possibility of curing the

defect by obtaining a written waiver from the Chairs of the House Appropriations Committee and the Senate Finance Committee as alluded to in Finding of Fact No. 12. It would clearly be desirable to avoid the expense of a second rule proceeding if that can be accomplished consistent with the law. As Judge Campbell's careful reasoning indicates, however, notice defects are commonly considered to be jurisdictional since they affect the rights of those not receiving proper notice to participate in the proceeding. Additionally, the notice to the Chairs might have been passed along to others. This case is unlike Handle With Care v. Department of Human Services, 400 N.W.2d 518 (Minn. 1987) where the court concluded that a study was not intended to be a prerequisite to rulemaking. In this case the Legislature clearly mandated that the Agency send a copy of its proposed rules to the Legislature before publication in the State Register. Such a clear legislative directive cannot be ignored, circumvented or compromised. It is therefore concluded that a waiver cannot cure the defect since it cannot effectively restore the procedural rights granted by the 1986 legislation.

In order to correct the defects enumerated by the Administrative Law Judge, the agency shall take the action recommended by the Administrative Law Judge and reconvene the rule hearing. If the agency chooses to reconvene the rule hearing, it shall do so as if it is initiating a new rule hearing, complying with all substantive and procedural requirements imposed on the agency by law or rule.

Dated: October 30, 1987.

GEORGE A. BECK
Administrative Law Judge for
DUANE R. HARVES
Chief Administrative Law Judge

Exhibit 4

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

FIFTH FLOOR, FLOUR EXCHANGE BUILDING
310 FOURTH AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55415
(612) 341-7600

February 1, 1988

Gerald L. Willet, Commissioner
Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Re: In the Matter of Proposed Amendments to Rules Governing Air Quality Permit Fees, Minn. Rules Part 7002.0100; OAH Docket No. PCA-88-003-AK, 6-2200-1928-1

Dear Commissioner Willet:

Enclosed and served upon you by mail, please find the Report of the Administrative Law Judge in the above-entitled matter. I also enclose the official record, and I am closing our file in this matter.

Yours very truly,

Allan W. Klein

ALLAN W. KLEIN
Administrative Law Judge

Telephone: 612/341-7609

AWK:lr

Enclosures

cc: Ted Shields
Linda Schutz
Ed Schentzel

PC 3-003-AK
6-)-1928-1

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed
Amendments to Rules Governing
Air Quality Permit Fees,
Minn. Rules Part 7002.0100

REPORT OF THE
ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for hearing before Allan W. Klein, Administrative Law Judge, on December 17, 1987, in St. Paul.

This Report is part of a rulemaking proceeding held pursuant to Minn. Stat. §§ 14.01 through 14.28 (1986), to determine whether the proposed amendments governing air quality permit fees should be adopted by the Minnesota Pollution Control Agency. This proceeding is identical to an earlier one (OAH Docket No. PCA-88-002-BC, 2-2200-1702-1) which had a public hearing on September 1. Due to a non-substantive procedural error, that proceeding was invalid, and the Agency instituted this new proceeding. However, this Report will include numerous references to the record of that earlier proceeding. The Report from that proceeding is attached to this Report to facilitate the incorporations in Finding 9, below.

The agency was represented by Alan R. Mitchell, Suite 200, 520 Lafayette Road, St. Paul, Minnesota 55155. Members of the agency panel appearing at the hearing were Keith Ness, Ahto Niemioja, and Elizabeth Henderson.

The hearing register was signed by four members of the public. Although all persons desiring to testify were given an opportunity to do so, only one member of the public provided oral testimony at the hearing. The record remained open through December 30, 1987, for the submission of initial written comments. At the hearing, the agency offered PCA Exhibits A-1 through A-34 (which was the entire record of the earlier proceeding) and Ex. B-J, which were other jurisdictional documents. Public Ex. K-O were also received during the hearing. After the hearing, during the initial comment period, the Administrative Law Judge received the following comments:

Ex. P -- MPCA letter to ALJ, December 30, 1987
Ex. Q -- Outdoors Committee letter to ALJ, December 30, 1987
Ex. R -- MPCA letter to Senator Waldorf, December 30, 1987.

As authorized by Minn. Stat. § 14.15, subd. 1 (1986), three business days were allowed for the filing of responsive comments. During the period for reply comments, the following submissions were received:

Ex. S -- J. L. Shiely Company letter to ALJ, January 4, 1988
Ex. T -- MPCA letter to ALJ, January 5, 1988.

On January 5, 1988, the record of this rulemaking proceeding closed for all purposes.

This Report must be available for review to all affected individuals upon request for at least five working days before the agency takes any further action on the rule(s). The agency may then adopt a final rule or modify or withdraw its proposed rule. If the Agency makes changes in the rule other than those recommended in this report, it must submit the rule with the complete hearing record to the Chief Administrative Law Judge for a review of the changes prior to final adoption. Upon adoption of a final rule, the agency must submit it to the Revisor of Statutes for a review of the form of the rule. The agency must also give notice to all persons who requested to be informed when the rule is adopted and filed with the Secretary of State.

Based upon all the testimony, exhibits, and written comments, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On November 3, 1987, the Agency filed the following documents with the Chief Administrative Law Judge:

(a) A copy of the proposed rules certified by the Revisor of Statutes.
(b) The Order for Hearing.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.
(e) The Statement of Need and Reasonableness.
(f) A Statement of Additional Notice.

2. On November 16, 1987, a Notice of Hearing and a copy of the proposed rules were published at 12 State Register 1036.

3. On November 12, 1987, the Agency mailed the Notice of Hearing to all persons and associations who had registered their names with the Agency for the purpose of receiving such notice.

4. On November 20, 1987, the Agency filed the following documents with the Administrative Law Judge:

(a) The Notice of Hearing as mailed.
(b) The Agency's certification that its mailing list was accurate and complete.
(c) The Affidavit of Mailing the Notice to all persons on the Agency's list.
(d) An Affidavit of Additional Notice.
(e) The names of agency personnel who will represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.
(f) A copy of the State Register containing the proposed rules.
(g) All materials received following a Notice of Intent to Solicit Outside Opinion published at 11 State Register 2117, May 18, 1987, and a copy of the Notice.

The documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

5. The period for submission of initial written comment and statements remained open to December 30, 1987.

6. The period for submission of responsive written comment and statements remained open until January 5, 1988.

7. On November 3, 1987, the Agency delivered an explanatory cover letter and a copy of the Notice of Hearing and the proposed rules to the Honorable Glen H. Anderson, Chair of the House Appropriations Committee, and to the Honorable Gene Merriam, Chair of the Senate Finance Committee. These notifications were provided pursuant to Minn. Stat. § 16A.128, subd. 2a (1987 Supp.). It was the Agency's failure to give these notifications that invalidated the earlier proceeding.

Nature of Proposed Amendments

8. The proposed amendments modify Minn. Rule pt. 7002.0100 by increasing each stated fee by a uniform proportional percentage. No change other than that proportional increase in fees is contained in the proposed amendments. The amount of the proportional increase is approximately 60 percent. This is exactly the same change as was proposed in the earlier proceeding, and therefore a number of Findings from the earlier Report will be incorporated below.

Adoption of Findings from Earlier Report

9. Findings 16 through 55 from the October 27, 1987 Report of Judge Bruce D. Campbell are hereby adopted by the undersigned and incorporated herein, with the following material be added to the end of Finding 55 from that Report:

> The Agency has agreed to review the entire rule in 1989 or 1990. Tr. 45. The Agency has agreed that there will be no further changes to the fee schedule until the entire rule is reviewed. Ex. R (letter to Senator Gene Waldorf dated December 30, 1987).

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. That the Agency gave proper notice of the hearing in this matter.

2. That the Agency has fulfilled the procedural requirements of Minn. Stat. §§ 14.14, and all other procedural requirements of law or rule.

3. That the Agency has documented its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3 and 14.50 (i) and (ii).

4. That the Agency has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2 and 14.50 (iii).

5. That any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

6. That a finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Agency from further modification of the rules based upon an examination of the public comments, provided that no substantial change is made from the proposed rules as originally published, and provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted consistent with the Findings and Conclusions made above.

Dated this 1st day of February, 1988.

Allan W. Klein

ALLAN W. KLEIN
Administrative Law Judge

Reported: Nancy S. Sorenson
Southwest Reporters, Inc.

Exhibit 5

AIR QUALITY FEE DETER...ATION - 1989 RULE AMENDMENTS

ACTIVITIES	COST PER ACTIVITY $	PROJECTED NUMBER OF ACTIVITIES AVG-FY90/91	PROJECTED FEES COLLECTED AVG-FY90/91
APPLICATION FEES	50	200	10,000
PERMIT PROCESSING FEES:			
Construct Indirect Source	1000	12	12,000
Construct/Recon. Major - Basic	1000	3	3,000
Surcharges - 250-500	500	1	500
500-1000	750	1	750
1000-5000	1125	0	0
5000-10,000	1500	0	0
>10,000	2500	0	0
Construct/Recon. Non-Major	500	10	5,000
Modify Indirect Source	175	5	875
Modify Major - Basic	350	20	7,000
Surcharges - 250-500	175	5	875
500-1000	260	4	1,040
1000-5000	395	3	1,185
5000-10,000	590	1	590
>10,000	895	1	895
Modify Non-Major	175	10	1,750
Reissue Major	550	40	22,000
Surcharges - 250-500	275	10	2,750
500-1000	415	8	3,320
1000-5000	625	7	4,375
5000-10,000	935	2	1,870
>10,000	1400	1	1,400
Reissue Non-major	225	50	11,250
General Permits	75	30	2,250
Administrative Amendments	50	40	2,000
Sub-Total			86,675
ADDITIONAL PROCESSING FEES			
Non-Attainment Area - Basic	2500	2	5,000
Surcharges - add. pollutants	250	0	0
PSD - Basic	2500	5	12,500
Surcharges - add. pollutants	250	5	1,250
NSPS - Basic	125	20	2,500
Surcharges - add. facilities	25	10	250
add. pollutants	25	10	250
Non-Criteria Emissions - Basic	400	20	8,000
Surcharges - add. pollutants	75	80	6,000
Dispersion Modeling - Basic	400	3	1,200
Surcharges - add. pollutants	75	0	0
Indirect Soure	500	3	1,500
Sub-total			38,450
COMPLIANCE DEMONSTRATION FEES			
Visibile Emissions Eval. - Basic	75	50	3,750
Surcharges - add. units	25	25	625
Performance Tests - Basic	475	100	47,500
Surcharges - add. ref. methods	100	100	10,000
add. units	100	100	10,000

CEM's - Basic		475	20	9,500
Surcharges - add. pollutants		100	10	1,000
Sub-Total				82,375
Total Non-annual Fees				217,500
ANNUAL FEES:				
Major - Basic		450	405	182,250
Surcharges - 250-500	450		100	45,000
500-1000	675		80	54,000
1000-5000	1015		70	71,050
5000-10,000	1520		15	22,800
>10,000	2280		10	22,800
Non-Major		225	220	49,500
Indirect Source Permits		450	1	450
Total Annual Fees				447,850
TOTAL FEES				665,350

Exhibit 6

TECHNICAL ADVISORY COMMITTEE MEMBERSHIP

FOR

1989 AIR QUALITY PERMIT FEE RULES AMENDMENTS

Mr. David Braslau
David Braslau Associates
1313 Fifth Avenue Southeast
Suite 322
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Chamber of Commerce
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Mr. Kenneth Ford
Corporate Manager Environmental Affairs
Honeywell, Incorporated
Honeywell Plaza - 3175
Minneapolis, Minnesota 55408

Mr. Mike Hansel
Koch Refining Company
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St. Paul, Minnesota 55164

Ms. Nancy Lowe
Sr. Reg. Analyst
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ERAD
414 Nicollet Mall
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Mr. William G. Pearson, Jr.
Prior Lake Aggregates, Inc.
8680 West 158th Street
Prior Lake, Minnesota 55372

Ms. Debra Pfaff
State Legislative Representative
Room 111, Capitol Building
St. Paul, Minnesota 55155

Ms. Judy Rogosheske
Project Environment Foundation
6750 France Avenue South
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Ms. Linda Schutz
J. L. Shiely Company
1101 Snelling Avenue North
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Mr. David Sellergren
Larkin, Hoffman, Daly & Lindgren Ltd.
7900 Xerxes Avenue South
Bloomington, Minnesota 55431

Mr. Ted Shields
Outdoors Committee
P.O. Box 88
Longville, Minnesota 56655

Joel Smith's Copy

Exhibit 1

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MPCA - DAQ

DATE : August 3, 1989

TO : Thomas Triplett, Commissioner
Department of Finance

FROM : Gerald L. Willet, Commissioner
Pollution Control Agency

PHONE : 296-7301

SUBJECT : FEE SCHEDULE APPROVAL FOR THE DIVISION OF AIR QUALITY

In accordance with M.S. 16A.128, the fee schedule for the Minnesota Pollution Control Agency's proposed amendments to air quality fee rules is submitted for your review and approval. The attached sheets show the proposed fees, the expected revenues and the required revenues. Please note that the projected revenues slightly exceed the required revenues. The reason for the difference is that we do not know the exact number of permits we will issue and we have to estimate their numbers. For example, if we have underestimated by just one major source the number of applications we will receive can result in a shortfall of several thousand dollars.

Approval to begin rulemaking procedures is expected from the Agency Board at its August 22, 1989, meeting. We request your review and written approval be done at your earliest convenience so that we can proceed with the rule making process. If you have any questions please call Joel C. Smith of the Division of Air Quality at 296-7512, or Ms. Henderson of my staff at 296-7554.

GLW/lmh

Approved _____
B.J. Reddemann, Director
Budget Operations & Support

AIR QUALITY FEE DETERMINATION - 1989 RULE AMENDMENTS

ACTIVITIES	COST PER ACTIVITY $	PROJECTED NUMBER OF ACTIVITIES AVG-FY90/91	PROJECTED FEES COLLECTED AVG-FY90/91
APPLICATION FEES	50	200	10,000
PERMIT PROCESSING FEES:			
Construct Indirect Source	1000	12	12,000
Construct/Recon. Major - Basic	1000	3	3,000
Surcharges - 250-500	500	1	500
500-1000	750	1	750
1000-5000	1125	0	0
5000-10,000	1500	0	0
>10,000	2500	0	0
Construct/Recon. Non-Major	500	10	5,000
Modify Indirect Source	175	5	875
Modify Major - Basic	350	20	7,000
Surcharges - 250-500	175	5	875
500-1000	280	4	1,040
1000-5000	395	3	1,185
5000-10,000	590	1	590
>10,000	895	1	895
Modify Non-Major	175	10	1,750
Reissue Major	550	40	22,000
Surcharges - 250-500	275	10	2,750
500-1000	415	8	3,320
1000-5000	625	7	4,375
5000-10,000	935	2	1,870
>10,000	1400	1	1,400
Reissue Non-major	225	50	11,250
General Permits	75	30	2,250
Administrative Amendments	50	40	2,000
Sub-Total			86,675
ADDITIONAL PROCESSING FEES			
Non-Attainment Area - Basic	2500	2	5,000
Surcharges - add. pollutants	250	0	0
PSD - Basic	2500	5	12,500
Surcharges - add. pollutants	250	5	1,250
NSPS - Basic	125	20	2,500
Surcharges - add. facilities	25	10	250
add. pollutants	25	10	250
Non-Criteria Emissions - Basic	400	20	8,000
Surcharges - add. pollutants	75	80	6,000
Dispersion Modeling - Basic	400	3	1,200
Surcharges - add. pollutants	75	0	0
Indirect Soure	500	3	1,500
Sub-total			38,450
COMPLIANCE DEMONSTRATION FEES			
Visible Emissions Eval. - Basic	75	50	3,750
Surcharges - add. units	25	25	625
Performance Tests - Basic	475	100	47,500
Surcharges - add. ref. methods	100	100	10,000
add. units			

Approved 8-8-87
B.J. Reidemann, Director
Budget Operations & Support

CEM's - Basic			475	20	9,500
Surcharges - add. pollutants			100	10	1,000
Sub-Total					82,375
Total Non-annual Fees					217,500
ANNUAL FEES:					
Major - Basic			450	405	182,250
Surcharges -	250-500	450		100	45,000
	500-1000	675		80	54,000
	1000-5000	1015		70	71,050
	5000-10,000	1520		15	22,800
	>10,000	2280		10	22,800
Non-Major			225	220	49,500
Indirect Source Permits			450	1	450
Total Annual Fees					447,850
TOTAL FEES					665,350

Approved B. Reddemann 8-8-85

B.J. Reddemann, Director
Budget Operations & Support

Exhibit 2

PCA-88-002-BC
2-2200-1702-1

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

: the Matter of Proposed
:endments to Rules Governing
:r Quality Permit Fees,
:nn. Rules part 7002.0100.

REPORT OF THE
ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for hearing before Bruce D. Campbell, :dministrative Law Judge, at 9:30 A.M. on September 1, 1987, in the Board Room : the Minnesota Pollution Control Agency at 520 Lafayette Road, St. Paul, :nnesota.

This Report is part of a rulemaking proceeding held pursuant to Minn. :at. §§ 14.01 through 14.28 (1986), to determine whether the proposed :endments governing air quality permit fees should be adopted by the :nnesota Pollution Control Agency (PCA or Agency).

The Agency was represented by Beverly Conerton, Special Assistant Attorney :neral, Suite 200, 520 Lafayette Road, St. Paul, Minnesota 55155. Members of :e Agency panel appearing at the hearing were Elizabeth Henderson, J. Michael :lentine and Ahto Niemioja, Division of Air Quality, Minnesota Pollution :ntrol Agency, 520 Lafayette Avenue North, St. Paul, Minnesota 55155.

The hearing register was signed by 11 persons. Four members of the public :ovided oral testimony at the hearing. All persons desiring to testify were :iven an opportunity to do so. The record remained open through September 21, :87, for the submission of initial written comments. At the hearing herein, :e Agency offered PCA Ex. 1-15 as jurisdictional documents. Public Exhibits :-25 were also received during the hearing. During the initial comment :riod, which expired on September 21, 1987, the Administrative Law Judge :ceived the following timely-filed comments:

Pub. Ex. 26 -- Outdoors Committee, September 21, 1987;
Pub. Ex. 27 -- Pickands Mather, September 21, 1987;
PCA Ex. 28 -- Minnesota Pollution Control Agency, September 21, 1987;
Pub. Ex. 30 -- J.L. Shiely Company, September 21, 1987.

As authorized by Minn. Stat. § 14.15, subd. 1 (1986), three business days :re allowed for the filing of responsive comments. During the period for :ply comments, the following submissions were made:

Pub. Ex. 29 -- Outdoors Committee, September 23, 1987;
Pub. Ex. 31 -- J.L. Shiely Company, September 24, 1987;
PCA Ex. 32 -- Minnesota Pollution Control Agency, September 24, 1987.

On September 24, 1987, the record of this rulemaking proceeding finally :osed for all purposes.

The Board must wait at least five working days before taking any final action on the rules; during that period, this Report must be made available to all interested persons upon request.

Pursuant to the provisions of Minn. Stat. § 14.15, subd. 3 and 4, this Report has been submitted to the Chief Administrative Law Judge for his approval. If the Chief Administrative Law Judge approves the adverse findings of this Report, he will advise the Board of actions which will correct the defects and the Board may not adopt the rule until the Chief Administrative Law Judge determines that the defects have been corrected. However, in those instances where the Chief Administrative Law Judge identifies defects which relate to the issues of need or reasonableness, the Board may either adopt the Chief Administrative Law Judge's suggested actions to cure the defects or, in the alternative, if the Board does not elect to adopt the suggested actions, it may submit the proposed rule to the Legislative Commission to Review Administrative Rules for the Commission's advice and comment.

If the Board elects to adopt the suggested actions of the Chief Administrative Law Judge and makes no other changes and the Chief Administrative Law Judge determines that the defects have been corrected, then the Board may proceed to adopt the rule and submit it to the Revisor of Statutes for a review of the form. If the Board makes changes in the rule other than those suggested by the Administrative Law Judge and the Chief Administrative Law Judge, then it shall submit the rule, with the complete record, to the Chief Administrative Law Judge for a review of the changes before adopting it and submitting it to the Revisor of Statutes.

When the Board files the rule with the Secretary of State, it shall give notice on the day of filing to all persons who requested that they be informed of the filing.

Based upon all the testimony, exhibits, and written comments, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Requirements.

1. On July 10, 1987, the Agency filed the following documents with the Administrative Law Judge:

(a) A copy of the proposed rules, with the certification of approval as to form by the Revisor of Statutes.
(b) A draft Order for Hearing.
(c) A proposed Notice of Hearing.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.
(e) A copy of the Statement of Need and Reasonableness (SONAR).
(f) A Certificate of the Agency's Authorizing Resolution, executed on behalf of the Executive Director of the Agency, Thomas J. Kalitowski, by Barbara Lindsey Sims.

2. On July 27, 1987, a Notice of Hearing and copy of the proposed amendments to the existing rule were published at 12 State Register 136-138.

3. On July 23, 1987, the Agency mailed the Notice of Hearing to all persons and associations who had registered their names with the Agency for the purpose of receiving such notice. In addition, a copy of the Notice was mailed by the Agency to all persons or entities currently holding an air quality permit under the existing rule.

4. On July 31, 1987, the Agency filed the following documents with the Administrative Law Judge:

(a) The Notice of Hearing as mailed.
(b) A photocopy of the pages of the State Register on which the Notice of Hearing and the proposed rule amendments were published.
(c) The Agency's certification that the mailing list required by Minn. Stat. § 14.14, subd. 1a (1986) which was used for the mailing of the Notice was accurate and complete.
(d) The Affidavit of Mailing of the Notice to all persons on the Agency's mailing list and the mailing list. This mailing list contains a list of all persons currently holding an air quality permit from the Agency. That mailing constitutes additional discretionary notice given pursuant to Minn. Stat. § 14.14, subd. 1a (1986).
(e) Copies of the pages of the State Register on which a Notice of Intent to Solicit Outside Opinion was published. No comments were received from members of the public following publication of the Notice.
(f) The names of the Agency personnel who would represent the Agency at the hearing.

These documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

5. The period for submission of written comments remained open through September 21, 1987, the period having been extended by Order of the Administrative Law Judge to 20 calendar days following the close of the hearing. Pursuant to Minn. Stat. § 14.15, subd. 1 (1986), an additional three business days were allowed for the filing of responsive comments. The record therefore closed on September 24, 1987.

Nature of Proposed Amendments.

6. The proposed amendments modify Minn. Rule 7002.0100, Air Quality Permit Fee Schedule, by increasing each stated fee a uniform proportional percentage. No change other than that proportional increase in fees is contained in the proposed amendments. The amount of the proportional increase is approximately 60%. All of the oral testimony at the hearing and subsequent written comments would apply equally to all changes in the fee schedule, and none is directed towards an individual change in that schedule.

Notification to Legislative Committees.

7. Minn. Stat. § 16A.128, subd. 2a., which was adopted by laws 1986, C. 436, § 2 and which became effective on July 1, 1987, provides:

> Procedure. Other fees not fixed by law must be fixed by rule according to chapter 14. Before an agency submits notice to the state register of intent to adopt rules that establish or adjust fees, the agency must send a copy of the notice and the proposed rules to the chairs of the

house appropriations committee and senate finance committee.

8. The Agency submitted its Notice of and Order for Hearing herein to the State Register sometime subsequent to July 1, 1987 and before the publication of the Notice of Hearing in the State Register on July 27, 1987. The Agency did not send a copy of the Notice and a copy of the proposed amendment to the Chairperson, of either the House Appropriations Committee or Senate Finance Committee as required by Minn. Stat. § 16A.128, subd. 2a. (1986). The record does not indicate that the Senate Finance Committee or the House Appropriations Committee has ever received a copy of the Notice and the proposed rule amendments.

9. The Outdoors Committee, in Pub. Ex. 26 and 29, argues that the failure to provide the Notice and a copy of the proposed amendment is an incurable procedural defect, requiring a re-noticing of the hearing. The Agency argues that the receipt by the two Legislative committees of a copy of PCA Ex. 3, dated June 11, 1987, is substantial compliance with the statutory requirement. PCA Ex. 32. In the alternative, the Agency suggests that the defect be corrected by allowing the Legislative Committees to supplement the existing rulemaking record with comments. PCA Ex. 32.

10. It is not clear that Minnesota has adopted a substantial compliance exception to statutory rulemaking requirements. Johnson Bros. Wholesale Liquor v. Novak, 295 N.W.2d 238, 242 (Minn. 1980); Handle With Care, Inc. v. Department of Human Services, 393 N.W.2d 421, 424-425 (Minn.App. 1986), reversed on other grounds, Handle With Care v. Department of Human Services, 406 N.W.2d 518 (Minn. 1987). Even if that doctrine were available, however, the document upon which the Agency relies, PCA Ex. 3, does not establish substantial compliance with Minn. Stat. § 16A.128, subd. 2a. (1986). PCA Ex. 3 is a memorandum from the Commissioner of Finance to the Executive Director of the Minnesota Pollution Control Agency regarding methods of calculating fee revisions to provide direction to the Agency in formulating a proposal. PCA Ex. 3, at most, apprised the Legislative Committees that the Agency was considering a revision to its permit schedule. It does not indicate the stage of development of the revision or, even, that the Agency will finally commence a rulemaking to accomplish a revision. Under such circumstances, at most, it alerted the Committees and their staffs, that the matter was being considered by the Agency. Unless the Administrative Law Judge were to place some undefined duty of inquiry upon the Committees, PCA Ex. 3 would not substitute for the filing required by Minn. Stat. § 16A.128, subd. 2a. (1986). A number of agencies consider revisions to fees and, presumably, do so without that consideration resulting in proposed rule amendments. Placing such a duty upon the Legislative committees is neither reasonable, nor in accordance with the literal language of the statute. Undeniably, one purpose of the statute was to avoid such diverse investigation by the Committees. Hence, the Administrative Law Judge finds that the Agency has not substantially complied with the statute, either prior to the hearing or subsequently. The failure to comply with Minn. Stat. § 16A.128, subd. 2a. (1986), is a unremedied procedural irregularity.

11. Having determined that the failure to comply with Minn. Stat. § 16A.128, subd. 2a. (1986), constitutes a procedural irregularity, it must be determined whether that irregularity is subject to correction or whether it is jurisdictional, requiring a re-noticing of the hearing. The Agency suggests that the Administrative Law Judge allow an additional comment period

during which members of the Committees may file additional comments, presumably, for review by the Administrative Law Judge. PCA Ex. 32, p. 2. The record of a rulemaking proceeding, however, closes after the comment periods authorized by Minn. Stat. § 14.15, subd. 1 (1986). See, Minn. Stat. §§ 14.14, subd. 2a.; 14.15, subd. 1, 2; 14.45 (1986). Hence, the Administrative Law Judge is without statutory authority to accept additional substantive comments upon which he may rely in determining compliance with statutory requirements and need and reasonableness.

12. The Agency's request for an opportunity to obtain Legislative comments could be construed as a request that it be directed to obtain a written statement from the Chairpersons of each of the two Committees that the Legislature had no interest in participating in this rulemaking and, hence, any failure to follow statutory procedure was harmless error. PCA Ex. 32, p. 2. Presumably, under that suggestion, any comment other than an expression of disinterest in participating would result in the finding of a jurisdictional defect and a re-noticing of the hearing.

13. There is general language in several decisions of the Minnesota court suggesting that the absence of demonstrated prejudice to persons entitled to participate in a governmental proceeding is material in judging compliance with procedural requirements. See, City of Minneapolis v. Wurtele, 291 N.W.2d 386, 391 (Minn. 1980). See also, Handle With Care v. Department of Human Services, 406 N.W.2d 518 (Minn. 1987). The elements of that test have been articulated by several commentators. Auerbach, Administrative Rulemaking in Minnesota, 63 Minn. L. Rev. 151, 215 (1979), quoting, Bonfield, The Iowa Administrative Procedure Act; Background, Construction, Applicability, Public Access to Agency Law, the Rulemaking Process, 60 Iowa L. Rev. 781, 834 (1975). As previously indicated, however, the Minnesota court has not clearly recognized the doctrine of substantial compliance in a rulemaking context. Wurtele, supra, involved a governmental action where substantial compliance was a recognized tenant of the applicable law. Handle With Care, supra, merely holds that the Legislature did not intend the requirement of a study to be a precondition to rulemaking; it did not involve an issue of substantial compliance.

Moreover, even adopting lack of prejudice as the test of whether a procedural defect is correctable, does not support the Agency position. The statute provides that the required information be made available at a particular time, in a particular way to two identified committees of the Legislature. Reasonably, that filing would be available not only to the two individual Committee Chairpersons, but to their staff, other members of the two Committees and, even, other members of the Legislature who might wish to be apprised of developments in agency fee rulemaking. Rationally, Legislative interest in fee-related rulemaking could vary significantly with the fee involved. The Agency has not relied on any portion of the legislative history of Minn. Stat. § 16A.128, subd. 2a. (1986), which would justify a conclusion that the Chairpersons of the two Committees were the intended sole beneficiaries of the statute. Given the plain language of the provision, the Administrative Law Judge must conclude that affording the two Chairpersons an opportunity to express a retroactive disinterest in this proceeding would not affirmatively establish the absence of prejudice.

Nor is it clear, if this solution were adopted, what each Chairperson would enter into the record. The possibilities range from a lack of a personal interest to an expression of a lack of interest on the part of anyone

to participate who may have been the beneficiary of such notice. It is inconceivable how the identified individuals could speak for other members of their Committees, unidentified members of the Legislature or members of the public.

It should also be noted that the amendments herein raise existing fees by 60%, that the initial fee schedule was legally adopted without a public hearing and has been the subject of controversy since its adoption, and the Agency contends that questions relating to need and reasonableness cannot be examined in this rulemaking proceeding. See Findings 25 - 28 , infra. Under such circumstances, fashioning an extra-record substitute for a statutorily required notice is doubly objectionable.

It could be argued that, since the statute provides no express penalty for a failure to accomplish the required filing, it is only informational and not a jurisdictional prerequisite to rulemaking. See generally, Handle With Care v. Department of Human Services, 406 N.W.2d 518 (Minn. 1987). In that case, however, the requirement of performing an administrative study was not expressly tied to the Agency's rulemaking authority and specific legislative history stated a contrary Legislative intent. In this proceeding no such specific Legislative intent has been demonstrated and the purpose of the filing is to facilitate participation in the rulemaking. The timing of the required notice, prior to the submission of rules to the State Register, indicates an intent to provide interested legislators, at least, with an opportunity to contact the Agency prior to the commencement of the proceedings and participate in the hearing process, if noticed. Nor, can the filing be characterized as only informational. When the Legislature has intended that a filing with Legislative Committees be for informational purposes only in the context of rulemaking, it has clearly so provided. See, Laws of 1977 C. 453, § 16.

