

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

MJC

RULE REVIEW CHECKLIST

I have requested the billing number from Marie.

File No. 1757
DATE RECEIVED 11-19-90
REVIEW DATE 11-28-90
DUE DATE 12-3-90
(DIS)APPROVED Nov 28, 90, mjc
WITHDRAWN

Docket No. 05 0009 1210
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 11-20-90
REVISOR (DIS)APPROVED ✓
FILED W/SEC. OF STATE 11-29-90
RETURNED TO AGENCY 11-30-90

✓ Rule as adopted (4 copies)

✓ ~~Notice to Solicit Outside Information/Opinion (if applicable)~~
August 20, 1990 ~~Date published in State Register~~
~~Comments~~

~~Petition for Adoption of a Rule~~

Board's Authorizing Resolution
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
103I.101 subd 5 Statutory Authority
NA Small Business Statement
NA Expenditure of public money statement
Sept 24, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
October 4, 1990 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached
see my notes

✓ Publication in State Register
October 8, 1990 Date 30/25 days before adoption
see my notes

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) ~~amendments don't apply~~
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

~~Resolution Adopting~~
~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting
November 8, 1990 Date

~~Written Requests, Submissions or Comments~~

Declaration of Attorney
Marie Christa Name of SAAG representing agency

~~Notice of Submission to Attorney General (if applicable)~~

~~Affidavit of Mailing Notice to Attorney General (if applicable)~~

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: November 30, 1990

TO: JANE A. NELSON
Rules Coordinator
Environmental Health Division

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: **In the Matter of the Adopted Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits**

The above-referenced rule has been approved as to its legality by the Attorney General on November 28, 1990.

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:cy.ag2
Enclosure
cc: William Brown, Chief Judge
MaryAnn Hruby
Maria Christu

Department of Health

Adopted Permanent Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits

Rules as Adopted

4725.0450 LICENSING AND REGISTRATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Well pumps and pumping equipment.** A person may not install a well pump or pumping equipment without holding a well contractor license or a limited well contractor license to install a well pump or pumping equipment as required by Minnesota Statutes, chapter 103I. Nothing in this subpart shall prohibit a monitoring well contractor from installing a well pump or pumping equipment in a monitoring well, a limited dewatering well contractor from installing a pump in a dewatering well, or a limited unconventional well contractor from installing a well pump or pumping equipment in an unconventional well. Nothing in this subpart shall prohibit a licensed plumber or plumbing contractor from installing water pressure tanks not attached to the well casing, or water storage tanks, or from installing and servicing pressure water service lines from the source of supply, according to applicable law.

4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION.

[For text of subps 1 to 7, see M.R.]

Subp. 7a. **Application for limited well contractor license to seal wells.** A person must apply for and obtain a limited well contractor license to:

A. seal wells;

B. remove obstructions from a well before sealing;

C. remove or perforate well casing before sealing; or

D. other activities necessary to seal a well.

Subp. 7b. **Experience requirements for limited well contractor license to seal wells.** An applicant for a limited well contractor license to seal wells must have three years of

experience. A year of experience is a year in which the applicant:

A. personally sealed a minimum of five wells; and

B. worked a minimum of 1,000 hours drilling wells, clearing obstructions, removing or perforating well casings, and grouting wells.

An applicant must have gained the experience under a licensed well contractor or limited well sealing contractor.

Subp. 7c. **Application for limited well contractor license to construct, repair, or seal dewatering wells.** A person must apply for and obtain a limited well contractor license to construct, repair, or seal a dewatering well.

Subp. 7d. **Experience requirements for limited well contractor license to construct, repair, or seal dewatering wells.** An applicant for a limited well contractor license to construct, repair, or seal dewatering wells must have two years of experience. A year of experience is a year in which the applicant:

A. worked a minimum of 500 hours designing, constructing, or field supervising the construction, repair, or sealing of dewatering wells; and

B. designed, constructed, or field supervised the construction of a minimum of five dewatering wells.

4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

This part applies to all dewatering wells as defined in part 4725.0100, subpart 24c, including drive point wells used for dewatering. Until June 30, 1992, this part does not apply to dewatering wells that are constructed and that operate down to 45 feet.

A. A dewatering well must not be constructed until a permit has been issued by the commissioner to the limited dewatering well contractor or well contractor.

B. The limited dewatering well contractor or well contractor must submit to the commissioner a dewatering well permit application on a form provided by the commissioner. The

pplication must be legible and signed by the limited dewatering ell contractor or well contractor and the property owner or gent.

C. A permit application must be completed for each ewatering well or dewatering well project.

D. The permit shall include the following information or each well:

(1) the name, business address, and license umber of the limited dewatering well contractor or well ontractor;

(2) the name and address of the dewatering well wner or property owner, if different;

(3) the legal description or street address of he proposed dewatering well location or a map having a scale at east one-half inch to the mile; and

(4) the anticipated depth of the dewatering well.

[For text of items E to I, see M.R.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 29 1990

Joan Anderson Growe

Secretary of State

12:09 PM

APPROVED AS TO FORM AND LEGALITY

November 28 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

SF-00006-05 (4/86)

DEPARTMENT : Health

STATE OF MINNESOTA

Office Memorandum

DATE : November 13, 1990

NW. 19

TO : Patricia Nolte, Legal Assistant
Public Finance Division
Capitol Office Building

FROM : Jane A. Nelson, Rules Coordinator
Environmental Health Division

PHONE : 627-5038

SUBJECT : Review of a Rule Adopted Without a Public Hearing Governing Limited Dewatering and Sealing Licenses; Construction Permits, Minnesota Rules, parts 4725.0450, 4725.0500 and 4725.1825

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.03400 for your review of a rule adopted without a public hearing.

Official documents in this submittal include:

A. A copy or photocopy of the notice of solicitation of outside information or opinions as published in the State Register.

B. A copy of the proposed rule with a certificate of approval as to form by the Revisor of Statutes attached.

C. The notice of intent to adopt a rule without a public hearing as mailed.

D. The statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

E. Notice of mailing the Statement of Need and Reasonableness to the Legislative Commission to Review Administrative Rules.

F. The affidavit of mailing the notice of intent to adopt a rule without a public hearing. The affidavit states that the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14 and 14.22 is accurate, complete, and current and that the notice of intent to adopt the rule was mailed to all persons and groups whose names appear on the list.

G. A copy or photocopy of the notice of intent to adopt the rule without a public hearing as published in the State Register.

H. Four copies of the rule as adopted. No modifications were made to the rule as proposed.

I. The Findings of Fact, Conclusions, and Order Adopting the Rule.

J. No written requests, submissions, or comment on the rule were received by the Department except requests solely for copies of the rule or for the statement of need and reasonableness.

K. The Declaration of Counsel of the Attorney General-Health.

L. No requests to be notified of submittal of the rule to the Attorney General-Administration were received.

If you have any questions on this submittal, please call me at 627-5038.

JAN:mq

End of comment period - November 7, 1990
stated in Notice of Intent

Statutory Authority 103I.101 subd 5
The commissioner shall adopt rules
including:
(1) issuance of licenses for
(iii) persons constructing, repairing, and
sealing dewatering wells.

~~D~~ 30 days
published in State Register = October 8, 1990
end of comment period
stated in Notice of Intent
= November 7, 19
= 30 days

AUG 21 1990

The Minnesota
State Register

Department of Administration—Print Communications Division



Rules edition
Published every Monday

20 August 1990

Volume 15, Number 8

Pages 409-468

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Board of Animal Health

Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Friday, September 21, 1990 at the Edgewood Bluff Restaurant and Motel in Lake Benton, Minnesota. The meeting is to start at 9:30 a.m.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Dated: 13 August 1990

Eugene H. Kirchoff
Accounting Supervisor

Minnesota Department of Health

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Adoption of the Rules of the Minnesota Department of Health Governing Limited Dewatering and Sealing Licensing and Registration; Construction Permits, *Minnesota Rules*, Parts 4725.0400, 4725.0500 and 4725.1825

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the Department in preparing to propose the adoption of rules governing limited dewatering and sealing licensing and registration; construction permits, *Minnesota Rules*, parts 4725.0400, 4725.0500 and 4725.1825. The adoption of the rule is authorized by *Minnesota Statutes*, section 103I.101, subdivision 5 as amended by *Laws of Minnesota 1990*, chapter 597, section 22 and *Minnesota Statutes*, section 103I.101, subdivision 2 as amended by *Laws of Minnesota 1990*, chapter 597, section 21, which permits the Department to adopt standards governing the licensing and registration of persons installing well pumps and pumping equipment; the qualifications and experience of persons applying for a limited well contractor license to seal wells; the qualifications and experience of persons applying for a limited well contractor license to construct, repair or seal dewatering wells; and dewatering well construction permits.

