

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

CE 3/4/92

RULE REVIEW CHECKLIST

File No. ~~1904~~/1883 (Resubmitted) Docket No. 05.0009.0694

DATE RECEIVED 3-3-92 ADOPTED W/O HEARING _____

REVIEW DATE 3-12-92 EMERGENCY RULE _____

DUE DATE 3-17-92 TO REVISOR ON 3-4-92

~~(DIS)~~APPROVED 3/17/92 REVISOR (DIS)APPROVED _____

WITHDRAWN _____ FILED W/SEC. OF STATE 3-17-92

RETURNED TO AGENCY 3-17-92

✓ Rule as adopted (4 copies)

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

July 8, 1991 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 – Amended Notice approved by Marty - error on year but Marty told them it was O.K. since deadline is correctly stated in notice

116.49 Statutory Authority

_____ Small Business Statement

_____ Expenditure of public money statement 0

1-7-1991 Signature error should be 1-7-92

✓ Statement of Need and Reasonableness (if applicable)

✓ Small Business Statement

_____ Fees – § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

Jan 10, 1992 Dated (30)/25 days before adoption

✓ Notice attached indicates it is attached

_____ Copy of rule or summary attached

✓ Publication in State Register Did not republish since error was in mailed notice

Nov 4, 1991 Date (30)/25 days before adoption People had 30 days for the original publication

✓ 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

Feb 25, 1992 Date adopted

_____ Findings of Fact, Conclusions & Order Adopting

~~Feb 25, 1992~~ Date

✓ Written Requests, Submissions or Comments

_____ Declaration of Attorney

Mark Challant Name of SAAG representing agency

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

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

Rules rel

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

OFFICE MEMORANDUM

DATE: March 17, 1992

TO: THOMAS P. CLARK
Minnesota Pollution Control Agency
Hazardous Waste Division
520 Lafayette Road North
St. Paul

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Training and Certification; Underground Storage Tanks

The above-referenced rule has been approved as to its legality by the Attorney General on March 17, 1992.

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.

MJM:jj
Enclosures
cc: Mark A.R. Chalfant
William Brown, Chief Judge
MaryAnn Hruby

Pollution Control Agency

Adopted Permanent Rules Relating to Training and Certification; Underground Storage Tanks

Rules as Adopted

7105.0060 SUPERVISOR CERTIFICATION.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Length of supervisor certification.** Supervisor certificates expire four years after the applicant successfully completes the final training course examination.

Subp. 7. **Reciprocity.** The commissioner shall approve a tank installer certification course sponsored by a state or organization other than an approved training provider if the commissioner determines that the course is comparable to the program outlined in parts 7105.0080 and 7105.0090. Persons seeking reciprocity under this subpart shall be required by the commissioner to pass an examination to verify their familiarity with Minnesota's laws pertaining to underground storage tank systems if the commissioner finds that their courses did not adequately address Minnesota's statutes and rules. This examination may be taken any time after the completion of the approved training course and before applying for certification. However, the certificate expires four years after the final day of the approved training course.

7105.0090 EXAMINATIONS AND DIPLOMAS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Diplomas.** The training provider shall issue a numbered diploma to each student who completes the training course and successfully passes the examination. The following information must be included on the diploma:

[For text of items A to D, see M.R.]

E. an expiration date for accreditation that is four years after the date on which the student passed the examination; and

[For text of item F, see M.R.]

If the person administering the examination is not the same person administering the course, both persons shall sign the diploma.

APPROVED AS TO FORM AND LEGALITY

March 17 1992

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 17 1992

Joan Anderson Growe
Secretary of State

10:15 AM

PKB

These rules were rejected because they missed the 30 day comment period for the mailed notice. They did not republish the rules.

Stat authority

The agency must adopt rules applicable to all owners and operators of underground storage tanks.

30 end of comment period for publication

Dec 4, 1991 — Dec 4, 1991

Date of publication ↑ ending date in Notice of Intent

Mailing Date - 2nd Mailing

30 days January 10, 1992 — Feb 10, 1992

Day of mailing ↑ date stated on Amended Notice of Intent

Department of Human Services

Notice of Disproportionate Population Adjustment

The purpose of this notice is to provide information concerning the disproportionate population adjustment (DPA) under the Medical Assistance (MA) program. The following DPA factors are effective July 1, 1991 and have not changed from the previous year. However, the federal government has published proposed DPA regulations that could result in a change to the hospitals that are eligible for the DPA and the DPA percentage. In that event, hospitals will be notified of the necessary revisions. The inpatient operating rate of each hospital is increased by the indicated percentage. The listed percentage is also applicable to payments made under the General Assistance Medical Care program.

PID	HOSPITAL	DAP %
0101778	Monticello/Big Lake	.34
0101100	Parkers Prairie District	.44
0101916	United, Grand Forks	.91
0100049	St. Mary's Detroit Lakes	.97
0100027	Mercy, Coon Rapids	1.80
0100912	Trimont	2.09
010005X	Bemidji	2.44
0100504	Fairview & Deaconess, Mpls.	2.76
0100730	International Falls	3.99
0101869	St. Francis, LaCrosse	4.15
0101224	Midway, Mounds Park, St. Paul	4.16
0101439	Miller Dwan, Duluth	5.34
0100570	University of Minnesota, Mpls.	5.55
0101428	Central Mesabi, Hibbing	5.62
0101552	St. Cloud	5.70
0101290	St. Paul Ramsey	6.82
0101825	Children's Health Center, Mpls.	7.47
0102443	River Hills, Prescott	8.09
0101213	St. Paul Children's	11.48
0100490	Hennepin Co. Medical Center, Mpls.	12.66
0102002	Gillette Children's, St. Paul	14.84

Questions or comments may be directed to

Paul Olson
Hospital Unit
Department of Human Services

444 Lafayette Road
St. Paul, Minnesota 55155-3836
(612) 296-5620

Pollution Control Agency

Division of Hazardous Waste

Notice of Intent to Solicit Outside Information Regarding Proposed Amendments to *Minnesota Rules* Chapter 7105 Relating to Underground Storage Tank Contractor Training and Certification

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose the amendment of rules relating to training and certification of underground storage tank contractors. Specifically, the MPCA is considering proposing an amendment to the length of the certification period for supervisiors of underground storage tank projects. The length of the certification period for supervisors before recertification is required would be increased from two years to four years.

The specific parts of *Minnesota Rules* ch. 7105 open for comment include the following:

1. Part 7105.0060, subp. 6. Length of supervisor certification. Supervisor certificates would expire four years after the applicant successfully completes the final training course examination.

2. Part 7105.0060, subp. 7. Reciprocity. Supervisor certificates issued pursuant to a reciprocal agreement with another state or organization other than an approved training provider would expire four years after the final day of the approved training course.

3. Part 7105.0090, subp. 5, item E. Diplomas. Diplomas would include an expiration date for accreditation that is four years after the date on which the student passed the examination.

The MPCA is also providing notice that it may solicit opinions concerning additional amendments to *Minnesota Rules* ch. 7105 at a later date. The amendment of MPCA rules is authorized by *Minnesota Statutes* § 116.07, subd. 4 (1990).

The MPCA requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Minnesota Pollution Control Agency
Hazardous Waste Division
Thomas P. Clark
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 297-8617

Oral statements will be received from 8:00 a.m. to 4:00 p.m., Monday through Friday. All statements of information and opinion will be accepted until August 15, 1991. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is amended.