The Administrative Law Judge equates the procedural defect with a failure to provide adequate notice. At least in situations where the beneficiary of such notice is unidentifiable, a failure to give the required notice is jurisdictional. In re Wilmarth Line of C.U. Project, 299 N.W.2d 731 (Minn. 1980), appeal after remand, 380 N.W.2d 127 (1986). The Administrative Law Judge finds, therefore, that the failure to make the filing with the Chairpersons of the House Appropriations Committee and Senate Finance Committee required by Minn. Stat. § 16A.128, subd. 2a. (1986), is a procedural defect which is jurisdictional, that is, not subject to remedy. The rulemaking proceeding must be recommenced.

15. Since the finding of a jurisdictional defect by the Administrative Law Judge is reviewable at both the administrative level and in the courts, the Administrative Law Judge will make Findings regarding the other issues raised in this proceeding. Any further Findings however, presume an integral existing record. They will have no effect unless a reviewing authority determines that the procedural defect is curable and the remedy required is strictly implemented.

Small Business Considerations.

16. Minn. Stat. § 14.115, subd. 2 (1986), requires the Agency, when proposing rules which affect small businesses, to consider methods for reducing the resulting impact on them. Since some of the entities required to pay air quality permit fees are small businesses, as statutorily defined, an

increase in the permit fee will have a financial impact upon them. Several members of the public stated that the Agency has given insufficient consideration to the impact of both the initial rule and the proposed amendment on small businesses. Pub. Ex. 26, p. 4; Pub. Ex. 29, p. 2. The Outdoors Committee argues that the level of fee imposed by the rule depends upon the annual potential emissions of two pollutants - particulates, and SO_2 - and there is no necessary correlation between the size of a business and the annual level of the specified pollutants emitted. Pub. Ex. 26, p. 2. Small businesses might be major emission sources and a large company may emit few, if any, of the specified air pollutants.

17. The Agency considered the methods suggested in the statute for reducing impact on small businesses when the initial rules were adopted. PCA Ex. 28, p. 3. It determined that the initial permit fee structure, which distinguished between major and non-major sources of air emissions in the amount of fees required, appropriately considered the impact on small businesses. PCA Ex. 28, p. 3; PCA Ex. 32, p. 5. Most small businesses are non-major sources. As discussed at Findings 25 - 28, infra, the Administrative Law Judge may not reexamine that decision in this rulemaking proceeding.

18. In this proceeding, the Agency has once again examined the impact of its permit fee schedule on small businesses, as defined in Minn. Stat. § 14.115 (1986). SONAR, pp. 6-7. It considered the methods for reducing the impact of its rule amendments on small businesses specified in the statute. The Agency concluded that it was appropriate to maintain the existing fee relationship between non-major and major sources with smaller fees or no fees imposed on non-major sources. PCA Ex. 32, p. 5; SONAR, p. 7. The fee amount relationship between non-major and major sources will remain substantially the same under the proposed fee revisions. PCA Ex. 32, p. 5. Minn. Stat. § 14.115 (1986), does not require that the Agency adopt any particular solution to minimize the impact of its proposals on small businesses. If small businesses did not pay a proportionately increased amount for their air emission permits, that deficit would have to be recovered from other permit holders. Since the Administrative Law Judge may not reexamine the Agency's initial decision to distinguish only between non-major and major sources of specified pollutants to determine the permit fee, uniformly proportional increases for all permits are fair to all permittees. Findings 25 - 28, infra. The Outdoors Committee does not suggest that preferring small businesses over larger ones is required, or even appropriate, under Minn. Stat. § 14.115, subd. 2 (1986).

19. The Administrative Law Judge, therefore, finds that the Agency has complied with Minn. Stat. § 14.115, subd. 2 (1986), by giving appropriate consideration to methods for reducing the impact of its amendments on small businesses. SONAR, pp. 6-7; PCA Ex. 28, p. 3; PCA Ex. 32, p. 5.

Consideration of Economic Factors.

20. The Agency must by give due consideration to economic factors in the exercise of its authority and the promulgation of rules. Minn. Stat. § 116.07, subd. 6 (1986). Pickands Mather suggests that an increase of approximately 60% is not appropriate given existing economic conditions. Pub. Ex. 27, p. 1. That commentator suggests that the Agency must demonstrate its attempts to reduce costs. Pub. Ex. 27, p. 1. The Agency must, however,

Findings 29 - 32, infra. The Agency has no discretion in the total amount to be recovered from permit holders. The Agency collects fees under Minn. Rules Part 7001.0011, subp. 5 from approximately 550 air emission facilities each year. Annual fees will amount to approximately 66% or $552,000 of the $831,383 total special revenue appropriation for the 1987-1989 state biennium. The remaining $279,383 for the biennium will come from various other fees associated with approximately 1400 permit actions to be conducted over the biennium. SONAR, p. 8. The Agency has a statutory responsibility to develop, implement and monitor an air quality permit program. It must recover the direct and indirect costs of that effort from permit holders, except as limited by statute. The Agency cannot eliminate its oversight responsibilities or defer collecting the costs of oversight from permit holders. SONAR, p. 8. The Agency could only reduce the amount to be collected by eliminating inefficiencies or unnecessary costs in its current air quality permit program. There is no evidence in the record that the spending on behalf of the Agency for air quality permit oversight is in any way unnecessary, inefficient or otherwise inappropriate. The Administrative Law Judge finds that the Agency has given due consideration to available information as to the economic impacts that would result from the amendments to its existing rules. Minn. Stat. § 116.07, subd. 6 (1986).

Statutory Authority.

21. The Agency's statutory authority to adopt the proposed rule amendments is contained in Minn. Stat. § 116.07, subd. 4d. (1986), which provides:

> The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under sections 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision. Any money collected under this subdivision shall be deposited in the special revenue fund.

22. The Agency adopted Minn. Rules Parts 7002.0010 - 7002.0110 in accordance with Minn. Stat. § 16A.128 (1986), as required by Minn. Stat. § 116.07, subd. 4d. (1986). Minn. Stat. § 16A.128, subd. 1a. (1986), requires fees to be reviewed and, if necessary, adjusted:

> These fees must be reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees must be set or fee adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function.

23. No member of the public questioned the statutory authority of the Agency to adopt rules relating to air quality permit fees.

24. As a consequence of Findings 21 - 23, supra, the Agency has statutory authority to adopt amendments to its air quality permit fee rules.

Scope of Review for Need and Reasonableness.

25. Minn. Stat. § 14.14, subd. 2 (1986), requires the Agency to establish the need for and reasonableness of the rule amendments. A number of public witnesses stated, both at the hearing herein and in subsequent written comments, that the Agency should justify the need for and reasonableness of not only the fee increases, but also the existing fee structure which is based on potential emissions of two pollutants and has only two fee classes. See, e.g., Pub. Ex. 26, pp. 2-3; Pub. Ex. 29, p. 1; Pub. Ex. 31, pp. 1-3, and attachments; Tr. 45-47; Tr. 54-55. In summary, the argument is that since the PCA did not hold a public hearing when the initial fee structure was adopted, the reasonableness of the existing fee structure has never been reviewed independently. They request the Administrative Law Judge to consider the need for and reasonableness of the fee structure contained in the original rulemaking and carried forward in the proposed amendments. Several witnesses described the confusion and asserted misinformation extant at the time of the original rulemaking, their inability to determine the number of requests required to force a public hearing on the initial fee schedule and the financial disincentives to perfecting a judicial appeal. Pub. Ex. 26, pp. 2-3; Pub. Ex. 29, p. 1; Pub. Ex. 31, pp. 1-5; Tr. 16-18.

26. The Agency argues that it had no legal obligation, at the time of the initial adoption of an air quality permit fee schedule, to conduct a public hearing and, as a consequence, the Administrative Law Judge cannot consider arguments related to the structure of the existing fee schedule. Rather, he must confine his review to the need for and reasonableness of the proportionate increase in fees over all categories of air quality permits subject to the fee schedule. See, e.g., PCA Ex. 28, pp. 1-2; PCA Ex. 32, pp. 3-4. Moreover, it states that there was a measure of public participation in the development of the original proposal. PCA Ex. 32, pp. 3-4.

27. Minn. Stat. § 14.14, subd. 2 (1986), requires an agency to establish the need for and reasonableness of the rule amendments. Minn. Stat. § 14.131 (1986), requires the agency to prepare a Statement of Need and Reasonableness. Rules promulgated pursuant to that statute are found at Minn. Rules 1400, et seq. Part 1400.0500 specifies the content and nature of the Statement of Need and Reasonableness which would comport with the statutory requirement. Subpart 1, Item C of the rule qualifies the nature of the agency's burden when it proposes to amend existing rules:

> To the extent that an agency is proposing amendments to existing rules, the agency need not demonstrate the need for and reasonableness of existing rules not affected by the proposed amendments.

The Agency has not attempted to modify the original fee structure but has proposed a uniform proportional increase in amounts. The Agency must only justify the increased amounts with a presentation of facts establishing need and reasonableness. Although the Agency might have avoided subsequent controversy by holding a public hearing prior to adopting its initial rules, it was not required to do so by law. Minn. Stat. § 16A.128, subd. 2a. (1985). In 1986, the Legislature amended the statute to require the promulgation of rules under the Administrative Procedures Act. Laws of 1986, C. 436. The Administrative Law Judge has carefully reviewed the arguments of members of the public relating to the scope of review for need and

reasonableness. He finds that the Agency acted within the statutory framework existing at that time and there is no basis in this record to depart from the rule of law previously enunciated when only amendments to existing rules are proposed. The comments do contain a number of reasons why limiting the scope of inquiry in this proceeding might be inequitable. The Agency, however, acted within the then existing law, its fee structure was duly adopted and no judicial appeal was perfected. Hence, it is appropriate to limit the scope of review for need and reasonableness in this proceeding to the proportional increase in the air quality permit fees without considering the reasonableness of the existing fee structure.

28. The fear is expressed that no practical forum exists for permit holders to require the Agency to amend the structure of its fee schedule and the reasonableness of the existing schedule will ever remain unreviewed. It will not be presumed, however, that the Agency is acting in bad faith and will not consider comments offered in this proceeding for a future revision of its air quality permit fee schedule. If necessary, a petition could be filed pursuant to Minn. Stat. § 14.09 (1986) to hasten consideration of the issue. Should the Agency fail to do so, the Legislative Commission to Review Administrative Rules (LCRAR) may be an inexpensive expedient to require the Agency to reconsider the structure of the fee schedule in a rulemaking proceeding. For a discussion of the authority of the LCRAR see, Beck, Bakken, and Muck, Minnesota Administrative Procedure, C. 26 (Butterworth, 1987).

Need for the Proposed Rule Amendments.

29. Minnesota Rules parts 7002.0010 - 7002.0110 became effective on January 21, 1986, in response to the legislative requirement that the Agency collect through permit fees the funds necessary to recover the cost of permit issuance and enforcement. The rules, as initially adopted, were designed to result in revenues of approximately $270,000. Minn. Stat. § 16A.128, subd. 1a. (1986) requires Agency fees to be reviewed annually and to be adjusted if collections under the current fee schedule will not cover the applicable appropriation. In 1987, the Legislature increased the total amount that the Agency is required to collect through permit fees. Most of the increase in required recovery results from the Legislature's determination that the indirect costs associated with issuing and monitoring PCA permits must also be recovered from permit holders. The additional items of recovery mandated by the Legislature in 1987 include amounts necessary to match the Special Revenue Appropriation and Salary Supplements hereinafter summarized. In 1987 the Legislature appropriated $286,400 for each of Fiscal Years 1988 and 1989, or $572,800, for the 1987-89 biennium in direct salary and fringe benefit costs from the Special Revenue Fund for Permit Fees to the Agency's Air Pollution Control Program. SONAR p. 4. The 1987 Legislature also appropriated $533,700 for each of Fiscal Years 1988 and 1989, or $1,067,400 for the 1987-1989 Biennium to the Agency from the Special Revenue Fund for Permit Fees for the purpose of funding indirect costs. SONAR, p. 4.

30. The Agency divided the amount of the additional item of permit recovery, $1,067,400, among its three divisions. It determined that the proportional amount of additional recovery for this item required of the Air Quality Division was $206,000 for the 1987-1989 biennium. SONAR, p. 4. In response to the open appropriation of the Legislature for a salary supplement, the Agency determined that average annual salary and fringe benefit increases have been slightly in excess of 6% over the past four year period. SONAR, p. 5. It therefore apportioned to the Division of Air Quality a total amount for

salary supplement recovery of $52,! In determining the level of indirect costs required to be recovered, the ency used a factor of 36% of the direct costs. This rate is the federal indirect cost rate approved by the Department of Finance for use by the Minnesota Pollution Control Agency. PCA Ex. 28, p. 3. The following table summarizes the appropriations and permit fee collection requirements for the Division of Air Quality, as determined by the Agency:

AIR QUALITY DIVISION	FY 1988	FY 1989	BIENNIUM
Direct Appropriation	$ 286,400	$ 286,400	$ 572,800
Indirect Appropriation	103,000	103,000	206,000
Salary Supplement	17,184	35,399	52,583
TOTAL	$ 406,584	424,799	$ 831,383

SONAR, p. 6.

31. The Agency has determined that it will recover from the existing fee schedule approximately $270,000 during fiscal year 1987. Since the existing fee schedule will recover significantly less than the amount considered necessary to meet the legislative requirement of cost recovery, $831,383 for the biennium, the Agency determined it was necessary to amend its fee schedule.

32. The Agency is, undoubtedly required by statute to recover from permit holders through air quality permit fees an amount necessary to recover the reasonable direct and indirect costs of issuing and monitoring air quality permits, subject to the limitation of Minn. Stat. § 116.07, subd. 4d. (1986). If the Agency's calculation of the amount to be recovered is accepted by the Administrative Law Judge, it has demonstrated a need to adjust existing air quality permit fee amounts.

33. The Outdoors Committee argues that no determination about the need to adjust existing fee levels may be made until after the Commissioner of Finance has performed the annual review of all agency fees required by law to be set by rule mandated by Minn. Stat. § 16A.128, subd. 1a. (1986). Pub. Ex. 26, pp. 3-4. The Commissioner of Finance has, however, reviewed and approved the Agency's proposed fee increase. PCA Ex. 1-3. While it is true that the Department of Finance is, currently, only in the process of completing a total fee review for 1986-87, Agency data will be submitted to the Department of Finance prior to September 30, 1987. PCA Ex. 28, p. 3. For purposes of this rulemaking, the approval and certification by the Commissioner of Finance, acting pursuant to Minn. Stat. § 16A.128, subd. 1a. (1986), is sufficient. PCA Ex. 28, p. 3.

34. Both the Outdoors Committee and J.L. Shiely Company, in oral and written comments, stated that the Agency was including in its totals costs not authorized by Minn. Stat. § 116.07, subd. 4d. (1986). Pub. Ex. 26, pp. 2-3; Pub. Ex. 31, p. 7; Tr. 76. Both commentators argue that the statute limits the Agency to recover from fees the actual costs of reviewing and acting upon applications for Agency permits and implementing and enforcing the conditions of permits pursuant to Agency rules. The Agency has agreed that it seeks to recover from permit holders the costs associated with staff members making determinations about whether a permit is necessary, as well as acting upon

permit applications and enforcing conditions imposed. Tr. 34. Apparently, both commentators interpret Minn. Stat. § 116.07, subd. 4d. (1986), to limit recoverable costs to those costs directly resulting from the Agency's action on actual applications for permits and enforcing their conditions. J.L. Shiely Company, at the hearing herein, requested that the Agency document the size of its permit staff, their job duties and the percentage of time spent on permit administration. Tr. 76.

35. The Agency stated that the Legislature has determined the reasonableness of its costs through the appropriations process and the Agency must recover that amount from permit holders. See, Minn. Stat. § 16A.128, subd. 1a. (1986); Laws of 1987, C. 404; Pub. Ex. 28, p. 3; Pub. Ex. 32, p. 4.

36. The Administrative Law Judge does not accept the limited reading of Minn. Stat. § 116.07, subd. 4d. (1986), suggested by J.L. Shiely Company or the Outdoors Committee. Rather, the statute should be read to allow the PCA to recover from permittees the cost of not only issuing and securing compliance with permits but also determining whether permits are necessary. Tr. 36-37. That interpretation is consistent with a House of Representatives staff determination and the certification by the Commissioner of Finance. Pub. Ex. 26, attachment; PCA Ex. 1. Although the Agency did not provide for the record the detailed staff fiscal data requested, it did document to the Legislature at the time of the appropriation, the reasonable costs of its air quality permit program and the Legislature appropriated that amount. Tr. 18-19. Moreover, all of the staff funded by the appropriation are directly engaged in activities related to permitting and the enforcement of permits. PCA Ex. 32, p. 4; PCA Ex. 28, p. 3. The Administrative Law Judge has no basis for substituting his judgment for that of the Legislature expressed in the appropriations process.

37. Although not questioned at the hearing or in subsequent written comments, authority for including the amount of a salary supplement in the amount to be raised through permit fees is contained in Laws of 1987, C. 404, § 43, subd. 1, and Laws of 1987, C. 404, § 24, subd. 2.

38. The amount appropriated in the Special Revenue Fund for the direct costs, including salary and fringe benefits, of Agency staff engaged in air quality permitting activities is $572,800 for Fiscal Years 1988 and 1989 combined. PCA Ex. 4, Journal of the Senate, p. 5190; PCA Ex. 28, p. 3. Hence, with respect to the direct appropriation for air quality permitting in the Special Revenue Fund, the Legislature has determined that $572,800 is appropriate for recovery by the Agency in air quality fees.

39. Minn. Stat. § 16A.128, subd. 1a. (1986), requires the Agency to recover in fees not only the appropriation for the account specifically but also indirect costs. Indirect costs, as noted in Finding 30, supra, have been determined by multiplying the direct appropriation in the special account by 36%. That percentage is the factor used by the federal government and has been uniformly recognized both by the Agency and the Minnesota Department of Finance as the appropriate factor to determine indirect costs. PCA Ex. 28, p. 3. Use of the 36% factor to determine the proper amount of indirect costs is reasonable.

40. The amount included in the salary supplement portion of the fee calculation, $52,583, was derived by multiplying the direct cost,

approximately $572,000, by an annual factor of 6%, which the Agency determined was the average annual increase in salary and fringe benefits over the past four years. SONAR, p. 5. Use of the average annual increase over the past four year period is reasonable.

41. As a consequence of Findings 29 - 40, supra, the Agency has shown a need to recover in air quality permit fees the following: that portion of the direct appropriation from the Special Fund in 1987 which represents costs meeting the requirements of Minn. Stat. § 116.07, subd. 4d. (1986), $572.800; an additional 36% of that amount for recoverable indirect costs; and an additional 12% of the direct costs for the biennium for a salary supplement. PCA Ex. 28, p. 3. The Agency, must, therefore, increase revenues from air quality permit fees from $270,000 annually to $406,854 for Fiscal Year 1988 and $424,799 for Fiscal Year 1989, or $831,383 for the biennium.

Reasonableness of Amendments to Fees.

42. As previously discussed, each fee is increased a uniform 60% based on projections that the number of permit holders required to pay fees will not increase markedly. Multiplying the number of existing permit holders required to pay fees by the amount of the amended fees, assuming relative stability in the number of permittees, would result in recovering the amount found necessary in Finding 41, supra. The Agency has calculated that the amended fee levels will result in the collection of revenue of $831,415 for the biennium. PCA Ex. 2. Since the Agency must increase fees by a significant amount, a proportionate increase over all classes of fees spreads the burden of the increase evenly without a disproportionate increase in any single category of fee. A proportionate 60% increase over all categories of fees to raise the amount found necessary is reasonable if the Agency's assumptions in determining the fee levels required to generate the necessary revenue are accurate.

43. Several commentators argued that the actual number of persons who are subject to the air quality fee rules substantially exceeds the existing number of fee-paying permit holders. It is argued that the PCA's asserted failure to identify all installations required to pay fees results in a disproportionately higher fee for those who have been identified. Pub. Ex. 7, p. 1; Pub. Ex. 31, p. 5. The PCA collects fees from 532 air emission facilities each year. Pub. Ex. 27, p. 1. This number represents only a fraction of all air emission facilities in Minnesota.

44. The Outdoors Committee sponsored two public exhibits to demonstrate that the Agency has not identified all facilities that should pay permit fees. Pub. Ex. 16 is the first and last page of a ten page computer printout from the Agency, listing the 532 entities required to pay permit fees, as of July 8, 1987. The Agency estimates that, for 1988, there will be approximately 550 fee payers. Tr. 25; SONAR, p. 8.

45. Pub. Ex. 17 is a portion of an Agency-generated computer printout which, in its entirety, includes approximately 2,175 facilities potentially subject to air emission regulations. Tr. 30. Under the column in Pub. Ex. 17 marked "priority" it was the intention of the Agency to include numbers ranging from zero, representing no permitting requirement, to a five, indicating status of facility unknown. A number between 1 and 4 would indicate that fees were required. Of the 2,175 facilities listed in Pub. Ex. 17, approximately 811 have a blank space in the priority column. Tr. 27. The

Outdoors Committee argues that Pub. Ex. 17 shows the Agency has not made a good faith effort to identify facilities required to pay air quality permit fees. Tr. 26-31.

46. The blank spaces in the priority code column for facilities listed in Pub. Ex. 17 should not be interpreted as indicating that they have not been reviewed for compliance with air emission fee payment requirements. The Agency began collecting data on air emission facilities for permitting purposes in approximately 1975, when most air emission permit requirements were adopted. Between 1975 and 1985, the facilities have been visited by permitting staff, who became acquainted with the source's permit requirements. In 1985, when air emission fees were initially adopted, the PCA staff, during the months of July, August and September, made determinations as to which of the facilities on its master list would be required to pay air quality permit fees under the new regulations. Those decisions were based on a large variety of information and included direct contact with the facility when necessary. Pub. Ex. 21, p. 2. The annual fee list has been updated on a monthly basis both by adding permits issued during that month and by an internal annual review prior to actual billing. Pub. Ex. 21, p. 2. A blank in the priority column of Pub. Ex. 17 does not indicate that Agency staff have not made a determination that no permit is required. Eighty to 90% of the 800 facilities with a blank in the priority code column in Pub. Ex. 17 have been determined by Agency staff not to require a permit. Tr. 34. The blanks in the priority column indicate, then, only that the staff has not as yet entered the results of its investigations into the list. Moreover, the Agency is correcting the apparent oversight that initially excluded sand and gravel facilities. Although sand and gravel facilities were not included on the Agency's list when the fee schedule was adopted in 1985, the Agency made a state-wide survey of such facilities. It identified 225 potential facilities involved in sand and gravel activities. The staff determined that only 37 of the facilities were required to obtain a permit. Agency staff is currently working with the sand and gravel industry to secure compliance with permit requirements. Pub. Ex. 21, p. 2.

47. As a consequence of Finding 46, supra, the Administrative Law Judge finds that the Agency has reasonably identified the number of entities required to pay air quality permit fees under its rules.

48. Several commentators suggested that the Agency's fee calculations were unreasonable because they projected only insignificant growth in the number of entities required to pay air quality permit fees in 1988, over 1987. Tr. 24-25; Tr. 37. The Agency responded that, since it has already identified most entities required to pay permit fees, its projected growth in air quality permit fee payers from 535 to 550 in 1988 is reasonable.

49. Since the Agency has already identified most of the sources that are required to pay permit fees, it is reasonable to anticipate only minor growth in the number of permit holders required to pay fees in 1988.

50. The Agency's activity in identifying new sources is a dynamic process. It can be expected that new facilities will begin, old facilities will be discontinued and the emissions at a particular facility may vary with the specific activities the company wishes to undertake. Tr. 38. Fee payers are protected from continued under-estimation of the number of entities who will be remitting fees. Minn. Stat. § 16A.128, subd. 1a. (1986). Over-recovery of fees on a more than sporadic basis would result in an

adjustment to achieve the correct recovery level.

51. Several commentators stated that the classifications contained in the existing rules were unreasonable and, hence, required existing fee payers to pay unreasonable amounts. The Outdoors Committee and Pickands Mather argued that the exemption contained in the rules, which imposes no fee unless emissions of two specified pollutants are potentially at least 50 tons, results in an unreasonable fee to the entities who do pay such fees. Pub. Ex. 26, p. 5; Pub. Ex. 27, p. 1. Other commentators suggested that the current fee structure, which bases the existing fee on the amount of only two pollutants potentially emitted, also results in an unreasonable monetary burden on existing fee payers. Pub. Ex. 30, pp. 1-3; Pub. Ex. 31, pp. 6-7.

52. The Agency did not respond directly to such comments. Rather it stated that the pollutants considered and categories established are parts of the structure of the fee schedule contained in the unamended rule. PCA Ex. 28, p. 2. It contends that the Agency need not establish in this proceeding the reasonableness of the structure of the original fee schedule, adopted by rule in 1986 and never judicially challenged. PCA Ex. 32, p. 5; PCA Ex. 28, p. 2.

53. As a consequence of Findings 25 - 28, supra, challenges to the reasonableness of the fee schedule established in the existing rule are beyond the scope of review in this rulemaking proceeding. Minn. Rule 1400.0500, subp. 1 (1985).

54. As a consequence of Findings 29 - 53, supra, the Agency has established that the 60% proportional increase in air quality fee levels is necessary, as a consequence of legislative requirements, and is reasonable, in that it will recover the required amount.

Comments on Existing Rules.

55. Several commentators provided specific suggestions to the Agency for improvements in the existing air quality permit fee rules. J.L. Shiely Company offered information about the air quality fee rules in Oregon, Michigan, Wisconsin, California and Colorado. Pub. Ex. 18, 22, 30. It also offered information regarding the use of other pollutants for structuring air quality permit fees. Pub. Ex. 31. In addition, many of the comments relating to the reasonableness of the existing rules were also suggestions for changing the underlying fee structure. The Agency responded to these comments by accepting copies of the submissions, but asserting that revisions to the structure of the existing rules were beyond the scope of this rulemaking proceeding. PCA Ex. 28, p. 2; PCA Ex. 32, pp. 5-6.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Minnesota Pollution Control Agency gave proper notice of the hearing in this matter.

2. The Agency has fulfilled the procedural requirements of Minn. Stat. § 14.14 (1986), and all other procedural requirements of law or rule, except as discussed at Findings 7 - 14, supra. As a result of that procedural

irregularity the Agency may not adopt the proposed rule amendment. Rather, it must renotice the hearing herein, after complying with Minn. Stat. § 16A.128, subd. 2a. (1986).

3. The Agency has documented its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. § § 14.05, subd. 1, 14.15, subd. 3 and 14.50(i) and (ii) (1986), except as stated in Conclusion 2 hereof.

4. If a reviewing authority determines that the procedural defect stated in Conclusion 2, supra, is either subject to remedy or not prejudicial, the Agency has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. § § 14.14, subd. 2 and 14.50(iii) (1986).

5. The defect cited in Conclusion 2, supra, is not subject to correction and must result in a re-noticing of the hearing herein after compliance with Minn. Stat. § 16A.128, subd. 2a. (1986).

6. Due to Conclusions 2 and 5, supra, this Report has been submitted to the Chief Administrative Law Judge for his approval pursuant to Minn. Stat. § 14.15, subd. 3 (1986).

7. Any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

It is hereby recommended that the Agency re-notice a public hearing for the proposed amendments to its air quality permit fee schedule, in accordance with Conclusions 2 and 5, supra, after compliance with the requirements of Minn. Stat. § 16A.128, subd. 2a. (1986). It may not proceed to adopt the proposed rule amendments until that is accomplished.

Dated this 27th day of October, 1987.



BRUCE D. CAMPBELL
Administrative Law Judge

Reported: Court Reported. Kirby A. Kennedy & Associates
(612) 922-1955
1-800-642-7317

PCA-88- -BC
2-2200-1702-1 Exhibit 3

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Rules Governing Air Quality Permit Fees, Minn. Rules Part 7002.0100.

REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for review by the Chief Administrative Law Judge pursuant to the provisions of Minn. Stat. § 14.15, subds. 3 and 4, which provide:

> Subd. 3. Finding of substantial change. If the [administrative law judge's] report contains a finding that a rule has been modified in a way which makes it substantially different from that which was originally proposed, or that the agency has not met the requirements of sections 14.131 to 14.18, it shall be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief administrative law judge determines that the defects have been corrected.
>
> Subd. 4. Need or reasonableness not established. If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to delay adoption longer than 30 days after the commission has received the agency's submission. Advice of the commission shall not be binding on the agency.

Based upon a review of the record in this proceeding, the Chief Administrative Law Judge hereby approves the Report of the Administrative Law Judge in all respects.

Judge Campbell has concluded that this rulemaking proceeding contains a procedural defect which cannot be cured and is jurisdictional. It seems clear that the Agency's suggested method of curing the defect by supplementing the record is not authorized by Chapter 14 and, additionally, does not provide the Legislative Chairs with the same opportunity for input obviously contemplated by Minn. Stat. § 16A.128, subd. 2a. After reviewing the record in this matter, consideration was given, however, to the possibility of curing the

defect by obtaining a written waiver from the Chair of the House Appropriations Committee and the Senate Finance Committee alluded to in Finding of Fact No. 12. It would clearly be desirable to avoid the expense of a second rule proceeding if that can be accomplished consistent with the law. As Judge Campbell's careful reasoning indicates, however, notice defects are commonly considered to be jurisdictional since they affect the rights of those not receiving proper notice to participate in the proceeding. Additionally, the notice to the Chairs might have been passed along to others. This case is unlike Handle With Care v. Department of Human Services, 400 N.W.2d 518 (Minn. 1987) where the court concluded that a study was not intended to be a prerequisite to rulemaking. In this case the Legislature clearly mandated that the Agency send a copy of its proposed rules to the Legislature before publication in the State Register. Such a clear legislative directive cannot be ignored, circumvented or compromised. It is therefore concluded that a waiver cannot cure the defect since it cannot effectively restore the procedural rights granted by the 1986 legislation.

In order to correct the defects enumerated by the Administrative Law Judge, the agency shall take the action recommended by the Administrative Law Judge and reconvene the rule hearing. If the agency chooses to reconvene the rule hearing, it shall do so as if it is initiating a new rule hearing, complying with all substantive and procedural requirements imposed on the agency by law or rule.

Dated: October 30, 1987.