The Minnesota Department of Health requests information and opinions concerning the subject matter of the rule. Interested or affected persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Ronald Thompson
Minnesota Department of Health
Division of Environmental Health
925 Southeast Delaware Street
Minneapolis, Minnesota 55459

Oral statements will be received during regular business hours over the telephone at (612) 627-5151 by Ronald Thompson and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Department of Health becomes part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 13 August 1990

Raymond W. Thron, Ph.D., P.E.
Division Director

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

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Health Governing Limited Dewatering and Sealing Licenses; Construction Permits, Minnesota Rules, parts 4725.0450, 4725.0500, and 4725.1825	NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING ON THE PROPOSED RULES IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Department of Health (hereinafter "Department") hereby proposes to adopt rules without a public hearing under the noncontroversial rulemaking procedure of Minnesota Statutes, sections 14.22 to 14.28. However, if 25 or more persons request a hearing on the proposed rules, one will be held according to Minnesota Statutes, section 14.25. To expedite the rulemaking process should that occur, the Department is at the same time giving notice of hearing on the proposed rules according to Minnesota Statutes, sections 14.131 to 14.20. The hearing on the proposed rules will be cancelled if 25 or more persons do not request that one be held. With the comment period closing on November 7, 1990, there will be seven days before the scheduled hearing date. This seven-day period will give interested persons time to contact the Department to find out whether the hearing will be cancelled.

II.

NOTICE OF INTENT TO ADOPT PROPOSED RULES WITHOUT A PUBLIC HEARING

(1) **NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed rules. The Department has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28.

(2) Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on November 7, 1990. Comment is encouraged. (3) Each comment should identify the portions of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the commentor. (8) The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request, in writing, during the 30-day comment period that a hearing be held on the proposed rules. (6) Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portions of the proposed rules addressed, the reason for the request, and any changes the commentor wants made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Department be informed of the specific portion of the rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. (4) A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the

proposed amendments or a portion thereof by November 7, 1990, thus necessitating that one be held with respect to the proposed rules. If a hearing is required, it will be held in accordance with the provisions of Minnesota Statutes, sections 14.131 to 14.20 and the hearing notice provided in section III below.

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

Ronald D. Thompson, Hydrologist Supervisor
Well Management Unit
Division of Environmental Health
Minnesota Department of Health
925 Southeast Delaware Street
P.O. Box 59040
Minneapolis, Minnesota 55459-0040
(612) 627-5151

The statutory authority of the Department to adopt the proposed rules is contained in Minnesota Statutes, section 103I.101, subdivision 5, as amended by Laws of Minnesota 1990, chapter 597, section 22.

The proposed rules are published immediately following this notice in the State Register on October 8, 1990, and a free copy of the rules may be obtained from the Department by writing or telephoning Ronald Thompson at the address or telephone number listed above.

The proposed rules include provisions relating to the proposed amendment to part 4725.0450 which clarifies that licensed dewatering well contractors may install pumps and pumping equipment only in dewatering wells. Part 4725.0500, subpart 7a, specifies those activities that may be done with a limited license to seal wells. Subpart 7b, specifies the experience required for a limited well sealing license. Subpart 7c, establishes what activities require a limited license to construct, repair or seal a dewatering well, and subpart 7d specifies the experience required for the limited dewatering license. Amendments to part 4725.1825 are technical to allow licensure of an individual to construct a dewatering well and submit a permit application form. A copy of the proposed rules are attached to the notice as mailed.

(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 rules has been prepared and may be obtained from the Department by writing or telephoning Ronald Thompson at the address or telephone number listed above.

(9) After the close of the comment period on the proposed rules, if no hearing is required, the Department will submit to the Attorney General the proposed rules and notice as published, the rules as proposed for adoption, any written comments received by the Department, the statement of need and reasonableness, and a statement explaining any modifications to the proposed rules. The Attorney General will approve or disapprove the rules as to their legality and their form, including the issue of substantial change and determine whether the Department has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. The Department will give notice to all persons who request to be informed that these materials have been submitted to the Attorney General. Persons who wish to be advised of the submission of these materials to the Attorney General should submit a written request to Ronald Thompson at the address listed above. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available upon request from the Department.

LOCAL GOVERNMENT CONSIDERATIONS

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules.

AGRICULTURAL LAND

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need be provided under Minnesota Statutes, section 14.11.

SMALL BUSINESS CONSIDERATIONS

The Department is subject to Minnesota Statutes, section 14.115 regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in Minnesota Statutes, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

III.

NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING ON THE PROPOSED RULES

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING ON THE PROPOSED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON NOVEMBER 14, 1990, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held under Minnesota Statutes, sections 14.131 to 14.20, in Room 500 North of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, on November 14, 1990, commencing at 9:00 a.m. The hearing will continue, if necessary, at additional times and places determined during the hearing by the Administrative Law Judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to

Barbara L. Neilson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7604. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minnesota Statutes, sections 14.131 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the administrative law judge.

The statutory authority for the Department to adopt the proposed rules is contained in Minnesota Statutes, section 103I.101, subdivision 5, as amended by Laws of Minnesota 1990, chapter 597, section 22.

The proposed rules are published immediately following this notice in the State Register on October 8, 1990, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Ronald Thompson at the address and telephone number listed above in Part II of this notice.

The proposed rules include provisions relating to the proposed amendment to part 4725.0450 which clarifies that licensed dewatering well contractors may install pumps and pumping equipment only in dewatering wells. Part 4725.0500, subpart 7a, specifies those activities that may be done with a limited license to seal wells. Subpart 7b, specifies the experience required for a limited well sealing license. Subpart 7c, establishes what activities require a limited license to construct, repair or seal a dewatering well, and subpart 7d specifies the experience required for the limited dewatering license. Amendments to part 4725.1825 are technical to allow

licensure of an individual to construct a dewatering well and submit a permit application form. A copy of the proposed rules are attached to the notice as mailed.

The proposed rules may be modified as a result of the rule hearing process. Persons who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.01, subdivision 11 as any individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the proposed 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 Department at any time prior to the filing of the rules with the Secretary of State.

LOCAL GOVERNMENT CONSIDERATIONS

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules.

AGRICULTURAL LAND

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need to be provided under Minnesota Statutes, section 14.11.

SMALL BUSINESS CONSIDERATIONS

The Department is subject to Minnesota Statutes, section 14.115, regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in Minnesota Statutes, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

IV.

NOTICE OF INTENT TO CANCEL HEARING ON THE PROPOSED RULES IF FEWER THAN 25 PERSONS REQUEST A HEARING ON THE PROPOSED RULES

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED ON THE PROPOSED RULES IF FEWER THAN 25 PERSONS REQUEST A HEARING ON THE PROPOSED RULES IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether a hearing noticed in Part III above will be held, please call or write Ronald Thompson at the address or telephone number listed above before November 7, 1990, and leave your name, address, and telephone number. You will notified after November 7, 1990, if the hearing has been cancelled. You may also call Ronald Thompson at (612) 627-5151 after November 7, 1990, for oral confirmation regarding the scheduled hearing.

Dated: 9/24/90

Sr Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

Department of Health

Proposed Permanent Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits

Rules as Proposed

4725.0450 LICENSING AND REGISTRATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Well pumps and pumping equipment.** ~~After July 1, 1990,~~ A person may not install a well pump or pumping equipment without holding a well contractor license or a limited well contractor license to install a well pump or pumping equipment as required by Minnesota Statutes, chapter 103I. Nothing in this subpart shall prohibit a monitoring well contractor from installing a well pump or pumping equipment in a monitoring well, a limited dewatering well contractor from installing a pump in a dewatering well, or a limited unconventional well contractor from installing a well pump or pumping equipment in an unconventional well. Nothing in this subpart shall prohibit a licensed plumber or plumbing contractor from installing water pressure tanks not attached to the well casing, or water storage tanks, or from installing and servicing pressure water service lines from the source of supply, according to applicable law.

4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION.

[For text of subps 1 to 7, see M.R.]

Subp. 7a. **Application for limited well contractor license to seal wells.** A person must apply for and obtain a limited well contractor license to:

A. seal wells;

B. remove obstructions from a well before sealing;

C. remove or perforate well casing before sealing; or

D. other activities necessary to seal a well.

Subp. 7b. **Experience requirements for limited well contractor license to seal wells.** An applicant for a limited well contractor license to seal wells must have three years of

Approved by Revisor KTH

experience. A year of experience is a year in which the applicant:

A. personally sealed a minimum of five wells; and

B. worked a minimum of 1,000 hours drilling wells, clearing obstructions, removing or perforating well casings, and grouting wells.

An applicant must have gained the experience under a licensed well contractor or limited well sealing contractor.

Subp. 7c. **Application for limited well contractor license to construct, repair, or seal dewatering wells.** A person must apply for and obtain a limited well contractor license to construct, repair, or seal a dewatering well.

Subp. 7d. **Experience requirements for limited well contractor license to construct, repair, or seal dewatering wells.** An applicant for a limited well contractor license to construct, repair, or seal dewatering wells must have two years of experience. A year of experience is a year in which the applicant:

A. worked a minimum of 500 hours designing, constructing, or field supervising the construction, repair, or sealing of dewatering wells; and

B. designed, constructed, or field supervised the construction of a minimum of five dewatering wells.

4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

This part applies to all dewatering wells as defined in part 4725.0100, subpart 24c, including drive point wells used for dewatering. Until June 30, 1992, this part does not apply to dewatering wells that are constructed and that operate down to 45 feet.

A. A dewatering well must not be constructed until a permit has been issued by the commissioner to the limited dewatering well contractor or well contractor.