Dated: 8 July 1991

Charles W. Williams
Commissioner

Minnesota State Retirement System

Board of Directors, Regular Meeting

A regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, July 19, 1991 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Department of Revenue

Petroleum Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Motor Fuels Taxation, Including the Amendment of *Minnesota Rules*, Parts 8125.0200 Through 8125.1400

NOTICE IS HEREBY GIVEN that the Minnesota Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose rules governing motor fuels taxation, including the amendment of *Minnesota Rules*, parts 8125.0200 through 8125.1400. The adoption of this rule is authorized by *Minnesota Statutes*, section 270.06 (13) which requires the commissioner of revenue to promulgate rules for the administration and enforcement of state tax laws, and section 296.27 which enables the commissioner of revenue to make rules relating specifically to the administration and enforcement of laws regulating the sale, distribution and use of petroleum products and special fuel, so long as the rules are reasonable and not inconsistent with the law.

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

Fran Gerten	10 River Park Plaza
Department of Revenue	Mail Station 3333
Petroleum Division	St. Paul, MN 55146-3333

Oral statements will be received during regular business hours over the telephone at (612) 297-3360 and in person at the above address.

All statements of information and opinions shall be accepted until July 30, 1991. Any written material received by the Minnesota Department of Revenue shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is adopted.

Dated: 2 July 1991

Fran Gerten
Attorney

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

March 3, 1992

3-3-92

Ms. Patricia Nolte
Legal Assistant
Office of the Attorney General
525 Park Street
St. Paul, Minnesota 55155

Dear Ms. Nolte:

RE: In the Matter of the Proposed Amendments to Rules Governing the Certification of Underground Storage Tank Installers, Removers and Repairers, Minn. Rules ch. 7105

On February 25, 1992, the Minnesota Pollution Control Agency (MPCA) adopted amendments to the above-captioned rules. As you recall, the notice of intent to amend the rule as originally mailed did not provide a full 30-day comment period as required by the Administrative Procedure Act (Minn. Stat. ch. 14). The amendments (without changes) were re-noticed to the mailing list on January 10, 1992, for a comment period which ended February 10, 1992. The re-noticing period resulted in two additional comment letters supporting the proposed amendments and these have been included with this submittal. Since your office retained the original rulemaking file in this matter, I am submitting only those documents required as a result of the re-noticing as follows:

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

2. Certificate of Agency's Authorizing Resolution Adopting Rules

3. Copies of additional written comments received during the re-notice period

4. Notice of Intent to Amend Rules Without a Public Hearing, as mailed

5. Affidavit of Mailing the Notice of Intent to Amend Rules Without a Public Hearing and Certificate of Mailing List

6. Affidavit of Receiving No Requests for Notification of Submission of the Rule to the Attorney General

7. Declaration of Counsel

These items will supplement and make complete the rulemaking file which was submitted to your office in December 1991. If you have any questions, please contact me at 297-8617.

Sincerely,

Thomas P. Clark

Thomas P. Clark
Senior Hydrologist
Tanks and Spills Section
Hazardous Waste Division

TPC:mmm

Enclosures

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Ch. 7105 Governing the Certification of Underground Storage Tank Installers, Removers and Repairers

FINDING OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (MPCA) on the 25th day of February, 1992. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the MPCA, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the MPCA, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the MPCA's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on November 4, 1991 for a 30-day comment period which ended December 4, 1991. In addition, on January 10, 1992, a copy of the notice of the MPCA's intent to adopt rules without a public hearing was sent by mail to all persons on the list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) and the mailing list maintained by the Tanks and Spills Section. The 30-day comment period, as set out in the notice, expired on February 10, 1992.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice was made available to the public and the Legislative Commission to Review Administrative Rules.

3. All persons were given the opportunity to submit comments on the amendments for 30 days after notice of the proposed rulemaking.

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

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

6. No changes were made between the rule amendments as proposed and the rule amendments as adopted by the MPCA.

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

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

CONCLUSIONS

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

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

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

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules ch. 7105 governing the certification of underground storage tank installers, removers and repairers are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.491 (1990).

MINNESOTA POLLUTION CONTROL AGENCY

3/25/92
Dated

Charles W. Williams
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Ch. 7105 Governing the Certification of Underground Storage Tank Installers, Removers and Repairers

FINDING OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (MPCA) on the 25th day of February, 1992. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the MPCA, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the MPCA, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the MPCA's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on November 4, 1991 for a 30-day comment period which ended December 4, 1991. In addition, on January 10, 1992, a copy of the notice of the MPCA's intent to adopt rules without a public hearing was sent by mail to all persons on the list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) and the mailing list maintained by the Tanks and Spills Section. The 30-day comment period, as set out in the notice, expired on February 10, 1992.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice was made available to the public and the Legislative Commission to Review Administrative Rules.

3. All persons were given the opportunity to submit comments on the amendments for 30 days after notice of the proposed rulemaking.

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

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

6. No changes were made between the rule amendments as proposed and the rule amendments as adopted by the MPCA.

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

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

CONCLUSIONS

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

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

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

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules ch. 7105 governing the certification of underground storage tank installers, removers and repairers are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.491 (1990).

MINNESOTA POLLUTION CONTROL AGENCY

2/25/93
Dated

Charles W. Williams
Commissioner

CERTIFICATE OF AGENCY'S AUTHORIZING RESOLUTION ADOPTING RULES

I, Charles W. Williams, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the state of Minnesota, and that the following is a true, complete, and correct copy of the resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 25th day of February, 1992, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that the Minnesota Pollution Control Agency hereby approves and adopts the attached amendments to rules governing the certification of underground storage tank installers, removers and repairers, Minn. Rules, ch. 7105, pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.49 (1990) and Minn. Stat. § 115.03, subd. 1(e) (1990).

BE IT FURTHER RESOLVED, that prior to publishing the amendments as adopted in the State Register, the Commissioner is authorized to make any form changes to the rules that the Revisor of Statutes requires the Minnesota Pollution Control Agency to make in order to receive the Revisor's certification as required by Minn. Stat. §§ 14.07, subd. 2 (1990) and 14.28 (1990).

BE IT FURTHER RESOLVED, that the Minnesota Pollution Control Agency adopts the Findings of Fact, Conclusions, and Order Adopting Rules and that the Commissioner is hereby authorized to sign the above-mentioned document on behalf of the Minnesota Pollution Control Agency and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I hereunto subscribed my name this 25 day of Feb, 1992.

Charles W. Williams
Commissioner

HODGMAN DRAINAGE COMPANY

Shop	(507) 527-2215
Don	(507) 527-2972
Scott	(507) 527-2068
Steve	(507) 528-2475
Dan	(507) 635-5661

Rt. 1 Box 196 • West Concord, MN 55985

1-14-92

Thomas P. Clark
Tanks & Spills Section
Hazardous Waste Div.
MPCA
520 Lafayette Rd. North
St Paul, Mn. 55155

Dear Mr Clark,

I very strongly support the proposed amendment relating to "Training and Certification; Underground Storage Tanks." which extends the length of certification from two to four years after the applicant completes approved training and passes an exam.

Sincerely

Steve Hodgman



Special Resource Management, Inc.
Specialists in Waste and Resource Management Technology

RECEIVED
JAN 21 1992
MPCA, HAZARDOUS WASTE DIVISION

January 16, 1992

Tanks and Spills Section
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Attention: Mr. Thomas P. Clark

Subject: Comments Regarding Proposed Amendments to Minnesota Rules Chapter 7105 Relating to Underground Storage Tank Contractor Training and Certification

Dear Mr. Clark:

Special Resource Management, Inc. (SRM) is pleased to submit comments concerning the proposed amendments to Minnesota Rules Chapter 7105.