GEORGE A. BECK
Administrative Law Judge for
DUANE R. HARVES
Chief Administrative Law Judge

Exhibit 4

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

FIFTH FLOOR, FLOUR EXCHANGE BUILDING
310 FOURTH AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55415
(612) 341-7600

February 1, 1988

Gerald L. Willet, Commissioner
Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Re: In the Matter of Proposed Amendments to Rules Governing Air Quality Permit Fees, Minn. Rules Part 7002.0100; OAH Docket No. PCA-88-003-AK, 6-2200-1928-1

Dear Commissioner Willet:

Enclosed and served upon you by mail, please find the Report of the Administrative Law Judge in the above-entitled matter. I also enclose the official record, and I am closing our file in this matter.

Yours very truly,

Allan W. Klein

ALLAN W. KLEIN
Administrative Law Judge

Telephone: 612/341-7609

AWK:lr

Enclosures

cc: Ted Shields
Linda Schutz
Ed Schentzel

PCA-88 3-AK
6-2200-1928-1

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of Proposed
Amendments to Rules Governing
Air Quality Permit Fees,
Minn. Rules Part 7002.0100

REPORT OF THE
ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for hearing before Allan W. Klein, Administrative Law Judge, on December 17, 1987, in St. Paul.

This Report is part of a rulemaking proceeding held pursuant to Minn. Stat. §§ 14.01 through 14.28 (1986), to determine whether the proposed amendments governing air quality permit fees should be adopted by the Minnesota Pollution Control Agency. This proceeding is identical to an earlier one (OAH Docket No. PCA-88-002-BC, 2-2200-1702-1) which had a public hearing on September 1. Due to a non-substantive procedural error, that proceeding was invalid, and the Agency instituted this new proceeding. However, this Report will include numerous references to the record of that earlier proceeding. The Report from that proceeding is attached to this Report to facilitate the incorporations in Finding 9, below.

The agency was represented by Alan R. Mitchell, Suite 200, 520 Lafayette Road, St. Paul, Minnesota 55155. Members of the agency panel appearing at the hearing were Keith Ness, Ahto Niemioja, and Elizabeth Henderson.

The hearing register was signed by four members of the public. Although all persons desiring to testify were given an opportunity to do so, only one member of the public provided oral testimony at the hearing. The record remained open through December 30, 1987, for the submission of initial written comments. At the hearing, the agency offered PCA Exhibits A-1 through A-34 (which was the entire record of the earlier proceeding) and Ex. B-J, which were other jurisdictional documents. Public Ex. K-O were also received during the hearing. After the hearing, during the initial comment period, the Administrative Law Judge received the following comments:

Ex. P -- MPCA letter to ALJ, December 30, 1987
Ex. Q -- Outdoors Committee letter to ALJ, December 30, 1987
Ex. R -- MPCA letter to Senator Waldorf, December 30, 1987.

As authorized by Minn. Stat. § 14.15, subd. 1 (1986), three business days were allowed for the filing of responsive comments. During the period for reply comments, the following submissions were received:

Ex. S -- J. L. Shiely Company letter to ALJ, January 4, 1988
Ex. T -- MPCA letter to ALJ, January 5, 1988.

On January 5, 1988, the record of this rulemaking proceeding closed for all purposes.

This Report must be available for review to all affected individuals upon request for at least five working days before the agency takes any further action on the rule(s). The agency may then adopt a final rule or modify or withdraw its proposed rule. If the Agency makes changes in the rule other than those recommended in this report, it must submit the rule with the complete hearing record to the Chief Administrative Law Judge for a review of the changes prior to final adoption. Upon adoption of a final rule, the agency must submit it to the Revisor of Statutes for a review of the form of the rule. The agency must also give notice to all persons who requested to be informed when the rule is adopted and filed with the Secretary of State.

Based upon all the testimony, exhibits, and written comments, the Administrative Law Judge makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On November 3, 1987, the Agency filed the following documents with the Chief Administrative Law Judge:

(a) A copy of the proposed rules certified by the Revisor of Statutes.
(b) The Order for Hearing.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.
(e) The Statement of Need and Reasonableness.
(f) A Statement of Additional Notice.

2. On November 16, 1987, a Notice of Hearing and a copy of the proposed rules were published at 12 State Register 1036.

3. On November 12, 1987, the Agency mailed the Notice of Hearing to all persons and associations who had registered their names with the Agency for the purpose of receiving such notice.

4. On November 20, 1987, the Agency filed the following documents with the Administrative Law Judge:

(a) The Notice of Hearing as mailed.
(b) The Agency's certification that its mailing list was accurate and complete.
(c) The Affidavit of Mailing the Notice to all persons on the Agency's list.
(d) An Affidavit of Additional Notice.
(e) The names of agency personnel who will represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.
(f) A copy of the State Register containing the proposed rules.
(g) All materials received following a Notice of Intent to Solicit Outside Opinion published at 11 State Register 2117, May 18, 1987, and a copy of the Notice.

The documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

5. The period for submission of initial written comment and statements remained open to December 30, 1987.

6. The period for submission of responsive written comment and statements remained open until January 5, 1988.

7. On November 3, 1987, the Agency delivered an explanatory cover letter and a copy of the Notice of Hearing and the proposed rules to the Honorable Glen H. Anderson, Chair of the House Appropriations Committee, and to the Honorable Gene Merriam, Chair of the Senate Finance Committee. These notifications were provided pursuant to Minn. Stat. § 16A.128, subd. 2a (1987 Supp.). It was the Agency's failure to give these notifications that invalidated the earlier proceeding.

Nature of Proposed Amendments

8. The proposed amendments modify Minn. Rule pt. 7002.0100 by increasing each stated fee by a uniform proportional percentage. No change other than that proportional increase in fees is contained in the proposed amendments. The amount of the proportional increase is approximately 60 percent. This is exactly the same change as was proposed in the earlier proceeding, and therefore a number of Findings from the earlier Report will be incorporated below.

Adoption of Findings from Earlier Report

9. Findings 16 through 55 from the October 27, 1987 Report of Judge Bruce D. Campbell are hereby adopted by the undersigned and incorporated herein, with the following material be added to the end of Finding 55 from that Report:

> The Agency has agreed to review the entire rule in 1989 or 1990. Tr. 45. The Agency has agreed that there will be no further changes to the fee schedule until the entire rule is reviewed. Ex. R (letter to Senator Gene Waldorf dated December 30, 1987).

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. That the Agency gave proper notice of the hearing in this matter.

2. That the Agency has fulfilled the procedural requirements of Minn. Stat. §§ 14.14, and all other procedural requirements of law or rule.

3. That the Agency has documented its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3 and 14.50 (i) and (ii).

4. That the Agency has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2 and 14.50 (iii).

5. That any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

6. That a finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the Agency from further modification of the rules based upon an examination of the public comments, provided that no substantial change is made from the proposed rules as originally published, and provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted consistent with the Findings and Conclusions made above.

Dated this 1st day of February, 1988.

Allan W. Klein

ALLAN W. KLEIN
Administrative Law Judge

Reported: Nancy S. Sorenson
Southwest Reporters, Inc.

Exhibit 5

AIR QUALITY FEE DETERMINATION - 1989 RULE AMENDMENTS

ACTIVITIES	COST PER ACTIVITY $	PROJECTED NUMBER OF ACTIVITIES AVG-FY90/91	PROJECTED FEES COLLECTED AVG-FY90/91
APPLICATION FEES	50	200	10,000
PERMIT PROCESSING FEES:			
Construct Indirect Source	1000	12	12,000
Construct/Recon. Major - Basic	1000	3	3,000
Surcharges - 250-500	500	1	500
500-1000	750	1	750
1000-5000	1125	0	0
5000-10,000	1500	0	0
>10,000	2500	0	0
Construct/Recon. Non-Major	500	10	5,000
Modify Indirect Source	175	5	875
Modify Major - Basic	350	20	7,000
Surcharges - 250-500	175	5	875
500-1000	260	4	1,040
1000-5000	395	3	1,185
5000-10,000	590	1	590
>10,000	895	1	895
Modify Non-Major	175	10	1,750
Reissue Major	550	40	22,000
Surcharges - 250-500	275	10	2,750
500-1000	415	8	3,320
1000-5000	625	7	4,375
5000-10,000	935	2	1,870
>10,000	1400	1	1,400
Reissue Non-major	225	50	11,250
General Permits	75	30	2,250
Administrative Amendments	50	40	2,000
Sub-Total			86,675
ADDITIONAL PROCESSING FEES			
Non-Attainment Area - Basic	2500	2	5,000
Surcharges - add. pollutants	250	0	0
PSD - Basic	2500	5	12,500
Surcharges - add. pollutants	250	5	1,250
NSPS - Basic	125	20	2,500
Surcharges - add. facilities	25	10	250
add. pollutants	25	10	250
Non-Criteria Emissions - Basic	400	20	8,000
Surcharges - add. pollutants	75	80	6,000
Dispersion Modeling - Basic	400	3	1,200
Surcharges - add. pollutants	75	0	0
Indirect Soure	500	3	1,500
Sub-total			38,450
COMPLIANCE DEMONSTRATION FEES			
Visible Emissions Eval. - Basic	75	50	3,750
Surcharges - add. units	25	25	625
Performance Tests - Basic	475	100	47,500
Surcharges - add. ref. methods	100	100	10,000
add. units	100	100	10,000

CEM's - Basic		475		20	9,500
Surcharges - add. pollutants		100	10		1,000
Sub-Total					82,375
Total Non-annual Fees					217,500
ANNUAL FEES:					
Major - Basic		450		405	182,250
Surcharges - 250-500	450		100		45,000
500-1000	675		80		54,000
1000-5000	1015		70		71,050
5000-10,000	1520		15		22,800
>10,000	2280		10		22,800
Non-Major		225		220	49,500
Indirect Source Permits		450		1	450
Total Annual Fees					447,850
TOTAL FEES					665,350

Exhibit 6

TECHNICAL ADVISORY COMMITTEE MEMBERSHIP

FOR

1989 AIR QUALITY PERMIT FEE RULES AMENDMENTS

Mr. David Braslau
David Braslau Associates
1313 Fifth Avenue Southeast
Suite 322
Minneapolis, Minnesota 55414

Ms. Mary Anne Curry
Chamber of Commerce
480 Cedar Street, Suite 300
St. Paul, Minnesota 55101

Mr. Kenneth Ford
Corporate Manager Environmental Affairs
Honeywell, Incorporated
Honeywell Plaza - 3175
Minneapolis, Minnesota 55408

Mr. Mike Hansel
Koch Refining Company
P.O. Box 64596
St. Paul, Minnesota 55164

Ms. Nancy Lowe
Sr. Reg. Analyst
Northern States Power Company
ERAD
414 Nicollet Mall
Minneapolis, Minnesota 55401

Mr. William G. Pearson, Jr.
Prior Lake Aggregates, Inc.
8680 West 158th Street
Prior Lake, Minnesota 55372

Ms. Debra Pfaff
State Legislative Representative
Room 111, Capitol Building
St. Paul, Minnesota 55155

Ms. Judy Rogosheske
Project Environment Foundation
6750 France Avenue South
Suite 216
Minneapolis, Minnesota 55435

Ms. Linda Schutz
J. L. Shiely Company
1101 Snelling Avenue North
St. Paul, Minnesota 55108

Mr. David Sellergren
Larkin, Hoffman, Daly & Lindgren Ltd.
7900 Xerxes Avenue South
Bloomington, Minnesota 55431

Mr. Ted Shields
Outdoors Committee
P.O. Box 88
Longville, Minnesota 56655

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared:

Department/Agency:

Budget Activity:

Fee Name:

Legal Citation:

Fee Set By: ☐ Law ☐ Agency

Purpose of Fee:

☐ Dedicated ☐ Non-Dedicated

Revenue Code:

APID: | Fund: | Accumulated Difference Thru 1986

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Actual/Anticipated Receipts					
Less Actual/ Anticipated Costs					
Current Difference					
Accumulated Difference					
Number Paying Fee					
Present Fee					
Date Fee Last Changed					

Remarks:

Department Authorized Signature:

Finance Department Recommendation:

Executive Budget Officer Signature:

FI-00195-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared:

Department/Agency:	Budget Activity:
Fee Name:	

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	Estimated F.Y. 89	Requested F.Y. 90	Requested F.Y. 91
Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-06				Dollars in Thousands (137,522 = 137.5)	
Agency Direct Expenditures					
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX		
Attorney General					
Statewide Indirect					
Agency Indirect					
Totals – must agree with cost on Fee Review Form					

Remarks:

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 22nd day of August, 1989, 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 give notice of the Agency's intent to adopt, without a public hearing, the attached proposed rules of the Agency governing Air Quality Permit Fees, Minn. Rules pts. 7002.0010 to 7002.0110 to all persons who have registered their names with the Agency for that purpose and publish the notice and the proposed 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 (1988).
>
> BE IT FURTHER RESOLVED, that the Commissioner of the Agency is also granted the authority to call a hearing for the purpose of adopting the attached proposed rules of the Agency governing Air Quality Permit Fees, Minn. Rules pts. 7002.0010 to 7002.0110, to sign the Notice thereof, to act as the Agency's representative at the hearing, 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 (1988).

IN WITNESS WHEREOF, I have hereunto subscribed my name this 31st day of August, 1989.

Gerald L. Willet

GERALD L. WILLET
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Air Quality Permit Fees, Minn. Rules Parts 7002.0010 to 7002.0110

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

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Patrick J. Mulloy , being duly sworn says:

That on the 28th day of August, 1989, prior to submitting the Notice of Hearing to the State Register, I hand delivered a copy of the Notice of Hearing, the proposed rule amendments, and the Statement of Need and Reasonableness, along with the attached cover letters, to the chairs of the House Appropriations Committee and the Senate Finance Committee.

Patrick J. Mulloy

Subscribed and sworn to before me this 7 day of November, 1989.

Ardith M. Vos
Notary Public

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

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

August 28, 1989

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

Dear Representative Anderson:

The Minnesota Pollution Control Agency, Division of Air Quality is proposing to amend air quality permit fee rules in response to increases in the 1990/91 biennial budget required to be collected through fees by the 1989 Legislature. The proposed rule amendments increase total fee collections to the required budgetary amounts while also restructuring the system such that fees are collected from air emission sources in a more consistent and equitable manner.

I am enclosing a copy of the Notice of Hearing, the proposed rules and rule amendments and the Statement of Need and Reasonableness. If you have any questions, please feel free to contact me at (612) 296-7512.

Sincerely,

Joel C. Smith

Joel C. Smith
Assistant Director
Division of Air Quality

JCS:rml 9.66

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

September 5, 1989

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

Dear Senator Merriam:

On August 28, 1989, the Minnesota Pollution Control Agency (MPCA), Division of Air Quality, delivered to you proposed amendments to the air quality permit fee rules. Due to unforseen circumstances, the room originally scheduled for the hearing is not available and we are changing the location of the hearing. Should a hearing be required, it is now scheduled for 9:30, October 27, 1989, in Room 500 North, 5th floor, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155. We have made these changes in the copy of the public notice to be printed in the State Register and in the copies sent to various affected parties.

If you have any questions, please feel free to contact me at (612) 296-7512.

Sincerely,

Joel C. Smith

Joel C. Smith
Assistant Director
Division of Air Quality

JCS:rml 9.74

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

September 5, 1989

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

Dear Representative Anderson:

On August 28, 1989, the Minnesota Pollution Control Agency (MPCA), Division of Air Quality, delivered to you proposed amendments to the air quality permit fee rules. Due to unforseen circumstances, the room originally scheduled for the hearing is not available and we are changing the location of the hearing. Should a hearing be required, it is now scheduled for 9:30, October 27, 1989, in Room 500 North, 5th floor, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155. We have made these changes in the copy of the public notice to be printed in the State Register and in the copies sent to various affected parties.

If you have any questions, please feel free to contact me at (612) 296-7512.

Sincerely,

Joel C. Smith

Joel C. Smith
Assistant Director
Division of Air Quality

JCS:rml 9.73

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

August 28, 1989

The Honorable Gene Merriam
Chair, Senate Finance Committee
365 State Office Building
St. Paul, Minnesota 55155

Dear Senator Merriam:

The Minnesota Pollution Control Agency, Division of Air Quality is proposing to amend air quality permit fee rules in response to increases in the 1990/91 biennial budget required to be collected through fees by the 1989 Legislature. The proposed rule amendments increase total fee collections to the required budgetary amounts while also restructuring the system such that fees are collected from air emission sources in a more consistent and equitable manner.

I am enclosing a copy of the Notice of Hearing, the proposed rules and rule amendments and the Statement of Need and Reasonableness. If you have any questions, please feel free to contact me at (612) 296-7512.

Sincerely,

Joel C. Smith

Joel C. Smith
Assistant Director
Division of Air Quality

JCS:rml 9.67

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Air Quality Permit Fees, Minn. Rules Parts 7002.0010 to 7002.0110

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

(1) Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends 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 Minn. Stat. §§ 14.22 to 14.28 (1988). The Agency's authority to adopt the rule is set forth in Minn. Stat. § 116 subd. 4d (1988).

(2) All persons have until 4:30 p.m. on October 11, 1989, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

(4) Any person may make a written request for a public hearing on the rules 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. (5) (9) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules 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 (1988).

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 OCTOBER 27, 1989, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THE STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether a hearing will be held, please call Patrick J. Mulloy of the Agency staff, between October 16, 1989, and October 20, 1989, at (612) 296-7670.

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

Patrick J. Mulloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7670

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 rule as noticed.

The proposed rules if adopted, will govern air quality permit fees, Minn. Rules parts 7002.0010 to 7002.0110. These rules increase the total amount of fees collected through air quality permit fees and address potential inequities in the permit fee system. The 1989 Legislature required increases in the portion

of the 1990/91 biennial budget collected through fees. This action raises the total fee collections to the required amount. During a previous rule revision (1987/88) several commenters expressed concerns regarding potential inequities in the existing permit fee system. The Agency determined that addressing these concerns required restructuring the air quality permit fees system. This action redistributes air quality permit fees to better reflect the permitted source's complexity and demand on Agency resources. The Agency believes this results in a more consistent and equitable system for collecting fees from air emission sources. A copy of the proposed rules is enclosed. One free copy of the rules is available upon request from Roxanne M. LaPlante at the address stated above or at (612) 296-7951.

(12) 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 rule has been prepared and is available from Roxanne M. LaPlante upon request.

(14) You are hereby advised, pursuant to Minn. Stat. § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may have an effect on small businesses. Permit fees for small businesses were established in the existing rules at a level proportionate to their air emissions. Most small businesses are minor sources of air pollution, and therefore the fees are considerably less than those for the major sources. This differentiation in fees between minor and major sources will remain substantially the same under the proposed fee revisions.

Small businesses that qualify for general permits are not required to pay annual fees by the current rule. This situation is not changed by the proposed rule. A minimal permit processing fee ($75) is added by this rule for general permits. The fee should not represent a significant burden to small sources.

(9) 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 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 as adopted, must submit a written request to Patrick J. Mulloy.

Dated: 8-28-89

for Barbara Lindsey Sears
GERALD L. WILLET
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing Air Quality Permit Fees, Minn. Rules Parts 7002.0010 to 7002.0110

NOTICE OF HEARING AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) will hold a public hearing in the above-entitled matter at the Minnesota Pollution Control Agency Board Room, 520 Lafayette Road, St. Paul, Minnesota 55155, commencing at 9:30 a.m. on Friday October 27, 1989. 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.

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 THE STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether a hearing will be held, please call Patrick J. Mulloy of the Agency staff, between October 16, 1989, and October 20, 1989, at (612) 296-7670.

The matter will be heard before Administrative Law Judge Allen Giles, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7604. The rule hearing procedure is

governed by Minn. Stat. §§ 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, Minn. Rules Parts 1400.0200 to 1400.1200 (1989). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing Air Quality Permit fees, Minn. Rules Parts 7001.0010 to 7002.0110. The proposed rules are authorized by Minn. Stat. § 116, subd. 4d (1988). A copy of the proposed rules is enclosed. These rules increase the total amount of fees collected through air quality permit fees and address potential inequities in the permit fee system. The 1989 Legislature required increases in the portion of the 1990/91 biennial budget collected through fees. This action raises the total fee collections to the required amount. During a previous rule revision (1987/88) several commenters expressed concerns regarding potential inequities in the existing permit fee system. The Agency determined that addressing these concerns required restructuring the air quality permit fees system. This action redistributes air quality permit fees to better reflect the permitted source's complexity and demand on Agency resources. The Agency believes this results in a more consistent and equitable system for collecting fees from air emission sources. One free copy of the rules is available on request by contacting:

Roxanne M. LaPlante
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Avenue North
St. Paul, Minnesota 55155
(612) 296-7951

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 from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her 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

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1988), "Small business consideration in rulemaking," that the proposed rules may have an effect on small business. Permit fees for small businesses were established in the existing rules at a level proportionate to their air emissions. Most small businesses are minor sources of air pollution, and therefore the fees are considerably less than those for the major sources. This differentiation in fees between minor and major sources will remain substantially the same under the proposed fee revisions.

Small businesses that qualify for general permits are not required to pay annual fees by the current rule. This situation is not changed by the proposed rule. A minimal permit processing fee ($75) is added by this rule for general permits. The fee should not represent a significant burden to small sources.

Please be advised that Minn. Stat. Ch. 10A (1988) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1988) as any individual:

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

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

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Dated: 8-28-89

for Barbara Lindsey Sims
Gerald L. Willet
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules
Governing Air Quality Permit Fees,
Minn. Rules Parts 7002.0010 to 7002.0110

ORDER FOR HEARING

It is hereby ordered this 31st day of August, 1989, that a public hearing on the proposed rules captioned above be held at the State Office Building, 100 Constitution Avenue, 5th Floor, Room 500 North, St. Paul, Minnesota 55155, commencing at 9:30 a.m. on Friday, October 27, 1989.

IT IS FURTHER ORDERED, that notice of said hearing be given to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

Gerald L. Willet

Gerald L. Willet
Commissioner

review team will assign points in the area of attitude according to what extent the recommendations demonstrate an applicant's motivation and commitment to learning.

Subp. 3. **Arts review process results.** If an applicant remains in the process after evaluation of information in ~~subparts~~ subpart 1 ~~and 2~~, all information gathered as described in ~~part~~ parts 3600.0040, subparts 4 and 5, and 3600.0060, subpart 2, will be placed on a matrix, assigned a numerical rating, and totaled for a final score. This process will be done by the final review team. The final review team will chart scores on the matrix according to the congressional districts of all applicants. An equal number of applicants must be selected from each congressional district. If a congressional district does not have enough qualified applicants to fill its quota, the remaining positions shall be distributed equally to qualified applicants from other congressional districts.

REPEALER. *Minnesota Rules*, part 3600.0010, subpart 5, is repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Air Quality Permit Fees

Notice of Intent to Adopt Rules Without a Public Hearing and of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends 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* §§ 14.22 to 14.28 (1988). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.07 subd. 4d (1988).

All persons have until 4:30 p.m. on October 11, 1989, to submit comments 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 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 rules 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 (1988).

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 FRIDAY, OCTOBER 27, 1989, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether a hearing will be held, please call Patrick J. Mulloy of the Agency staff, between October 16, 1989, and October 20, 1989, at (612) 296-7670.

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

Patrick J. Mulloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7670

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 rule as noticed.

The proposed rules, if adopted, will govern air quality permit fees, *Minnesota Rules* parts 7002.0010 to 7002.0110. The proposed rules are published below. One free copy of the rules is available upon request from Roxanne M. LaPlante at the address stated above, or at (612) 296-7951.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

A 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 rule has been prepared and is available from Roxanne M. LaPlante upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may have an effect on small businesses. Permit fees for small businesses were established in the existing rules at a level proportionate to their air emissions. Most small businesses are minor sources of air pollution, and therefore the fees are considerably less than those for the major sources. This differentiation in fees between minor and major sources will remain substantially the same under the proposed fee revisions.

Small businesses that qualify for general permits are not required to pay annual fees by the current rule. This situation is not changed by the proposed rule. A minimal permit processing fee ($75) is added by this rule for general permits. The fee should not represent a significant burden to small sources.

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 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 as adopted, must submit a written request to Patrick J. Mulloy.

Gerald J. Willet
Commissioner

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) will hold a public hearing in the above-entitled matter at the State Office Building, 100 Constitution Avenue, 5th Floor, Room 500 North, St. Paul, Minnesota 55155, commencing at 9:30 a.m. on Friday, October 27, 1989. 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.

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 AGENCY. To verify whether a hearing will be held, please call Patrick J. Mulloy of the Agency staff, between October 16, 1989, and October 20, 1989, at (612) 296-7670.

The matter will be heard before Administrative Law Judge Allen Giles, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, (612) 341-7604. The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* Parts 1400.0200 to 1400.1200 (1989). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing Air Quality Permit Fees, *Minnesota Rules* Parts 7002.0010 to 7002.0110. The proposed rules are authorized by *Minnesota Statutes* § 116.07, subd. 4d (1988). The proposed rules are published below. One free copy of the rules is available on request by contacting:

Roxanne LaPlante
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7951

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 from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one of more of the following ways: by submitting written data at the hearing; and 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 Admin-

istrative 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 Patrick J. Mulloy 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.

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 so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the Hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may have an effect on small business. Permit fees for small businesses were established in the existing rules at a level proportionate to their air emissions. Most small businesses are minor sources of air pollution, and therefore the fees are considerably less than those for the major sources. This differentiation in fees between minor and major sources will remain substantially the same under the proposed fee revisions.

Small businesses that qualify for general permits are not required to pay annual fees by the current rule. This situation is not changed by the proposed rule. A minimal permit processing fee ($75) is added by this rule for general permits. The fee should not represent a significant burden to small sources.

PLEASE BE ADVISED that *Minnesota Statutes* ch. 10A (1988) 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* § 10A.01, subd. 11 (1988) as any individual:

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

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

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Gerald L. Willet
Commissioner

Rules as Proposed

7002.0010 SCOPE.

Parts 7002.0010 to 7002.0100 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in ~~part 7001.0020 (permanent rules, scope), items I and J~~ parts 7001.0010 to 7001.0210 and 7001.1200 to 7001.1350.

7002.0020 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of ~~this chapter~~ parts 7002.0010 to 7002.0110, the terms defined in this part have the meanings given them and the definitions in parts 7001.0010, 7001.1260, and 7005.0010 to 7005.3060 apply unless the terms are defined in this part.

Subp. 2. [See Repealer.]

Subp. 2a. **Administrative amendment.** "Administrative amendment" means an amendment to an air emission permit or indirect source permit under part 7001.0190, subparts 2 and 3.

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. **Air pollution control equipment.** "Air pollution control equipment" means a device used to prevent, abate, or control air pollution.

Subp. 4. and 5. [See Repealer.]

Subp. 6. **Major ~~emission facility~~ emitter.** "Major ~~emission facility~~ emitter" means a stationary source ~~having~~ that has the potential ~~emissions of~~ to emit 100 tons per year or more of ~~sulfur dioxide or particulate matter~~ a single criteria pollutant.

Subp. 7. [See Repealer.]

Subp. 7a. **Noncriteria pollutant.** "Noncriteria pollutant" means a pollutant that is not a criteria pollutant and that may have the potential to be injurious to human health.

Subp. 9. **Nonmajor emitter.** "Nonmajor emitter" means a stationary source other than a major emitter.

7002.0030 FEE DETERMINATION.

The agency shall calculate processing, compliance demonstration, and annual fees based upon the schedule in part 7002.0100 and shall notify the permittee of the amount due ~~prior to~~ before each payment date, except for application fees, which shall be submitted in accordance with part 7002.0050.

7002.0050 APPLICATION FEE.

A person who applies for (1) a permit to construct, ~~install,~~ modify, reconstruct, or operate ~~a facility~~ an emissions unit, emission facility, stationary source, air pollution control equipment, or an indirect source, or (2) an administrative amendment, shall submit with the application the appropriate application fee. Failure to submit the fee renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.

7002.0060 PROCESSING ~~FEE~~ AND COMPLIANCE DEMONSTRATION FEES.

Subpart 1. **Processing and compliance demonstration fees.** Except as provided in subpart 2, a permittee shall pay the applicable processing ~~fee~~ and compliance demonstration fees as listed in part 7002.0100, subparts 3 to 4c, within 30 days of ~~issuance of the permit by~~ receipt of an invoice from the agency.

Subp. 2. **Annual installment of fees.** If a facility is a "small business" as defined in Minnesota Statutes, section 14.115, subdivision 1, the permittee may request to pay the processing fee in annual installments. Annual installments are determined by dividing the processing fee into equal annual payments based on the term of the permit. The first payment shall be made within 30 days of ~~issuance of the permit~~ receipt of an invoice from the agency and annually thereafter on the ~~anniversary of issuance~~ receipt of another invoice. A facility that qualifies as a "small business" must provide proof of that status upon application for a permit. For purposes of this subpart, the term of an indirect source permit is the construction period unless the permit specifies a term.

7002.0070 ANNUAL FEE.

All persons required to obtain a permit shall pay ~~an~~ the annual fee for enforcement of applicable statutes and rules ~~except as provided in~~ required by part 7002.0100, subparts 5, 5a, and 6. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

7002.0080 NOTIFICATION OF ERROR.

A person who thinks that a ~~basic~~ processing fee, ~~additional processing~~ compliance demonstration fee, or annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Air Quality along with the assessed fee. If the director of the Division of Air Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

7002.0100 AIR QUALITY PERMIT FEE SCHEDULE.

Subpart 1. **Scope.** The fees established in this part are applicable to facilities and indirect sources which require an air emission permit under part 7001.1210 (permit rules, air emission permits) or an indirect source permit under part 7001.1270 (permit rules, indirect source permits). ~~For the purpose of this part, the terms used have the meanings given them in part 7005.0100 (air pollution control rules, definitions).~~

Subp. 2. **Application fee.** A person making application for an air emission permit or an indirect source permit shall submit with the application an application fee of ~~$80~~ $50.