B. The limited dewatering well contractor or well contractor must submit to the commissioner a dewatering well permit application on a form provided by the commissioner. The

Approved by Revisor _____

application must be legible and signed by the limited dewatering well contractor or well contractor and the property owner or agent.

C. A permit application must be completed for each dewatering well or dewatering well project.

D. The permit shall include the following information for each well:

(1) the name, business address, and license number of the limited dewatering well contractor or well contractor;

(2) the name and address of the dewatering well owner or property owner, if different;

(3) the legal description or street address of the proposed dewatering well location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated depth of the dewatering well.

[For text of items E to I, see M.R.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4725

The attached rules are approved for publication in the State Register

Kathleen T. Harrington
Assistant Revisor

9/17/90 (rev.)

STATE OF MINNESOTA
MINNESOTA DEPARTMENT OF HEALTH

In the Matter of Proposed Permanent Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits, Minnesota Rules, parts 4725.0450, 4725.0500, and 4725.1825

STATEMENT OF NEED AND REASONABLENESS

The proposed amendments to Minnesota Rules, parts 4725.0450, 4725.0500 and 4725.1825 govern qualifications for limited contractor licenses to seal wells and construct, repair, or seal dewatering wells. The proposed rules establish experience requirements for limited well contractor licenses to seal wells and for limited well contractor licenses to construct, repair, or seal dewatering wells. The rule parts also propose technical amendments to adopted rules governing well pumps and pumping equipment and dewatering well construction permits.

Statutory Authority

Laws of Minnesota 1990, chapter 597, section 22 amended Minnesota Statutes, section 103I.101, subdivision 5 to grant authority to the commissioner to adopt rules specifically for persons "constructing, repairing, and sealing dewatering wells." Within that subdivision, paragraph (3) gives the commissioner authority to adopt rules governing the "(3) establishment of conditions for examination and review of applications for license and registration."

In accordance with Minnesota Statutes, section 103I.101, subdivision 2 (as amended by Laws of Minnesota 1990, chapter 597, section 21) the duties of the Commissioner of Health include the authority to:

(1) regulate the drilling, construction, and sealing of wells and borings;
(2) examine and license well contractors, persons modifying or repairing well casings, well screens, or well diameters; constructing, repairing and sealing unconventional wells such as drive point wells or dug wells; constructing, repairing, and sealing dewatering wells; sealing wells, installing well pumps or pumping equipment; and excavating or drilling holes for the installation of elevator shafts or hydraulic cylinders;
(3) register and examine monitoring well contractors;

(4) license explorers engaged in exploratory boring and examine individuals who supervise or oversee exploratory boring;
(5) after consultation with the commissioner of natural resources and the pollution control agency, establish standards for the design, location, construction, repair, and sealing of wells, elevator shafts, and borings within the state; and
(6) issue permits for wells, groundwater thermal devices, vertical heat exchangers, and excavation for holes to install elevator shafts or hydraulic cylinders.

Notice of Solicitation

The Notice of Solicitation of Outside Information or Opinions on this matter was published in the State Register on August 20, 1990.

Cost of Implementation to Local Government

If the adoption of a rule by an agency requires the expenditure of public moneys by local public bodies, Minnesota Statutes, section 14.11, subdivision 1 requires the agency to give a reasonable estimate of the total cost to all local bodies in the state to implement the rule for two years immediately following adoption of the rule, if the estimated cost exceeds $100,000 in either of the two years. There would be no direct cost to local units of government resulting from these proposed rules.

Small Business Considerations

Minnesota Statutes, section 14.115, requires that an agency consider five factors for reducing the impact of proposed rules on small business. The proposed rules and amendments will have an impact on contractors who dewater or seal wells. Most meet the statutory definition of small business.

The commissioner has considered the concerns of small businesses for these proposed rules through the establishment of a Limited Water Well Contractor Advisory Work Group. This group discussed and recommended proposed requirements for the limited licenses to the Commissioner. The rules reflect their recommendations. Of the eight members of the work group, seven are owners or employees of small businesses. The eighth member represents a contractor's association composed of a large number of small business owners. Additionally, the 15 member Commissioner's Advisory Council on Wells and Borings, composed of state agency, industry and public representatives, has six small business members. This group also reviewed the proposed rules.

The major purpose of chapter 4725 is to protect public health by ensuring adequate protection of the groundwater which provides almost two thirds of all drinking water in the state. The rules reflect the basic competence required to be protective of the public health and the resource. A minimum competence and skills level is needed regardless of the size of the licensed contractor's business. Therefore:

a) The proposed rules do not establish less stringent compliance or reporting requirements for small businesses. The licensing rules are designed to ensure that all contractors are adequately qualified to construct, repair and seal wells or dewater wells in compliance with standards in law and rule. Less stringent compliance based on the size of the business may result in inadequate protection of the groundwater.

b) The proposed rules do not establish schedules or deadlines for compliance or reporting requirements, thus these small business factors are not considered under these proceedings.

c) The proposed rules do not effect current performance standards or design or operational standards.

d) The standards do not exempt a small business from any or all requirements of the rule. Small businesses and the customers of small businesses should be afforded the same public health protection as other individuals.

4725.0450 LICENSING AND REGISTRATION

Subp. 3. Well pumps and pumping equipment. The amendment to this subpart is technical to achieve internal consistency and clarify responsibilities described in the rule. The amendment to this subpart clarifies that licensed dewatering well contractors may install pumps and pumping equipment only in dewatering wells, just as monitoring well contractors may install pumps and pumping equipment only in monitoring wells, and limited unconventional well contractors may only install pumps and pumping equipment in unconventional wells.

4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION

Subp. 7a. Application for limited well contractor license to seal wells. To properly seal a well in accordance with the sealing requirements of parts 4725.2500 to 4725.3100, it may be necessary to remove obstructions from the well, remove or perforate the well casing, and conduct other actions including drilling out debris or obstructions, pumping water or grout, inspecting the well, and installing temporary seals, fittings or casings. The proposed rule establishes these actions as activities which may be done with a limited license to seal wells.

Subp. 7b. Experience requirements for limited well contractor license to seal wells. The experience requirements necessary to obtain a limited license to seal wells reflects the difficulty of sealing wells. Contractors must have knowledge and experience with both the drilling of wells and the sealing of wells. Drilling experience is necessary because many wells must be drilled out before sealing. The experience helps the person understand the often unique construction of old wells and how to properly seal the well without causing drill hole collapse or greater problems. Considerable sealing experience is necessary because the sealing job often entails greater variation and more complexity than drilling a new well.

Requiring three years of experience consisting of five wells and 1000 hours per year is consistent with the complexity of the task and the other license

category experience requirements such as the required four years for a well contractor license and three years experience for a monitoring well contractor or limited unconventional well contractor license. The three year experience requirement consisting of 1000 hours and five sealed wells per year was supported by the Advisory Task Force on Limited Well contractors which met during the fall of 1989 and in June of 1990, and the Advisory Council on Wells and Borings which met in May of 1990. The experience must be gained now under a licensed well contractor since this type of work must have been done by a licensed well contractor since 1971 and in the future may also be gained under the supervision of a limited well sealing contractor.

Subp. 7c. Application for limited well contractor license to construct, repair, or seal dewatering wells. This subpart reflects the new licensure category in Laws of Minnesota 1990, chapter 597, section 22 which amended Minnesota Statutes, section 103I.101, subdivision 5 to provide for the licensure by the Commissioner of Health of persons "(iii) constructing, repairing, and sealing dewatering wells."

Subp. 7d. Experience requirements for limited well contractor license to construct, repair, or seal dewatering wells. The limited license to construct, repair, or seal dewatering wells was created by Laws of Minnesota 1990, chapter 597, section 22.

The department's Advisory Task Force on Limited well contractors and the Advisory Council on Wells and Borings recommended that two years of experience consisting of 500 hours and five wells per year was adequate minimum experience to be relatively competent in the dewatering business. Dewatering projects often involve tens or hundreds of relatively shallow wells of identical construction. Project design and supervision is important for the success of the project and the prevention of environmental damage, therefore they are considered equivalent to construction experience.

4725.1825 DEWATERING WELL CONSTRUCTION PERMITS

The amendments to this part are technical. They are necessary to make the adopted rule part consistent with Laws of Minnesota, chapter 597, section 22 which allows licensure of an individual to construct a dewatering well. A permit must be obtained prior to a contractor beginning construction of a well. The proposed rule amendment clarifies that the permit is issued to the limited dewatering well contractor or the well contractor.

EFFECTIVE DATE

The department intends that the proposed rules and amendments be effective five working days after publication of the adopted rules in the State Register.

DEPARTMENT : Health

STATE OF MINNESOTA

Office Memorandum

DATE : September 24, 1990

TO : Legislative Committee to Review Administrative Rules
Room 55 State Office Building
100 Constitution Avenue, St. Paul, Minnesota

FROM : Jane A. Nelson, Rules Coordinator
Environmental Health Division
Minnesota Department of Health

PHONE : 627-5038

SUBJECT : Submissioner of Statement of Need and Reasonableness pursuant to Minnesota Statutes, sections 14.131 and 14.23

In accordance with the above matter, the Minnesota Department of Health is submitting to you the Statement of Need and Reasonableness on proposed rules governing limited dewatering and sealing licenses; construction permits, Minnesota Rules, parts 4725.0450, 4725.0500, and 4725.1825. These rules are scheduled for publication in the State Register October 8, 1990, and would go to hearing, if necessary, November 14, 1990.