Part 7105.0060, subp 6.	SRM recommends that the length of supervisor certification be set at four years from the date of successfully completing the training course examination as detailed in the proposed rules.
Part 7105.0060, subp 7.	SRM recommends that supervisor certificates issued pursuant to reciprocal agreements with other states or organizations other than the approved MPCA approved training provider should expire four years after the final day of the approved training course as detailed in the proposed rules.
Part 7105.0090, subp 5, item E.	SRM recommends that diplomas include an expiration date for accreditation that is four years after the date on which the student passed the examination as detailed in the proposed rules.

If you have any questions concerning these comments, please contact me at (701) 281-3903.

Sincerely,

Paul K. West
Supervisor, Technical Services
Minnesota Underground Storage Tank Supervisor Certificate 02212
Minnesota Underground Storage Tank Contractor Certificate 0041

1447 44th St. N. - Fargo, North Dakota 58102-2854
(701) 281-3903 • 800-445-4404 (In North Dakota) • FAX (701) 281-9399
A Montana Power/Entech Company

State of Minnesota
Pollution Control Agency

In the Matter of the Proposed Amendment of Rules for the Certification of Underground Storage Tank Installers, Removers and Repairers, Minn. Rules ch. 7105

AMENDED NOTICE -- NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rule is set forth in Minn. Stat. § 116.49 (1990).

Due to an administrative oversight, the attached notice as originally mailed November 6, 1991, did not receive a full 30-day comment period as required by the Administrative Procedure Act. Therefore, this amended notice is being issued to correct this deficiency. All persons have until 4:30 p.m. on February 10, 1992, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the amendments. Details concerning the comment procedure are contained in the original notice as attached.

Date: January 7, 1991

for Ann Glumac
Charles W. Williams
Commissioner

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Training and Certification; Underground Storage Tanks

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapter 7105

The attached rules are approved for publication in the State Register

Carla M. Rienle
Assistant Revisor

Pollution Control Agency

Proposed Permanent Rules Relating to Training and Certification; Underground Storage Tanks

Rules as Proposed

7105.0060 SUPERVISOR CERTIFICATION.

[For text of subps 1 to 5, see M.R.]

Subp. 6. Length of supervisor certification. Supervisor certificates expire ~~two~~ four years after the applicant successfully completes the final training course examination.

Subp. 7. Reciprocity. The commissioner shall approve a tank installer certification course sponsored by a state or organization other than an approved training provider if the commissioner determines that the course is comparable to the program outlined in parts 7105.0080 and 7105.0090. Persons seeking reciprocity under this subpart shall be required by the commissioner to pass an examination to verify their familiarity with Minnesota's laws pertaining to underground storage tank systems if the commissioner finds that their courses did not adequately address Minnesota's statutes and rules. This examination may be taken any time after the completion of the approved training course and before applying for certification. However, the certificate expires ~~two~~ four years after the final day of the approved training course.

7105.0090 EXAMINATIONS AND DIPLOMAS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. Diplomas. The training provider shall issue a numbered diploma to each student who completes the training course and successfully passes the examination. The following information must be included on the diploma:

[For text of items A to D, see M.R.]

E. an expiration date for accreditation that is ~~two~~ four years after the date on which the student passed the examination; and

Approved by Revisor

[For text of item F, see M.R.]

If the person administering the examination is not the same person administering the course, both persons shall sign the diploma.

Approved

State of Minnesota
Pollution Control Agency

In the Matter of the Proposed Amendment of Rules for the Certification of Underground Storage Tank Installers, Removers and Repairers, Minn. Rules ch. 7105

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rule is set forth in Minn. Stat. § 116.49 (1990).

All persons have until 4:30 p.m. on December 4, 1991, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the amendments. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1990).

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

Thomas P. Clark
Tanks and Spills Section
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/297-8617

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

The proposed amendments, if adopted, would extend the period an underground storage tank supervisor's certification is valid for, from two to four years. A copy of the proposed rule amendments follows this notice.

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

You are hereby advised, pursuant to Minn. Stat. § 13.115 (1988), "Small Business Considerations in Rulemaking," that the economic effect of these proposed amendments on small businesses is anticipated to be either neutral or beneficial. In drafting the proposed rules, the MPCA considered the potential impact on small businesses. A discussion of these considerations can be found in the Statement of Need and Reasonableness.

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

Date: 10/23/91

Charles W. Williams
Commissioner

State of Minnesota
Pollution Control Agency

In the Matter of Proposed Amendments to Underground Storage Tank Training and Certification Rules, Minn. Rules, ch. 7105

AFFIDAVIT OF MAILING OF NOTICE OF INTENT TO AMEND RULES AND CERTIFICATE OF MAILING LIST

State of Minnesota)
) ss.
County of Ramsey)

Thomas P. Clark, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) that their names be placed on the Minnesota Pollution Control Agency's rulemaking mailing list is accurate, complete, and current as of this 10th day of January, 1992.

That on the 10th day of January, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Amend Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System or in the United States Mail for first class mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Thomas P. Clark

Subscribed and sworn to before me
this 10 day of Jan., 1992

Thomas W. Nash
Notary Public

THOMAS W. NASH
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STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Amendments to Rules Governing the Certification of Underground Storage Tank Installers, Removers and Repairers

NOTICE OF RECEIVING NO REQUEST FOR NOTIFICATION OF SUBMISSION OF THE RULE TO THE OFFICE OF THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)SS.
COUNTY OF RAMSEY)

Thomas P. Clark, being duly sworn, deposes and says:

I hereby certify that the Minnesota Pollution Control Agency received no requests from any persons or associations for notification that the rules in the above-entitled matter have been submitted to the Attorney General.

Thomas P. Clark

Subscribed and sworn before me
this 2nd day of March, 1992

Diane Fox
Notary Public

DIANE FOX
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 2-35-96

(1)

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Amendments
to Rules Governing the Certification
of Underground Storage Tank Installers,
Removers and Repairers,
Minn. Rules Chapter 7105.

DECLARATION OF COUNSEL

I, Mark A.R. Chalfant, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four digit docket client code is F697.

Dated: March 2, 1992

Mark A.R. Chalfant

MARK A.R. CHALFANT
Special Assistant
Attorney General

28 Day Comment Period MJC 12/27/91

RULE REVIEW CHECKLIST

File No. 1883
DATE RECEIVED 12-23-91
REVIEW DATE 1/2/92
DUE DATE 2/6/92
(DIS)APPROVED
WITHDRAWN 2-6-92

Docket No. 05 0009 0694
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 12-23-91
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
July 15, 1991 Date published in State Register
Comments

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
October 23, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
116.49 Statutory Authority
✓ Small Business Statement
Expenditure of public money statement
10-23-91 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
November 6, 1991 Dated 30/25 days before adoption didn't make it
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
November 4, 1991 Date 30/25 days before adoption didn't make it - OK

✓ 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
December 18, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
December 18, 1991 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Mark Shaffont Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

QUICK MEMORANDUM FORM

MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road
St.Paul, Minnesota 55155
Telephone (612) 296-6300

Date: 10/28/91

TO: Ms. Maryanne Hruby, Director
Legislative Commission to Review Administrative Rules
55 State Office Building
St. Paul, MN 55155

FROM: Tom Clark
Tanks and Spills Section
Division of Hazardous Waste
(612) 297-8617

==========

SUBJECT: Statement of Need and Reasonableness, Amendments to Mn. Rules ch. 7105

As required by the Administrative Procedures Act, we are forwarding a copy of the Statement of Need and Reasonableness for proposed amendments to Minn. Rules ch. 7105 governing the certification of underground storage tank installers, removers and repairers. The staff's request for authorization to enter into the rulemaking process to amend ch. 7105 was approved by the Minnesota Pollution Control Agency Board at their October 22, 1991 meeting. The proposed amendments will be noticed in the State Register for a 30-day comment period on November 4, 1991. If you need further information, please contact me.