Subp. 3. **Basic processing fees.** The permittee shall pay the following basic processing fees for the applicable permit activity:

A. ~~$1,440~~ $1,000 for the construction of an indirect source;

B. ~~$1,440~~ $1,000 for the construction or reconstruction of a major ~~emission facility~~ emitter;

C. ~~$480~~ $500 for the construction or reconstruction of ~~an emission facility other than a major emission facility~~ a nonmajor emitter;

D. ~~$480~~ $350 for the modification of a major ~~emission facility~~ emitter or installation of air pollution control equipment at a major ~~emission facility~~ emitter;

E. ~~$160~~ $175 for the modification of ~~an emission facility other than a major emission facility~~ a nonmajor emitter or installation of air pollution control equipment at ~~an emission facility other than a major emission facility~~ a nonmajor emitter;

F. ~~$720~~ $550 for the reissuance of a ~~major emission facility~~ permit for a major emitter; and

G. ~~$240~~ $225 for the reissuance of ~~an emission facility~~ a permit ~~other than a major emission facility~~ for a nonmajor emitter;

H. $175 for any modification of an indirect source, other than an administrative amendment;

I. $50 for an administrative amendment to a permit; and

J. $75 for issuance or reissuance of a general permit.

For purposes of this subpart, if activities ~~as described~~ in items D and E ~~that~~ occur ~~during the last year of the term of a permit will be addressed along with the reissuance of the permit for a new term.~~ simultaneously with items described in items F and G, the agency shall waive the fee for items D and E and only assess a reissuance fee and applicable additional processing fees.

Subp. 3a. **Basic processing fee surcharges.** In addition to the fees in subpart 3, item B, D, or F, a major emitter shall be charged a basic processing fee surcharge for the tons of potential emissions of criteria pollutants above the initial 100 ton per year threshold that classifies it as a major emitter. The surcharge shall be in the following amount, based on potential emissions of the criteria pollutant emitted in the greatest volume by the major emitter:

Total Potential Emissions (tons per year)	Surcharge Subpart 3, item B Construction Reconstruction	Surcharge Subpart 3, item D Modification	Surcharge Subpart 3, item F Reissue
250-499	$ 500	$175	$ 275
500-999	$ 750	$260	$ 415
1,000-4,999	$1,125	$395	$ 625
5,000-9,999	$1,500	$590	$ 935
10,000 or more	$2,500	$895	$1,400

Subp. 4. **Additional processing fees.** In addition to the ~~basic processing~~ fees required in ~~subpart~~ subparts 3 and 3a, the permittee shall pay the following additional processing fees, ~~if~~ when applicable:

A. ~~$800 for a major stationary source, as defined in Code of Federal Regulations, title 40, section 51.18(j)(1)(iv), as amended through June 25, 1982, located in a nonattainment area~~ $2,500 for permits issued to which parts 7005.3010 to 7005.3060 apply;

B. ~~$240 for an emission facility that is subject to the~~ $2,500 for permits issued to which federal prevention of significant deterioration ~~requirements as established~~ regulations in Code of Federal Regulations, title 40, section ~~51.24~~ 52.21 apply;

C. ~~$80 for an emission facility that is subject to the federal~~ $125 for permits issued to which new source performance standards ~~established~~ requirements in Code of Federal Regulations, title 40, part 60 apply, with an additional $125 applying for each additional new source performance standard subpart beyond the first, applicable to the subject permit;

D. ~~$240 for an emission facility that must apply best available control technology as required under Code of Federal Regulations, title 40, section 51.24~~ $400 for permits requiring evaluation with regard to emissions of noncriteria pollutants;

E. $400 for ~~evaluation of air emissions containing pollutants for which no ambient air quality standard has been established under part 7005.0080 (state ambient air quality standards) and which have the potential to be injurious to human health~~ dispersion modeling reviews performed for reasons other than those covered by item A, B, or D; and

F. ~~$240 for dispersion modeling review; and~~

~~G. $240 for each performance test review~~ $500 for either an indirect source design change as defined in the applicable indirect source permit, or for a modification of an indirect source permit that is neither a minor modification as described in part 7001.1350, nor an administrative amendment.

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. 4a. **Additional processing fee surcharges.** In addition to the fees required in subparts 3, 3a, and 4, the permittee shall pay the following additional processing fee surcharges when applicable:

A. $250 for each additional criteria pollutant beyond the first which is subject to parts 7005.3010 to 7005.3060;

B. $250 for each additional criteria pollutant beyond the first which is subject to federal prevention of significant deterioration rules in Code of Federal Regulations, title 40, section 52.21;

C. for each permit that includes permit requirements for facilities subject to new source performance standards, Code of Federal Regulations, title 40, part 60:

(1) $25 for each additional affected facility, as defined in Code of Federal Regulations, title 40, part 60, beyond the first, that is subject to a single subpart of Code of Federal Regulations, title 40, part 60, not to exceed $500 per permit issuance; and

(2) $25 for each additional pollutant, beyond the first, to which the stationary source is subject under a single applicable subpart of Code of Federal Regulations, title 40, part 60;

D. $75 for each additional noncriteria pollutant beyond the first that is evaluated; and

E. $75 for each additional pollutant, beyond the first, that is subject to a fee for dispersion modeling review under subpart 4, item E.

Subp. 4b. **Compliance demonstration fees.** Fees under this subpart apply at the time of completion of the review of the activity by the agency. Persons required to perform the following activities shall pay the following applicable fees:

A. $75 for each method 9 visible emissions evaluation performance test reviewed by the agency;

B. $475 for each performance test report on emissions from one stack or equivalent emissions point, other than a method 9 visible emissions evaluation, reviewed by the agency, with a separate $475 fee applying to each stack or equivalent emissions point tested; and

C. $475 for each continuous emission monitor certification, recertification, and any relative accuracy test audit report reviewed by the agency.

Subp. 4c. **Compliance demonstration fee surcharges.** Fees under this subpart apply at the time of completion of the review by the agency. In addition to the fees required in subpart 4b, the permittee shall pay compliance demonstration fee surcharges as listed below when applicable:

A. $25 for each additional method 9 visible emission evaluation included in a single performance test report beyond the first that is reviewed by the agency;

B. for a single performance test report, other than a method 9 visible emission evaluation report:

(1) $100 for each additional reference method or its equivalent beyond the first five that is reviewed; and

(2) $100 for each additional emissions unit that contributes to the stack or equivalent emissions point tested beyond the first that is reviewed; and

C. $100 for each additional pollutant monitored by a continuous emission monitor submitting a report under subpart 4b, item C, beyond the first, not to include diluent gases necessary for monitor operation.

Subp. 5. **Annual fees.** All persons required to obtain an air emission permit or an indirect source permit shall pay the ~~following~~ applicable annual fee~~:~~ according to items A and B.

A. ~~$1,040 for a major emission facility; or~~

~~B. $240 for a stationary source other than a major emission facility~~ Stationary sources shall pay the following applicable annual fees:

(1) $450 for a major emitter; and

(2) $225 for a nonmajor emitter.

Annual fees for stationary sources shall be based on the potential emissions of the stationary source on January 1 of the year for which the fee applies. Seasonal facilities are not exempt from annual fees and shall pay annual fees in accordance with their potential to emit. The agency shall not charge an annual fee for a stationary source ~~with~~ if the potential ~~emissions of a~~ to emit any single criteria pollutant ~~of~~ is more than 25 tons per year but is less than 50 tons per year for each criteria pollutant unless the stationary source ~~also discharges lead to the ambient air~~ has the potential to emit at least 1,000 pounds of lead per year.

B. Persons required to obtain an indirect source permit shall pay an annual fee of $400 through the year in which construction is completed or compliance with all permit provisions is documented, whichever is later.

Subp. 5a. **Annual fee surcharges.** In addition to the fees in subpart 5, item A, a major emitter shall be charged an additional

annual fee surcharge for the tons of potential emissions above the initial 100 tons that classifies it as a major emitter. The surcharge shall be in the following amount, based on the potential emissions of the criteria pollutant emitted in the greatest amount:

Table Potential Emissions (tons per year)	Surcharge
250-499	$ 450
500-999	$ 675
1,000-4,999	$ 1,015
5,000-9,999	$ 1,520
10,000 or more	$ 2,280

Subp. 6. **General permits.** The agency shall not charge ~~processing or~~ annual fees for permits issued as a general permit under the permit rules in part 7001.0210 ~~(permit rules)~~.

REPEALER. *Minnesota Rules*, part 7002.0020, subparts 2, 4, 5, and 7, are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste; Burning of Hazardous Waste and Used Oil

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* §§ 115.03, subd. 1(g), 116.07, subd. 4 (1988).

All persons have until 4:30 p.m. on October 11, 1989, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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 OCTOBER 19, 1989, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULE AMENDMENTS PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MPCA. To verify whether a hearing will be held, please call Gail V. Lund, MPCA, between October 11, 1989, and October 19, 1989, at 612/296-7351.

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

Gail V. Lund
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7351

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

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.

CEMENT TERMINAL

RED ROCK - OF MINNESOTA, INC.

1363 Red Rock Rd
P.O. Box 8
Newport, MN 55055

October 11, 1989

Mr. Patrick J. Mulloy
Division of Air Quality
MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road, North
St. Paul, MN 55155

RE: Proposed Permanent Rules Relating to Air Quality Permit Fees

Dear Mr. Mulloy:

Red Rock of Minnesota, Inc. opposes the new MPCA Administrative Rules, Subpart 4b. Compliance Demonstration Fees; Subpart 4c. Compliance Demonstration Fee Surcharges; and Subpart 5. Annual Fees. Therefore,

We hereby request a hearing to discuss possible changes in the language of these rules as a means of clarifying Subpart 4b.C.

According to Libby Henderson, this rule does not include wind monitors. Also, we would like 4b.A. and 4c.A. defined to state whether the first of one or more Method 9 tests submitted together would cost $75.00 and each subsequent test $25.00. As it now stands, the wording is somewhat misleading.

Sincerely,

Nicole Gregory

Nicole Gregory
Office Manager

NG/wam

cc: Libby Henderson

612 739 0589

'89 10/11 1 612 739 0589 R OCK OF MN 01

CEMENT TERMINAL

TELEFAX MESSAGE

If not all pages have been received please contact us at (612) 739-2743 or Fax# (612) 739-0589

RED ROCK - OF MINNESOTA, INC.

1363 Red Rock Rd
P.O. Box 8
Newport, MN 55055

Date: 10-11-89

To: Patrick J. Mulloy

From: Nicole Gregory

Number of Pages:

Subject: Proposed Permanent Rules Relating to Air Quality Permit Fees.

FAX # 297-1456

RED ROCK - OF MINNESOTA, INC.

1363 Red Rock Rd
P.O. Box 8
Newport, MN 55055

October 11, 1989

Mr. Patrick J. Mulloy
Division of Air Quality
MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road, North
St. Paul, MN 55155

RE: Proposed Permanent Rules Relating to Air Quality Permit Fees

Dear Mr. Mulloy:

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According to Libby Henderson, this rule does not include wind monitors. Also, we would like 4b.A. and 4c.A. defined to state whether the first of one or more Method 9 tests submitted together would cost $75.00 and each subsequent test $25.00. As it now stands, the wording is somewhat misleading.

Sincerely,

Nicole Gregory

Nicole Gregory
Office Manager

NG/wam

cc: Libby Henderson

PRIOR LAKE AGGREGATES, INC.

Washed Sand and Gravel

8680 West 158th Street

Prior Lake, Minn. 55372

447-5593 447-2162

October 9, 1989

RECEIVED

OCT 10 1989

Minnesota Pollution Control Agency
Division of Air Quality

Patrick J. Mulloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Dear Mr. Mulloy,

We ask that this letter be accepted as Prior Lake Aggregates, Inc. request for a public hearing of your proposed rules governing air quality permit fees.

We identify our main area of concern as the proposed annual fees that show several aggregate producers, three times our size in production, with annual fees half as much as what our Company is scheduled to pay.

Our reasons for this request is to have these annual fees charged in a much more equitable way.

The change we propose is for all aggregate producers under 700,000 ton per year to have a annual fee of $200 with yearly updating of any change in their operation.

Sincerely,

William G. Pearson, Jr.
Prior Lake Aggregates, Inc.

3602 World Trade Center
30 East Seventh Street
St. Paul, Minnesota 55101
612/220-2001
FAX: 612/292-9347

James C. Jackson
Region Manager
Environmental Affairs

Boise Cascade Corporation

October 10, 1989

RECEIVED
OCT 11 1989
Minnesota Pollution Control Agency
Division of Air Quality

Mr. Patrick J. Malloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Re: Proposed Rules Governing Air Quality Permit Fees
Minnesota Rules Parts 7002.0010 to 7002.0110

Dear Mr. Malloy:

The comments contained herein regarding changes in rules governing air quality permit fees (Minn. Rules Parts 70020.0010 to 7002.0110) are submitted on behalf of Boise Cascade Corporation. Boise Cascade is impacted by the proposed rule changes because of its air permit for a pulp and paper manufacturing operation at International Falls, Minnesota.

Boise Cascade is generally concerned with the practice of rapidly increasing permit fees as it represents an additional burden upon the Minnesota business community. The proposed fee increases are but the latest round in a spiraling increase which occurs without adequate oversight. Pertaining to the rules currently proposed, Boise Cascade is concerned about the magnitude of some fee increases and the complexity of portions of the fee schedule.

1. Assuming the need for a significant increase in permit fee revenue, the magnitude and structure of fees proposed in Section 7002.0100 - Subparts 2, 3, 3a, 5, and 5a can be accepted.

2. The fee structure in Section 7002.0100 - Subparts 4 and 4a generally pertains to new or modified major source and New Source Performance Standard (NSPS) reviews. Having recently gone through both major source modification and NSPS reviews, Boise Cascade appreciates the magnitude of effort required by the Agency in administering these programs. Consequently, we can accept the substantial increase in fees which is proposed. We do believe, however, that the fee structure is too complex. The system could be simplified but kept reasonably equitable by deleting the additional processing fee surcharges contained in Subpart 4a.

3. Our major concern with the proposed regulations is the compliance demonstration fees contained in Section 7002.0100 Subparts 4b and 4c. The fees proposed are much too high. For example, a particulate test, consisting of three runs, costs our mill about $1,500. The proposed Agency fee for reviewing the test is $475. The Agency fee is about 32 percent of the actual cost of doing the work. The fees for opacity report reviews and continuous emission monitoring certifications are similarly much too high. while we would prefer no fees for compliance demonstration, at most they should not exceed five percent of the cost of doing the work. Also, the compliance demonstration fee structure is too complex. In our opinion, the system can be simplified yet remain equitable by deleting Subpart 4c which contains compliance demonstration fee surcharges.

Boise Cascade appreciates the opportunity to comment on the proposed changes to Minnesota Rules - Parts 7002.0010 to 7002.0110 and requests a hearing so that further input can be received.

Yours truly,

James C. Jackson

James C. Jackson, PE
Region Manager, Environmental Affairs

JCJ/bly

North Star Steel Company

ADMINISTRATIVE OFFICES

15407 McGINTY ROAD, MINNETONKA, MINNESOTA

MAIL ADDRESS: BOX 9300, MINNEAPOLIS, MN 55440

October 9, 1989

Mr. Patrick J. Mulloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Dear Mr. Mulloy:

I am writing to comment on the proposed rules governing air quality permit fees published in the State Register.

My only immediate comment is that the compliance demonstration fees identified in Subpts. 4b and 4c should be specified on a "maximum not to exceed" basis:

> Subp. 4b. .. Persons required to perform the following activities shall pay actual costs for Agency review of the reports generated. The actual costs billed by the Agency must be itemized in an invoice and shall not exceed the following applicable fees:

Language specifying the same "maximum not to exceed" basis should be incorporated into Subp. 4c.

Thank you for providing us the opportunity to comment.

Sincerely,

Robert S. Evans II/eh

Robert S. Evans II
Environmental Affairs Manager

RSE:eh

RECEIVED

OCT 10 1989

Minnesota Pollution Control Agency
Division of Air Quality

Ashland

Ashland Petroleum Company

DIVISION OF ASHLAND OIL, INC.

P.O. BOX 391 • ASHLAND, KENTUCKY 41114 • (606) 329-3333

ENVIRONMENTAL & HEALTH AFFAIRS
DEPARTMENT

October 11, 1989

Patrick J. Mulloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

RE: Comments on the Proposed Rules
Governing Air Quality Permit Fees

Dear Mr. Mulloy:

In the Minnesota Pollution Control Agency's "Notice of Intent", it is stated that, "the 1989 Legislature required increases in the portion of the 1990/91 biennial budget collected through fees. This action raises the total fee collections to the required amount". For a small business installing pollution control equipment the typical fees would be reduced from $480 per application to $400. This is very little change in monies collected. However, an analysis comparing the current charges to proposed charges for three recent projects show the average monies collected to increase from $700 to $2,850. Conservative estimates shows the actual monies collected to range from doubling to quadrupling. It is requested that the fee structure be arranged so as not to exceed the amount required by the Legislature.

Sincerely,

Charles D. Bennett

Charles D. Bennett

CDB/cf

Ashland Petroleum Company
Committed to a
Quality Environment

Ashland

Ashland Petroleum Company
DIVISION OF ASHLAND OIL, INC.
P.O. BOX 391 • ASHLAND, KENTUCKY 41114 • (606) 329-3333

ENVIRONMENTAL & HEALTH AFFAIRS
DEPARTMENT

TELECOPIER REQUEST FORM

DATE 10-11-89 TIME _____

SENT TO Patrick J. Mulloy
Minnesota Pollution Control Agency

AT PANAFAX NUMBER (612) 297-1456

NUMBER OF PAGES (including cover sheet) 2

FROM Charles D. Bennett
Ashland Petroleum Company

IF YOU HAVE ANY PROBLEMS PLEASE CALL _____

OUR PANAFAX AUTOMATIC TELECOPIER NUMBER IS (606) 329-3920

Ashland Petroleum Company
Committed to a
Quality Environment

Ashland

Ashland Petroleum Company

DIVISION OF ASHLAND OIL, INC.

P.O. BOX 391 • ASHLAND, KENTUCKY 41114 • (606) 329-3333

ENVIRONMENTAL & HEALTH AFFAIRS
DEPARTMENT

October 11, 1989

Patrick J. Mulloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

RE: Comments on the Proposed Rules
Governing Air Quality Permit Fees

Dear Mr. Mulloy:

In the Minnesota Pollution Control Agency's "Notice of Intent", it is stated that, "the 1989 Legislature required increases in the portion of the 1990/91 biennial budget collected through fees. This action raises the total fee collections to the required amount". For a small business installing pollution control equipment the typical fees would be reduced from $480 per application to $400. This is very little change in monies collected. However, an analysis comparing the current charges to proposed charges for three recent projects show the average monies collected to increase from $700 to $2,850. Conservative estimates shows the actual monies collected to range from doubling to quadrupling. It is requested that the fee structure be arranged so as not to exceed the amount required by the Legislature.

Sincerely,

Charles D. Bennett

Charles D. Bennett

CDB/cf

Ashland Petroleum Company
Committed to a
Quality Environment

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing Air Quality Permit Fees, Minn. Rules Parts 7002.0010 to 7002.0110

AFFIDAVIT OF MAILING THE NOTICE OF INTENT WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Michelle Kelley, being duly sworn, deposes and says:

That on the 6 day of September, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, s/he served 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 at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations (see attached list) who have requested that their names be placed on file with the Minnesota Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by the Minnesota Pollution Control Agency.

Michelle Kelley

Subscribed and sworn to before me
this 30 day of November, 1989.

Ardith M. Vos
Notary Public

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

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Air Quality Permit Fees, Minn. Rules Parts 7002.0010 to 7002.0110

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends 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 Minn. Stat. §§ 14.22 to 14.28 (1988). The Agency's authority to adopt the rule is set forth in Minn. Stat. § 116 subd. 4d (1988).

All persons have until 4:30 p.m. on October 11, 1989, to submit comments 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 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 rules 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 (1988).

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 OCTOBER 27, 1989, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THE STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether a hearing will be held, please call Patrick J. Mulloy of the Agency staff, between October 16, 1989, and October 20, 1989, at (612) 296-7670.

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

Patrick J. Mulloy
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7670

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 rule as noticed.

The proposed rules if adopted, will govern air quality permit fees, Minn. Rules parts 7002.0010 to 7002.0110. These rules increase the total amount of fees collected through air quality permit fees and address potential inequities in the permit fee system. The 1989 Legislature required increases in the portion

of the 1990/91 biennial budget collected through fees. This action raises the total fee collections to the required amount. During a previous rule revision (1987/88) several commenters expressed concerns regarding potential inequities in the existing permit fee system. The Agency determined that addressing these concerns required restructuring the air quality permit fees system. This action redistributes air quality permit fees to better reflect the permitted source's complexity and demand on Agency resources. The Agency believes this results in a more consistent and equitable system for collecting fees from air emission sources. A copy of the proposed rules is enclosed. One free copy of the rules is available upon request from Roxanne M. LaPlante at the address stated above or at (612) 296-7951.

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 rule has been prepared and is available from Roxanne M. LaPlante upon request.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may have an effect on small businesses. Permit fees for small businesses were established in the existing rules at a level proportionate to their air emissions. Most small businesses are minor sources of air pollution, and therefore the fees are considerably less than those for the major sources. This differentiation in fees between minor and major sources will remain substantially the same under the proposed fee revisions.

Small businesses that qualify for general permits are not required to pay annual fees by the current rule. This situation is not changed by the proposed rule. A minimal permit processing fee ($75) is added by this rule for general permits. The fee should not represent a significant burden to small sources.

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 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 as adopted, must submit a written request to Patrick J. Mulloy.

Dated: 8-28-89

for Barbara Lindsey Sims
GERALD L. WILLET
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing Air Quality Permit Fees, Minn. Rules Parts 7002.0010 to 7002.0110

AFFIDAVIT OF MAILING NOTICE OF HEARING AND NOTICE OF INTENT TO CANCEL HEARING

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Michelle Kelly, being duly sworn, deposes and says:

That on the 6 day of Sept., 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, s/he served the attached Notice of Hearing, pursuant to Minn. Stat § 14.14, subd. 1.a, by depositing in the State of Minnesota Central Mail System or in the United States mail for first class mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on the attached list of affected persons and associations, which are all Air Quality permittees subject to the proposed rule. These entities are being notified at the Minnesota Pollution Control Agency discretion.

Michelle Kelly

Subscribed and sworn to before me this 30 day of November, 1989.

Ardith M. Vos
Notary Public

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

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing Air Quality Permit Fees, Minn. Rules Parts 7002.0010 to 7002.0110

NOTICE OF HEARING AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) will hold a public hearing in the above-entitled matter at the State Office Building, 100 Constitution Avenue, 5th Floor, Room 500 North, St. Paul, Minnesota 55155, commencing at 9:30 a.m. on Friday October 27, 1989. 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.

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 THE STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether a hearing will be held, please call Patrick J. Mulloy of the Agency staff, between October 16, 1989, and October 20, 1989, at (612) 296-7670.

The matter will be heard before Administrative Law Judge Allen Giles, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis,

governed by Minn. Stat. §§ 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, Minn. Rules Parts 1400.0200 to 1400.1200 (1989). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing Air Quality Permit fees, Minn. Rules Parts 7001.0010 to 7002.0110. The proposed rules are authorized by Minn. Stat. § 116, subd. 4d (1988). A copy of the proposed rules is enclosed. These rules increase the total amount of fees collected through air quality permit fees and address potential inequities in the permit fee system. The 1989 Legislature required increases in the portion of the 1990/91 biennial budget collected through fees. This action raises the total fee collections to the required amount. During a previous rule revision (1987/88) several commenters expressed concerns regarding potential inequities in the existing permit fee system. The Agency determined that addressing these concerns required restructuring the air quality permit fees system. This action redistributes air quality permit fees to better reflect the permitted source's complexity and demand on Agency resources. The Agency believes this results in a more consistent and equitable system for collecting fees from air emission sources. One free copy of the rules is available on request by contacting:

Roxanne M. LaPlante
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Avenue North
St. Paul, Minnesota 55155
(612) 296-7951

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 from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her 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 Patrick J. Mulloy at the address stated above.

The proposed rules may be modified if the data and view received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

Notice: Any person may request notification of the date on which the Adminstrative Law Judge's report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any persons may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1988), "Small business consideration in rulemaking," that the proposed rules may have an effect on small business. Permit fees for small businesses were established in the existing rules at a level proportionate to their air emissions. Most small businesses are minor sources of air pollution, and therefore the fees are considerably less than those for the major sources. This differentiation in fees between minor and major sources will remain substantially the same under the proposed fee revisions.

Small businesses that qualify for general permits are not required to pay annual fees by the current rule. This situation is not changed by the proposed rule. A minimal permit processing fee ($75) is added by this rule for general permits. The fee should not represent a significant burden to small sources.

Please be advised that Minn. Stat. Ch. 10A (1988) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1988) as any individual:

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

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

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Dated: 8-28-89

Barbara Lindsey Sims
for Gerald L. Willet
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Air Quality Permit Fees, Minn. Rules Parts 7002.0010 to 7002.0110

CERTIFICATE

I hereby certify that the attached list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14 (1988) that their names be placed on file with the Minnesota Pollution Control Agency (Agency) for the purpose of receiving notice of the proposed adoption of rules by the Agency is accurate and complete as of this 9:00 a.m., this 6th day of Sept., 1989.

LaRaine Bengtson

Subscribed and sworn to before me this 30 day of November, 1989.

Ardith M. Vos
Notary Public

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

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Kevin C. Jones
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00435

Everett Milton
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Minneapolis, MN 55414

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3333333333333333333333333333333333333333333333333333333333333333333333333333333333
3333333333333333333  Minnesota Pollution Control Agency  3333333333333333333
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M   M   000   RRRR   RRRR    III   L       L
MM MM  0   0  R   R  R   R    I    L       L
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Job MAIL_152101 (531) queued to MEGA on 15-AUG-1989 15:28 by user MORRILL, UIC
[AIRFORCE,MORRILL], under account AIRFORCE at priority 100, started on printer
_KIRK$TXA4: on 15-AUG-1989 15:28 from queue MEGA.
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24 1840 20021

27TH AVE AUTO BODY
818 6TH AVE
TWO HARBORS MN

24 2940 20411

3M BUILDING 71
42 WATER ST
ST PAUL MN 55107

24 4000 00025

3M CHEM INCINERATOR
PO 33331 BLDG 212W05
ST PAUL MN 55133

24 2940 20261

3M DISTRIBUTION CNTR
PO 33331 BLDG 212W05
ST PAUL MN 55133

24 0500 20039

3M N.U. ELECTROPROD
PO 33331 BLDG 212W05
ST PAUL MN 55133

24 2940 20035

7TH PLACE LIMITED
ARKELL DEVELOPEMENT
ST PAUL MN 55102

24 0940 20034

A & K FEED & GRAIN

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24 2940 00085

3M BENZ BUILDING
PO 33331 BLDG 212W05
ST PAUL MN 55133

24 2940 00386

3M BUSH ABRASIVES
PO 33331 BLDG 212W05
ST PAUL MN 55133

24 4000 60002

3M CHEM IND SPECLTY
PO 33331 BLDG 212W05
ST PAUL MN 55133

24 0500 20017

3M N.U. ELECTROMECH
PO 33331 BLDG 212W05
ST PAUL MN 55133

24 2940 20286
429 N PRIOR-CALDWELL
429 NORTH PRIOR AVE
6600 FRANCE AVE
MINNEAPOLIS MN 55435

24 1480 20273

A & J PARTNERSHIP
130 NINTH AVE S
HOPKINS MN 55343

24 2940 20414

A & M BUS. INTERIOR

310 THIRD ST
FARMINGTON MN 55024

24 2940 20201

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1430 W COUNTY RD C
ST PAUL MN 55113

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ADA MN 56510

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ADM ELEVATOR D
575 DRAKE ST
ST PAUL MN 55102

24 4020 20008

ADRIAN ELEVATOR
205 S FOURTH ST
BUTTERFIELD MN 56120

24 1480 20035

ADVANCE MACHINE CO
4080 SUNSET
SPRING PARK MN 55384

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ADVANCED FLEX INC 2
3905 CALIFORNIA ST
COLUMBIA HEIGHT MN 55421

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AGRI SALES INC
INDUSTRIAL PARK DR.
OLIVIA MN 56277

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ALBERT LEA MN 56007

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24 0240 20002

ABRAHAMSON FEED

BEMIDJI MN

24 1480 00203

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ELEVATOR K
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24 1480 00084

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MINNEAPOLIS MN 55406

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PLYMOUTH MN 55384

24 1480 20444

ADVANCE PACKAGING
4630 QUEBEC AVE NO
NEW HOPE MN 55428

24 1480 00349

AERO ASPHALT
3522 SIOUX DR
HAMEL MN

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ALEXANDER CONSTRUCTI
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THIEF RIVER FAL MN 701

24 1000 20010

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MINNEAPOLIS MN 55429

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22ND ST AND B AVE
CLOQUET MN 55720

24 3260 20069

AMERICAN FOUNDRIES
717 BOARD OF TRADE B
DULUTH MN 55802

24 0240 20022

AMERICAN LINEN SUPPL

BEMIDJI MN

24 3260 20138

AMERICAN LINEN SUPPL

HIBBING MN

24 1480 20210

AMERICAN MACHINE CO
8821 SCIENCE CENTER
MINNEAPOLIS MN 55428

24 3440 20007

AMERICAN THERMCELL
15546 CLEVELAND ST
ELK RIVER MN 55330

MINNEAPOLIS 55409

24 1260 00021

ALMCO INC
1921 S MARGARETTA
ALBERT LEA MN 56007

24 2940 20247

ALPO PETFOODS INC
4552 FERNWOOD DRIVE
ARDEN HILLS MN 55165

24 3260 20068

AMAX INC
PO BOX C
BABBITT MN 55706

24 2880 90002

AMERICAN CRYSTAL SUG
BOILERS ONLY
E GRAND FORKS MN 56721

24 1480 20207

AMERICAN EXCELSIOR C
3101 TALMADGE AVE
MINNEAPOLIS MN 55414

24 1480 00409

AMERICAN GRAPHICS
801 NINTH ST
MINNEAPOLIS MN

24 2940 00193

AMERICAN LINEN SUPPL
219 W 5TH ST
ST PAUL MN 55102

24 3660 20047

AMERICAN LINEN SUPPL
6500 SAUKVIEW DR
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AITKIN MN 56431

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24 1640 20016

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151 SW COUNTY RD 70
CAMBRIDGE MN 55008

24 0940 20048

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PLANT 1
APPLE VALLEY MN 55124

24 1480 20308

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PLANT 4
ST LOUIS PARK MN 55416