JAN:mq
Enclosure

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rules of the Minnesota Department of Health Governing Limited Dewatering and Sealing Licenses; Construction Permits, Minnesota Rules, parts 4725.0450, 4725.0500, and 4725.1825

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF TWENTY-FIVE OR MORE PERSONS REQUEST A HEARING

Mary Quam, being sworn, says:

That on the 4th day of October, 1990, in the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing if Twenty-five or More Persons Request a Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the attached Department list and additional mailing list.

Mary K. Quam
(name)

Clerk Typist III
(title)

Environmental Health
(division)

Subscribed and sworn to before me this 4th day of October, 1990.

Janice E. Wiehle

JANICE E. WIEHLE
NOTARY PUBLIC-MINNESOTA
ANOKA COUNTY
MY COMMISSION EXPIRES JANUARY 20, 1993

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Health Governing Limited Dewatering and Sealing Licenses; Construction Permits, Minnesota Rules, parts 4725.0450, 4725.0500, and 4725.1825	NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING ON THE PROPOSED RULES IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Department of Health (hereinafter "Department") hereby proposes to adopt rules without a public hearing under the noncontroversial rulemaking procedure of Minnesota Statutes, sections 14.22 to 14.28. However, if 25 or more persons request a hearing on the proposed rules, one will be held according to Minnesota Statutes, section 14.25. To expedite the rulemaking process should that occur, the Department is at the same time giving notice of hearing on the proposed rules according to Minnesota Statutes, sections 14.131 to 14.20. The hearing on the proposed rules will be cancelled if 25 or more persons do not request that one be held. With the comment period closing on November 7, 1990, there will be seven days before the scheduled hearing date. This seven-day period will give interested persons time to contact the Department to find out whether the hearing will be cancelled.

II.

NOTICE OF INTENT TO ADOPT PROPOSED RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed rules. The Department has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28.

Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on November 7, 1990. Comment is encouraged. Each comment should identify the portions of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the commentor. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request, in writing, during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portions of the proposed rules addressed, the reason for the request, and any changes the commentor wants made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Department be informed of the specific portion of the rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the

proposed amendments or a portion thereof by November 7, 1990, thus necessitating that one be held with respect to the proposed rules. If a hearing is required, it will be held in accordance with the provisions of Minnesota Statutes, sections 14.131 to 14.20 and the hearing notice provided in section III below.

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

Ronald D. Thompson, Hydrologist Supervisor
Well Management Unit
Division of Environmental Health
Minnesota Department of Health
925 Southeast Delaware Street
P.O. Box 59040
Minneapolis, Minnesota 55459-0040
(612) 627-5151

The statutory authority of the Department to adopt the proposed rules is contained in Minnesota Statutes, section 103I.101, subdivision 5, as amended by Laws of Minnesota 1990, chapter 597, section 22.

The proposed rules are published immediately following this notice in the State Register on October 8, 1990, and a free copy of the rules may be obtained from the Department by writing or telephoning Ronald Thompson at the address or telephone number listed above.

The proposed rules include provisions relating to the proposed amendment to part 4725.0450 which clarifies that licensed dewatering well contractors may install pumps and pumping equipment only in dewatering wells. Part 4725.0500, subpart 7a, specifies those activities that may be done with a limited license to seal wells. Subpart 7b, specifies the experience required for a limited well sealing license. Subpart 7c, establishes what activities require a limited license to construct, repair or seal a dewatering well, and subpart 7d specifies the experience required for the limited dewatering license. Amendments to part 4725.1825 are technical to allow licensure of an individual to construct a dewatering well and submit a permit application form. A copy of the proposed rules are attached to the notice as mailed.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be obtained from the Department by writing or telephoning Ronald Thompson at the address or telephone number listed above.

After the close of the comment period on the proposed rules, if no hearing is required, the Department will submit to the Attorney General the proposed rules and notice as published, the rules as proposed for adoption, any written comments received by the Department, the statement of need and reasonableness, and a statement explaining any modifications to the proposed rules. The Attorney General will approve or disapprove the rules as to their legality and their form, including the issue of substantial change and determine whether the Department has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. The Department will give notice to all persons who request to be informed that these materials have been submitted to the Attorney General. Persons who wish to be advised of the submission of these materials to the Attorney General should submit a written request to Ronald Thompson at the address listed above. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available upon request from the Department.

LOCAL GOVERNMENT CONSIDERATIONS

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules.

AGRICULTURAL LAND

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need be provided under Minnesota Statutes, section 14.11.

SMALL BUSINESS CONSIDERATIONS

The Department is subject to Minnesota Statutes, section 14.115 regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in Minnesota Statutes, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

III.

NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING ON THE PROPOSED RULES

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING ON THE PROPOSED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON NOVEMBER 14, 1990, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held under Minnesota Statutes, sections 14.131 to 14.20, in Room 500 North of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, on November 14, 1990, commencing at 9:00 a.m. The hearing will continue, if necessary, at additional times and places determined during the hearing by the Administrative Law Judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to

Barbara L. Neilson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7604. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minnesota Statutes, sections 14.131 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the administrative law judge.

The statutory authority for the Department to adopt the proposed rules is contained in Minnesota Statutes, section 103I.101, subdivision 5, as amended by Laws of Minnesota 1990, chapter 597, section 22.

The proposed rules are published immediately following this notice in the State Register on October 8, 1990, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Ronald Thompson at the address and telephone number listed above in Part II of this notice.

The proposed rules include provisions relating to the proposed amendment to part 4725.0450 which clarifies that licensed dewatering well contractors may install pumps and pumping equipment only in dewatering wells. Part 4725.0500, subpart 7a, specifies those activities that may be done with a limited license to seal wells. Subpart 7b, specifies the experience required for a limited well sealing license. Subpart 7c, establishes what activities require a limited license to construct, repair or seal a dewatering well, and subpart 7d specifies the experience required for the limited dewatering license. Amendments to part 4725.1825 are technical to allow

licensure of an individual to construct a dewatering well and submit a permit application form. A copy of the proposed rules are attached to the notice as mailed.

The proposed rules may be modified as a result of the rule hearing process. Persons who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.01, subdivision 11 as any individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the proposed 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 Department at any time prior to the filing of the rules with the Secretary of State.

LOCAL GOVERNMENT CONSIDERATIONS

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules.

AGRICULTURAL LAND

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need to be provided under Minnesota Statutes, section 14.11.

SMALL BUSINESS CONSIDERATIONS

The Department is subject to Minnesota Statutes, section 14.115, regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in Minnesota Statutes, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

IV.

NOTICE OF INTENT TO CANCEL HEARING ON THE PROPOSED RULES IF FEWER THAN 25 PERSONS REQUEST A HEARING ON THE PROPOSED RULES

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED ON THE PROPOSED RULES IF FEWER THAN 25 PERSONS REQUEST A HEARING ON THE PROPOSED RULES IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether a hearing noticed in Part III above will be held, please call or write Ronald Thompson at the address or telephone number listed above before November 7, 1990, and leave your name, address, and telephone number. You will notified after November 7, 1990, if the hearing has been cancelled. You may also call Ronald Thompson at (612) 627-5151 after November 7, 1990, for oral confirmation regarding the scheduled hearing.

Dated: 9/24/90

Sr Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

Department of Health

Proposed Permanent Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits

Rules as Proposed

4725.0450 LICENSING AND REGISTRATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Well pumps and pumping equipment.** ~~After July 1, 1990,~~ A person may not install a well pump or pumping equipment without holding a well contractor license or a limited well contractor license to install a well pump or pumping equipment as required by Minnesota Statutes, chapter 103I. Nothing in this subpart shall prohibit a monitoring well contractor from installing a well pump or pumping equipment in a monitoring well, a limited dewatering well contractor from installing a pump in a dewatering well, or a limited unconventional well contractor from installing a well pump or pumping equipment in an unconventional well. Nothing in this subpart shall prohibit a licensed plumber or plumbing contractor from installing water pressure tanks not attached to the well casing, or water storage tanks, or from installing and servicing pressure water service lines from the source of supply, according to applicable law.

4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION.

[For text of subps 1 to 7, see M.R.]

Subp. 7a. **Application for limited well contractor license to seal wells.** A person must apply for and obtain a limited well contractor license to:

A. seal wells;

B. remove obstructions from a well before sealing;

C. remove or perforate well casing before sealing; or

D. other activities necessary to seal a well.

Subp. 7b. **Experience requirements for limited well contractor license to seal wells.** An applicant for a limited well contractor license to seal wells must have three years of

Approved by Revisor KTA

experience. A year of experience is a year in which the applicant:

A. personally sealed a minimum of five wells; and

B. worked a minimum of 1,000 hours drilling wells, clearing obstructions, removing or perforating well casings, and grouting wells.

An applicant must have gained the experience under a licensed well contractor or limited well sealing contractor.

Subp. 7c. **Application for limited well contractor license to construct, repair, or seal dewatering wells.** A person must apply for and obtain a limited well contractor license to construct, repair, or seal a dewatering well.