==========

This informal way of responding to you saves us the time and expense of preparing a formal letter. Thank you for your interest, and please contact us if we can help you further or you have questions on this matter.

copy 1-addressee copy 2-site file

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Amendments
to Rules Governing the Certification
of Underground Storage Tank Installers,
Removers and Repairers,
Minn. Rules Chapter 7105.

DECLARATION OF COUNSEL

I, Mark A.R. Chalfant, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four digit docket client code is F697.

Dated: December 20, 1991

Mark A.R. Chalfant

MARK A.R. CHALFANT
Special Assistant
Attorney General

Attachment 2

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Amended Underground Storage Tank Training and Certification Rules, Chapter 7105

STATEMENT OF NEED AND REASONABLENESS

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

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I. INTRODUCTION

The Minnesota Pollution Control Agency (MPCA) was authorized and directed by the 1987 Minnesota Legislature to adopt rules containing standards of competence for persons who install, repair, or take an underground storage tank (UST) out of service. In 1988 the MPCA published a Notice to Solicit Outside Opinion on development of a tank contractor certification program for Minnesota. The MPCA staff also formed an advisory work group consisting of tank contractors, tank owners, industry representatives and others to assist in formulation of a draft rule. Six meetings were held with the work group during 1989 and this effort culminated in adoption of Minn. Rules, ch. 7105 on January 8, 1990. UST contractors had a six-month period, or until July 9, 1990, to obtain the required certification.

In January 1990, the MPCA initiated certification courses for UST supervisors who install, repair, or take an UST system out of service. Courses are offered at various locations around the state through the auspices of the Albert Lea Technical College. A total of 735 people have completed training in 19 classes. Approximately 500 tank supervisors have been certified. The rules establish a certification program for UST contractors, as well as a training and certification program for on-site UST supervisors. The rules also establish the requirements and procedures for obtaining and renewing this certification. The renewal interval established by the rules is currently two years.

II. STATEMENT OF MPCA'S STATUTORY AUTHORITY

The MPCA's statutory authority to adopt the rules is set forth in Minn. Stat. § 116.491 (1990), which provides:

Subd. 1. Requirement. (a) After the effective date of rules adopted under subdivision 3, a person may not install, repair, or take an aboveground or underground tank permanently out of service without first obtaining a certification of competence issued by the agency; (b) The agency shall conduct examinations to test the competence of applicants for certification, issue documentation of certification, and require certification to be renewed at reasonable intervals. The agency may conduct training programs for installers.

Subd. 2. Fees. The agency may charge fees as are necessary to cover the actual costs of processing applications, conducting examinations, issuing and renewing certificates, and providing training programs. The fees received under this section must be credited to the petroleum release cleanup fund.

Subd. 3. Rules. The agency shall adopt rules containing standards of competence for installers and to implement this section.

The MPCA also has general authority to adopt rules to control water pollution, including rules prohibiting the storage of any liquid in a manner that could pollute the waters, under Minn. Stat. § 115.03, subd. 1(e) (1990). Under the authority of Minn. Stat. §. 116.07, subd. 4 (1990), the MPCA also has the necessary statutory authority to adopt, and, as necessary to amend these rules.

III. STATEMENT OF NEED

Minn. Stat. §§ 14.14, subd. 2 and 14.23 (1990) require the MPCA to make an affirmative presentation of facts establishing the need for and the reasonableness of a proposed rule or an amendment to an existing rule. In general terms, this means that the MPCA must set forth the reasons for proposing rules and the reasons must not be arbitrary or capricious. However, to the extent that the need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the MPCA is a proper one.

The need for a program to certify UST contractors was established in the Statement of Need and Reasonableness (SONAR) to Minn. Rules, ch. 7105 (August 1989). The length of contractor and supervisor certification was established at two years after the date of issuance (in the case of contractor certificates) and two years after the applicant successfully completes the final training course examination (in the case of supervisor certificates). The MPCA proposes to extend the length of the supervisor certification period to four years. The length of the contractor certification period would remain at two years. In addition, supervisor certificates issued pursuant to a reciprocal agreement with another state or organization other than an approved training provider would also expire four years after the end of the approved training course.

The MPCA began certifying tank installation, repair and removal contractors and supervisors in 1990, under the authority of Minn. Rules, ch. 7105. About 250 contracting companies have sent representatives to training programs offered by the state through Albert Lea Technical College and have received certification to perform UST work in Minnesota. A total of 735 people have completed training in the 19 courses which have been offered since January 1990,

including 510 supervisors. The response to the certification program has been very encouraging and was greater than the MPCA had anticipated when the program was developed. The first certificates issued in 1990 come up for renewal early in 1992, as the rule is now written.

Because of the great response to the initial certification program, much of the effort of the MPCA staff has been devoted to arranging for and helping to present the 40-hour training courses with the contracted assistance of the Albert Lea Technical College. When the program was first developed, it was believed that the technology associated with tank installation, removal and repair would change rapidly, resulting in the need for continuing education in intervals of two years. Technology has not changed as swiftly as expected and given this perspective and the knowledge gained from conducting 19 sessions and training over 700 people, the MPCA believes it is not reasonable or necessary to require recertification on an interval as frequently as every two years as was originally envisioned.

The MPCA therefore proposes to extend the recertification interval from the current two-year time frame to four years. The change would apply to certificates issued to supervisors only. Contracting companies would still be required to renew certificates every two years. The reasons for this are discussed in the Statement of Reasonableness below. The change in Minn. Rules, ch. 7105 related to the proposed extension of the supervisor recertification interval also includes extending the length of supervisor certificates issued under the reciprocity provision of the rules from two to four years and making a similar change in the diplomas provision of the rules to show an expiration date for accreditation that is four years after the date on which the student passed the examination.

IV. STATEMENT OF REASONABLENESS

The MPCA is required by Minn. Stat. ch. 14 (1990) to make an affirmative presentation of facts establishing the reasonableness of the proposed rules or amendments. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the MPCA's proposed action. The reasonableness of the proposed amendment to Minn. Rules, ch. 7105 is addressed in the following discussion, which itemizes specific provisions of the proposed amendments:

Part 7105.0060 Supervisor Certification

Subp. 6. Length of supervisor certification. Supervisor certificates expire ~~two~~ four years after the applicant successfully completes the final training course examination.

The MPCA proposes to make the recertification interval four years and has solicited outside opinions in the State Register on this proposal. The 30-day notice period ended on August 15, 1991, and 21 written comments were received. A total of 18 commenters supported the four-year proposal, two commenters proposed to increase the interval to ten years, and one person favored a three-year renewal interval. As presently envisioned, supervisors currently holding two-year certificates would have their certificates extended to four years from the date of issue by the MPCA.

One of the 21 commenters suggested that the length of certification for contractors as provided by Minn. Rules, pt. 7105.0050, subp. 5, also be extended from two years to four years. The MPCA has elected to leave the length of contractor certification at two years after the date of issuance. Under the rules, to be certified as a contractor, companies must employ a certified supervisor and show proof of financial responsibility. The MPCA has learned from experience in operating the certification program that there is a fair amount of employee movement within the UST contracting field. The MPCA believes that contractors should be required to verify their status and personnel rolls every two years. Since certified supervisors may change jobs within the field, contracting companies should be required to keep current information with the MPCA. Leaving the recertification interval at two years for contractors will help ensure that this is done.