24 1480 20283

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EDINA MN 55424

24 3500 20008

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ANOKA MN 55303

24 0100 20064

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COON RAPIDS MN 55433

24 0580 20014

APPLE VALLEY REDEMIX
PLANT 3
CHANHASSEN MN 55317

24 0940 20073

APPLE VALLEY REDEMIX
PLANT 2
BURNSVILLE MN 55337

24 1480 20309

APPLE VALLEY REDEMIX
PLANT 5
SPRING PARK MN

24 2780 20014

ARCTCO
600 SOUTH BROOKS
THIEF RIVER FLS MN 56701

24 3660 20053

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HWY 23 EAST
COLD SPRING MN

24 3260 20162

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DULUTH MN 55811

24 32( )070

ARROWHEAD REFINING
3519 MILLER TRUNK RD
DULUTH MN 55802

24 1480 20213

ASLESENS
2700 EAST 28TH ST
MINNEAPOLIS MN 55406

24 3660 20032

ASSOCIATED MILK PROD
200 RAILROAD ST
PAYNESVILLE MN 56362

24 0940 20049

ASTLEFORD, M G
1200 WEST HIGHWAY 13
BURNSVILLE MN 55337

24 0100 20039

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COON RAPIDS MN 55433

24 3680 20023

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AUSTOFT INC (USA)
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24 2940 20200

AUTOMOTIVE NORTHERN
2525 FAIRVIEW AVE N
ROSEVILLE MN 55113

24 3260 20016

AZCON CORP
ARTHUR AND BAYFRONT
DULUTH MN 55806

24 0320 20010

BARRY GRAIN CO

BARRY MN

24 4000 20053

BARTON SAND & GRAVEL
10633 89 AVE NORTH
MAPLE GROVE MN 55369

24 0940 20114

24)0 20003

ARROWHEAD SAND & GVL
1131 CENTRALENT
DULUTH MN 55811

24 3400 20032

ASSOCIATED MILK PROD
302 2ND ST NW
NEW PRAGUE MN 56071

24 2940 20199

ASSOCIATED PRODUCERS
285 E FILLMORE AVE
ST PAUL MN 55107

24 0100 00062

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COON RAPIDS MN 55433

24 2420 20010

AUSTIN COMM COLL
1600 NW 8TH AVE
AUSTIN MN 55912

24 2940 20198

AUTOMOTIVE MERCHANDI
709 UNIVERSITY AVE W
ST PAUL MN 55104

24 0100 20027

AUTOMOTIVE SCRAP
500 38TH AVE NE
COLUMBIA HEIGHT MN

24 0660 20003

BARAZEN INTERNATIONL
PO BOX 51
STACY MN 55440

24 2940 20346

BARTON ENTERPRIZES
1359 RED ROCK ROAD
NEWPORT MN 55055

24 0660 20014

JERRY DAHLBERG-V.P.
BARZEN INTERNATIONAL
P.O. BOX 51
STACY MN 55079

24 2940 20399

BATHKE,FH COMPANY
1240 TRAPP ROAD
ST PAUL MN 55118

24 0320 20005

BEARDSLEY GRN & FEED
SAME AS 0320-00004
BEARDSLEY MN 56211

24 1480 20218

BEN FRANKLIN
1145 WAYZATA BLVD
WAYZATA MN 55391

24 2560 20027

BENDIX HOME SYSTEMS
BOX 190
WORTHINGTON MN 56187

24 1240 20031

BENSON FEED MILL

PETERSON MN

24 3740 20006

BENSON UTILITY
1419 PACIFIC AVE
BENSON MN 56215

24 3060 20045

BERQUIST CO
5300 EDINA IND BLVD
EDINA MN 55435

24 1480 20244

BF GOODRICH CO
900 COLORADO AVE
GOLDEN VALLEY MN 55427

24 1480 20226

BFI
6280 INDUSTRIAL BLVD
EDEN PRAIRIE MN 55344

24 4200 20039

BIO-SUPER GROW LTD
E MARK ST
WINONA MN 55987

24 9934 20141
JERRY BAJARI-PRES

BAUER WELDING METAL
2159 MUSTANG DRIVE
MOUNDS VIEW MN 55112

24 0240 20007

BEMIDJI CANDY
INDUSTRIAL PARK
BEMIDJI MN

24 1480 20219

BEN FRANKLIN
2281 COMMERCE BLVD
MOUND MN

24 3740 20018

BENSON ALFALFA CO

BENSON MN 56215

24 3660 20052

BENSON FUNERAL HOME
223 E ST GERMAIN
ST CLOUD MN

24 0220 20022

BERGENS WHOLESALE

DETROIT LAKES MN 56501

24 2940 20093

BETHESDA LUTHERAN MC
559 CAPITOL BLVD
ST PAUL MN 55103

24 0940 00132

BFI

INVER GROVE HTS MN 55075

24 3500 20006

BIG STONE CANNING CO

ARLINGTON MN 55307

24 3060 00014
FRAN DAVIES/JOHN HES
BITUMINOUS MATERIALS
P.O. BOX 246
FARIBAULT MN 55021

24 0940 20126

BITUMINOUS PAVING
PO BOX 6
ORTONVILLE MN 56278

24 1480 20356

BLESSING CAMPBELL
7395 WALKER ST
ST LOUIS PARK MN 55416

24 1200 20026

BLUE EARTH RENDERING
RURAL ROUTE 3
BLUE EARTH MN 56013

24 1780 20011

BOIS FORT INDIAN RES

NETT LAKE MN

24 1780 00007

BOISE CASCADE
SIDINGS DIV
INTL FALLS MN

24 0500 20032

BORDEN INC

NEW ULM MN 56073

24 9991 90159

BORDER STATES PAVING
BOEING MODEL MS-300
MN

24 0900 20027

BRAINERD COM COLLEGE
WEST COLLEGE DRIVE
BRAINERD MN 56401

24 0900 00008

BRAINERD HUMAN SERV
BOX 349
BRAINERD MN 56401

24 0560 20015

BRENNY-DAHL CONCRETE
901 S HWY 33
CLOQUET MN 55720

24 4240 20011

BROLLS FERTILIZER

BITUMINOUS ROAD S
2825 CEDAR AVE SOUTH
MINNEAPLIS MN 55407

24 1200 20025

BLUE EARTH DEHYDRATI

BLUE EARTH MN 56013

24 0900 20001

BN CENTER
13TH ST
BRAINERD MN 56401

24 1780 00003

BOISE CASCADE
PO BOX 6
BIG FALLS MN 56627

24 1780 20008

BOISE CASCADE
MOONLIGHT ROCK FILL
INTL FALLS MN 56649

24 9991 90158

BORDER STATES PAVING
SHEARER MODEL SP-340
MN

24 2940 20204

BOYS TOTEM TOWN
398 TOTEM ROAD
ST PAUL MN 55119

24 0900 20007

BRAINERD FOUNDRY
801 S 10TH ST
BRAINERD MN 56401

24 1480 20366

BRAKE & EQUIP WHSE
831 E HENNEPIN AVE
MINNEAPOLIS MN 55414

24 2940 20205

BRIGHTON SANDBLASTIN
BUTCHER RD-OLD HWY 8
NEW BRIGHTON MN 55112

24 2960 20005

BROOKS CHEESE FACTOR

RT 1 BOX 247
WAVERLY MN 55390

24 1480 20220

BROWN-MPLS TANK FABR
2901 DELAWARE ST SE
MINNEAPOLIS MN 55414

24 0940 00002

BRYAN ROCK PRODUCTS

HASTINGS MN 55033

24 4240 20039

BUFFALO VENEER & PLY
501 6TH AVE NE
BUFFALO MN 55313

24 1480 00133

BURDICK GRAIN
BELCO 5 ELEVATOR
ST LOUIS PARK MN 55416

24 2940 20011

BURLINGTON NORTH
JACKSON ST PLANT
ST PAUL MN 55101

24 1480 20023

BURLINGTON NORTHERN
10 HENNEPIN
MINNEAPOLIS MN 55401

24 0940 00144

BURY AND CARLSON INC
121 ST & PLEASANT AV
BURNSVILLE MN 55337

24 0720 20050
ROBERT A. WACHTER
BUSCH AGRI RESOURCES
4111 30TH AVE SOUTH
MOORHEAD MN 56560

24 0740 20013
ROBERT A. WACHTER
BUSCH AGRI RESOURCES
P.O. BOX 290
CLEARBROOK MN 56634

24 4120 20002

BUSCH AGRI RESOURCES
CAMPBELL ELEVATOR

BROOKS MN 56715

24 2440 20017

BRUNS ELEVATOR CO
BOX 7
IONA MN 56141

24 4000 00054

BRYAN ROCK PRODUCTS
2938 QUANT AVE NORTH
BAYPORT MN 55003

24 3260 20026

BUHL PUBLIC UTILITIS
VILLAGE HALL
BUHL MN 55713

24 1480 00165

BURDICK MARQUETTE
730 2ND AVE S
MINNEAPOLIS MN 55402

24 0900 00023

BURLINGTON NORTHERN
TIE PLANT
BAXTER MN

24 3660 20009

BURLINGTON NORTHERN
WAITE PARK SHOPS
ST CLOUD MN 55401

24 1480 00448
JIM BURY
BURY AND CARLSON INC
6008 WAYZATA BLVD
MINNEAPOLIS MN 55416

24 0720 90022

BUSCH AGRI RESOURCES
2108 S 28TH ST
MOORHEAD MN 56560

24 1660 20042
ROBERT A. WACHTER
BUSCH AGRI RESOURCES
402 11TH ST SE
GRAND RAPIDS MN 55744

24 1660 00005

BUTLER TACONITE
PO BOX 86

CAMPBELL MI 522

24 0840 20015

CALDWELL PACKING
N HWY 60
WINDOM MN 56101

24 1640 20018

CAMBRIDGE EGG CO INC
P.O. BOX 71
CAMBRIDGE MN 55008

24 2360 00023

CAMP RIPLEY MIL RES
P.O. BOX 348
LITTLE FALLS MN 56345

24 1640 00015

CANADIAN HARVEST USA
1001 S CLEVELAND ST
CAMBRIDGE MN 55008

24 0500 20020

CARGILL
PO BOX 188
COMFREY MN 56019

24 1640 20011

CARGILL
354 S ADAMS ST
CAMBRIDGE MN 55008

24 3260 00021

CARGILL
ELEVATORS B1 & B2
DULUTH MN 55801

24 3400 20027

CARGILL
PORT CARGILL SALT
SAVAGE MN 55378

24 3400 20040

CARGILL MOLASSES
12120 LYNN AVE S
SAVAGE MN 55378

24 1480 20446

RICHARD W. FULMER
CARGILL RESEARCH CTR
P.O. BOX 9300
MINNEAPOLIS MN 55440

NASHWAUK 55769

24 1480 20093

CALVARY-TEMPLE EVAN
9500 MINNETONKA BLVD
ST LOUIS PARK MN 55426

24 1640 20010

CAMBRIDGE JUNK YARD
BOX 243
CAMBRIDGE MN

24 2560 20028

CAMPBELL SOUP CO
115 NINTH ST
WORTHINGTON MN 56187

24 1480 20452

CARBON AIR SERVICES
PO DRAWER 5117
HOPKINS MN 55343

24 1480 20086

CARGILL
3700 5TH ST NE
MINNEAPOLIS MN 55421

24 1760 00007

CARGILL

DONALDSON MN 56720

24 3260 00056

CARGILL
ELEVATOR D
DULUTH MN 55802

24 3140 00017

CARGILL - HILLS
P.O. BOX 5602
MINNEAPOLIS MN 55440

24 1480 20437

DICK FULMER-DIR
CARGILL RESEARCH
P.O. BOX 9300
MINNEAPOLIS MN 55440

24 4240 20018

CARLBERG INDUSTRIES

DELANO MN

24 2940 20208

CARLEY FOUNDRY INC
808 FIRST ST SW
NEW BRIGHTON MN 55112

24 2940 20223

CARSON PIRIE SCOTT
95 E SEVENTH ST
ST PAUL MN 55101

24 1480 20330

CARTER DAY COMPANY
1701 MADISON ST NE
MINNEAPOLIS MN

24 2800 20002

CASTINGS INC

FINLAYSON MN 55935

24 2940 80376

CATCO
2785 LONG LAKE RD
ROSEVILLE MN 55113

24 3040 20001

CAVEN ELEVATOR
BENSON QUINN
FRANKLIN MN 55333

24 1480 20374

CEMSTONE
1520 E MINNEHAHA AVE
ST PAUL MN 55106

24 0940 20142

CEMSTONE PRODUCTS
300 21ST ST EAST
HASTINGS MN 55033

24 4000 20041

CEMSTONE PRODUCTS
16000 HUDSON BLVD
LAKELAND MN

24 1480 20223

CENO SCIENCE RESEARC
190 W 79TH ST
MINNEAPOLIS MN 55420

24 1020 20022

CARLOS GRAIN & FEED
P.O. BOX 8
CARLOS MN 56319

24 1480 20083

CARTER DAY COMPANY
655 19 AVENUE NE
MINNEAPOLIS MN 55418

24 1480 20395

CARTER DAY COMPANY
11415 COUNTY RD 3
MINNETONKA MN

24 0400 20061

CATCO
2626 3RD AVE NORTH
MANKATO MN 56001

24 3660 00071

CATCO
2924 NORTH COOPER
ST CLOUD MN 56301

24 9985 00142

CEDAR VALLEY CORP
CS JOHNSON CONCRETE
WATERLOO IA 50704

24 0940 20141

CEMSTONE PRODUCTS
1520 E MINNEHAHA
ST PAUL MN 55106

24 2940 20406

CEMSTONE PRODUCTS
2058 ENERGY PARK DR
ST PAUL MN 55108

24 0940 20047

CENEX

SOUTH ST PAUL MN 55075

24 1480 20224

CENTENNIAL SQARE MOB
8900 NAPLES NE
MINNEAPOLIS MN 55433

24 4241 006

CENTRA SOTA CORP

MONTICELLO MN 55362

24 2960 20008

CENTRAL BIPRODUCTS

RED LAKE FALLS MN 56750

24 3980 20015

CENTRAL BIPRODUCTS

WASECA MN 56093

24 1480 00455

CENTRAL STATES DIV
9000 SCIENCE CNTR DR
NEW HOPE MN 55428

24 0940 00050

CFI INDUSTRIES
5300 PINE BEND WHSE
ROSEMOUNT MN 55068

24 0300 90011

CHAMPION INTL
100 E SARTELL ST
SARTELL MN 56377

24 1480 20378

CHAMPLIN FEED&GARDEN
345 COLBURN ST
CHAMPLIN MN

24 0560 20018

CHEMSTAR PRODUCTS
SOUTH AVE
CARLTON MN 55718

24 0660 20013

CHINOOK GROUP INC
P.O. BOX J
NORTH BRANCH MN 55056

24 1480 20461

CIRCUIT CHEMISTRY
5129 INDUSTRIAL ST
MAPLE PLAIN MN

24 3000 20030

24 20042

CENTRAL BIPRODUCTS

FERGUS FALLS MN

24 3000 20013

CENTRAL BIPRODUCTS

NORTH REDWOOD MN 56283

24 3260 20091

CENTRAL MESABI MED
750 E 34TH ST
HIBBING MN 55746

24 2900 20006

CF INDUSTRIES

GLENWOOD MN 56334

24 0300 80011

CHAMPION INTL
100 E SARTELL ST
SARTELL MN 56377

24 0600 20002

CHAMPION INTL
HIGHWAY 371
CASS LAKE MN 56633

24 1480 20240

CHAS M FRIEDHEIM CO
3601 PARK CENTER BLV
ST LOUIS PARK MN 55416

24 1480 20073

CHICAGO NORTHWESTERN
275 E 4TH ST
ST PAUL MN 55101

24 0660 20020

CHISAGO LAKES HOSP

CHISAGO CITY MN

24 4260 20014

CLARKFIELD DRYING CO
PO BOX 117
CLARKFIELD MN 56223

24 3260 20072

CLEMENTS FARM CHEM
P.O. BOX 76
CLEMENTS MN 56224

24 0940 20102

COCA COLA BOTTLING
2750 EAGANDALE BLVD
EAGAN MN 55122

24 1660 20018

COLBY MFG

COHASSET MN

24 4200 20006

COLLEGE OF ST TERESA
363 GOULD ST
WINONA MN 55987

24 2940 20215

COMMODORE HOTEL
79 WESTERN AVE N
ST PAUL MN 55102

24 1240 20027

COMMUNITY MEM HOSP
800 MEMORIAL DR
SPRING VALLEY MN

24 2240 20013

COMMUNITY MERCY HOSP

ONAMIA MN

24 2360 54438

COMPLAINTS MISC

LITTLE FALLS MN

24 0940 00020

CONAGRA FLOUR MILL
2005 VERMILLION ST
HASTINGS MN 55033

24 3400 80045

CONKLIN COMPANY INC
PO BOX 155
SHAKOPEE MN 55379

24 2940 00316

CLYDE COMPANY
PO BOX 6066
DULUTH MN 55806

24 1660 20043

COHASSET CONCRETE
BOX 38
COHASSET MN 55721

24 3660 20067

COLD SPRING GRANITE
202 SOUTH 3RD AVE
COLD SPRING MN 56320

24 9910 90163

COMMERCIAL ASPHALT
10633 89TH AVE N
MAPLE GROVE MN 55369

24 0220 20024

HARRY FUGLIE-MGR
COMMUNITY COOPS
P.O. BOX 329
LAKE PARK MN 56554

24 4200 20052

COMMUNITY MEM HOSP
855 MANKATO AVE
WINONA MN 55987

24 3660 20076

JIM KROSHUS
COMMUNITY OIL & ELEV
P.O. BOX 192
SAUK CENTER MN 56378

24 0720 20002

COMSTOCK FARM COOP

COMSTOCK MN 56525

24 0720 00043

CONCORDIA COLLEGE
6TH ST & 9TH AVE S
MOORHEAD MN 56560

24 1480 20168

CONSOLIDATED CONTAIN
MNDOT NOW OWNS
MINNEAPOLIS MN 55401

24 3980 20002

CONTINENTAL CAN
1300 GREY FOX RD
ARDEN HILLS MN

24 0840 00001

COOP ELEVATOR CO
876 1ST AVE S
WINDOM MN 56101

24 1480 20231

COOPERATIVE POWER AS
14615 LONE OAK RD
EDEN PRAIRIE MN 55344

24 0220 20023

COUNTRY FURNITURE

LAKE PARK MN 56554

24 2360 20011

CREAMERIES BLENDING
303 6TH ST NE
LITTLE FALLS MN 56345

24 1480 20053

CROPMATE DBA HOWE CO
4821 XERXES AVE N
MINNEAPOLIS MN 55430

24 4240 20037

CTS FABRI-TEK
400 COKATO ST
COKATO MN 55321

24 0900 20020

CUYUNA RANGE HOSP

CROSBY MN

24 2900 20012

CYRUS FARMERS ELEV

GLENWOOD MN 56334

24 1260 20023

DAIRYLAND POWER COOP

TWIN LAKES MN 56089

24 0940 20052

DAKOTA CTY HWY DEPT

CONTINENTAL GRA :O
212 3RD AVE NW
WASECA MN 56093

24 0240 20003

COOPERATIVE OIL ASSN

BLACKDUCK MN

24 2200 20017

CORVUSO CREAMERY CO
RURAL RT 1
COSMOS MN 56228

24 1920 20027

COUNTRYSIDE FERTILZR
P.O. BOX 547
SO ST PAUL MN 55075

24 2360 20010

CRESTLINER INC
609 NE 13TH AVE
LITTLE FALLS MN 56345

24 1480 20302

CRYSTAL CARE CENTER
3245 VERA CRUZ AVE N
CRYSTAL MN 55422

24 2940 20218

CUSTOM DISPLAY INC
413 WACOUTA ST
ST PAUL MN

24 1840 80003

CYPRUS NORTHSHORE
MILEPOST 7
SILVER BAY MN

24 3260 20142

D B WESTERN INC

VIRGINIA MN

24 0940 00130

DAKOTA COUNTY MSW
7300 W 147TH ST
APPLE VALLEY MN 55124

24 2940 00391

DAVENPORT CEMENT

312 VERMILLION ST
HASTINGS MN 55033

24 4200 20050

DAVENPORT CEMENT CO
220 EMERSON PLACE
DAVENPORT IA 52801

24 2940 20307

DAYTONS
7TH AND CEDAR
ST PAUL MN 55101

24 1480 20232

DEBOURGH MANUFACTURI
9300 JAMES AVE S
BLOOMINGTON MN 55431

24 1380 20057

DECORA
P.O. BOX 68
ZUMBROTA MN 55992

24 1480 20268

DEJOY MATCH PLATE
8108 PILLSBURY AV
BLOOMINGTON MN

24 1200 00036

DEL MONTE CORP
PLANT NO 117
WELLS MN 56097

24 4240 20016

DELANO WATER AND LIG
11 W BRIDGE AVE
DELANO MN 55328

24 2940 20358

DELUXE CHECK PRINTER
1080 W COUNTY RD F
SHOREVIEW MN

24 2940 80401

DEPENDABLE BRAKE SYS
3757 DUNLAP AVE NO
ARDEN HILLS MN 55112

24 1480 60443

DIVERSIFOAM PRODUCTS
1901 13TH ST NE

220 EMERSON PLA
DAVENPORT ... 52801

24 1480 20025

DAYTON 700 MALL
700 NICOLET MALL
MINNEAPOLIS MN 55402

24 1480 20149

DAYTONS WAREHOUSE
701 INDUSTRIAL BLVD
MINNEAPOLIS MN

24 1480 20298

DEBOURGH MFG
9135 GRAND AVE SOUTH
BLOOMINGTON MN 55431

24 2880 20054

GARY JAGOE
DEE INC
1302 FOSKETT ST
ROOKSTON MN 56716

24 0500 00042

DEL MONTE CORP
PLANT NO 114
SLEEPY EYE MN 56085

24 4000 00057

DEL-MAC PETROLEUM
890 WESCOTT TR #104
EAGAN MN 55123

24 0840 20002

DELFT COOP ELEVATOR

DELFT MN 56124

24 2800 20013

DENHAM COOP ASSN

DENHAM MN

24 1480 20234

DIVERSIFIED INSULATI
PO BOX 188
HAMEL MN 55340

24 0940 20074

DIVINE REDEEMER
724 19TH AVE N

NEW BRIGHTON MN 12

24 0940 00129

DIXIE PETRO-CHEM INC
HWY 55-PINE BEND RD
ROSEMOUNT MN 55068

24 3260 20034

DOAF DULUTH AFB
4787 CES-DEPD
DULUTH MN 55814

24 0100 00061

DOW BRANDS-PERS CARE
5601 EAST RIVER ROAD
FRIDLEY MN 55432

24 2880 20048

DRISCOLL BROS

MALLORY MN

24 3260 20006

DULUTH BRASS + ALUM.
69TH AVE W + POLK ST
DULUTH MN 55807

24 3260 00105

DWP RAILWAY CO

DULUTH MN

24 2180 20041

JAMES R. MALLO-MGR
EAGLE ENGINEERING
521 DUGAN ST BOX 95
WELCOME MN 56181

24 2940 00294

EAST DISTRICT YMCA
1075 ARCADE ST
ST PAUL MN 55106

24 1480 20303

EBENEZER LUTHR/FIELD
2636 PARK AVE S
MINNEAPOLIS MN

24 1480 20316

EBENEZER TOWER APTS
2523 PORTLAND AVE S
MINNEAPOLIS MN

SO ST PAUL 55075

24 1480 00112

DOAF 934TH TACTICAL
TWIN CITIES AIRPORT
MPLS-ST PAUL MN 55400

24 2940 20099

DOI TWIN CITIES RESH

MINNEAPOLIS MN

24 0940 20005

DOW INDUSTRIAL SERV
4230 PINE BEND TRAIL
ROSEMOUNT MN 55068

24 1740 20029

DUININCK BROS INC
PO BOX 208
PRINSBURG MN 56281

24 4240 20009

DURA SUPREME INC
300 DURA DRIVE
HOWARD LAKE MN 55349

24 0940 20125

EAGAN, CITY OF

EAGAN MN

24 1720 20001

EAST CENTRAL ALFAFA
BOX 41
GRASSTON MN 55030

24 1480 20225

EATON CORP/HYDRAULIC
15151 HWY 5
EDEN PRAIRIE MN 55343

24 0940 20024

EBENEZER RIDGES
13820 COMMUNITY DR
BURNSVILLE MN

24 3260 20020

ECHO TIMBER PRODUCTS

BUYCK MN 55771

24 3260 20180

EDWARDS OIL CO
HOOVER ROAD
VIRGINIA MN 55792

24 3260 20004

ELLIOT MEAT COMPANY
37 AVE WEST & ONEOTA
DULUTH MN 55806

24 1020 20015

ENGELEN TWIN CITY CO
NOW MCLAUGHLIN SCHLZ
ALEXANDRIA MN 56308

24 1480 20411

ENVIRO-CHEM
21821 INDUSTRIAL BLV
ROGERS MN 55374

24 0580 20011

JEFF ERICKSON
ERMAK FOUNDRY
840 ARBOR DRIVE
CHASKA MN 55318

24 1480 20026

FAIRVIEW DEACONESS
2315 14TH AVE
MINNEAPOLIS MN 55404

24 2940 20227

FAIRWAY FOODS INC
1930 COMO AVE
ST PAUL MN 55108

24 3060 20002

FARIBAULT STATE HOSP

FARIBAULT MN 55021

24 0500 20005

FARM ELEV-DOWNTOWN
305 2ND AVE NW
SLEEPY EYE MN 56085

24 2040 00001

FARMER COOP ELEV CO
RAILROAD ST E
COTTONWOOD MN 56229

24 [illegible] 20310

ELECTRIC STORAGE BAT

MINNEAPOLIS MN

24 2940 20333

ENERGY PARK UTILITY
1500 ENERGY PARK DR
ST PAUL MN 55113

24 3440 20013

ENOCH OLSON & SONS

BECKER MN 55308

24 0240 00024

ERICKSON MILLS
PO BOX 9
KELLIHER MN 56650

24 3040 20025

FAIRFAX POWER
206 SE 1ST ST
FAIRFAX MN 55332

24 1480 00293

FAIRVIEW SOUTHDALE H
6401 FRANCE AVE S
EDINA MN 55435

24 1780 20020

FALLS READY MIX
P.O. BOX 311
INTL FALLS MN 56649

24 3060 20024

FARIBO INDUSTRIES
2989 NW 1ST AVE
FARIBAULT MN 55021

24 0500 20002

FARM ELEVATOR-EAST
130 2ND AVE NW
SLEEPY EYE MN 56085

24 2880 00005

FARMER COOP ELEVATOR
PO BOX 384
CROOKSTON MN 56716

24 224 010

FARMERS COOP CREAMRY

FORESTON MN 56330

24 2880 00021

FARMERS ELEVATOR CO

ELDRED MN 56532

24 2720 20053

JOHN T. MARTELLE-MGR
FARMERS UNION OIL CO
P.O. BOX 128
BATTLE LAKE MN 56515

24 2900 20005

FARWELL COOP CREAMER
BOUGHT BY 2900-20008
FARWELL MN 56327

24 0100 20022

FEDERAL-HOFFMAN INC
HOFFMAN ENG METAL
ANOKA MN

24 0940 20025

FEELY,P H & SONS INC
420 2ND ST
FARMINGTON MN 55024

24 2720 20049

FERGUS FALLS COLLEGE
1414 COLLEGE WAY
FERGUS FALLS MN 56537

24 2880 20032

FERTILE CREAMERY ASS

FERTILE MN 55440

24 0940 00145

FISCHER SAND & AGRGT
6801 W 150TH ST
APPLE VALLEY MN 55124

24 2940 20031

FISHER NUT CO
2327 WYCLIFF
ST PAUL MN 55114

24 3260 20139

24 20009

FARMERS ELEVATOR CO

TRAVERSE MN 56082

24 0320 20020

WILLIAM J. BERGLAND
FARMERS UNION OIL CO
209 NW 1ST ST
ORTONVILLE MN 56278

24 3740 20020

FARMLAND INDUSTRIES

MURDOCK MN 56271

24 2800 20001

FEDERAL CORRECTIONAL

SANDSTONE MN 55072

24 1480 20344

FEDERAL-HOFFMAN INC
HOFFMAN ENG BROOKLYN
BROOKLYN CENTER MN 55429

24 1480 20237

FEI CORPORATION
900 SOUTHGATE OFFICE
MINNEAPOLIS MN 55437

24 2720 90048

FERGUS FALLS MSW
WASTE TO ENERGY
FERGUS FALLS MN 56537

24 1240 20030

FILMORE COOP SERVICE

HARMONY MN

24 0940 00146

FISCHER SAND & AGRGT
6801 W 150TH ST
APPLE VALLEY MN 55124

24 1480 00414

DEAN GARRETT
FLEX-O-PRINT,POWELLS
14329 NORTHDALE BLVD
ROGERS MN 55374

24 1480 20243

FLOODWOOD COOP ASS..