Subp. 7d. **Experience requirements for limited well contractor license to construct, repair, or seal dewatering wells.** An applicant for a limited well contractor license to construct, repair, or seal dewatering wells must have two years of experience. A year of experience is a year in which the applicant:

A. worked a minimum of 500 hours designing, constructing, or field supervising the construction, repair, or sealing of dewatering wells; and

B. designed, constructed, or field supervised the construction of a minimum of five dewatering wells.

4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

This part applies to all dewatering wells as defined in part 4725.0100, subpart 24c, including drive point wells used for dewatering. Until June 30, 1992, this part does not apply to dewatering wells that are constructed and that operate down to 45 feet.

A. A dewatering well must not be constructed until a permit has been issued by the commissioner to the limited dewatering well contractor or well contractor.

B. The limited dewatering well contractor or well contractor must submit to the commissioner a dewatering well permit application on a form provided by the commissioner. The

Approved by Revisor _____

application must be legible and signed by the limited dewatering well contractor or well contractor and the property owner or agent.

C. A permit application must be completed for each dewatering well or dewatering well project.

D. The permit shall include the following information for each well:

(1) the name, business address, and license number of the limited dewatering well contractor or well contractor;

(2) the name and address of the dewatering well owner or property owner, if different;

(3) the legal description or street address of the proposed dewatering well location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated depth of the dewatering well.

[For text of items E to I, see M.R.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4725

The attached rules are approved for publication in the State Register

Kathleen T. Harrington
Assistant Revisor

Michael J. Ahern
Moss & Barnett
4800 Norwest Center
Minneapolis, MN 55402-4119

Donna M. Anderson
Dakota County
Public Health Dept.
33 E. Wentworth Ave. #345
W. St. Paul, MN 55118

Herbert Anderson
418 Eighth St. S.
Virginia, MN 55792

Anoka Co. Env. Services
c/o Robert Hutchison
Courthouse - Fourth Floor
Anoka, MN 55303

Walter A. Baldus
Woodvale Management
Services, Inc.
P.O. Box 1047
Austin, MN 55912

Mary Ann Blade
808 S.E. Third St.
Little Falls, MN 56345

Lester Block
School of Public Health
Box 197 Mayo
University of Minnesota
Minneapolis, MN 55455

William Bond
MN State Pharmaceutical
Association
2221 University Ave. S.E.
Suite 326
Minneapolis, MN 55414

Broeker, Geer, Fletcher &
LaFond
8500 Normandale Lake Blvd.
Suite 1510
Minneapolis, MN 55437

Mark J. Brunner
MN Manufactured Housing
Association
555 Park Street, Ste. 400
St. Paul, MN 55103

Tim Burkett
CIP
1845 Stinson Blvd. N.E.
Minneapolis, MN 55418

William Carter, III
Executive Director
POST Board
1600 University Ave.
Suite 200
St. Paul, MN 55431

Jane Cavanaugh, QA Coord.
Share Health Plan
3600 W. 80th Street
Bloomington, MN 55431

Becky A. Comstock
Dorsey & Whitney
2200 First Bank Place E.
Minneapolis, MN 55402

Bill Conley
114 Mackubin St.
St. Paul, MN 55102

Mary Davies, Director
Dakota Mental Health Center
744 - 19th Avenue N.
So. St. Paul, MN 55075

Judith S. Douglas
The Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

John E. Drawz
1500 Northland Plaza Bldg.
3800 West 80th Street
Minneapolis, MN 55431-4409

Michael J. Duffy, Director
Community Health Serv. Bd.
325 Lake Ave. S., Ste. 604
Duluth, MN 55802

Ewald Consulting Group
26 East Exchange
St. Paul, MN 55101

Bob Fitzgerald, D.C.
133 W. Lake Street
Minneapolis, MN 55408

Iris C. Freeman
MN Alliance for Health
Care Consumers
5609 Lyndale Ave. S.
Minneapolis, MN 55419

Patti Cullen Garvey
Care Providers of MN
2850 Metro Drive, Ste. 200
Minneapolis, MN 55425

Steven D. Gatlin
Division of Public Works
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Goodhue & Wabasha Counties
Public Health Service
419 Bush Street
Red Wing, MN 55066

Jerry Gross
Community Living, Inc.
Box 130
Victoria, MN 55386

Bob Hamper
Dept. of Human Services
444 Lafayette Road
St. Paul, MN 55155

Robert A. Harder
MN Dental Association
2236 Marshall Ave.
St. Paul, MN 55104

Lois Hacker, Prog. Spclst.
Anoka Co. Community Health
and Social Services
Courthouse - Fourth Floor
Anoka, MN 55303

Heartland Homes, Inc.
Box 214
Park Rapids, MN 56470

Thomas L. Heenan
4141 Douglas Drive
Crystal, MN 55422

Elisabeth Hennessey
Executive Director
ARC of Olmsted County
903 West Center St.
Rochester, MN 55904

Edward R. Henrich
Bergerson-Caswell
5115 Industrial Street
Maple Plain, MN 55359

Charles B. Hoffman
Director, Env. Affairs
Pickands Mather & Co.
Suite 811
200 W. Superior St.
Duluth, MN 55802

Hope Residence, Inc.
Box 63
Waterville, MN 56096

James Jack
Dept. of Recreation, Parks
and Leisure Services
Mankato State University
Mankato, MN 56002

Gaynold Jensen, R.D.
8400 Pennsylvania Rd. #327
Minneapolis, MN 55438

Sharon Kannenberg
Home and Community Options
252 W. Wabasha Street
Winona, MN 55987

Bob Kent
Lakeland Drilling
Rt. 1, Box 67-C
Wrenshall, MN 55797

David Ray Kiely
c/o ARRM
26 E. Exchange Street
St. Paul, MN 55101

Karen Knepper
N. Memorial Medical Ctr.
3300 North Oakdale
Robbinsdale, MN 55422

Ione Koep
125 N. Union
P.O. Box 764
Fergus Falls, MN 56537

Jim Koesling
Capitol Supply Co.
600 Lafayette Road
St. Paul, MN 55101

Julie Krause
119 Third Street
Long Prairie, MN 56347

Cynthia Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Vicki Kunerth
3426 - 39th Ave. So.
Minneapolis, MN 55406

Sue Kvendra
Metropolitan Sr. Federation
1885 University Ave.
Suite 190
St. Paul, MN 55104

Byron Laher
404 S. Eighth Street
Minneapolis, MN 55404

Wayne Larson
Mount Olivet Rolling Acres
7200 Rolling Acres Road
Excelsior, MN 55331

Virgil H. Lee, R.Ph.
St. Mary's Hospital
Pharmacy
1216 Second St. S.W.
Rochester, MN 55902

Ernest K. Lehmann &
Associates, Inc.
Attn: Land Dept.
Suite 790-Kickernick Bldg.
430 First Ave. N.
Minneapolis, MN 55401-1713

Kathleen LeMay
400 W. Marie Avenue
W. St. Paul, MN 55118

Karen Lenander
Northern States Power Co.
A.S. King Plant
210 N. Tenth Avenue
Bayport, MN 55003

Shirley K. Loucks
Assisi Residences, Inc.
Box 454
Blue Earth, MN 56013

Georgianne Lowney
540 E. First St.
Waconia, MN 55387

David Lurie
Minneapolis Health Dept.
250 South Fourth St.
Minneapolis, MN 55415

Mary Luth
Washington County
Public Health
14900 N. 61st St.
P.O. Box 6
Stillwater, MN 55082

Ann Lutterman, R.N.
Director of Nrsg. Services
1554 Midway Parkway
St. Paul, MN 55108

Mantyla Well Drilling, Inc.
P.O. Box 797
1392 St. Croix Tr. N.
Lakeland, MN 55043

Mary Martin & Assocs.
1551 Livingston Ave.
Suite 102
West St. Paul, MN 55118

Scott Mayer
MN Chiropractic Association
1700 W. Highway 36 #130
St. Paul, MN 55113

MBW Company
801 Center Street
New Ulm, MN 56073

Phillip Newberg, Exec. Dir.
MN Bd. of Nrsg. Home Admin.
2700 University Ave. W.
Ste. 104
St. Paul, MN 55114-1082

Larry Mosow
5620 Wycliffe Road
Edina, MN 55436

National Association
of Social Workers
480 Concordia Avenue
St. Paul, MN 55103

Karen L. Nelson, Director
Wadena County Health Dept.
415 S. Jefferson
Wadena, MN 56482

Toni Nelson
Pine Ridge Homes, Inc.
915 - 18th Street
Cloquet, MN 55720

Richard W. O'Dea
92 Wildwood Beach Rd.
Mathomedi, MN 55115

PEOPLE, Inc.
379 University Ave. #204
St. Paul, MN 55103

Pine River Group Home, Inc.
Box 96
Pine River, MN 56474

Alfred Ross
6356 Ware Road
Lino Lakes, MN 55014

Marjorie L. Ross
1145 Quentin Ave. S.
Lakeland, MN 55043

Neil A. Rowland
923 South Main Street
Chatfield, MN 55923

Jeri Schoonover
LSS/Residence
945 Amble Road
Shoreview, MN 55126

Jackie Schwietz
MCCL
4249 Nicollet Avenue
Minneapolis, MN 55409

Jean Searles
38 Seventh Ave. N.
Hopkins, MN 55343

Kathryn Selseth-Kill
Presbyterian Family
Foundation, Inc.
901 Memorial Parkway
Willmar, MN 56201