Part 7105.0060 Supervisor Certification

Subp. 7. Reciprocity. The Commissioner shall approve a tank installer certification course sponsored by a state or organization other than an approved training provider if the Commissioner determines that the course is comparable to the program outlined in parts 7105.0080 and 7105.0090. Persons seeking reciprocity under this subpart shall be required by the Commissioner to pass an examination to verify their familiarity with Minnesota's laws pertaining to underground storage tank systems if the Commissioner finds that their courses did not adequately address Minnesota's statutes and rules. This examination may be taken anytime after the completion of the approved training course and before applying for certification. However, the certificate expires ~~two~~ four years after the final day of the approved training course.

Subpart 7 allows for the approval of courses other than those provided by an approved training provider if the Commissioner determines that the course is comparable to the course content requirements contained in parts 7105.0080 and 7105.0090. This subpart allows individuals who attend a similar tank training course in another state to apply to be certified to conduct storage tank projects in Minnesota. It is reasonable to provide for reciprocity of training courses because as long as the courses are comparable, the goal of the program to have trained individuals overseeing tank projects will still be met. It is also reasonable that if the recertification interval for supervisors is increased to four years for the state-approved training providers, that it be increased for those who gain training under reciprocity agreements as well. This will provide for program consistency while still allowing program goals to be met.

Part 7105.0090 Examinations and Diplomas

Subp. 5. Diplomas. The training provider shall issue a numbered diploma to each student who completes the training course and successfully passes the examination. The following information must be included on the diploma:

A. the name of the student;
B. the name of the course completed;
C. the dates of the course and the examination;
D. a statement indicating that the student attended the course and passed the examination;
E. an expiration date for accreditation that is ~~two~~ four years after the date on which the student passed the examination; and
F. a diploma number.

If the person administering the examination is not the same person administering the course, both persons shall sign the diploma.

This subpart outlines the information required by the MPCA on course diplomas issued by approved training providers. It is reasonable to specify this information because it tells those persons that may wish to become approved training providers what the diploma must include. It is also reasonable that if the recertification interval for supervisors is to be increased from two to four years that that information be reflected on the student's diploma as well.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1990) requires the MPCA, when proposing amendments to existing rules which may affect small businesses, to consider the impact of the rule amendment on those businesses. The proposed amendments are not expected to have a significant impact on small businesses. In fact, by extending the recertification period from two to four years, small tank contractors will benefit through decreased paperwork and reduced costs as the certification fee will remain at $50 for the four-year renewal interval. The Albert Lea Technical College currently charges a fee of $260 for the five day certification course. Since supervisors will need training every four years instead of every two years, their training costs will be cut in half.

VI. CONSIDERATIONS OF ECONOMIC FACTORS

In exercising its powers, the MPCA is required by Minn. Stat. § 116.07, subd. 6 (1990) to give consideration to economic factors. The statute provides:

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

In proposing the amendments to rules governing the certification of UST contractors, the MPCA has given due consideration to available information as to any economic impacts the proposed amendments would have. No significant adverse economic impacts are anticipated to result from the adoption of the proposed rule amendments. As discussed in section V. above, the fee for recertification and the costs associated with the training requirements will probably decrease.

There will likely be some beneficial economic impacts from the proposed amendments. By continuing to increase the technical expertise and environmental awareness of contractors conducting tank projects there should continue to be fewer releases to the environment in the future. When considering the economic impacts that result from the cleanup costs associated with contamination, the amendments should result in continuing cost savings to municipalities, small businesses and the general public as a whole.

VI. CONCLUSION

In this document, the MPCA has made its presentation of facts establishing the need for and reasonableness of the proposed amendments to Minn. Rules, ch. 7105, Underground Storage Tank Training and Certification Rules. This document constitutes the MPCA's Statement of Need and Reasonableness for the proposed amendments to Minn. Rules, ch. 7105.

Dated: October 4, 1991, 1991

Ann Glumac
for Charles W. Williams
Commissioner

Stat Authority 116.47

The agency must adopt rules applicable to all owners and operators of underground storage tanks.

end of comment period Dec 4, 1991 – only 28 days

Reject

~~left a message for~~ Tom Clark he will not be in until Jan 2

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

Celebrate MINNESOTA 1990

January 3, 1992

Ms. Martha J. Casserly
Special Assistant Attorney General
Public Finance Division
Office of the Attorney General
State of Minnesota
525 Park Street, Suite 500
Saint Paul, Minnesota 55103

Dear Ms. Casserly:

On behalf of the Minnesota Pollution Control Agency (MPCA), I hereby withdraw the proposed rules regarding Underground Storage Tank Training and Certification from review by the Attorney General's Office. I understand that the public notice period for those persons appearing on the MPCA's rulemaking mailing list was not sufficient to pass Attorney General's initial review because the length of the public notice period did not satisfy the requirements of the Administrative Procedures Act (APA) found at Minn. Stat. § 14.22 (1990). Specifically, the MPCA is withdrawing the rule from review because the comment period was limited to a twenty-eight day period instead of the required thirty days. For the record, it should be noted that the proposed rules did meet the statutory requirements for notice in the State Register. It should also be known that the proposed rules received overwhelming public support during the comment period.

On a final note, I am writing to inform you that the MPCA intends to re-notice the proposed rules on Underground Storage Tank Training and Certification.

Sincerely,

Cynthia C Jepsen

for CHARLES W. WILLIAMS
Commissioner

MAC:plb:BK1

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1

To Marty Casserly	From MARK Chaltant
Co.	Co.
Dept.	Phone #
Fax #	Fax # 7-4139

State of Minnesota
Pollution Control Agency

In the Matter of the Proposed Amendment of Rules for the Certification of Underground Storage Tank Installers, Removers and Repairers, Minn. Rules ch. 7105

AMENDED NOTICE -- NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rule is set forth in Minn. Stat. § 116.49 (1990).

Due to an administrative oversight, the attached notice as originally mailed November 6, 1991, did not receive a full 30-day comment period as required by the Administrative Procedure Act. Therefore, this amended notice is being issued to correct this deficiency. All persons have until 4:30 p.m. on February 10, 1992, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the amendments. Details concerning the comment procedure are contained in the original notice as attached.

Date: January 7, 1991

for Ann Hlumac
Charles W. Williams
Commissioner

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Training and Certification; Underground Storage Tanks

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapter 7105

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Pollution Control Agency

Proposed Permanent Rules Relating to Training and Certification; Underground Storage Tanks

Rules as Proposed

7105.0060 SUPERVISOR CERTIFICATION.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Length of supervisor certification.** Supervisor certificates expire ~~two~~ four years after the applicant successfully completes the final training course examination.

Subp. 7. **Reciprocity.** The commissioner shall approve a tank installer certification course sponsored by a state or organization other than an approved training provider if the commissioner determines that the course is comparable to the program outlined in parts 7105.0080 and 7105.0090. Persons seeking reciprocity under this subpart shall be required by the commissioner to pass an examination to verify their familiarity with Minnesota's laws pertaining to underground storage tank systems if the commissioner finds that their courses did not adequately address Minnesota's statutes and rules. This examination may be taken any time after the completion of the approved training course and before applying for certification. However, the certificate expires ~~two~~ four years after the final day of the approved training course.

7105.0090 EXAMINATIONS AND DIPLOMAS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Diplomas.** The training provider shall issue a numbered diploma to each student who completes the training course and successfully passes the examination. The following information must be included on the diploma:

[For text of items A to D, see M.R.]

E. an expiration date for accreditation that is ~~two~~ four years after the date on which the student passed the examination; and

Approved by Revisor

[For text of item F, see M.R.]

If the person administering the examination is not the same person administering the course, both persons shall sign the diploma.