FLOODWOOD MN

24 1480 20445

FLYING CLOUD LANDFIL
9813 FLYING CLOUD DR
EDEN PRAIRIE MN 55347

24 0640 20024

FRITZ TRUCKING
EAST HWY 7
CLARA CITY MN 56222

24 3660 20038

FUMPA CENTRAL BIPROD

ST AUGUSTA MN 56301

24 4200 20036

FUSION COATINGS
1101 EAST 8TH ST
WINONA MN 55987

24 2940 20202

G BARTUSCH PACKING
567 N CLEVELAND AVE
ST PAUL MN 55114

24 1480 00045

GENERAL MILLS
PRTY OATS 1201 JKSN
MINNEAPOLIS MN 55413

24 3260 00012

GENERAL MILLS
303 BOARD OF TRADE
DULUTH MN 55802

24 1480 00046

GENERAL SERV ADMIN
FED BLDG/RM 266
FT SNELLING MN 55111

24 3260 20174

GIANT COUNTRY WOOD
P.O. BOX 270
BIWABIK MN 55708

24 2940 20230

FLUIDYNE ENGINE IG
MEDICINE LAKE LAB
PLYMOUTH MN

24 2940 90039

FORD MOTOR CO
966 S MISSISSIPPI
ST PAUL MN 55116

24 1480 00087

FROEDTERT MALT
3830 W GRANT,BOX 712
MILWAUKEE WI 53201

24 4200 00054

FUSION COATINGS
1111 E 6TH ST
WINONA MN

24 2780 20010

FUTURE FUEL INC
PENNINGTON COUNTY
THIEF RIVER FAL MN 56701

24 0100 00018

WILLIAM T. TAYLOR
GENERAL MILLS
P.O. BOX 1113
MINNEAPOLIS MN 55440

24 1480 00115

GENERAL MILLS
928 S 2ND PO BX 1113
MINNEAPOLIS MN 55415

24 1480 20242

GENERAL MOTORS WHSE
7600 METRO BLVD
EDINA MN 55440

24 1480 20396

GETCHELL STEEL TREAT
1900 WEST 98TH ST
BLOOMINGTON MN 55431

24 0100 20028

GILE NELSON CONST CO
2101 105TH AVE NE
BLAINE MN 55433

24 2060 20013

GILLETTE CHILD HOS
1003 IVY AVE E
ST PAUL MN 55106

24 0100 20032

GLENN REHBEIN EXCAV
7309 LAKE DR
LINO LAKES MN 55014

24 2940 20159

GNB BATTERIES INC
1025 N LEXINGTON
ST PAUL MN 55164

24 0100 20029

GORDON WILSON
2054 BUNKER LK DR NW
ANDOVER MN 55303

24 0940 20128

GRANGRIT INC
PO BOX 968
HARVEY LA 70059

24 1480 20097

GREAT NORTHERN OIL
292 22ND AVE S
MINNEAPOLIS MN 55454

24 2940 20352

GREIF BROS CORP
551 CONCORD
ST PAUL MN 55107

24 1480 20401

GROUP IV GRAPHICS
7401 KILMER LANE
MAPLE GROVE MN 55369

24 1200 20037

MIKE HAASE
HAASE FERTILIZER
RR 2 BOX 180
WINNEBAGO MN 56098

24 2660 00051

HALCON CORPORATION
1811 2ND AVE NW
STEWARTVILLE MN 55976

24 0580 20016

HAMBURG CLARK FEED

GLENCOE LIGHT&P
305 11TH ST E
GLENCOE MN 55336

24 2900 20003

GLENWOOD GRAIN CO

GLENWOOD MN

24 2940 20005

GORDON RENDERING
19 NW 14TH ST
NEW BRIGHTON MN 55112

24 1480 20245

GRAIN BELT BREWERIES
1215 MARSHALL ST NE
MINNEAPOLIS MN 55440

24 2940 20233

GREAT LAKES COAL+DOC
1031 CHILDS RD
ST PAUL MN 55106

24 0100 20002

GREIF BROS CORP
3755 UNIVERSITY AVE
COLUMBIA HGHTS MN 55421

24 1540 20006

GRIFFITH CONSTRUCTIO
BOX AD
CALEDONIA MN 55921

24 2200 20025

GROVE CITY GRAIN
P.O. BOX 408
GROVE CITY MN 56243

24 2420 20021

HAGE, L L CONSTRUCT
814 16TH AVE SE
AUSTIN MN 55912

24 1760 20022

HALMA CONCRETE INC
P.O. BOX 8
HALMA MN 56729

24 1480 20246

HAPPYS POTATO CHIP C

P.O. BOX 158
HAMBURG MN 55339

24 2940 20255

HARTZELL MFG
2516 WABASH AVE
ST PAUL MN 55114

24 0640 00005

HARVEST STATES COOP
1667 N SNELLING AVE
ST PAUL MN 55164

24 1000 20027

HAYFIELD WINDOW-DOOR

HAYFIELD MN 55940

24 1480 60400

HENNEPIN ENERGY RES
417 NORTH 5TH ST
MINNEAPOLIS MN 55401

24 4240 20038

HENNING METAL CO
P.O. BOX 62
COKATO MN 55321

24 3260 20089

HIBBING COMM COLLEGE
1515 EAST 25TH
HIBBING MN 55746

24 0940 20057

HIGHWAY SUPPLY CO
14800 GALAXIE AVE
APPLE VALLEY MN 55068

24 1480 20380

MR KEN JOHNSON
HILLCREST DEVELOPMEN
1111 S 3RD AVE 440
MINNEAPOLIS MN 55404

24 1480 20420

HOLIDAY PLUS STORES
4567 WEST 80TH ST
BLOOMINGTON MN 55435

24 2940 20302

HOLY CHILDHOOD CHURC
1435 MIDWAY PKWY

3900 CHANDLER DI
MINNEAPOLIS 55421

24 3700 00002

HARVEST STATES
1667 N SNELLING AVE
ST PAUL MN 55164

24 1020 20016

HAUB GRAIN CO

FORADA MN 56308

24 1480 00400

HENNEPIN ENERGY RES
417 N 5TH ST
MINNEAPOLIS MN 55401

24 1480 90400

HENNEPIN ENERGY RES
417 NORTH 5TH ST
MINNEAPOLIS MN 55401

24 1700 20002

HERON LAKE COOP ELEV
SEE 1700-00008
HERON LAKE MN 56137

24 3260 60061

HIBBING TACONITE
PO BOX 589
HIBBING MN 55746

24 3260 00030

HILL WOOD PRODUCTS
PO BOX 398
COOK MN 55723

24 1480 20171

HITCHCOCK INDUSTRIES
8635 LYNDALE AVE S
MINNEAPOLIS MN 55420

24 0940 00131

HOLST EXCAVATING INC
P.O. BOX 36
PRESCOTT WI 54021

24 2940 20239

HOLY SPIRIT CHURCH
1406 RANDOLPH AVE

ST PAUL MN)8

24 3260 20183

HOMESTEAD MILLS
P.O. BOX 1115
COOK MN 55723

24 1480 20353

HORTON MFG INC
1179 15TH AVE SE
MINNEAPOLIS MN

24 1260 20007

HOUSEHOLD INTL-SCOTS
505 FRONT ST
ALBERT LEA MN

24 1540 20014

HOUSTON MONEY CREEK
P.O. BOX 77
HOUSTON MN 55943

24 3260 20130

HRA KING MANOR
222E 2ND ST
DULUTH MN

24 3260 20132

HRA MIDTOWNE MANOR 2
2002 W 2ND ST
DULUTH MN

24 3260 20134

HRA TRI TOWERS APTS
222 N 2ND AVE E
DULUTH MN

24 3440 20025

HUNTS FEED & GARDEN
906 HIGHWAY 10
ELK RIVER MN 55330

24 2940 00240

IDEAL SECURITY HARDW
2621 FAIRVIEW AVE
ROSEVILLE MN 55113

24 1260 20009

IMPERIAL INC
HWY 13 NORTH
ALBERT LEA MN 56007

ST PAUL 55105

24 1720 20019

HON METFAB INC
1418 INDUSTRIAL BLVD
MORA MN 55051

24 1260 20033

HOUSEHOLD INTL SCOTS
2105 MYERS RD
ALBERT LEA MN

24 1260 20032

HOUSEHOLD INTL-SCOTS
1715 MARGARETHA AVE
ALBERT LEA MN

24 3260 20129

HRA GRANDVIEW MANOR
301 E 2ND ST
DULUTH MN

24 3260 20131

HRA MIDTOWNE MANOR 1
2022 W 2ND ST
DULUTH MN

24 3260 20133

HRA RAMSEY MANOR
400 N 53RD AVE
DULUTH MN

24 0640 20010

HUBBARD MILLING

MONTIVIDEO MN

24 2060 20006

HYCREST FEED MILL

GLENCOE MN

24 1260 00037

ILLINOIS CENTRAL RR

CHICAGO MN

24 0100 20044

INDUSTRIAL SPRAY PNT
8251 ASHTON AVE NE
FRIDLEY MN 55432

24 3260 00062

INLAND STEEL MINING
1701 NORTH 9TH AVE
VIRGINIA MN 55792

24 0580 00024

INSTANT WEB INC
7951 POWERS BLVD
CHANHASSEN MN 55317

24 1480 20251

INTERPLASTIC CORP
2015 NE BROADWAY
MINNEAPOLIS MN 55413

24 2580 20006

INTL MULTIFOODS
SHELLY ELEVATOR
SHELLY MN 56581

24 2940 00037

INTL MULTIFOODS EL B
805 RICE ST
ST PAUL MN 55117

24 3140 20015

IOWA BEEF PROCESSORS

LUVERNE MN 56156

24 3260 20123

IRON RANGE INTERPRET

CHISHOLM MN 55719

24 0020 20003

ISD 1
RIPPLESIDE ELEM
AITKIN MN

24 0600 20011

ISD 117
PINE RIVER SCHOOL
PINE RIVER MN 56474

24 0600 20015

ISD 118
RURAL ROUTE 1 BOX A
REMER MN 56672

24 3260 60015

INSTANT WEB
7951 POWERS BLVD
CHANHASSEN MN 55317

24 1480 20005

INTERNATIONAL MKT SQ
275 MARKET ST
MINNEAPOLIS MN 55405

24 1780 20015

INTL BILDRITE
310 SHOREWOOD DR
INTL FALLS MN 56649

24 2940 00176

INTL MULTIFOODS EL A
MULTIFOODS TOWR 2942
MINNEAPOLIS MN 55402

24 3260 00023

INTL MULTIFOODS ELEV
600 GARFIELD AVE
DULUTH MN 55802

24 3260 20149

IRATHANE SYSTEMS
3516 13TH AVE E
HIBBING MN 55746

24 1640 20017

ISANTI COUNTY COOP
107 NORTH MAIN
CAMBRIDGE MN 55008

24 0020 20010

ISD 1
PALISADE ELEM
PALISADE MN

24 0600 20014

ISD 118
ISD 118 RTE 1 BOX A
REMER MN 56672

24 0600 20016

ISD 119
WALKER-HACKENSACK
WALKER MN 56484

24 01C)003

ISD 14
HAYES ELEMENTARY
FRIDLEY MN

24 0100 20034

ISD 14 HIGH SCHOOL
6000 W MOORE LAKE DR
FRIDLEY MN 55432

24 0720 20049

ISD 147
MAIN & 1ST AV NORTH
DILWORTH MN 56529

24 0900 20016

ISD 182 HIGH
711 POPLAR ST
CROSBY MN

24 0940 20136

ISD 194 DIST OFFICE
8670 210TH ST W
LAKEVILLE MN 55044

24 0940 20108

ISD 194 JFK ELEM
8670 210TH ST
LAKEVILLE MN 55044

24 0940 20107

ISD 194 MCGUIRE JR
8670 210TH ST
LAKEVILLE MN 55044

24 1380 20049

ISD 256 BURNSIDE
RURAL ROUTE 2
RED WING MN

24 1380 20053

ISD 256 ENERGY
RURAL ROUTE 3
RED WING MN

24 1380 20051

ISD 256 SUNNYSIDE
MAPLE STREET
RED WING MN

24 1480 20421

24) 20004

ISD 14
STEVENSON ELEM
FRIDLEY MN

24 0100 20035

ISD 14 MIDDLE SCHOOL
6000 W MOORE LAKE DR
FRIDLEY MN 55432

24 0740 20007

ISD 161

CLEARBROOK MN

24 0900 20028

ISD 182 JR HIGH
711 POPLAR ST
CROSBY MN 56641

24 0940 20106

ISD 194 HUDDLESTON
8670 210TH ST
LAKEVILLE MN 55044

24 0940 20077

ISD 194 LAKEVILLE SR
8670 210TH ST
LAKEVILLE MN 55044

24 1380 20052

ISD 256 AVTI
HWY 58 & PIONEER RD
RED WING MN

24 1380 20048

ISD 256 CENTRAL
525 EAST AVE
RED WING MN

24 1380 20050

ISD 256 JEFFERSON
BUCHANAN STREET
RED WING MN

24 1480 20424
MR. LOWELL HIGGINS
ISD 271
8900 PORTLAND AVE SO
BLOOMINGTON MN 55420

24 1480 20347

MR. LOWELL HIGGINS
ISD 271 ED CENTER
8900 PORTLAND AVE SO
BLOOMINGTON MN 55420

24 1480 20422

MR. LOWELL HIGGINS
ISD 271 KENNEDY SENR
8900 PORTLAND AVE SO
BLOOMINGTON MN 55420

24 1480 20434

MR. LOWELL HIGGINS
ISD 271 VALLEY VIEW
8900 PORTLAND AVE SO
BLOOMINGTON MN 55420

24 1480 20306

ISD 272 HIGH SCHOOL
8100 SCHOOL ROAD
EDEN PRAIRIE MN 55344

24 0220 20021

ISD 309
OSAGE ELEMENTARY
OSAGE MN

24 1580 20009

ISD 309
PK RAPIDS MID SCHL
PARK RAPIDS MN 56470

24 0240 20018

ISD 31
BEMIDJI HIGH
BEMIDJI MN 56601

24 1660 20028

ISD 316
ISD 319
COLERAINE MN 55722

24 1660 20031

ISD 318
COHASSET ELEMENTARY
COHASSET MN 55721

24 1660 20040

ISD 319
ELEMENTARY SCHOOL
KEEWATIN MN

24 0240 20026

ISD 271 JEFFERS[illegible]SR
8900 PORTLAND AVE SO
BLOOMINGTON MN 55431

24 1480 20423

MR. LOWELL HIGGINS
ISD 271 OLSON JR HGH
8900 PORTLAND AVE SO
BLOOMINGTON MN 55420

24 1480 20436

MR. LOWELL HIGGINS
ISD 271 WESTWOOD ELE
8900 PORTLAND AVE SO
BLOOMINGTON MN 55420

24 1580 20003

ISD 306
BOX 8
LAPORTE MN

24 1580 20008

ISD 309
PK RAPIDS HIGH SCHL
PARK RAPIDS MN 56470

24 1580 20010

ISD 309
AREA HIGH SCHOOL
PARK RAPIDS MN 56470

24 0240 20021

ISD 31
MIDDLE SCHOOL
BEMIDJI MN

24 1660 20032

ISD 316 GREENWAY HGH
ISD 316
COLERAINE MN 55722

24 1660 20034

ISD 318
MIDDLE SCHOOL
GRAND RAPIDS MN

24 1660 20041

ISD 319 JR/SR HIGH
400 2ND STREET
NASHWAUK MN

24 1840 20007

ISD 32
BLACKDUCK SCHOOL
BLACKDUCK MN 56630

24 1840 20008

ISD 381
405 4TH AVE
TWO HARBORS MN 55616

24 1840 20010

ISD 381
405 4TH AVE
TWO HARBORS MN 55616

24 1840 20012

ISD 381
405 4TH AVE
TWO HARBORS MN 55616

24 2080 20005

ISD 432
BOX 319
MAHNOMEN MN

24 2660 20045

ISD 533
ELEMENTARY SCHOOL
EYOTA MN

24 2720 20050

ISD 542 BATTLE LAKE
402 WEST SUMMIT ST
BATTLE LAKE MN 56515

24 2720 20017

ISD 544
CLEVELAND SCHOOL
FERGUS FALLS MN

24 2720 20038

ISD 544
ADAMS SCHOOL
FERGUS FALLS MN

24 2720 20051

ISD 547 HIGH SCHOOL
P.O. BOX 46
PARKERS PRAIRIE MN 56361

24 0320 20015

ISD 57

ISD 381
405 4TH AVE
TWO HARBORS MN 55616

24 1840 20009

ISD 381
405 4TH AVE
TWO HARBORS MN 55616

24 1840 20011

ISD 381
405 4TH AVE
TWO HARBORS MN 55616

24 2060 20011

ISD 426

STEWART MN 55385

24 2360 20020

ISD 486

SWANVILLE MN 56382

24 2660 20046

ISD 533
MIDDLE SCHOOL
EYOTA MN

24 2720 20015

ISD 544
EISENHOWER SCHOOL
FERGUS FALLS MN

24 2720 20025

ISD 544
MCKINLEY SCHOOL
FERGUS FALLS MN

24 2720 20052

ISD 547 ELEMENTARY
P.O. BOX 46
PARKERS PRAIRIE MN 56361

24 2780 20013

ISD 561
ISD 561 P.O. BOX 195
GOODRIDGE MN 56725

24 2800 20019

ISD 576 ELEMENTARY

BEARDSLEY MN 56211

24 2800 20018

ISD 576 HIGH SCHOOL
GOVERNMENT RD & 6TH
SANDSTONE MN 55072

24 2880 20052

ISD 593-HIGHLAND ELE
ISD 593, 121 E 3RD
CROOKSTON MN 56716

24 2940 20394

ISD 623 FALCON ELEM
1393 GARDEN AVE
FALCON HEIGHTS MN

24 2940 20305

ISD 625 HIGHLAND JR
975 S SNELLING
ST PAUL MN

24 2960 20009

ISD 630
LAYFAYETTE HIGH
RED LAKE FALLS MN 56750

24 3260 20136

ISD 692
KENNEDY HIGH SCHOOL
BABBITT MN 55706

24 3260 20181

ISD 698 FLOODWOOD
ISD 698 P.O. BOX 287
FLOODWOOD MN 55736

24 3260 20101

ISD 710
ISD 710 731 3RD ST S
VIRGINIA MN 55792

24 3260 20170

ISD 710
ISD 710 731 3RD SY S
VIRGINIA MN 55792

24 3260 20172

ISD 710
ISD 710 731 3RD ST S

GOVERNMENT RD & H
SANDSTONE 55072

24 2880 20053

ISD 593 CENTRAL HIGH
ISD 593, 121 E 3RD
CROOKSTON MN 56716

24 2880 20043

ISD 603
MCINTOSH WINGER
MCINTOSH MN

24 2940 20299

ISD 625
HAZEL PARK JR HIGH
ST PAUL MN 55117

24 2960 20006

ISD 628
PLUMMER SCHOOL
PLUMMER MN 56748

24 3160 20010

ISD 676
BOX 68
BADGER MN 56714

24 3260 20046

ISD 696
600 E. HARVEY ST.
ELY MN 55731

24 3260 20098

ISD 710
ISD 710 731 3RD ST S
VIRGINIA MN 55752

24 3260 20169

ISD 710
ISD 710 731 3RD ST S
VIRGINIA MN 55792

24 3260 20171

ISD 710
ISD 710 731 3RD ST S
VIRGINIA MN 55792

24 3260 20173

ISD 710
ISD 710 731 3RD ST S

VIRGINIA MI 792

24 3260 20175

ISD 710
ALANGO ELEMENTARY
ALANGO MN

24 3260 20177

ISD 710
FORBES ELEMENTARY
FORBES MN

24 3260 20154

ISD 712
MARTIN HUGHES HIGH
MT IRON MN 55768

24 3440 20014

ISD 728
VANDENBERGE JR HIGH
ELK RIVER MN

24 3440 20018

ISD 728
PARKER ELEM
ELK RIVER MN

24 3440 20020

ISD 728
LINCOLN BLDG
ELK RIVER MN

24 3660 20034

ISD 737
BOX 38
BROOTEN MN 56316

24 3660 20063

ISD 738 JR-SR HIGH
COUNTY ROAD 17
HOLDINGFORD MN 56340

24 3780 20018

ISD 793
LINCOLN MODEL SCHOOL
STAPLES MN

24 3780 20020

ISD 793
CARD BUILDING
STAPLES MN

VIRGINIA 55792

24 3260 20176

ISD 710
BROOKSTON ELEMENTARY
BROOKSTON MN

24 3260 20140

ISD 712
MT IRON JR-SR HIGH
MT IRON MN 55768

24 1480 20386

ISD 728
ROGERS ELEM
ROGERS MN

24 3440 20017

ISD 728
SALK JR HIGH
ELK RIVER MN

24 3440 20019

ISD 728
HANDKE ELEM
ELK RIVER MN

24 3440 20021

ISD 728
ZIMMERMAM ELEM
ZIMMERMAN MN

24 3660 20073

ISD 737
BROOTEN ELEMENTARY
BROOTEN MN

24 3780 20016

ISD 793
STAPLES HIGH SCHOOL
STAPLES MN

24 3780 20019

ISD 793
NORTH ELEMENTARY
STAPLES MN

24 3940 20013

ISD 793
STAPLES TECHNICAL IN
STAPLES MN

24 39.. ..0014

ISD 793
IRRIGATION FARM
STAPLES MN

24 0100 20054

ISD 831
COLUBMUS ELEMENTARY
FOREST LAKE MN

24 4000 20048

ISD 831
FOREST VIEW ELEM
FOREST LAKE MN

24 4240 20014

ISD 877
SENIOR HIGH
BUFFALO MN 55313

24 4240 20034

ISD 877
MONTROSE ELEMENTARY
MONTROSE MN

24 0560 20030

ISD 91
P.O. BOX 227
BARNUM MN 55707

24 0560 20010

ISD 94
MIDDLE SCHOOL
CLOQUET MN

24 0560 20013

ISD 94
WASHINGTON ELEM
CLOQUET MN

24 0560 20027

ISD 95
CROMWELL HIGH SCHOOL
CROMWELL MN 55726

24 0560 20029

ISD 97
MOOSE LAKE SCHOOL
MOOSE LAKE MN 55767

24 .. .0 20002

ISD 821

MENAHGA MN

24 4000 20045

ISD 831
CENTRAL JR HIGH
FOREST LAKE MN

24 4120 20014

ISD 850
123 1ST ST NW
ROTHSAY MN 56579

24 4240 20033

ISD 877
BUFFALO PRIMARY
BUFFALO MN

24 4240 20029

ISD 877 BUFFALO JR H
214 NE 1ST AVE
BUFFALO MN 55313

24 0560 20008

ISD 94
GARFIELD COMM CNTR
CLOQUET MN

24 0560 20012

ISD 94
CHURCHILL ELEM
CLOQUET MN

24 0560 20016

ISD 94
SENIOR HIGH
CLOQUET MN 55720

24 0560 20028

ISD 95 CROMWELL HIGH
CROMWELL HIGH SCHOOL
CROMWELL MN 55726

24 0720 20029

ISD XXX
MAIN & 1ST AVE NORTH
DILWORTH MN 56529

24 166)033

ITASCA COUNTY YMCA

GRAND RAPIDS MN

24 1480 00458

J L SHIELY
26 AV N & PACIFIC ST
MINNEAPOLIS MN

24 3660 20014

CHRIS ELLERING
J.V. PAPPENFUS ELEV
P.O. BOX 124
GREENWALD MN 56532

24 1700 00010

JACKSON FARMERS COOP
109 MOORE
JACKSON MN 56143

24 3260 20076

JENOS INC
9TH AVE W AND RR ST
DULUTH MN 55801

24 0640 23001

JOHN MOON
RURAL ROUTE 4
MONTIVIDEO MN 56265

24 1480 20294

JONES LUMBER CORP
722 KASOTA CIRCLE
MINNEAPOLIS MN 55414

24 1480 20253

JOSLYN MANUFACTURING
49TH AND FRANCE N
MINNEAPOLIS MN 55429

24 1480 20269

JOYNERS INC
7716 LAKELAND AV N
BROOKLYN PARK MN

24 0400 00020

JUDD BROWN CONSTRUCT
PO BOX 1936
MANKATO MN 56001

24 0580 20023

24) 20036

J L SHIELY
YARD B
LILYDALE MN

24 4000 00052

J L SHIELY CO
16164 HUDSON BLVD
LAKELAND MN 55043

24 3740 00005

JACK FROST
BOX 86
MURDOCK MN 56271

24 1700 20019

JACKSON POWER
102 GRANT ST
JACKSON MN 56143

24 3060 00027

JEROME FOODS INC
COUNTY ROAD 21
FARIBAULT MN 55021

24 0100 20058

JOHN ROBERTS CO
9687 E RIVER RD
COON RAPIDS MN 55433

24 1480 20397

JONES, JR FIXTURE CO
3216 WINNETKA AVE N
NEW HOPE MN 55427

24 3680 20027

JOSTENS INC
1900 HARTLE AVE
OWATONNA MN 55060

24 1480 20370

JOYNERS INC
7801 XYLON AVE N
BROOKLYN PARK MN

24 3260 20060

KAINZ LOGGING
BOX 600
ELY MN 55731

24 2940 20248

KALLESTAD LABS
1000 LK HAZELTINE DR
CHASKA MN 55313

24 1240 00024

KAPPER CONSTRUCTION
SOLD OUT OF STATE 75
SPRING VALLEY MN 55975

24 3260 20019

KEEWATIN SAWMILL
BOX 247
KEEWATIN MN 55753

24 3820 20001

KENT DORAN GRAIN
PO BOX 6
TINTAH MN 56583

24 2940 20213

KOCH ASPHALT CO
2209 CHILDS RD
ST PAUL MN 55106

24 0940 90011

MICHAEL J. HANSEL
KOCH REFINING
P.O. BOX 64596
ST PAUL MN 55164

24 9903 90162

KOST BROTHERS
BOX 499
MOORHEAD MN 56560

24 0720 20051

KOST BROTHERS INC
BOX 499
MOORHEAD MN 56560

24 0940 20115

KRAEMER,EDWARD&SONS
1000 WEST CLIFF RD
BURNSVILLE MN 55337

24 3660 00059

KRAFT INC WEST PLANT
407 E 1ST ST NORTH
MELROSE MN 56352

24 1480 20032

KAPLAN,HS SCRAP ON
637 PINE ST
ST PAUL MN 55101

24 1480 20254

KAUSEL FOUNDRY CO
1726 NE BROADWAY
MINNEAPOLIS MN 55413

24 2940 20182

KEM MILLING
619 NE 14TH ST
NEW BRIGHTON MN 55112

24 2880 20010

KING OF POTATOS
PO BOX 191
EAST GRAND FKS MN 56721

24 0940 60011

MICHAEL J. HANSEL
KOCH REFINING
P.O. BOX 64596
ST PAUL MN 55164

24 9985 00033

KOMATZ CONSTRUCTION
BOEING PLANT 4
ST PETER MN

24 0720 20046

KOST BROTHERS INC
BOX 499
MOORHEAD MN 56560

24 0720 20052

KOST BROTHERS INC
BOX 499
MOORHEAD MN 56560

24 0500 20009

KRAFT FOODS
2525 BRIDGE ST
NEW ULM MN 56073

24 0100 20066

KURT MFG
5280 MAIN ST NE
FRIDLEY MN 55421

24 1480 20442

KURT MFG
5280 MAIN ST NE
FRIDLEY MN 55421

24 2360 20018

L AND K REDI MIX
BARBER GREENE 840
LITTLE FALLS MN 56345

24 3260 00058

LAKE SHORE BLACKTOP
EAST STAR ROUTE
TWO HARBORS MN 55616

24 1700 20017

LAKEFIELD PUBLIC UTI

LAKEFIELD MN 56150

24 0600 20013

LAKEHEAD PIPELINE
NORTH CASS LAKE STA
CASS LAKE MN 56633

24 0220 00017

LAKES PAVING INC
LIL CAT
DETROIT LAKES MN

24 2940 20395

LAKEWOOD COM COLLEGE
3401 CENTURY AVE
WHITE BEAR LAKE MN 55110

24 2940 20245

LAMPERT YARDS INC
1565 SELBY AVE
ST PAUL MN 55165

24 0300 20022

LAND O LAKES

FOLEY MN 56329

24 0660 20007

LAND O LAKES

RUSH CITY MN 55069

24 2420 20034

LAND O LAKES

KURT MFG
5280 MAIN ST NE
FRIDLEY MN 55421

24 4240 20031

LAKE REGION COOP OIL

MAPLE LAKE MN 55358

24 3260 20141

LAKE SUPERIOR PAPER
100 N 53RD AVE W
DULUTH MN 55807

24 0600 20012

LAKEHEAD PIPELINE
CASS LAKE STATION
CASS LAKE MN 56633

24 0740 00001

LAKEHEAD PIPELINE CO
PO BOX 665
CLEARBROOK MN

24 1480 20376

LAKESIDE LIMITED
4929 BOONE AVE N
NEW HOPE MN

24 3260 20185

LAKEWOOD INDUSTRIES
P.O. BOX 876
HIBBING MN 55746

24 1260 20038

LAND O LAKES/LEA FDS
200 2ND ST 5
ALBERT LEA MN 55395

24 0500 20043

LAND O LAKES
ROUTE 1
LEWISVILLE MN 56060

24 1240 20020

LAND O LAKES

SPRING VALLEY MN 55975

24 2800 20010

LAND O LAKES

ADAMS MN 55909

24 2880 20034

LAND O LAKES

EAST GRAND FORK MN 56721

24 3660 20075

LAND O LAKES

COLD SPRING MN 56320

24 1540 00013

LAND O LAKES MILK RC
HIGHWAY 44
CALEDONIA MN 55921

24 2780 20005

LAND O LAKES-POULTRY
TURKEY DIVISION
THIEF RIVER FAL MN 56701

24 2360 00025

LARSON BOATS
PAUL LARSON MEM DR
LITTLE FALLS MN 56345

24 0740 20011

LEONARD COOP CREAMRY

LEONARD MN 56652

24 1480 20343

LIBERTY CARTON
870 LOUISIANA AVE S
MINNEAPOLIS MN

24 2200 20012

LITCHFIELD UTILITY
220 W 3RD ST
LITCHFIELD MN 55355

24 1480 20239

LLOYD A FRY ROOFING
1901 49TH AVE N
MINNEAPOLIS MN 55415

24 2940 20041

LOWREY MEDICAL BLDG
350 ST PETER ST

PINE CITY 55063

24 3060 20020

LAND O LAKES
1612 NW 7TH ST
FARIBAULT MN 55021

24 3780 00001

LAND O LAKES
US HIGHWAY 71
BROWERVILLE MN 56438

24 2780 20009

LAND O LAKES-MILK
122 SOUTH MAIN
THIEF RIVER FAL MN 56701

24 0100 20043

LAND O LAKES/JCH ASC
I-694 AT NE MAIN ST
FRIDLEY MN 55342

24 1920 00003

LE CENTER ALFAFA
BOX 85
LE CENTER MN 56057

24 2180 00032

LH FERTILIZER

WELCOME MN 56181

24 2200 20001

LITCHFIELD UTILITY
421 W 3 ST
LITCHFIELD MN 55355

24 2940 20304

LITTLE SISTERS OF TH

ST PAUL MN

24 9985 00153

LOVEALL, HR CONST
BOX 747, 524 S MAIN
WINNEBAGO MN 56098

24 2940 20384

LOWREY SQUARE APTS
345 WABASHA ST

ST PAUL MI 102

24 3140 20016

LUVERNE POWER PLANT
609 E MAIN ST
LUVERNE MN 56156

24 2940 20249

LYNGBLOMSTEN HEALTH
1415 ALMOND AVE
ST PAUL MN 55108

24 1240 20033

MABEL FEED SERVICE
P.O. BOX 535
MABEL MN 55954

24 0900 00031

MACMILLAN BLOEDEL

DEERWOOD MN 56444

24 0400 20057

MANKATO AGLIME &ROCK
PO BOX 254
MANKATO MN 56001

24 0940 20078

MARIGOLD FOODS
15 4TH ST
FARMINGTON MN 55024

24 2040 20005

MARSHALL UTILITY
113 S 4TH ST
MARSHALL MN 56258

24 9985 00108

MATHY CONSTRUCTION
915 CMMRCL CT-BX 189
ONALASKA WI 54650

24 9985 90107

MATHY CONSTRUCTION
915 CMMRCL CT-BX 189
ONALASKA WI 54650

24 9985 90127

MATHY CONSTRUCTION
915 CMMRCL CT-BX 189
ONALASKA WI 54650

ST PAUL 55102

24 2940 20362

LYNGBLOMSTEN APTS
1455 ALMOND AVE
ST PAUL MN 55108

24 2940 80400

M & L MOTOR SUPPLY
1493 UNIVERSITY AVE
ST PAUL MN 55104

24 2940 20042

MACALESTER COLLEGE
1600 GRAND AVE.
ST PAUL MN 55101

24 1800 20008

MADISON UTILITY
109 7TH AVE
MADISON MN 56256

24 0580 20021

MANUS PRODUCTS
315 LAKE HAZELTINE D
CHASKA MN 55318

24 3260 20121

MARINE IRON&SHIP BLD
1300 PORT TERM DRIVE
DULUTH MN 55802

24 2940 20402

MATERIALS PROCESSING
185 LAFOND AVE
ST PAUL MN 55105

24 9985 90094

MATHY CONSTRUCTION
915 CMMRCL CT-BX 189
ONALASKA WI 54650

24 9985 90120

MATHY CONSTRUCTION
915 CMMRCL CT-BX 189
ONALASKA WI 54650

24 9985 90143

MATHY CONSTRUCTION
915 CMMRCL CT-BX 189
ONALASKA WI 54650

24 9985 90147

MATHY CONSTRUCTION
915 CMMRCL CT-BX 189
ONALASKA WI 54650

24 2660 20027

MAYO FOUNDATION
2100 SW INSTITUTE RD
ROCHESTER MN 55901

24 0100 20055

MCDONALDS RESTAURANT
11364 FOLEY BLVD NW
COON RAPIDS MN 55433

24 1480 20354

MCLAUGHLIN GORMLY KG
1717 SE 5TH ST
MINNEAPOLIS MN 55414

24 1480 20377

MED TEK INC
2639 NE 3RD ST
MINNEAPOLIS MN 55418

24 2940 20252

MENGELKOCH CO
119 NE 14TH ST
NEW BRIGHTON MN 55112

24 1480 20091

MEREEN JOHNSON
4401 LYNDALE AVE NO.
MINNEAPOLIS MN 55412

24 3500 20010

MESSNER GRAIN&FEED

GIBBON MN

24 1480 00415

METALMATIC
629 2ND ST SE
MINNEAPOLIS MN 55414

24 2720 20022

METRO MEAT PACKING
BOX 677
FERGUS FALLS MN 56537

24 2940 20043

MAXSON CORP
500 COMO AVE
ST PAUL MN 55103

24 9910 90160

MCCROSSAN, C S
7865 JEFFERSON HWY
MAPLE GROVE MN 55369

24 1480 20258

MCGARVEY COFFEE INC
5725 HWY 7
MINNEAPOLIS MN 55416

24 1000 20014

MCNEILUS TRUCK MFG
P.O. BOX 70
DODGE CENTER MN 55927

24 1380 00054

MEDICAL SAFETY SYSTM
2234 HIGHWAY 20
CANNON FALLS MN 55009

24 2660 20054

MENTOR CORPORATION

STEWARTVILLE MN 55976

24 4260 90023

MERIDIAN AGGREGATES
200 14TH STREET
GRANITE FALLS MN 56241

24 1480 00413

METAL COATING MPLS
3170 SE 5TH ST
MINNEAPOLIS MN 55414

24 1480 00013

METRO AIRPORT COMM
P.O. BOX 11700
ST PAUL MN 55111

24 2940 20403

JIM CROWLEY
METRO SQUARE PARTNER
121 EAST 7TH ST
ST PAUL MN 55101

24 09 0110

METRO WASTE CONTROL
MEARS PK CTR-230 5TH
ST PAUL MN 55101

24 2060 20004

MID AMERICA DAIRYMEN
1ST ST N
WINSTED MN 55395

24 3500 20009

MID AMERICA DAIRYMEN
212 E 1ST ST
WINTHROP MN 55396

24 1020 00020

MIDCON PAVING INC
PO BOX 156
ANNANDALE MN 55302

24 3660 20048

MIDWAY IRON CO

ST CLOUD MN 56301

24 9910 90126

MIDWEST ASPHALT
PO BOX 5477