G. Richard Slade
Minneapolis College of Art
and Design
2501 Stevens Ave. S.
Minneapolis, MN 55404

Deborah Sonem
4780 - 15th St. Northeast
Sauk Rapids, MN 56379

South Center Manor
508 Park Island
Center City, MN 55012

Dominic J. Sposeto
2824 Irving Avenue S.
Minneapolis, MN 55408

St. Louis Co. Health Dept.
Public Health Nrsg. Admin.
1001 East First Street
Duluth, MN 55805

Michael J. Steffl
8370 Highway 23 Northeast
Willmar, MN 56201

Shelly Stevens
Region 5 Development Cmsn.
611 Iowa Avenue
Staples, MN 56479

Harold A. Swift
5165 N St. Albans
St. Paul, MN 55126

Jim Temple
Chrestomathy Center
310 East 38th Street
Minneapolis, MN 55409

Jerry Thelen
Minneapolis Health Dept.
250 So. Fourth Street
Minneapolis, MN 55415

Torgerson Well Co., Inc.
6855 Dogwood St.
Rockford, MN 55373

Gail Trenholm
14600 Minnetonka Blvd.
Minnetonka, MN 55345

David Velde
Edina Health Dept.
4801 W. 50th Street
Edina, MN 55424

Eric M. Weller, Director
South Central MN EMS
Box 3367
Mankato, MN 56001

Kathleen Welte
Ramsey Co. Medical Society
215 Lowry Prof. Bldg.
St. Paul, MN 55102

Colleen Wieck
State Planning Agency
300 Centennial Office Bldg.
658 Cedar Street
St. Paul, MN 55155

Sue Zuidema
Hennepin Co. Community
Health Department
525 Portland Ave., Level 3
Minneapolis, MN 55415

Randy S. Sellers
1935 Wilson Ave, #102
St. Paul, MN 55119

Joel Johnson
14920 Paul Ave, North
Marine on the St.Croix, MN
55047-9751

The Department also provides notice to all elected members of the Minnesota Legislature.

Limited Water Well Contractor Advisory Workgroup

Membership List

EXHIBIT B

Mr. Eugene Berthiaume
Tri-State Drilling
P.O. Box 252
Hamel, Minnesota 55342
612/593-1234

Mr. Alan L. Coners
Route 1, Box 202A
Mountain Lake, Minnesota 56159
507/427-2970

Mr. Ron Gerardy
807 Knight Avenue North
Thief River Falls, Minnesota 56701
218/681-1110

Mr. John Johnson
Johnson Brothers Well Drilling
2750 Noel Drive
St. Paul, Minnesota 55117
612/484-2859

Mr. John McShane
Northern Dewatering
14405 Northdale Boulevard
Rogers, Minnesota 55374
612/428-2616

Mr. Gus Roehlke
Route 4, Box 360
Mora, Minnesota 55051
612/679-1917

Mr. Mike Steffl
Steffl Well Drilling
8370 Highway 23 Northeast
Willmar, Minnesota 56201
612/235-8484

Mr. Don Sullivan
Plumbing Heating and
Cooling Contractors Association
2801 Wayzata Boulevard
Minneapolis, Minnesota 55405
612/377-4880

Todd M Godderstad
Associated General Contractors
of Minnesota.
Kellogg Square,
111 E. Kellog Boulevard
Suite 105, St. Paul, 55101

Lyndon M Griffin
Executive Director.
Minnesota Utility contractors
Association
222 Oxboro Plaza Building,
140 West 98th Street
Bloomington, Minnesota 55420.

Roger Renner, President
Minnesota Water Well Association
c/o E. H. Renner & Sons Inc.
15 688 Jarvis st. N.W.
Elk River Mn. 55330.

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Department of Health
Governing Limited Dewatering
and Sealing Licenses;
Construction Permits,
Minnesota Rules, parts
4725.0450, 4725.0500, and
4725.1825

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with, and maintained by, the Minnesota Department of Health for the purpose of receiving notice of rule hearings, is accurate and complete as of

2:30 pm ~~a.m.~~, this 28 day of September, 1990.

Dee Woodard

Dee Woodard

Michael J. Ahern
Moss & Barnett
4800 Norwest Center
Minneapolis, MN 55402-4119

Donna M. Anderson
Dakota County
Public Health Dept.
33 E. Wentworth Ave. #345
W. St. Paul, MN 55118

Herbert Anderson
418 Eighth St. S.
Virginia, MN 55792

Anoka Co. Env. Services
c/o Robert Hutchison
Courthouse - Fourth Floor
Anoka, MN 55303

Walter A. Baldus
Woodvale Management
Services, Inc.
P.O. Box 1047
Austin, MN 55912

Mary Ann Blade
808 S.E. Third St.
Little Falls, MN 56345

Lester Block
School of Public Health
Box 197 Mayo
University of Minnesota
Minneapolis, MN 55455

William Bond
MN State Pharmaceutical
Association
2221 University Ave. S.E.
Suite 326
Minneapolis, MN 55414

Broeker, Geer, Fletcher &
LaFond
8500 Normandale Lake Blvd.
Suite 1510
Minneapolis, MN 55437

Mark J. Brunner
MN Manufactured Housing
Association
555 Park Street, Ste. 400
St. Paul, MN 55103

Tim Burkett
CIP
1845 Stinson Blvd. N.E.
Minneapolis, MN 55418

William Carter, III
Executive Director
POST Board
1600 University Ave.
Suite 200
St. Paul, MN 55431

Jane Cavanaugh, QA Coord.
Share Health Plan
3600 W. 80th Street
Bloomington, MN 55431

Becky A. Comstock
Dorsey & Whitney
2200 First Bank Place E.
Minneapolis, MN 55402

Bill Conley
114 Mackubin St.
St. Paul, MN 55102

Mary Davies, Director
Dakota Mental Health Center
744 - 19th Avenue N.
So. St. Paul, MN 55075

Judith S. Douglas
The Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

John E. Drawz
1500 Northland Plaza Bldg.
3800 West 80th Street
Minneapolis, MN 55431-4409

Michael J. Duffy, Director
Community Health Serv. Bd.
325 Lake Ave. S., Ste. 604
Duluth, MN 55802

Ewald Consulting Group
26 East Exchange
St. Paul, MN 55101

Bob Fitzgerald, D.C.
133 W. Lake Street
Minneapolis, MN 55408

Iris C. Freeman
MN Alliance for Health
Care Consumers
5609 Lyndale Ave. S.
Minneapolis, MN 55419

Patti Cullen Garvey
Care Providers of MN
2850 Metro Drive, Ste. 200
Minneapolis, MN 55425

Steven D. Gatlin
Division of Public Works
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Goodhue & Wabasha Counties
Public Health Service
419 Bush Street
Red Wing, MN 55066

Jerry Gross
Community Living, Inc.
Box 130
Victoria, MN 55386

Bob Hamper
Dept. of Human Services
444 Lafayette Road
St. Paul, MN 55155

Robert A. Harder
MN Dental Association
2236 Marshall Ave.
St. Paul, MN 55104

Lois Hacker, Prog. Spclst.
Anoka Co. Community Health
and Social Services
Courthouse - Fourth Floor
Anoka, MN 55303

Heartland Homes, Inc.
Box 214
Park Rapids, MN 56470

Thomas L. Heenan
4141 Douglas Drive
Crystal, MN 55422

Elisabeth Hennessey
Executive Director
ARC of Olmsted County
903 West Center St.
Rochester, MN 55904

Edward R. Henrich
Bergerson-Caswell
5115 Industrial Street
Maple Plain, MN 55359

Charles B. Hoffman
Director, Env. Affairs
Pickands Mather & Co.
Suite 811
200 W. Superior St.
Duluth, MN 55802

Hope Residence, Inc.
Box 63
Waterville, MN 56096

James Jack
Dept. of Recreation, Parks
and Leisure Services
Mankato State University
Mankato, MN 56002

Gaynold Jensen, R.D.
8400 Pennsylvania Rd. #327
Minneapolis, MN 55438

Sharon Kannenberg
Home and Community Options
252 W. Wabasha Street
Winona, MN 55987

Bob Kent
Lakeland Drilling
Rt. 1, Box 67-C
Wrenshall, MN 55797

David Ray Kiely
c/o ARRM
26 E. Exchange Street
St. Paul, MN 55101

Karen Knepper
N. Memorial Medical Ctr.
3300 North Oakdale
Robbinsdale, MN 55422

Ione Koep
125 N. Union
P.O. Box 764
Fergus Falls, MN 56537

Jim Koesling
Capitol Supply Co.
600 Lafayette Road
St. Paul, MN 55101

Julie Krause
119 Third Street
Long Prairie, MN 56347

Cynthia Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Vicki Kunerth
3426 - 39th Ave. So.
Minneapolis, MN 55406

Sue Kvendra
Metropolitan Sr. Federation
1885 University Ave.
Suite 190
St. Paul, MN 55104