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Amendments to Rules Governing the Certification of Underground Storage Tank Installers, Removers and Repairers

NOTICE OF RECEIVING NO REQUEST FOR NOTIFICATION OF SUBMISSION OF THE RULE TO THE OFFICE OF THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)SS.
COUNTY OF RAMSEY)

Thomas P. Clark, being duly sworn, deposes and says:

I hereby certify that the Minnesota Pollution Control Agency received no requests from any persons or associations for notification that the rules in the above-entitled matter have been submitted to the Attorney General.

Thomas P. Clark

Subscribed and sworn before me
this 17 day of December, 1991

Diane Fox
Notary Public

DIANE FOX
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 2-25-96

CERTIFICATE OF AGENCY'S AUTHORIZING RESOLUTION ADOPTING RULES

I, Charles W. Williams, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the state of Minnesota, and that the following is a true, complete, and correct copy of the resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 17th day of December, 1991, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that the Minnesota Pollution Control Agency hereby approves and adopts the attached amendments to rules governing the certification of underground storage tank installers, removers and repairers, Minn. Rules ch. 7105, pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.49 (1990) and Minn. Stat. § 115.03, subd. 1(e) (1990).

BE IT FURTHER RESOLVED, that prior to publishing the amendments as adopted in the State Register, the Commissioner is authorized to make any form changes to the rules that the Revisor of Statutes requires the Minnesota Pollution Control Agency to make in order to receive the Revisor's certification as required by Minn. Stat. §§ 14.07, subd. 2 (1990) and 14.28 (1990).

BE IT FURTHER RESOLVED, that the Minnesota Pollution Control Agency adopts the Findings of Fact, Conclusions, and Order Adopting Rules and that the Commissioner is hereby authorized to sign the above-mentioned document on behalf of the Minnesota Pollution Control Agency and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I hereunto subscribed my name this 18 day of December, 1991.

Cynthia C Jepsen

Charles W. Williams
Commissioner

Rec 12-23-91

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

Ms. Patricia Nolte
Legal Assistant
Office of the Attorney General
525 Park Street
St. Paul, Minnesota 55155

Dear Ms. Nolte:

Re: In the Matter of the Proposed Amendments to Rules Governing the Certification of Underground Storage Tank Installers, Removers and Repairers, Minn. Rules ch. 7105

On December 17, 1991, the Minnesota Pollution Control Agency (MPCA) adopted amendments to the above-captioned rules governing certification of underground storage tank installers, removers and repairers. Enclosed for your review, per the requirements of the Administrative Procedure Act, are the following:

1. Rule amendments as adopted (original and three copies)
2. Findings of Fact, Conclusions, and Order Adopting Rules (two copies)
3. Certificate of Agency's Authorizing Resolution Adopting Rules
4. Notice of Intent to Solicit Outside Opinion (16 S. R. 105, July 15, 1991)
5. Copies of written comments received pursuant to Notice to Solicit Outside Opinion
6. Certificate of Agency's Authorizing Resolution to notice rules as proposed
7. Notice of Intent to Amend Rules Without a Public Hearing and rules as proposed (16 S. R. 1125, November 4, 1991)
8. Copies of written comments received during the comment period
9. Notice of Intent to Amend Rules Without a Public Hearing, as mailed
10. Affidavit of Mailing the Notice of Intent to Amend Rules Without a Public Hearing and Certificate of Mailing List
11. Statement of Need and Reasonableness
12. Memo of transmittal of the Statement of Need and Reasonableness to the Legislative Commission to Review Administrative Rules
13. Declaration of Counsel
14. Affidavit of Receiving No Requests for Notification of Submission of the Rule to the Attorney General

If you have any questions, please contact me at 297-8617

Sincerely,

Thomas P. Clark

Thomas P. Clark
Senior Hydrologist
Tanks and Spills Section
Hazardous Waste Division

Enclosures

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to Minn. Rules Ch. 7105 Governing the Certification of Underground Storage Tank Installers, Removers and Repairers

FINDING OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (MPCA) on the 17th day of December, 1991. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the MPCA, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the MPCA, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the MPCA's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on November 4, 1991. In addition, on November 6, 1991, a copy of the notice of the MPCA's intent to adopt rules without a public hearing was sent by mail to all persons on the list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) and the mailing list maintained by the Tanks and Spills Section.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice was made available to the public and the Legislative Commission to Review Administrative Rules.

3. All persons were given the opportunity to submit comments on the amendments for 30 days after notice of the proposed rulemaking. The 30-day comment period, as set out in the notice, expired on December 4, 1991.

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

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

6. No changes were made between the rule amendments as proposed and the rule amendments as adopted by the MPCA.

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

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

CONCLUSIONS

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

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

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

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules ch. 7105 governing the certification of underground storage tank installers, removers and repairers are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.491 (1990).

(9)

MINNESOTA POLLUTION CONTROL AGENCY

12-18-91
Dated

Cynthia C. Jepsen
Charles W. Williams
Commissioner

DULUTH MISSABE AND IRON RANGE RAILWAY COMPANY

ENGINEERING DEPARTMENT
329 SECOND STREET
PROCTOR, MN 55810-1091

RECEIVED
JUL 19 1991
MPCA, HAZARDOUS
WASTE DIVISION

July 17, 1991

Mr. Thomas P. Clark
Hazardous Waste Division
MINNESOTA POLLUTION CONTROL AGENCY
520 Lafayette Road
St. Paul, MN 55155

Dear Mr. Clark

SUBJECT: COMMENTS ON PROPOSED AMENDMENTS TO RULES RELATING TO TRAINING AND CERTIFICATION OF UNDERGROUND STORAGE TANK CONTRACTORS

1. Part 7105.0060, subp. 6, The length of supervisor certification. Supervisor certificates should be lengthened beyond four (4) years, to at least ten (10) years, preferably longer.

All parts should be revised to increase the length of supervisor certification beyond four (4) years, to say ten (10) years.

We appreciate the opportunity to comment on these proposed changes.

Sincerely,

George C. LaValley

George C. LaValley, P.E.
Manager-Environmental Engineering

ps
c: W.H. Harrison

MINNEAPOLIS PIPEFITTERS JOINT JOURNEYMAN
and APPRENTICE COMMITTEE

AF of L - CIO

702 DUNWOODY BOULEVARD
MINNEAPOLIS, MINNESOTA 55403
PHONE 377-8432
FAX 377-8612

RECEIVED
JUL 22 1991
MPCA, HAZARDOUS WASTE DIVISION

MPCA
HAZARDOUS WASTE DIVISIOM
THOMAS P. CLARK
520 LAFAYETTE RD. NO.
ST. PAUL, MN. 55155

DEAR THOMAS P. CLARK:

I FEEL THAT THE CERTIFICATION PERIOD SHOULD BE LONGER THAN THE FOUR YEARS YOU ARE REQUESTING. I FEEL THAT THIS LICENSE SHOULD BE GOOD FOR AT LEAST 10 YEARS. IF THERE IS ANY MAJOR RULE CHANGES YOU CAN GET A NOTICE OUT TO THE PROPER PEOPLE SO THEY CAN SO NOTE ALL THE CHANGES. YOU DON'T HAVE TO RETEST WHEN YOU RENEW YOUR DRIVERS LICENSE AND I DON'T FEEL THAT THIS IS ANY DIFFERENT, BECAUSE YOU CAN GET KILLED OR HURT OTHERS WITH A AUTOMOBILE AS WELL AS AN UNDERGROUND TANK. HAS THE MPCA DECIDED A WAY TO RETEST THESE PEOPLE YET IF THIS CHANGE DOESN'T GO THROUGH. I BELIEVE THAT SOME OF YOUR CERTIFICATES WILL BE UP THIS NOVEMBER. ALSO WILL THIS RULE CHANGE INCLUDE CONTRACTORS?