HOPKINS MN 55343

24 3740 20021

MIDWEST CYLINDER
ROUTE 3, BOX 95B
SWIFT FALLS MN 56215

24 0400 20058

MILLERS MOTOR
518 SOUTH FRONT ST
MANKATO MN 56001

24 2940 20260

MINN BLDG PROPERTIES
46 EAST 4TH ST
ST PAUL MN 55101

24 1380 00002

MINN CORRECTION
HWY 61 SOUTH
RED WING MN 55066

24 3660 20042

24 0 20032

MICROLIFE-MPI INC
1937 NW 7TH ST
ROCHESTER MN 55903

24 2200 20023

DAVID PARRISH-V.P.
MID AMERICA DAIRYMEN
1265 GREY FOX RD
ARDEN HILLS MN 55112

24 0220 20018

MID AMERICAN IND
811 8TH ST SE
DETROIT LAKES MN 56501

24 2940 00254

MIDWAY HOSPITAL
1700 UNIVERSITY AVE
ST PAUL MN 55104

24 1740 20023

MIDWEST ALFALFA
PO BOX 1527
WILLMAR MN 56201

24 2940 20256

MIDWEST BRASS+ALUM
315 LARCH
ST PAUL MN 55117

24 3260 20092

MILES INC
SPRING & WATERFRONT
DULUTH MN 55802

24 3260 20079

MINN AIR NATL GUARD
DULUTH AIRPORT
DULUTH MN 55811

24 2040 60038

MINN CORN PROCESSORS
P.O. BOX 657
MARSHALL MN 56258

24 3440 20006

MINN CORRECTION
PO BOX B
ST CLOUD MN

24 4000 00004

MINN CORRECTION
BOX 272
SAUK CENTRE MN 56378

24 2360 20022

MINN DAIRY TECH

LITTLE FALLS MN

24 3260 20127

MINN DNR
COLDWATER HATCHERY
DULUTH MN

24 0240 00016

MINN HIGHWAY DEPT

BEMIDJI MN

24 1480 20393

MINN METAL FINISHING
909 NE WINTER ST
MINNEAPOLIS MN

24 4000 20008

MINN PIPELINE

COTTAGE GROVE MN 55016

24 0100 20049

MINN SAWDUST CO
14100 JASPAR ST NW
ANOKA MN 55303

24 0940 20007

MINN VETERANS HOME
PO BOX 321
HASTINGS MN 55033

24 4120 20015

MINN-KOTA AG PRODUCT
BOX 27
KENT MN 56533

24 2040 00004

MINNEOTA MERCHANTS
C
MINNEOTA MN 56264

24 2940 20285

MINN CORRECTION
STILLWATER FACILITY
BAYPORT MN 55082

24 1780 20014

MINN DAKOTA-WSTRN RR

INTL FALLS MN

24 3260 20145

MINN DOT
1123 MESABI AVE
DULUTH MN

24 2940 20289

MINN MATTRESS
558 VANDALIA ST
ST PAUL MN 55114

24 1780 00016

C/O JOHN MUGGERT
MINN PARTICLE BOARD
P.O. BOX 66
BIG FALLS MN 56627

24 1660 90004

MINN POWER & LIGHT
CLAY BOSWELL #4
COHASSET MN 55721

24 0940 00019

MINN VALLEY SURFACE

BURNSVILLE MN 55337

24 1480 20399

MINN VETERANS HOME
51ST ST & MINNEHAHA
MINNEAPOLIS MN 55417

24 0100 20005

MINNCAST
7893 NE ELM
FRIDLEY MN 55432

24 2940 20412

MISSISSIPPI ST METAL
800 MISSISSIPPI ST
ST PAUL MN 55101

24 3040 20028

MIXON INC
2286 CAPP RD
ST PAUL MN 55114

24 2940 00389

MODEL STONE COMPANY
2145 CHILDS ROAD
ST PAUL MN 55106

24 4200 00049

MODERN TRANSPORT
850 FRONT STREET
WINONA MN 55987

24 2940 00038

MONTGOMERY WARD
1400 UNIVERSITY AVE
ST PAUL MN 55101

24 1480 20274

MORTON PET FOOD CO
11300 W 47TH ST
MINNETONKA MN 55343

24 0840 20019

MOUNTAIN LAKE POWER
925 2ND AVE
MOUNTAIN LAKE MN 56159

24 2940 20257

MOWREY AND CO
1435 UNIVERSITY AV
ST PAUL MN

24 1480 00459

MPLS CONVENTION CNTR
1301 SOUTH 2ND ST
MINNEAPOLIS MN

24 3260 00024

MT IRON UTILITY
MOUNTAIN AVENUE
MOUNTAIN IRON MN 55768

24 2940 20253

MTC BUS OVERHAUL FAC
WABASHA AND CLEVELAN
ST PAUL MN 55104

24 2940 20266

MUTUAL SERVICE INSUR

MNVA RAILROAD I
P.O. BOX 218
REDWOOD FALLS MN 56283

24 3260 20164

D.A. LINDQUIST
MODERN CONSTRUCTORS
325 LAKE AVE SOUTH
DULUTH MN 55801

24 0640 20019

MODULINE INC

MONTEVIDEO MN 56265

24 1720 20006

MORA UTILITIES

MORA MN 55051

24 0840 20020

MOUNTAIN LAKE HOSP
801 3RD AVE
MOUNTAIN LAKE MN 56159

24 2420 00006

MOWER CO HIGHWAY
1105 8TH AVE NE
AUSTIN MN 55912

24 1480 00160

MPLS COMMODITY CORP
1340 WATER ST DR NE
MINNEAPOLIS MN 55415

24 1480 20259

MR HS PET CREMATORIU
7359 WASHINGTON AVE
EDINA MN 55424

24 1480 20068

MT SINAI HOSPITAL
2215 PARK AVE
MINNEAPOLIS MN

24 4240 00030

MUNSON FEED CO

HOWARD LAKE MN 55349

24 4200 20035

MWCG EXPORT CO

1919 UNIVERSITY AV
ST PAUL MN 55104

24 9934 90131

MYRL & ROY'S PAVING
1300 N BAHNSON AVE
SIOUX FALLS SD 57103

24 0400 20051

NACHBAR,CA CO

MANKATO MN 56001

24 1480 20450

NATIONAL CAR RENTAL
7700 FRANCE AV SOUTH
EDINA MN 55435

24 1480 20233

NAWROCKI INSULATION
459 HARDING ST NE
MINNEAPOLIS MN 55413

24 0500 20025

NEW ULM FARMERS COOP

NEW ULM MN

24 0220 20019

NEWMAN MFG
810 8TH ST SE
DETROIT LAKES MN 56501

24 1480 20438

NORMANDALE COLLEGE
9700 FRANCE AVE SO
BLOOMINGTON MN 55431

24 0240 20025

NORTH COUNTRY NURSE
803 DEWEY AVENUE
BEMIDJI MN 56601

24 0400 20003

NORTH STAR CONCRETE
MOUND AT POPLAR
MANKATO MN 56001

24 1920 20026

NORTH STAR CONCRETE
PO BOX 167
WINONA MN 55987

24 1480 20275

N HENNEPIN COMM COLL
7411 85TH AVE N
BROOKLYN PARK MN 55428

24 1480 20449

NATIONAL CAR RENTAL
MPLS ST PAUL INTL AP
MINNEAPOLIS MN 55416

24 3260 20184

NATIONAL CAR RENTAL
2521 MILLER TRUNK HW
DULUTH MN 55811

24 0740 20012

NELSON QUALITY EGGS
RR 3
BAGLEY MN 56621

24 2940 20025

NEW YORK TEA CO
818 VANDALIA ST
ST PAUL MN 55114

24 1480 20406

NORDIC PRESS
5017 BOONE AVE N
NEW HOPE MN 55428

24 0240 20010

NORTH COUNTRY HOSP
1100 W 38TH ST
BEMIDJI MN 56601

24 1480 00122
JOHN HOLMES/MARK HIN
NORTH STAR ASPHALT
4105 E RIVER RD NE
ROCHESTER MN 55904

24 1480 20383

NORTH STAR CONCRETE
MOUND AT POPLAR
MANKATO MN 56001

24 2660 20047

NORTH STAR CONCRETE
MOUND AT POPLAR

MANKATO MN 56001

24 3260 00008

NORTHERN BLACKTOPPER

VIRGINIA MN 55729

24 0720 20048

NORTHERN IMPROVEMENT
P.O. BOX 2846
FARGO ND 58108

24 9923 00140

NORTHERN PAVING
301 NORTH BROADWAY
CROOKSTON MN 56716

24 3660 20043

NORTHERN WIRE PRODUC
WEST DIVISION ST
ST CLOUD MN 56301

24 1660 20038

NORTHPRINT COMPANY
406 POKEGAMA AVE N
GRAND RAPIDS MN 55744

24 1380 20055

GARY MOTSCHENBACHER
NORTHRUP KING
HIGHWAY 19
STANTON MN 55081

24 0400 20062

NORTHRUP KING CO
P.O. BOX 406
AMBOY MN 56010

24 3680 20021

NORTHSTAR MACHINE
BOX 187
MEDFORD MN 55049

24 1480 00331

NORTHWEST ORIENT AIR
FREIGHT SERVICE
RICHFIELD MN 55423

24 3660 20046

NSP ALBANY

ALBANY MN 56307

MANKATO 56001

24 3260 00025

NORTHERN BLACKTOPPER

GILBERT MN 55741

24 0560 20019

ENRON CORPORATION
NORTHERN NATURAL GAS
1400 SMITH BOX 1188
HOUSTON TX 77251

24 2940 20267

NORTHERN WAREHOUSE
308 PRINCE ST
ST PAUL MN 55101

24 2780 20012

NORTHLAND COLLEGE
HIGHWAY 1 EAST
THIEF RIVER FAL MN 56701

24 1660 20039

NORTHPRINT COMPANY
1321 8TH STREET SE
GRAND RAPIDS MN 55744

24 1480 20096

NORTHRUP KING
1500 JACKSON ST NE
MINNEAPOLIS MN 55413

24 1720 20007

NORTHSTAR FOUNDRIES
843 E MAPLE
MORA MN 55051

24 1480 00313

NORTHWEST BITUMINOUS
CLOSED 1978
BLOOMINGTON MN 55431

24 1480 20060

NORTHWESTERN BELL
224 S 5TH
MINNEAPOLIS MN 55402

24 4000 20042

NSP CHEMOLITE

COTTAGE GROVE MN 55016

24 1800 20014

NSP DAWSON

DAWSON MN

24 3440 00022

NSP ELK RIVER
10700 165TH AVE NW
ELK RIVER MN 55330

24 2900 20007

NSP GLENWOOD

GLENWOOD MN 56334

24 3900 20017

NSP MAZEPPA

MAZEPPA MN

24 2840 20008

NSP PIPESTONE

PIPESTONE MN 56164

24 4020 20016

NSP ST JAMES

ST JAMES MN 56081

24 0940 20064

NSP WESCOTT PROPANE

INVER GROVE HTS MN 55075

24 1380 20033

NSP ZUMBROTA

ZUMBROTA MN 55992

24 0500 20036

NUTRA-FLOW CHEMICAL
RR
NEW ULM MN 56073

24 1480 20104

OAK TERRACE NURSING
14500 COUNTY RD 62
MINNETONKA MN 55345

24 1000 20012

NSP DODGE CENTER

DODGE CENTER MN 55927

24 1480 20296

NSP EXCELSIOR

EXCELSIOR MN 55331

24 2440 20009

NSP LAKE WILSON

LAKE WILSON MN

24 3980 20018

NSP NEW RICHLAND

NEW RICHLAND MN 56072

24 3440 90004

NSP SHERCO UNIT 3

BECKER MN 55308

24 2040 20029

NSP TRACY

TRACY MN 56175

24 4200 20038

NSP WINONA

WINONA MN 55987

24 4000 00051

NSP-NEWPORT RDF
414 NICOLLET MALL
MINNEAPOLIS MN 55401

24 2780 20011

NW MEDICAL CENTER
120 LA BREE AVE S
THIEF RIVER FAL MN 56701

24 0320 00011

ORTONVILLE FARM COOP
PO BOX 305
ORTONVILLE MN 56278

24 032 0019

MR. H. J. SCHMIDT
ORTONVILLE STONE CO
PO BOX 829
SIOUX FALLS SD 57117

24 3680 00034

OTC POWER TEAM - SPX
655 EISENHOWER DR
OWATONNA MN 55060

24 0320 00002

OTTERTAIL POWER CO

ORTONVILLE MN 56278

24 2940 20244

PACIFIC MOLASES
2225 CHILDS RD
ST PAUL MN 55106

24 1480 20164

PACKER RIVER TERM
LOWER HARBOR
MINNEAPOLIS MN 55412

24 0220 20013

PARK PRODUCTS INC

LAKE PARK MN 56554

24 2940 20268

PEARSON CANDY CO
2140 W 7TH ST
ST PAUL MN 55116

24 1480 00069

PEAVEY-BURDICK SHORE
P.O. BOX 2906
MINNEAPOLIS MN 55402

24 1260 00040

PEAVEY-SPELTZ ELEV B
P.O. BOX 2906
MINNEAPOLIS MN 55402

24 0220 20012

PEOPLES NATURAL GAS
WILLOW AND ROSSMAN S
DETROIT LAKES MN 56501

24 1720 00018

24 0 80016

OSSEO BRAKE & SHOE
10918 173RD AVE NW
ELK RIVER MN 55330

24 3680 20033

OTEK DIV SPX CORP
2300 PARK DRIVE
OWATONNA MN 55060

24 3680 20004

OWATONNA CANNING
BOX 447
OWATONNA MN 56007

24 1480 20055

PACKAGING CORP
1821 MARSHALL NE
MINNEAPOLIS MN

24 2940 20405

PALLET RECYCLING DIV
391 TOPPING ST
ST PAUL MN 55117

24 1200 20030

PATTEN BLDG SUPPLY
435 CLEVELAND AVE E
WINNEBAGO MN 56098

24 1480 00129

PEAVEY CO
P.O. BOX 2906
MINNEAPOLIS MN 55402

24 1260 00017

PEAVEY-SPELTZ ELEV A
P.O. BOX 2906
MINNEAPOLIS MN 55402

24 1240 00032

PEDERSON QUARRY
COUNTY 22
HARMONY MN 55939

24 2880 20046

PETERSON BIDDICK CO

CROOKSTON MN 56716

24 3680 20032

PETERSON BROS BLKTOP
PO BOX 150
ISLE MN 56342

24 2200 20024

PETERSON SERVICE CTR
RURAL ROUTE 3-BOX 76
HUTCHINSON MN 55350

24 1780 00019

JAMES D. BROWN
PFIZER SPLTY MINERAL
640 NORTH 13TH ST
EASTON PA 18402

24 4000 20058

JIM ANDERSON
PIERCE BUSINESS MACH
P.O. BOX 10699
ST PAUL MN 55110

24 0100 20036

PILLSBURY COMPANY
TOTINOS FROZEN FOODS
FRIDLEY MN 55432

24 1380 00004

PINE ISL FARM COOP
PO BOX 357
PINE ISLAND MN 55963

24 2840 00009

PIPESTONE,CITY OF

PIPESTONE MN 56164

24 2940 20363

PLASTICS INC
224 RYAN AVE
ST PAUL MN 55102

24 2880 90051

POLK COUNTY MSW
HIGHWAY 2 NW
FOSSTON MN 56716

24 1480 20457

POLY FAB INDUSTRIES
9540 83RD AVE N
MAPLE GROVE MN 55369

24 2880 20039

PETERSON GRAIN DBA
P.O. BOX 47
MERIDEN MN 56067

24 0560 20025

PFIZER INC
PCC SATELLITE PLANT
CLOQUET MN

24 1480 20265

PHOTO CONTROL CORP
4800 QUEBEC AVE N
NEW HOPE MN 55428

24 1480 00048

PILLSBURY CO
A MILL
MINNEAPOLIS MN 55414

24 0940 20138

PINE BEND LANDFILL
2495 E 177TH ST
INVER GROVE HTS MN 55075

24 2240 00014

PINZ SAND & GRAVEL
ROUTE 1T
ISLE MN 56342

24 3900 20006

PLAINVIEW MILK PROD
130 2ND ST SW
PLAINVIEW MN 55964

24 3400 20022

PLATTS FEED AND FARM

PRIOR LAKE MN 55019

24 3400 20023

POLLUTION CONTROLLS
RR 1 PO BOX 238
SHAKOPEE MN 55379

24 2060 20016

POLYFOAM INC

LESTER PRAIRIE MN 55354

24 1020 00021

POLYPHOS PROCESSIN
204 GOLF TERRACE
CROOKSTON MN 56716

24 2580 20016

LOWELL AUSTINSON
PRAIRIE PROCESSING
PO BOX 273
ADA MN 56510

24 2940 20339

PRECISION PAINTING
3767 DUNLOP ST
ARDEN HILLS MN 55112

24 9991 90133

PREMIER AGGREGATES
BOX 961
VIRGINIA MN 55492

24 1240 20017

PRESTON DAIRY & FARM

PRESTON MN 55965

24 0100 20046

PRESTRESSED CONCRETE
6755 HWY 10 NW
ANOKA MN 55303

24 3400 00041

PRIOR LAKE AGGREGATE
8680 WEST 158TH
PRIOR LAKE MN

24 1480 00440

PROGRESS CASTING GRP
1457 MARSHALL
ST PAUL MN 55104

24 1480 00460

PROTOX INC
14120 23RD AVE NORTH
MINNEAPOLIS MN 55441

24 1240 20028

QUALITY READY MIX
CARLSON MATERIALS
MABEL MN

24 1780 20018

RAINY RIVER COLLEGE

POPE-DOUGLAS MS

ALEXANDRIA MN 56308

24 1480 20453

PRECISION ELEC MFG
9628 6TH AVE NORTH
PLYMOUTH MN 55441

24 0580 20012

PREFERRED PRODUCTS
312 LK HAZELTINE DR
CHASKA MN 55318

24 4000 20055

PRESS ON INC
1987 INDUSTRIAL BLVD
STILLWATER MN 55082

24 1240 20029

PRESTON POWER PLANT
100 RIDGE ROAD
PRESTON MN 55965

24 1480 20280

PRIDE OF CRAFTSMAN
4000 83RD AVE N
BROOKLYN PARK MN 55443

24 3260 20118

PROCTER,CITY OF
200 2ND ST
PROCTOR MN

24 1480 20277

PROGRESSIVE CONTRACT
8736 ZACHARY LANE
OSSEO MN 55369

24 1920 20016

QUALITY PLUS-ESSAR
PO BOX 168
LE SUEUR MN 56058

24 2660 20026

QUARVE ANDERSON
W 7TH ST
ROCHESTER MN 55901

24 1660 20026

RAJALA MILL CO

HWY 11-71 & 15TH S
INTL FALLS MN 56649

24 1660 20009

RAJALA TIMBER CO

DEER RIVER MN 56630

24 3260 00095

RANGE BLACKTOP

EVELETH MN 55734

24 1880 20007

RAPID RIVER GRAIN
P.O. BOX 458
BAUDETTE MN 56623

24 2880 00012

RED RIVER ALFALFA
BOX 496
CROOKSTON MN 56716

24 1000 20015

RANDALL REESE
REESE FARM CENTER
303 2ND AVE NW
HAYFIELD MN 55940

24 4000 00013

REHBEIN,MARVIN CONST
ROUTE 2, BOX 222
FOREST LAKE MN 55025

24 0600 20006

REMER TIMBER CO

REMER MN 56670

24 1480 20314

REXNORD CHEMICAL PRD
333 W 86TH ST
BLOOMINGTON MN 55420

24 1660 20030

RICHARD GROVER SAWML
7550 HWY 38
GRAND RAPIDS MN

24 3980 20016

RICHLAND COOP SERVIC

HWY 2 WEST
BIG FORK MN 55628

24 2660 20002

RANFRANZ FUNERAL HME
1705 ELTON HILLS DR
ROCHESTER MN 55901

24 3260 20156

RANGELAND SUPPLY

HIBBING MN

24 1480 20284

RED OWL STORES INC
215 E EXCELSIOR BLVD
HOPKINS MN 55343

24 1380 90038

RED WING INCINERATOR
PO BOX 94
RED WING MN 55066

24 0940 20080

REGINA MEMORIAL HOSP

HASTINGS MN

24 0900 20030

REICHER ENTERPRISES
1200 IND PARK RD SO
BAXTER MN 56401

24 1480 20398

REUTER INC
410 SOUTH 11TH AVE
HOPKINS MN 55343

24 3260 20182

J.E. RHUDE
RHUDE & FRYBERGER
P.O. BOX 66
HIBBING MN 55746

24 3400 90009

RICHARDS ASPHALT CO
12101 YOSEMITE AVE S
SAVAGE MN 55378

24 0940 00028

RIEGGER ROADWAYS
920 WEST 122ND ST

NEW RICHLAND MN)72

24 2940 20273

RIHM MOTOR CO
2108 UNIVERSITY AVE
ST PAUL MN 55114

24 3260 20085

RJR FOODS
5020 ROOSEVELT ST
DULUTH MN

24 2660 20029

ROCHESTER GRANITE CO
2843 S BROADWAY
ROCHESTER MN 55901

24 2660 20052

ROCHESTR COM COLLEGE
851 30TH AVE SE
ROCHESTER MN 55904

24 0940 00134

ROSEMOUNT COGENERATN
STATE HIGHWAY 55
ROSEMOUNT MN 55068

24 1480 20338

RUBBER RESEARCH ELAS
824 9TH AVE SE
MINNEAPOLIS MN

24 3160 80013

SAB'S BRAKE SHOP
415 11TH AVE SE
ROSEAU MN 56251

24 0100 20040

SAFETRAN SYSTEMS
4650 MAIN ST
FRIDLEY MN

24 3260 20157

SAN MARCO APARTMENTS
224 WEST 3RD ST
DULUTH MN 55802

24 3660 20023

SAUK VALLEY CONSTRUC
PO BOX 1168
ST CLOUD MN 56301

BURNSVILLE 55337

24 3700 00012

RILEY BROTHERS PAVE
P.O. BOX 108
MORRIS MN 56267

24 2940 20272

RM SUPPLY-RAUSCH MFG
750 PELHAM BLVD
ST PAUL MN 55114

24 2660 20050

ROCHESTER METH HOSP
201 WEST CENTER
ROCHESTER MN 55902

24 9934 20121

RON KRUSE & CO
ROUTE 1
WINDOM MN 56101

24 2940 20275

ROSSMOR BLDG
500 N ROBERT ST
ST PAUL MN 55101

24 0720 90045

S S CONSTRUCTION
BOEING 400
MOORHEAD MN 56560

24 2940 20282

SACRED HEART CHURCH
835 EAST 5TH STREET
ST PAUL MN 55106

24 3160 00014

SALOL FARMERS COOP
P.O. BOX 178
ROSEAU MN 56751

24 3000 00001

SANBORN FARMERS ELEV
BOX 67
SANBORN MN 56083

24 3260 20120

SBS BLACKTOPPING
MADSEN PLANT
HIBBING MN

24 2440 00011

SCHMITZ GRAIN CO
PO BOX 175
CURRIE MN 56123

24 1480 20311

SCHUMACHER WHSL MEAT
443 HOOPER ST NE
MINNEAPOLIS MN 55417

24 0940 00127

SCPF INDUSTRIES
180TH ST & ORLANDO A
HASTINGS MN 55033

24 1480 20039

SEARS ROEBUCK
2929 ELLIOT AVE S
MINNEAPOLIS MN 55407

24 2660 20036

SENECA FOODS
1217 3RD AVE SE
ROCHESTER MN 55904

24 2660 00053

SHAMROCK ENTERPRISES
6415 BANDEL ROAD NW
ROCHESTER MN 55901

24 1720 20002

SHELLER-GLOBE POLY
CALLER # 64009
TOLEDO OH 43612

24 3660 20007

SISTERS ST BENEDICT

ST JOSEPH MN 56374

24 2720 00009

SOBY CONSTRUCTION
PO BOX 635
FERGUS FALLS MN 56537

24 1480 20034

SOO LINE RAILROAD
28 TH & CENTRAL AVE
MINNEAPOLIS MN 55418

24 1480 00163

SCHREIER MALTING CO
3600 DIGHT AVE S
MINNEAPOLIS MN 55406

24 1480 20285

SCHWEIGERT MEAT CO
2605 EMERSON AVE N
MINNEAPOLIS MN 55411

24 0940 20119

SEARLE GRAIN CO

LAKEVILLE MN

24 2940 00284

SEARS ROEBUCK CO
425 RICE ST
ST PAUL MN 55103

24 1480 20340

SENTY ENAMELING
9220 JAMES AVE SO
MINNEAPOLIS MN 55431

24 3060 20026

SHATTUCK ST MARYS
1000 SCHUMWAY AVE
FARIBAULT MN 55021

24 9923 00164

SHERBROOK ASPHALT
RR2, BOX 224
PELICAN RAPIDS MN 56572

24 2240 20003

SMITH SYSTEM MFG
1100 S 10TH ST
PRINCETON MN 55371

24 0580 00025

SOIL RESTORATION INC
7050 CHAPARRAL
CHANHASSEN MN 55317

24 1480 20173

SOO LINE RAILROAD
SHOREHAM CAR SHOP
MINNEAPOLIS MN

24 998 0146

SOUTHERN MINN CONST
PO BOX 3069
MANKATO MN 56002

24 2940 20287

SPACE CENTER INC
444 PINE ST
ST PAUL MN 55101

24 1260 20018

SPELTZ ELEVATORS INC
PO BOX 446
MYRTLE MN 56070

24 2940 20276

ST AGNES CHURCH SCHO
548 LAFOND AVE
ST PAUL MN 55103

24 3660 20074

ST CLOUD HOSPITAL
1406 6TH AVE NORTH
ST CLOUD MN 56301

24 4120 20012

ST FRANCIS HOSPITAL
415 OAK ST
BRECKENRIDGE MN

24 2960 20016

ST HILAIRE COOP ELEV

PLUMMER MN 56754

24 3660 90008

ST JOHNS INCINERATOR
ORDER OF ST BENEDICT
COLLEGEVILLE MN 56321

24 2940 00413

KATHERINE HAWLEY
ST JUDE MEDICAL CNTR
10 YORKTON COURT
LITTLE CANADA MN 55117

24 3260 20151

ST LUKES HOSPITAL

DULUTH MN

24 1480 20304

24 90014

SOUTHERN MINN SUGAR
BOILER NO 1
RENVILLE MN 56284

24 2940 20397

SPACE CENTER INC
520 LAFAYETTE RD
ST PAUL MN 55155

24 1700 20020

SPERRY CORP
PRODUCTS DIVISION
JACKSON MN 56143

24 2940 20277

ST BERNARDS CHURCH
197 W GERANIUM
ST PAUL MN 55117

24 4000 20006

ST CROIX MANUFACTURE
122 2ND AVE
BAYPORT MN 55003

24 3400 20050

ST FRANCIS REG MED
325 W 5TH AVE
SHAKOPEE MN

24 2940 00027

ST JOHNS HOSPITAL
403 MARIA AVE
ST PAUL MN 55106

24 1580 20007

ST JOSEPHS HOSP
600 PLEASANT
PARK RAPIDS MN

24 3260 20102

ST LAWRENCE CEMENT
1100 PORT TERM RD
DULUTH MN

24 1480 20042

ST MARYS HOSPITAL
2414 S 7TH ST
MINNEAPOLIS MN 55454

24 1480 20136

ST OLAF RESIDENCE
2912 FREMONT AVE N
MINNEAPOLIS MN 55411

24 2940 00278

ST PAUL ALUMINUM CST
125 N 1ST ST
MINNEAPOLIS MN 55401

24 2940 20385

ST PAUL ATHLETIC CLU
340 CEDAR ST
ST PAUL MN 55101

24 2940 20298

ST PAUL BUILDING
6 WEST 5TH ST
ST PAUL MN

24 2940 20258

ST PAUL DEPT HEALTH
555 CEDAR ST
ST PAUL MN 55101

24 2940 00409

ST PAUL METALCRAFT
3737 LEXINGTON AV N
ST PAUL MN

24 2940 20280

ST PAUL PIONEER PRES
#1 RIDDER CIRCLE
ST PAUL MN 55107

24 2540 20001

ST PAUL TVI
235 MARSHALL AVE
ST PAUL MN 55102

24 1880 20001

ST PETER REG TREAT
FREEWAY DRIVE
ST PETER MN 56082

24 4200 20017

ST REGIS PAPER
WHEELER DIV
WILLIAMS MN 56686

24 2940 20022

ST SERVICES CORP
1020 E 2ND ST
WINONA MN

24 0940 20084

ST THOMAS COLLEGE
2115 SUMMIT AVE
ST PAUL MN 55102

24 0940 20030

STANDARD BLDG
1201 S CONCORD
HASTINGS MN

24 2900 20002

STANDARD BLDG MATERI
01 S CONCORD ST
SOUTH ST PAUL MN 55075

24 9922 90161

STARBUCK CREAMERY
101 W 5TH ST
STARBUCK MN 56381

24 2940 20008

STARRY CONSTRUCTION
615 SOUTH LAKE ST
MTN PRAIRIE MN 56347

24 3040 20023

STATE CAPITOL POWER
9 E AURORA
ST PAUL MN 55155

24 3260 20042

STAUFFER SEEDS INC
RAINBOW LANE
OLIVIA MN 56277

24 1480 20339

STAVER FOUNDRY
100 S TENTH ST
VIRGINIA MN 55792

24 2660 20038

STEWART PAINT
1729 N 2ND ST
MINNEAPOLIS MN

24 3660 20054

STONE CONTAINER
3075 LONG LAKE RD
ST PAUL MN 55113

24 1480 20341

STONE CONTAINER CORP
50 37TH AVE NE
MINNEAPOLIS MN 55421

24 2940 20303

STRAUSS KNITTING MIL
350 SIBLEY ST
ST PAUL MN 55101

24 1480 00408

STROUT PLASTICS
9611 JAMES AVE S
BLOOMINGTON MN

24 0940 20081

SUBURBAN GAS
10825 COURTHOUSE
INVER GROVE HTS MN

24 1480 20419

SULLIVANS SUPER VALU
5937 NICOLLET AVE
MINNEAPOLIS MN 55419

24 1380 00047

SUSTANE CORPORATION
RR 3, BOX 159
CANNON FALLS MN 55009

24 0940 20083

TAPEMARK CO
223 E MARIE
WEST ST PAUL MN

24 2040 20015

TAUNTON COOP ELEV CO
HIGHWAY 68
TAUNTON MN 56291

24 2880 20041

TDS FERTILIZER

FERTILE MN 56540

24 3060 20023

TEMPO STORE 812

STONE CONTAINER
PO BOX 1287
ST CLOUD MN 56302

24 3440 90023

STRAIGHTLINE EXCAVTN
22460 HWY 169 NW
ELK RIVER MN 55330

24 0100 20067

MEL BLANCHARD
STRITE ANDERSON
7585 VIRON ROAD
FRIDLEY MN 55432

24 1480 20456

STYROTECH INC
1620 CENTRAL AVE NE
MINNEAPOLIS MN 55413

24 2660 00031

SULLIVAN CONSTRUCT
SEE NEW ULM QUARTZ
ROCHESTER MN 55901

24 1480 20289

SUPER VALUE STORES
101 JEFFERSON AVE
HOPKINS MN 55343

24 2560 20001

SWIFT IND PACKING CO
HIGHWAY 60 NORTHEAST
WORTHINGTON MN 56187

24 1480 00001

TARACORP
3645 HAMPSHIRE S
ST LOUIS PARK MN 55426

24 2940 20312

TAYSTEE BAKING CO
97 EAST 12TH ST
ST PAUL MN 55101

24 4200 20047

TECHNICAL DIE CAST
P.O. BOX 378
STOCKTON MN 55988

24 1480 20333

TENNANT CO

FARIBO PLAZA
FARIBAULT MN 55021

24 2940 00075

TEXACO INC
1700 STEWART AVE
ST PAUL MN 55116

24 1480 20089

THERMO KING CORP
314 W 90TH ST
BLOOMINGTON MN 55420

24 1480 00067

THORPE BROS INC
12 5 6TH ST
MINNEAPOLIS MN 55402

24 0940 20069

THRU-BLU INC
501 MALDEN ST
SOUTH ST PAUL MN 55075

24 0100 20069

TONSON INC
P.O. BOX 65
ANDOVER MN 55303

24 1480 20009

TOWLE COMPANY
MEDICAL ARTS BLDG
MINNEAPOLIS MN

24 0940 20118

TOWN CENTER 70 PROJ
EAGAN, CITY OF
EAGAN MN

24 4020 20015

TRI COUNTY COOP OIL

DARFUR MN 56022

24 4240 20022

TRI COUNTY SURFACING
PO BOX B
ANNANDALE MN 55302

24 1660 20022

TROUMBLY BROTHERS
ITASCA READY MIX
PO BOX 1452
MINNEAPOLIS MN 55440

24 3780 20017

THE HART PRESS INC
13 4TH AVE SW
LONG PRAIRIE MN 56347

24 1480 20287

THOMPSON HARDWOOD LU
9925 LOGAN AVE S
BLOOMINGTON MN 55431

24 1740 20017

THORPE FARMERS ELEV

THORP MN

24 1480 20307

TIMESAVERS INC

CRYSTAL MN 55422

24 1480 20267

TOOL PRODUCTS
5100 BOONE AV N
MINNEAPOLIS MN

24 2060 23000

TOWN & COUNTRY TIRES
31 FIRST AVE NE
HUTCHINSON MN 55350

24 0720 00010

TRI COUNTY COOP
PO BOX 168
ULEN MN 56585

24 3940 20006

TRI COUNTY HOSPITAL
418 N JEFFERSON
WADENA MN 56482

24 4260 00008

TRI-LINE FARM COOP
BOX 68
CLARKFIELD MN 56223

24 2180 20042

TRUMAN ELEVATOR

GRAND RAPIDS MN

24 3680 20029

TRUTH DIVISION - SPX
700 WEST BRIDGE ST
OWATONNA MN 55060

24 2940 20404

ERNIE PETERSON
TWIN CITY DIE CAST
1070 33RD AVE SE
MINNEAPOLIS MN 55414

24 2940 20337

TWIN CITY TRAILER
2323 TERMINAL ROAD
ROSEVILLE MN 55113

24 9991 90067

BOB ULLAND
ULLAND BROS
P.O. BOX 340
CLOQUET MN 55912

24 9991 90144

ULLAND BROTHERS
PO BOX 340
CLOQUET MN 55720

24 1920 00009

UNIMIN CORP
KASOTA QUARRY
KASOTA MN

24 1480 20286

UNION SCRAP IRON MET
210 15TH AVE N
MINNEAPOLIS MN 55411

24 2940 20265

UNISYS
1902 W MINNEHAHA
ST PAUL MN

24 0940 20067

UNITECH CHEMICAL INC
UNION STOCK YARDS
SOUTH ST PAUL MN 55075

24 1480 20290

UNITED HARDWARE
8201 54TH AVE N
NEW HOPE MN 55427

TRUMAN 56088

24 2940 20288

TWIN CITY CONCRETE P
1520 E MINNEHAHA AVE
ST PAUL MN 55106

24 3400 00044

TWIN CITY MINERAL
12051 YOSEMITE AVE S
SAVAGE MN 55378

24 1840 20002

TWO HARBORS CITY
1ST ST AND SOUTH AVE
TWO HARBORS MN 55616

24 9991 20005

BOB ULLAND
ULLAND BROS INC
P.O. BOX 340
CLOQUET MN 55912

24 9991 90165

ULLAND BROTHERS INC
P.O. BOX 340
CLOQUET MN 55720

24 2940 20259

UNION BRASS\METAL
501 W LAWSON AVE
ST PAUL MN 55117

24 0940 20040

UNISYS
3333 PILOT KNOB RD
EAGAN MN 55122

24 2940 20314

UNISYS
2276 HIGHCREST DR
ROSEVILLE MN

24 2940 80364

UNITED BRAKE SYSTEMS
1901 OAKCREST AVE #9
ROSEVILLE MN 55113

24 2940 20061

UNITED HOSP MILLER
125 COLLEGE W
ST PAUL MN 55102

24 2800 20004

UNITED POWER
ROCK LAKE STATION
PINE CITY MN 55063

24 1640 20014