Byron Laher
404 S. Eighth Street
Minneapolis, MN 55404

Wayne Larson
Mount Olivet Rolling Acres
7200 Rolling Acres Road
Excelsior, MN 55331

Virgil H. Lee, R.Ph.
St. Mary's Hospital
Pharmacy
1216 Second St. S.W.
Rochester, MN 55902

Ernest K. Lehmann &
Associates, Inc.
Attn: Land Dept.
Suite 790-Kickernick Bldg.
430 First Ave. N.
Minneapolis, MN 55401-1713

Kathleen LeMay
400 W. Marie Avenue
W. St. Paul, MN 55118

Karen Lenander
Northern States Power Co.
A.S. King Plant
210 N. Tenth Avenue
Bayport, MN 55003

Shirley K. Loucks
Assisi Residences, Inc.
Box 454
Blue Earth, MN 56013

Georgianne Lowney
540 E. First St.
Waconia, MN 55387

David Lurie
Minneapolis Health Dept.
250 South Fourth St.
Minneapolis, MN 55415

Mary Luth
Washington County
Public Health
14900 N. 61st St.
P.O. Box 6
Stillwater, MN 55082

Ann Lutterman, R.N.
Director of Nrsg. Services
1554 Midway Parkway
St. Paul, MN 55108

Mantyla Well Drilling, Inc.
P.O. Box 797
1392 St. Croix Tr. N.
Lakeland, MN 55043

Mary Martin & Assocs.
1551 Livingston Ave.
Suite 102
West St. Paul, MN 55118

Scott Mayer
MN Chiropractic Association
1700 W. Highway 36 #130
St. Paul, MN 55113

MBW Company
801 Center Street
New Ulm, MN 56073

Phillip Newberg, Exec. Dir.
MN Bd. of Nrsg. Home Admin.
2700 University Ave. W.
Ste. 104
St. Paul, MN 55114-1082

Larry Mosow
5620 Wycliffe Road
Edina, MN 55436

National Association
of Social Workers
480 Concordia Avenue
St. Paul, MN 55103

Karen L. Nelson, Director
Wadena County Health Dept.
415 S. Jefferson
Wadena, MN 56482

Toni Nelson
Pine Ridge Homes, Inc.
915 - 18th Street
Cloquet, MN 55720

Richard W. O'Dea
92 Wildwood Beach Rd.
Mathomedi, MN 55115

PEOPLE, Inc.
379 University Ave. #204
St. Paul, MN 55103

Pine River Group Home, Inc.
Box 96
Pine River, MN 56474

Alfred Ross
6356 Ware Road
Lino Lakes, MN 55014

Marjorie L. Ross
1145 Quentin Ave. S.
Lakeland, MN 55043

Neil A. Rowland
923 South Main Street
Chatfield, MN 55923

Jeri Schoonover
LSS/Residence
945 Amble Road
Shoreview, MN 55126

Jackie Schwietz
MCCL
4249 Nicollet Avenue
Minneapolis, MN 55409

Jean Searles
38 Seventh Ave. N.
Hopkins, MN 55343

Kathryn Selseth-Kill
Presbyterian Family
Foundation, Inc.
901 Memorial Parkway
Willmar, MN 56201

G. Richard Slade
Minneapolis College of Art
and Design
2501 Stevens Ave. S.
Minneapolis, MN 55404

Deborah Sonem
4780 - 15th St. Northeast
Sauk Rapids, MN 56379

South Center Manor
508 Park Island
Center City, MN 55012

Dominic J. Sposeto
2824 Irving Avenue S.
Minneapolis, MN 55408

St. Louis Co. Health Dept.
Public Health Nrsg. Admin.
1001 East First Street
Duluth, MN 55805

Michael J. Steffl
8370 Highway 23 Northeast
Willmar, MN 56201

Shelly Stevens
Region 5 Development Cmsn.
611 Iowa Avenue
Staples, MN 56479

Harold A. Swift
5165 N St. Albans
St. Paul, MN 55126

Jim Temple
Chrestomathy Center
310 East 38th Street
Minneapolis, MN 55409

Jerry Thelen
Minneapolis Health Dept.
250 So. Fourth Street
Minneapolis, MN 55415

Torgerson Well Co., Inc.
6855 Dogwood St.
Rockford, MN 55373

Gail Trenholm
14600 Minnetonka Blvd.
Minnetonka, MN 55345

David Velde
Edina Health Dept.
4801 W. 50th Street
Edina, MN 55424

Eric M. Weller, Director
South Central MN EMS
Box 3367
Mankato, MN 56001

Kathleen Welte
Ramsey Co. Medical Society
215 Lowry Prof. Bldg.
St. Paul, MN 55102

Colleen Wieck
State Planning Agency
300 Centennial Office Bldg.
658 Cedar Street
St. Paul, MN 55155

Sue Zuidema
Hennepin Co. Community
Health Department
525 Portland Ave., Level 3
Minneapolis, MN 55415

Randy S. Sellers
1935 Wilson Ave, #102
St. Paul, MN 55119

Joel Johnson
14920 Paul Ave, North
Marine on the St.Croix, MN
55047-9751

The Department also provides notice to all elected members of the Minnesota Legislature.

OCT 1990
RECEIVED
M.D.H.
E.H.

The Minnesota

State Register

Department of Administration—Print Communications Division



Rules edition
Published every Monday

Monday 8 October 1990

Volume 15, Number 15

Pages 873-900

Contents

Minnesota Rules: Amendments & Additions

Issues 14-15 inclusive (issues #1-13 appeared in #13) ...876

Proposed Rules

Agriculture Department
Sanitation requirements for vending machine operations .. 877

Commerce Department
Petrofund; ineligible costs 878

Health Department
Limited dewatering and sealing licenses; construction permits 879

Vocational Technical Education Board
Extension instructor licenses 883

Official Notices

Agriculture Department
Meeting of the Governor's Food Safety Advisory Committee 885

Gaming Department
Opinion sought on rules of racing 886

Health Care Access Commission
Meeting notice of the commission 886

Housing Finance Agency
Opinion sought on rules for applications to the agency for allocation of bonding authority for single family housing units 886
Opinion sought on rules for mortgage revenue bond authority 887

Human Services Department
Additions to notice of health services requiring prior authorization for MA/GAMC 887

Department of Labor & Industry
Correction to prevailing wage rates in certain counties for:
Asbestos worker classification 888
Carpenters classification 888

Secretary of State
Proposed amendment to the Minnesota Constitution 889

State Contracts & Advertised Bids

Administration Department
Materials Management Division: Commodities and requisitions open for bid 890
Print Communications Division: Typesetting, printing, design, keylining, photo prep and seps, labeling and mailing services, open for bid 891

Professional, Technical & Consulting Contracts

Center for Arts Education
Proposals sought for dance education initiative curriculum consultant 893

State Designer Selection Board
Proposals sought for a new building project in Grand Rapids 893

Public Utilities Commission
Proposals sought for conducting a mailed balloting of all telephone subscribers in specified telephone exchanges 895

State Grants

Corrections Department
Funds available for services to battered women and their families 895

Announcements 896

Department of Health

Proposed Permanent Rules Governing Limited Dewatering and Sealing Licenses; Construction Permits

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing on the Proposed Rules If Fewer Than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Department of Health (hereinafter "Department") hereby proposes to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons request a hearing on the proposed rules, one will be held according to *Minnesota Statutes*, section 14.25. To expedite the rulemaking process should that occur, the Department is at the same time giving notice of hearing on the proposed rules according to *Minnesota Statutes*, sections 14.131 to 14.20. The hearing on the proposed rules will be cancelled if 25 or more persons do not request that one be held. With the comment period closing on November 7, 1990, there will be seven days before the scheduled hearing date. This seven-day period will give interested persons time to contact the Department to find out whether the hearing will be cancelled.

II. Notice of Intent to Adopt Proposed Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed rules. The Department has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28.

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on November 7, 1990. Comment is encouraged. Each comment should identify the portions of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the commentor. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request, in writing, during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portions of the proposed rules addressed, the reason for the request, and any changes the commentor wants made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Department be informed of the specific portion of the rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed amendments or a portion thereof by November 7, 1990, thus necessitating that one be held with respect to the proposed rules. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes*, sections 14.131 to 14.20 and the hearing notice provided in section III below.

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

Ronald D. Thompson, Hydrologist Supervisor
Well Management Unit
Division of Environmental Health
Minnesota Department of Health
925 Southeast Delaware Street
P.O. Box 59040
Minneapolis, Minnesota 55459-0040
(612) 627-5151

The statutory authority of the Department to adopt the proposed rules is contained in *Minnesota Statutes*, section 103I.101, subdivision 5, as amended by *Laws of Minnesota 1990*, chapter 597, section 22.

The proposed rules are published immediately following this notice in the *State Register* on October 8, 1990, and a free copy of

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

the rules may be obtained from the Department by writing or telephoning Ronald Thompson at the address or telephone number listed above.