I WOULD LIKE YOU TO SEND ME A LIST OF ALL SUPERVISORS WHO HAVE PASSED THE COURSE AND WHAT COMPANY THEY WORK FOR. THIS WILL GIVE ME A GOOD IDEA ON HOW MANY CAN DO THIS WORK IN TOWN AND OUT STATE.

SINCERELY,
BOB GFROERER
Bob Gfroerer
COORDINATOR

From: MNPCA::CLARK_T "Tom....297-8617" 5-AUG-1991 08:05:16.39
To: GERNES, LOCKWOOD_B
CC: CLARK_T
Subj: Call in response to the cert rule notice

Friday, 8/2/91, I received a call from Alvin Haugen, a certified contractor with AEH Co. in Burnsville (890-4846; 529-7951). Mr. Haugen was calling in response to the notice to solicit outside opinion concerning the contractor certification rule (Ch. 7105). His comments were as follows:

1) He supports the idea of extending the length of supervisor certification from two to four years.

2) He does a lot of tank work in adjoining states and inquired how the reciprocity program works. I explained briefly what the rule requires and referred him to Mark for further thoughts in this regard.

3) He favors a three-day course for recertification including classroom instruction.

4) He feels the certification program should be run more as an apprenticeship program. He believes there are too many certified contractors who are marginally-qualified to do tank work. He would like to see beginners be taken up a ladder of increasing levels of complexity under the guidance of a certified supervisor. I indicated that the rule as written was designed to encourage this type of approach, although I did not disagree with him that there are some people who minimally meet requirements out there doing work. We briefly discussed our enforcement program and I stressed that we are getting out in the field, especially on new installations, to enforce Ch. 7105 and the technical rule.

He seemed satisfied and indicated he would follow his call with written comments.

John Stenglein
Bellin Excavating

3. Part 7105.0090, subp. 5, item E. Diplomas. Diplomas would include an expiration date for accreditation that is four years after the date on which the student passed the examination.

The MPCA is also providing notice that it may solicit opinions concerning additional amendments to Minn. Rules ch. 7105 at a later date. The amendment of MPCA rules is authorized by Minn. Stat. §. 116.07, subd. 4 (1990).

The MPCA requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Minnesota Pollution Control Agency
Hazardous Waste Division
Thomas P. Clark
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: 612/297-8617

MAIL TO

Oral statements will be received from 8:00 a.m. to 4:00 p.m., Monday through Friday. All statements of information and opinion will be accepted until August 15, 1991. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is amended.

July 8, 1991
Date

for Ann Glumac
Charles W. Williams
Commissioner

I THINK THE 4 YEAR IDEA IS A GOOD IDEA

Robert Gerer 8/1/91
LYSNE CONSTRUCTION INC

RECEIVED
AUG 02 1991
MPCA, HAZARDOUS
WASTE DIVISION

MINNESOTA POLLUTION CONTROL AGENCY
DIVISION OF HAZARDOUS WASTE

Notice of Intent to Solicit Outside Information Regarding Proposed Amendments to Minnesota Rules Chapter 7105 Relating to Underground Storage Tank Contractor Training and Certification

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose the amendment of rules relating to training and certification of underground storage tank contractors. Specifically, the MPCA is considering proposing an amendment to the length of the certification period for supervisors of underground storage tank projects. The length of the certification period for supervisors before recertification is required would be increased from two years to four years.

The specific parts of Minn. Rules ch. 7105 open for comment include the following:

1. Part 7105.0060, subp. 6. Length of supervisor certification. Supervisor certificates would expire four years after the applicant successfully completes the final training course examination.

2. Part 7105.0060, subp. 7. Reciprocity. Supervisor certificates issued pursuant to a reciprocal agreement with another state or organization other than an approved training provider would expire four years after the final day of the approved training course.

over

TO Mn Pollution Control Agency
Attention: Tom Clark

FROM
METROPOLITAN DIRTWORKS INC.
Suite 6
1139 Franklin Avenue East
Sauk Rapids, MN 56379

SUBJECT Amendment to the length of cert period

DATE 8/06/91

MESSAGE

Yes we are in favor of lengthening the certification period for suspension from two years to four years.

Shari Claire
Office Manager

RECEIVED
AUG 09 1991
MPCA, HAZARDOUS
WASTE DIVISION

SIGNED

REDIFORM 4S 468
POLY PAK (50 SETS) 4P468

☐ NO REPLY NECESSARY ☐ REPLY REQUESTED - USE REVERSE SIDE

From: MNPCA::CLARK_T "Tom....297-8617" 6-AUG-1991 15:58:12.29
To: GERNES, LOCKWOOD_B
CC: CLARK_T
Subj: Call in response to the cert rule notice

Another call in response to the notice, also supporting the proposed increase in the recertification period for supervisors from 2 to 4 years. This one from: Sheri Claire on behalf of Metropolitan Dirt Works, Sauk Rapids (612-251-9230).

RECEIVED
AUG 06 1991
MPCA, HAZARDOUS
WASTE DIVISION

Aug. 5 1991

Masog Concrete
Little Falls Minn. 56345

To polution Control Agency

I believe four years between testing and recertification would be pratical for supervisors.

The more laws, and requirments the state places on certified contractors just serves to widen the price between them and illegal operators and promots improper disposal of items that once could be handled at a reasonable cost by certified companies.

Robert J. Masog
Phone 612-632-4239

Robert J. Masog

8-3-91

RECEIVED
AUG 06 1991
MPCA, HAZARDOUS
WASTE DIVISION

Thomas P. Clark
MPCA
Hazardous Waste Div.

I think the idea of the extending of the amendment from 2 years to 4 years sounds OK.

the cost of this training counts up every 2 years -

Thank you
Dudley Johnson
Johnson Ditching & P/L
X Dudley Johnson
Contractor # 148

8-2-91

RECEIVED
AUG 06 1991
MPCA, HAZARDOUS WASTE DIVISION

Thomas P. Clark
MPCA - Hazardous Waste Division

I am in favor of the amendment ~~to~~ extending Certification period for Supervisors from Two-to-Four years

I believe the training offered for supervisors and the information given us was sufficient and done in a way one should be able to retain such knowledge for a period of 4 years!

thank you
Neal Johnson
Neal Johnson
Supervisor # 03602

mar-john
truck company

UNDERGROUND TANK DIVISION
1609 - 49TH AVENUE NORTH • MINNEAPOLIS, MINNESOTA 55430 • (612) 521-1660

RECEIVED
AUG 06 1991
MPCA, HAZARDOUS
WASTE DIVISION

August 1, 1991

Minnesota Pollution Control Agency - Hazardous Waste Division
520 Lafayette Road North
St. Paul, MN. 55155

Attention: Mr.Thomas P. Clark

Dear Tom:

1) With reference to you Minn. Rules ch. 7105.0060, subp. 6. I strongly favor the rule change relating to the supervisor certification and that they be in force for four (4) years after completing and passing the final training course examination.

2) In Part 7105.0060, subp. 7, Reciprocity - supervisor certificate issued in Minnesota should have a reciprocal agreement with another state or organization other than an approved training provider would also expire in four years after the final day of the approved training course.

3) Part 7105.0090, subp. 5, item E. Diplomas, the expiration date for the accreditation that will be four years after the date on the student pasing the the examination would prevail with Part 1 of the above.

Also, I think, unless of a violation incurred, the contractors license should also be in effect for a perior of four (4) years and coinside with the superviorsors starting and expiration dates.

I appreciate your letter and some outside imput in the regulatory measurers to make for a better UGST program.