UNITED POWER ASSOCIA

CAMBRIDGE MN 55008

24 2240 20012

UNITED POWER ASSOCIA

MILACA MN 56353

24 4240 20020

UNITED POWER ASSOCIA

MAPLE LAKE MN 55358

24 0940 20122

UNIV OF MINNESOTA
1605 160TH ST W
ROSEMOUNT MN 55068

24 3260 20096

UNIV OF MINNESOTA
LOWER CAMPUS
DULUTH MN 55812

24 2940 20398
D W DIERWECHTER
UNOCAL
1345 N MEACHAM RD
SCHAUMBURG IL 60196

24 2360 20024

UPSALA FARM STORE

UPSALA MN 56384

24 3260 00035

US STEEL
MORGAN PARK
DULUTH MN 55808

24 1480 00075

VA MEDICAL CENTER
1 VETERANS DRIVE
MINNEAPOLIS MN 55417

24 0560 20017

UNITED POWER ASSOCIA

KETTLE RIVER MN 55757

24 1740 20025

UNITED POWER ASSOCIA

HAWICK MN 56273

24 2800 20011

UNITED POWER ASSOCIA

PINE CITY MN 55063

24 0100 20037

UNITY HOSPITAL
550 OSBORNE ROAD
FRIDLEY MN 55432

24 3260 20039

UNIV OF MINNESOTA
UPPER CAMPUS
DULUTH MN

24 3980 20004

UNIV. OF MINN.
WASECA CAMPUS
WASECA MN 56093

24 2360 20013

UPSALA COOP CREAMERY

UPSALA MN 56384

24 0940 20099

US NAVY ASTRONAUTICS

ROSEMOUNT MN

24 3400 20025

US TRANSFORMER INC
1000 SYNDICATE AVE
JORDAN MN

24 3660 20037

VA MEDICAL CENTER
8TH ST N
ST CLOUD MN

24 166)013
FLOYD HOVARTER-MGR
VALLEY FOREST RESOUR
STAR ROUTE, BOX 27
MARCELL MN 56657

24 4260 20024

VICTOR FLUID POWER
HIGHWAY 212 WEST
GRANITE FALLS MN 56241

24 2040 20028

VILLAGE OF BALATON

BALATON MN 56115

24 1480 20447
WALTER JOPKE
VTC INC
2401 EAST 86TH ST
BLOOMINGTON MN 55420

24 0580 20004

WACONIA MILLING

WACONIA MN

24 0100 20045

WALTEK INC
14310 SUNFISH LK BLV
ANOKA MN

24 2160 00006

WARREN GRAIN & SEED
NORTH MAIN ST
WARREN MN 56762

24 0100 20038

WASTE MGMT OF MINN
ANOKA LANDFILL
ANOKA MN

24 2660 20049

WATER INSTRUMENT INC
PO BOX 6117
ROCHESTER MN 55903

24 2200 20007

WEATHER MASTER SEEDS

DASSEL MN 55325

24 1380 20056

24) 20031
VERNON SOINE-OWNER
VERNS WRECKING-SALVG

HAWICK MN 56246

24 1480 00159

VICTORIA GRAIN
ELEVATOR G
MINNEAPOLIS MN

24 3260 20088

VIRGINIA MED CENTER
901 N NINTH ST
VIRGINIA MN 55792

24 1480 20029

W R GRACE ZONOLITE
1720 MADISON ST NE
MINNEAPOLIS MN 55413

24 1480 00071

WALSH GRAIN CO
119 5TH AVE S
MINNEAPOLIS MN 55401

24 1480 20405

WALTER G ANDERSON
4535 WILLOW DRIVE
MEDINA MN 55340

24 0400 00045

WASECA BLACKTOP
NOW SHAMROCK ENTERPR
MANKATO MN 56001

24 2940 20341

WATER GREMLIN CO
4370 OTTER LAKE RD
WHITE BEAR LAKE MN 55110

24 0940 20071

WATKINS PATTERN CO
BOX 517
LAKEVILLE MN 55044

24 2040 20031

WEINER MEMORIAL MED
300 S BRUCE ST
MARSHALL MN 56258

24 3680 20031

WENCL GRAIN

MEDFORD MN 55049

24 3700 00010

WEST CENTRAL BLACKTP
PO BOX 345
MORRIS MN 56267

24 3260 20078

WEST END IRON+METAL

DULUTH MN

24 0640 20020

WESTERN COOP TRANSPO
RT 3 BOX 41A
MONTEVIDEO MN 56265

24 1260 20035

WEYERHAUSER
WEST 9TH ST
ALBERT LEA MN 56007

24 1480 20022

WH BARBER CO
825 THORNTON SE
MINNEAPOLIS MN 55414

24 1480 20291

WHITTAKER CORP
3134 CALIFORNIA ST N
MINNEAPOLIS MN 55418

24 3680 20026

WILDUNG ALFALFA
PO BOX 405
OWATONNA MN 55060

24 1740 20015

WILLIAMS PIPELINE
1 WILLIAMS CNTR 3448
TULSA OK 74101

24 2840 20001

WILLIAMS PIPELINE
1 WILLIAMS CNTR 3448
TULSA OK 74101

24 1740 20030

WENCL GRAIN
BOX 55
MEDFORD MN 55049

24 2720 20026

WEST CENTRAL TURKEYS
704 N BROADWAY
PELICAN RAPIDS MN 56572

24 0840 20018

WESTBROOK LIGHT POWR
P.O. BOX 296
WESTBROOK MN 56183

24 2200 20022

WESTERN GRAIN INC

GROVE CITY MN 56243

24 2420 20025

WEYERHAUSER
1900 8TH ST NE
AUSTIN MN 55912

24 2940 00004

WHIRLPOOL
850 ARCADE ST.
ST PAUL MN 55106

24 1700 20006

WILDER GRAIN

WILDER MN 56184

24 0640 20023

WILLIAMS PIPELINE
1 WILLIAMS CNTR 3448
TULSA OK 74101

24 2720 20034

WILLIAMS PIPELINE
1 WILLIAMS CNTR 3448
TULSA OK 74101

24 2900 20011

WILLIAMS PIPELINE
1 WILLIAMS CNTR 3448
TULSA OK 74101

24 1740 20004

WILLMAR COM COLLEG
2021 15TH AVE NW
WILLMAR MN 56201

24 1200 20031

WIM OF WALTERS INC
PO BOX 7
WALTERS MN 56092

24 0840 20006

WINDOM UTILITY
P.O. BOX 38
WINDOM MN 56101

24 4200 20040

WINONA INDUSTRIES
602 E FRONT ST
WINONA MN 55987

24 2060 20015

WINSTED FRM COOP CRM

WINSTED MN

24 1240 20022

WISCONSIN DAIRIES
PO BOX 406
PRESTON MN 55965

24 3260 80112

WLSSD
INCINERATORS
DULUTH MN 55800

24 0300 20018

WOODCRAFT INDUSTRIES
525 LINCOLN AVE SE
ST CLOUD MN

24 1480 20305

WOODLAKE CLEANING
6440 LYNDALE AVE S
RICHFIELD MN 55423

24 1480 20327

WOODWORKERS STORE
21801 INDUSTRIAL BLV
ROGERS MN

24 4240 20021

WRIGHT CTY COOP OIL

WILLMAR STATE H
BOX 1128
WILLMAR MN 56201

24 0840 20017

WINDOM AREA HOSP

WINDOM MN 56101

24 4200 90053

WINONA COUNTY MSW
171 WEST 3RD ST
WINONA MN 55987

24 4200 20010

WINONA STATE UNIV
JOHNSON & SANBORN ST
WINONA MN 55987

24 2180 20006

WINZENBURG ELEV
BOX 506
FAIRMONT MN 56031

24 3260 20146

WLSSD
KNOLDON STATION
DULUTH MN

24 3260 90112

WLSSD
27TH AV W+WATERFRONT
DULUTH MN 55806

24 2240 20006

WOODCRAFT INDUSTRIES
FORESTON DIMENSION
FORESTON MN

24 0400 20041

WOODLAND HILLS INC
1605 WOODLAND AVE
MANKATO MN 56001

24 2560 20006

WORTHINGTON RENDERNG
HWY 60 E
WORTHINGTON MN 56187

24 2940 20295

YMCA

ST MICHAEL MN 55376

24 1380 20010

ZIMMIE GRAIN CO

ZUMBROTA MN

1761 UNIVERSITY
ST PAUL MN 55104

24 2940 20296

ZINSMASTER BAKING CO
97 SHERBURNE AVE
ST PAUL MN 55103

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Mattter of the Proposed Amendments to Air Quality Permit Fee Rules, Minn. Rules Parts 7002.0010 to 7002.0100	**FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE AMENDMENTS**

The above-titled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 28th day of November, 1989. 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) 1. Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on September 11, 1989, 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 (1988) on September 6, 1989.

(2) 2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice, and was mailed to the Chair of the House Appropriation and Senate Finance Committees and was made available to the public.

(4) 3. All persons were given the opportunity to submit comments on the rule amendments for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on October 11, 1989.

4. Only four requests for a public hearing were received during the comment period.

5. Interested parties and associations were advised in the Notice of Intent to Adopt Rules Without a Public Hearing they may request notification of submission of the adopted rules to the Attorney General. No requests were received by the Agency.

6. During the commment period the Agency received three written commments and one verbal comment. The Agency finds that three minor modifications to the proposed rule amendments are justified by the record in this proceeding, as follows:

a. Minn. Rules pt. 7002.0100, subp. 4b, item A.

The Agency amends subpart 4b, item A as follows:

"A. $75 for each method 9 visible emissions evaluation performance test report reviewed by the agency;"

This modification is reasonable because it does not change the intended effect of the proposed rule and helps clarify the Agency's intent on the calculation of visible emissions fees. This modification is supported by the record in this proceeding. By adding the word "report" the application of the $75 fee is clarified to apply to each report, not each test. This was the intent of the original rule.

This change does not constitute a substantial change to the rule as proposed because it does not change the effect of the rule and is intended only to clarify the rule. To the extent it has any different effect, it is a beneficial one. It only affects classes of persons who would have been interested in the Air Quality Permit Fee Rule. These persons had notice that the

Agency intended to establish methods for determining fees for visible emissions test reports and visible emissions evaluations and could reasonably assume that comments received during the rulemaking process could convince the Agency to make changes in it.

b. Minn. Rules 7002.0100, subp. 4b, item A and subp. 4c, item A and B.

The Agency amends Minn. Rules 7002.0100, subp. 4b, item A as follows:

"A. $75 for each method 9 visible emissions evaluation or part 7005.0930 odor emission evaluation performance test report by the agency;"

The Agency amends Minn. Rules 7002.0100, subp. 4c, item A as follows:

"A. $25 for each additional method 9 visible emissions evaluation or part 7005.0930 odor emission evaluation performance test report beyond the first that is reviewed by the agency;"

The Agency amends Minn. Rules 7002.0100, subp. 4c, item B as follows:

"B. for a single performance test report, other than a method 9 visible emissions evaluation or part 7005.0930 odor emission evaluation report:"

These modifications are reasonable because they do not change the intended effect of the proposed rule and because they make the calculation of fees for odor emissions evaluations more equitable. These modifications are supported by the record in this proceeding. The original proposed fee rule amendment would

have calculated odor test fees in a manner similar to those charged for reference method stack tests. The level of effort involved in review of odor testing more closely approximates that of visible emissions testing than the level of effort required for more complex stack testing. Therefore, conforming to the Agency's intent to calculate permit fees more equitably, the Agency has made these changes to subpart 4b. A. and subpart 4c. A. and B.

These changes do not constitute a substantial change to the rule as proposed because they do not change the effect of the rule and are intended only to clarify the rule. To the extent they have any different effect, it is a beneficial one. They only affect classes of persons who would have been interested in the Air Quality Permit Fee Rule. These persons had notice that the Agency intended to establish methods for determining fees for odor emissions test reports and odor emissions evaluations and could reasonably assume that comments received during the rulemaking process could convince the Agency to make changes to them.

c. Minn. Rules pt. 7002.0100 subp. 5. item A. The Agency amends Minn. Rules pt. 7002.0100, subp. 5. item A as follows:

"The Agency shall not charge an annual fee for a stationary source if the potential to emit any single criteria pollutant is ~~more than 25 tons per year but is~~ less than 50 tons per year for each criteria pollutant unless the stationary source has the potential to emit at least 1,000 pounds of lead per year."

The Agency is modifying this by deleting "~~more than 25 tons per year but is~~." The modified text reads as follows:

"The Agency shall not charge an annual fee for a stationary source if the potential to emit any single criteria pollutant is less than 50 tons per year for each criteria pollutant unless the stationary source has the potential to emit at least 1,000 pounds of lead per year."

This modification is reasonable because it does not change the intended effect of the proposed rule and helps clarify the Agency's intent on the calculation of annual emissions fees. This modification is supported by the record in this proceeding. Because the Agency does not issue permits for sources that emit less than 25 tons per year, Agency permit fees do not apply to these sources. Thus, the "more than 25 tons per year" statement is redundant.

This change does not constitute a substantial change to the rule as proposed because it does not change the effect of the rule and is intended only to clarify the rule. To the extent it has any different effect, it is a beneficial one. It only affects classes of persons who would have been interested in the Air Quality Permit Fee Rule. These persons had notice that the Agency intended to establish methods for determining fees for visible emissions test reports and visible emissions evaluations and could reasonably assume that comments received during the rulemaking process could convince the Agency to make changes to them.

7. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rule amendments. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings, except as modified in Finding 6 above.

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

CONCLUSIONS

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

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

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

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change in the proposed rules.

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ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to the rules governing Air Quality Permit Fees, Minn. Rules pt. 7002.0010 to 7002.0100, are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.07, subd. 4 (1988).

MINNESOTA POLLUTION CONTROL AGENCY

Gerald L. Willet

Gerald L. Willet
Commissioner

November 28, 1989

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Mattter of the Proposed Amendments to Air Quality Permit Fee Rules, Minn. Rules Parts 7002.0010 to 7002.0100	**FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE AMENDMENTS**

The above-titled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 28th day of November, 1989. After affording all interested persons the opportunity to present written and oral data, statements, and arguments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on September 11, 1989, 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 (1988) on September 6, 1989.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice, and was mailed to the Chair of the House Appropriation and Senate Finance Committees and was made available to the public.

3. All persons were given the opportunity to submit comments on the rule amendments for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on October 11, 1989.

4. Only four requests for a public hearing were received during the comment period.

5. Interested parties and associations were advised in the Notice of Intent to Adopt Rules Without a Public Hearing they may request notification of submission of the adopted rules to the Attorney General. No requests were received by the Agency.

6. During the commment period the Agency received three written commments and one verbal comment. The Agency finds that three minor modifications to the proposed rule amendments are justified by the record in this proceeding, as follows:

a. Minn. Rules pt. 7002.0100, subp. 4b, item A.

The Agency amends subpart 4b, item A as follows:

"A. $75 for each method 9 visible emissions evaluation performance test report reviewed by the agency;"

This modification is reasonable because it does not change the intended effect of the proposed rule and helps clarify the Agency's intent on the calculation of visible emissions fees. This modification is supported by the record in this proceeding. By adding the word "report" the application of the $75 fee is clarified to apply to each report, not each test. This was the intent of the original rule.

This change does not constitute a substantial change to the rule as proposed because it does not change the effect of the rule and is intended only to clarify the rule. To the extent it has any different effect, it is a beneficial one. It only affects classes of persons who would have been interested in the Air Quality Permit Fee Rule. These persons had notice that the

Agency intended to establish methods for determining fees for visible emissions test reports and visible emissions evaluations and could reasonably assume that comments received during the rulemaking process could convince the Agency to make changes in it.

b. Minn. Rules 7002.0100, subp. 4b, item A and subp. 4c, item A and B.

The Agency amends Minn. Rules 7002.0100, subp. 4b, item A as follows:

"A. $75 for each method 9 visible emissions evaluation or part 7005.0930 odor emission evaluation performance test report by the agency;"

The Agency amends Minn. Rules 7002.0100, subp. 4c, item A as follows:

"A. $25 for each additional method 9 visible emissions evaluation or part 7005.0930 odor emission evaluation performance test report beyond the first that is reviewed by the agency;"

The Agency amends Minn. Rules 7002.0100, subp. 4c, item B as follows:

"B. for a single performance test report, other than a method 9 visible emissions evaluation or part 7005.0930 odor emission evaluation report:"

These modifications are reasonable because they do not change the intended effect of the proposed rule and because they make the calculation of fees for odor emissions evaluations more equitable. These modifications are supported by the record in this proceeding. The original proposed fee rule amendment would

have calculated odor test fees in a manner similar to those charged for reference method stack tests. The level of effort involved in review of odor testing more closely approximates that of visible emissions testing than the level of effort required for more complex stack testing. Therefore, conforming to the Agency's intent to calculate permit fees more equitably, the Agency has made these changes to subpart 4b. A. and subpart 4c. A. and B.

These changes do not constitute a substantial change to the rule as proposed because they do not change the effect of the rule and are intended only to clarify the rule. To the extent they have any different effect, it is a beneficial one. They only affect classes of persons who would have been interested in the Air Quality Permit Fee Rule. These persons had notice that the Agency intended to establish methods for determining fees for odor emissions test reports and odor emissions evaluations and could reasonably assume that comments received during the rulemaking process could convince the Agency to make changes to them.

c. Minn. Rules pt. 7002.0100 subp. 5. item A. The Agency amends Minn. Rules pt. 7002.0100, subp. 5. item A as follows:

"The Agency shall not charge an annual fee for a stationary source if the potential to emit any single criteria pollutant is ~~more than 25 tons per year but is~~ less than 50 tons per year for each criteria pollutant unless the stationary source has the potential to emit at least 1,000 pounds of lead per year."

The Agency is modifying this by deleting "~~more than 25 tons per year but is~~." The modified text reads as follows:

"The Agency shall not charge an annual fee for a stationary source if the potential to emit any single criteria pollutant is less than 50 tons per year for each criteria pollutant unless the stationary source has the potential to emit at least 1,000 pounds of lead per year."

This modification is reasonable because it does not change the intended effect of the proposed rule and helps clarify the Agency's intent on the calculation of annual emissions fees. This modification is supported by the record in this proceeding. Because the Agency does not issue permits for sources that emit less than 25 tons per year, Agency permit fees do not apply to these sources. Thus, the "more than 25 tons per year" statement is redundant.

This change does not constitute a substantial change to the rule as proposed because it does not change the effect of the rule and is intended only to clarify the rule. To the extent it has any different effect, it is a beneficial one. It only affects classes of persons who would have been interested in the Air Quality Permit Fee Rule. These persons had notice that the Agency intended to establish methods for determining fees for visible emissions test reports and visible emissions evaluations and could reasonably assume that comments received during the rulemaking process could convince the Agency to make changes to them.

7. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rule amendments. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings, except as modified in Finding 6 above.

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

CONCLUSIONS

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

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

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

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change in the proposed rules.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to the rules governing Air Quality Permit Fees, Minn. Rules pt. 7002.0010 to 7002.0100, are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.07, subd. 4 (1988).

MINNESOTA POLLUTION CONTROL AGENCY

Gerald L. Willet
Commissioner

November 28, 1989

SUGGESTED STAFF RESOLUTION

BE IT RESOLVED, that the Minnesota Pollution Control Agency (Agency) hereby approves and adopts the attached amendments to the Air Quality Permit Fee Rules, Minn. Rules pts. 7002.0010 through 7002.0100, pursuant to the authority vested in the Agency by Minn. Stat. § 116.07, subd. 4 (1988).

BE IT FURTHER RESOLVED, that prior to publishing the rule amendments as adopted in the State Register, the Commmissioner is authorized to make any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.28 (1988).

BE IT FURTHER RESOLVED, that the Agency adopts the attached Findings of Fact, Conclusions, and Order Adopting Rule Amendments 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.

CERTIFICATE OF RESOLUTION ADOPTING RULES

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 28th day of November, 1989, 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 amendments to the Air Quality Permit Fee Rules, Minn. Rules pts. 7002.0010 to 7002.0100 pursuant to the authority vested in the Agency by Minn. Stat. § 116.07 subd. 4 (1988).

BE IT FURTHER RESOLVED, that prior to publishing the rule amendments as adopted in the State Register, the Commissioner is authorized to make any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.28 (1988).

BE IT FURTHER RESOLVED, that the Agency adopts the attached Findings of Fact, Conclusions, and Order Adopting Rule Amendments 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 15 day of December, 1989.

Gerald L. Willet

GERALD L. WILLET
Commissioner

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STATE OF MINNESOTA

POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Rules Governing Air Pollution
Permit Fees, Minn. Rules pts.
7002.0010-.0100.

DECLARATION OF COUNSEL

I, Ann E. Cohen, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit client code is 7001.

ANN E. COHEN
Special Assistant
Attorney General