The proposed rules include provisions relating to the proposed amendment to part 4725.0450 which clarifies that licensed dewatering well contractors may install pumps and pumping equipment only in dewatering wells. Part 4725.0500, subpart 7a, specifies those activities that may be done with a limited license to seal wells. Subpart 7b, specifies the experience required for a limited well sealing license. Subpart 7c, establishes what activities require a limited license to construct, repair or seal a dewatering well, and subpart 7d specifies the experience required for the limited dewatering license. Amendments to part 4725.1825 are technical to allow licensure of an individual to construct a dewatering well and submit a permit application form. A copy of the proposed rules are attached to the notice as mailed.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be obtained from the Department by writing or telephoning Ronald Thompson at the address or telephone number listed above.

After the close of the comment period on the proposed rules, if no hearing is required, the Department will submit to the Attorney General the proposed rules and notice as published, the rules as proposed for adoption, any written comments received by the Department, the statement of need and reasonableness, and a statement explaining any modifications to the proposed rules. The Attorney General will approve or disapprove the rules as to their legality and their form, including the issue of substantial change and determine whether the Department has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. The Department will give notice to all persons who request to be informed that these materials have been submitted to the Attorney General. Persons who wish to be advised of the submission of these materials to the Attorney General should submit a written request to Ronald Thompson at the address listed above. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available upon request from the Department.

Local Government Considerations

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed on the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules.

Agricultural Land

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11.

Small Business Considerations

The Department is subject to *Minnesota Statutes*, section 14.115 regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

III. Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing on the Proposed Rules

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING ON THE PROPOSED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON NOVEMBER 14, 1990, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held under *Minnesota Statutes*, sections 14.131 to 14.20, in Room 500 North of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, on November 14, 1990, commencing at 9:00 a.m. The hearing will continue, if necessary, at additional times and places determined during the hearing by the Administrative Law Judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Barbara L. Neilson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7604. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted

during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the administrative law judge.

The statutory authority for the Department to adopt the proposed rules is contained in *Minnesota Statutes*, section 103I.101, subdivision 5, as amended by *Laws of Minnesota 1990*, chapter 597, section 22.

The proposed rules are published immediately following this notice in the *State Register* on October 8, 1990, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Ronald Thompson at the address and telephone number listed above in Part II of this notice.

The proposed rules include provisions relating to the proposed amendment to part 4725.0450 which clarifies that licensed dewatering well contractors may install pumps and pumping equipment only in dewatering wells. Part 4725.0500, subpart 7a, specifies those activities that may be done with a limited license to seal wells. Subpart 7b, specifies the experience required for a limited well sealing license. Subpart 7c, establishes what activities require a limited license to construct, repair or seal a dewatering well, and subpart 7d specifies the experience required for the limited dewatering license. Amendments to part 4725.1825 are technical to allow licensure of an individual to construct a dewatering well and submit a permit application form. A copy of the proposed rules are attached to the notice as mailed.

The proposed rules may be modified as a result of the rule hearing process. Persons who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11 as any individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the proposed 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 Department at any time prior to the filing of the rules with the Secretary of State.

Local Government Considerations

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules.

Agricultural Land

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need to be provided under *Minnesota Statutes*, section 14.11.

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.

Small Business Considerations

The Department is subject to *Minnesota Statutes*, section 14.115, regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

IV. Notice of Intent to Cancel Hearing on the Proposed Rules If Fewer than 25 Persons Request a Hearing on the Proposed Rules

PLEASE NOTE: that the Hearing, Notice of Which Is Given in Part III Above, Will Be Cancelled on the Proposed Rules If Fewer than 25 Persons Request a Hearing on the Proposed Rules in Response to the Notice Given in Part II Above.

To be informed whether a hearing noticed in Part III above will be held, please call or write Ronald Thompson at the address or telephone number listed above before November 7, 1990, and leave your name, address, and telephone number. You will be notified after November 7, 1990, if the hearing has been cancelled. You may also call Ronald Thompson at (612) 627-5151 after November 7, 1990, for oral confirmation regarding the scheduled hearing.

Dated: 24 September 1990

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4725.0450 LICENSING AND REGISTRATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Well pumps and pumping equipment.** ~~After July 1, 1990,~~ A person may not install a well pump or pumping equipment without holding a well contractor license or a limited well contractor license to install a well pump or pumping equipment as required by *Minnesota Statutes*, chapter 103I. Nothing in this subpart shall prohibit a monitoring well contractor from installing a well pump or pumping equipment in a monitoring well, a limited dewatering well contractor from installing a pump in a dewatering well, or a limited unconventional well contractor from installing a well pump or pumping equipment in an unconventional well. Nothing in this subpart shall prohibit a licensed plumber or plumbing contractor from installing water pressure tanks not attached to the well casing, or water storage tanks, or from installing and servicing pressure water service lines from the source of supply, according to applicable law.

4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION.

[For text of subps 1 to 7, see M.R.]

Subp. 7a. **Application for limited well contractor license to seal wells.** A person must apply for and obtain a limited well contractor license to:

A. seal wells;

B. remove obstructions from a well before sealing;

C. remove or perforate well casing before sealing; or

D. other activities necessary to seal a well.

Subp. 7b. **Experience requirements for limited well contractor license to seal wells.** An applicant for a limited well contractor license to seal wells must have three years of experience. A year of experience is a year in which the applicant:

A. personally sealed a minimum of five wells; and

B. worked a minimum of 1,000 hours drilling wells, clearing obstructions, removing or perforating well casings, and grouting wells.

An applicant must have gained the experience under a licensed well contractor or limited well sealing contractor.

Subp. 7c. **Application for limited well contractor license to construct, repair, or seal dewatering wells.** A person must apply for and obtain a limited well contractor license to construct, repair, or seal a dewatering well.

Subp. 7d. **Experience requirements for limited well contractor license to construct, repair, or seal dewatering wells.** An applicant for a limited well contractor license to construct, repair, or seal dewatering wells must have two years of experience. A year of experience is a year in which the applicant:

A. worked a minimum of 500 hours designing, constructing, or field supervising the construction, repair, or sealing of dewatering wells; and

B. designed, constructed, or field supervised the construction of a minimum of five dewatering wells.

4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

This part applies to all dewatering wells as defined in part 4725.0100, subpart 24c, including drive point wells used for dewatering. Until June 30, 1992, this part does not apply to dewatering wells that are constructed and that operate down to 45 feet.

A. A dewatering well must not be constructed until a permit has been issued by the commissioner to the limited dewatering well contractor or well contractor.

B. The limited dewatering well contractor or well contractor must submit to the commissioner a dewatering well permit application on a form provided by the commissioner. The application must be legible and signed by the limited dewatering well contractor or well contractor and the property owner or agent.

C. A permit application must be completed for each dewatering well or dewatering well project.

D. The permit shall include the following information for each well:

(1) the name, business address, and license number of the limited dewatering well contractor or well contractor;

(2) the name and address of the dewatering well owner or property owner, if different;

(3) the legal description or street address of the proposed dewatering well location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated depth of the dewatering well.

[For text of items E to I, see M.R.]

Board of Vocational Technical Education

Proposed Permanent Rules Relating to Extension Instructor Licenses

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Technical Colleges 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*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Friday, November 9, 1990, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

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

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

Jeanette Daines, Supervisor
State Board of Technical Colleges
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist
State Board of Technical Colleges
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

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

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

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

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed Rules of the Minnesota Department of Health Governing Limited Dewatering and Sealing Licenses; Construction Permits, Minnesota Rules, parts 4725.0450, 4725.0500 and 4725.1825	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on October 8, 1990, and was sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, on October 4, 1990. (2) The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the Department mailing list and published in the State Register and was available to the public. In accordance with Minnesota Statutes, sections 14.131 and 14.23, the Statement of Need and Reasonableness was submitted to the Legislative Commission to Review Administrative Rules on September 24, 1990.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (6) No requests for a public hearing on the rules were received by the Department. No requests for notice of submission to the Attorney General were received by the Department.

Based on the comments and evidence in the record before the Department, I find the following:

FINDINGS

1. Based on the comment and evidence in the record before the Department, including the Statement of Need and Reasonableness which is incorporated herein, the Commissioner finds that the above matter is needed and reasonable. (8)

CONCLUSIONS

1. The above-captioned rule is needed and reasonable. (8)

2. Any duplication in these rules of language contained in Minnesota Statutes is crucial to the ability of the persons affected by the rules to comprehend their meaning and effect.

3. The Department has complied with all applicable provisions of law and rule in the promulgation of these rules.

4. If any finding or part of a finding, above, is properly characterized as a conclusion, it is adopted as a conclusion.

NOW, THEREFORE, IT IS ORDERED that the rule identified as proposed rules of the Minnesota Department of Health governing limited dewatering and sealing licenses; construction permits, Minnesota Rules, parts 4725.0450, 4725.0500 and 4725.1825 is adopted this 8 day of November, 1990, pursuant to authority vested in me by Minnesota Statutes, section 103I.101, subdivision 5, as amended by Laws of Minnesota 1990, chapter 597, section 22.

(9) Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed Rules of the Minnesota Department of Health Governing Limited Dewatering and Sealing Licenses; Construction Permits, Minnesota Rules, parts 4725.0450, 4725.0500 and 4725.1825

DECLARATION OF COUNSEL

I, Maria C. Christu, 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 Procedures Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is .

Maria C. Christu

Special Assistant
Attorney General

Dated: 11/23/90