Sincerely,

E. B. Martineau, General Manager

TANK ABATEMENT SERVICE CONTRACTORS, INCORPORATED

RECEIVED
AUG 12 1991
MPCA, HAZARDOUS
WASTE DIVISION

August 8, 1991

Minnesota Pollution Control Agency
Hazardous Waste Division
Thomas P. Clark
520 Lafayette Road North
St. Paul, Minnesota 55155

Re: Amendments to Minn. Rules ch. 7105

Dear Thomas:

Per our telephone conversation on August 6, 1991, I am writing this letter on the above referenced amendments.

In regards to Minnesota Rules Part 7105.0060, subp. 6, Part 7105.0060, subp. 7, and Part 7105.0090 subp. 5, item E I would like to see the length of the certification period for supervisors of underground storage tank projects to be increased from two years to four years. Changing the present law would be more advantageous to supervisors of underground storage tank projects.

If you have any questions, or if I can be of any further assistance, please do not hesitate to call me.

Sincerely,

TANK ABATEMENT SERVICE CONTRACTORS, INC.

Larry J. Palm
Project Administrator

LP/dp/23

541 West 79th Street • Bloomington, MN 55420-1125 • Telephone (612) 888-8488 • Fax (612) 888-1935

From: MNPCA::CLARK_T "Tom....297-8617" 6-AUG-1991 10:55:30.36
To: GERNES, LOCKWOOD_B
CC: CLARK_T
Subj: Call in response to the cert rule notice

Today I received a call from Larry Palm, Tank Abatement Services, Bloomington (888-8488). He was calling in response to the notice to solicit outside opinion concerning the contractor certification rule (Ch. 7105). His only comment was that he supported the proposed increase in the recertification period for supervisors from 2 to 4 years. We talked briefly about what a recertification course might involve and he agreed to follow up his comments in writing.

R & R Petroleum Equipment & Sales, Inc.

Tom Clark

Highway 81 North
Fargo, North Dakota 58102

701 / 293-1707
1-800-333-9769
FAX 701-293-0310

Minnesota Pollution Control Agency
Hazardous Waste Division
Thomas P. Clark
520 Lafayette Road North
St. Paul, Minnesota 55155

August 4 199

RECEIVED
AUG - 7 1991
MPCA, HAZARDOUS WASTE DIVISION

Dear Sir:

In response to rule changes to Minn. Rule 7105 amending the term for certification from two years to four years, is very much welcome.

The largest concern from management is the cost involved in recertification of presently certified personal. In this part of the country, it is not feasible to have one group of people trained in installation of UST'S and another group trained in repairs of the equipment we sell, and yet another group of people trained in the other fields of service we are involved in. Because of the complications involved in the changes in our industries we are forced to consolidate our personal in all fields. We feel that the UST regulations will not be changing much from where we are at now. We do feel that the equipment used to satisfy these regulations will be changing a great deal. Therefore we feel time would be better spent training our personal on the changes of equipment, rather than simply refreshing their skills in regulations that they deal with every day.

We also feel that not only the term should be extended, but to also look at the amount of time spent in the classroom for the recertification procedure. Keeping in mind that the recertifaction is merely a test of the individuals knowledge on what he has learned previously.

Sincerely

Jim Schaefer
President

From: MNPCA::GERNES "Mark Gernes . . . . .297-8663" 12-AUG-1991 08:22:43.85
To: CLARK_T, LOCKWOOD_B
CC:
Subj: Certification comments

On Wed. Aug. 7, I spoke with a Mr. Dave Peterson regarding the notice to solict outside opinions on the extension of the supervisor certification. He is employed by one o of the smaller contractors in Southern MN (I don't recall which company and his name does not show up on the database). Mr. Peterson expressed support for the change if the MPCA feels it will be efective. I asked him to put his support in writing and send his comment to Tom by Aug. 15.

MEMBER PEI PETROLEUM EQUIPMENT INSTITUTE

Westside Equipment Installers, Inc.

902B HIGHWAY 55 - MEDINA, MINNESOTA 55340 - PHONE 478-9572

August 6, 1991

RECEIVED
AUG 08 1991
MPCA, HAZARDOUS WASTE DIVISION

Minnesota Pollution Control Agency
Hazardous Waste Division
520 Lafayette Road North
St. Paul, Minnesota 55155

Attn: Thomas P. Clark

Subject: Response to letter regarding proposed amendments to Minnesota rules, chapter 7105 relating to underground storage tank contractor training and certification.

Dear Tom;

In response to the change of the rules from two years to four years, I am very much in favor.
As a pump and tank dealer, service and installation company #0011 owner and certified supervisor #00744 I have to keep my installing personal and supervisors up to date monthly and even daily on the different types of system and designs coming out from the major oil companies, cities and municipality codes also. Therefore I feel the four year re-certification is more practical for people working every day in the petroleum equipment trade. Needless to say the original expense for us to pay wages and tuition for several people (four of us now) can get extreme, and then again the re-certification expense again. I am sure I am not the only owner (that is pump and tank dealer and installer) would like to see the re-certification class time cut to one or two days.

In closing, hopefully my comments generate interest and will be looking forward to seeing the amendment come through, the sooner the better.

Thank You

Steve Murphy

Special Resource Management, Inc.
Specialists in Waste and Resource Management Technology

RECEIVED
AUG 09 1991
MPCA, HAZARDOUS WASTE DIVISION

August 6, 1991

Minnesota Pollution Control Agency
Hazardous Waste Division
520 Lafayette Road North
St. Paul, MN 55155

Attention: Mr. Thomas P. Clark

Subject: Comments Regarding Proposed Amendments to Minnesota Rules Chapter 7105 Relating to Underground Storage Tank Contractor Training and Certification

Dear Mr. Clark:

Special Resource Management, Inc. (SRM) is pleased to submit comments concerning the proposed amendments to Minnesota Rules Chapter 7105.

Part 7105.0060, subp 6.	SRM recommends that the length of supervisor certification be extended from the current two year time frame to the proposed four year time frame from the date of successfully completing the training course examination.
Part 7105.0060, subp 7.	SRM recommends that supervisor certificates issued pursuant to reciprocal agreements with other states or organizations other than the approved MPCA approved training provider should expire four years after the final day of the approved training course.
Part 7105.0090, subp 5, item 5.	SRM recommends that diplomas include an expiration date for accreditation that is four years after the date on which the student passed the examination.

If you have any questions concerning these comments, please contact me at (701) 281-3903.

Sincerely,

Paul West

Paul K. West
Supervisor, Technical Services
Minnesota Underground Storage Tank Supervisor Certificate 02212
Minnesota Underground Storage Tank Contractor Certificate 0041

1447 44th St. N. - Fargo, North Dakota 58102-2854
(701) 281-3903 • 800-445-4404 (In North Dakota) • FAX (701) 281-9399
A Montana Power/Entech Company

Durnen Trucking & Excavating
901 West Burns Valley Road
Winona, MN 55987
Supervisor #02582
Contractor # 0069

RECEIVED
AUG 09 1991
MPCA, HAZARDOUS
WASTE DIVISION

August 8, 1991

Minnesota Pollution Control Agency
Hazardous Waste Division
Thomas P. Clark
520 Lafayette Road North
St. Paul, MN 55987

Mr. Clark,

This letter is in regard to your notice of intent to solicit outside information regarding proposed amendments to Minnesota Rules Chapter 7105 relating to Underground Storage Tank Contractor Training and Certification.

As a certified Underground Storage Tank Supervisor and Contractor, I totally agree with Minnesota Pollution Control Agency(MPCA) lengthing the certification period for supervisors before recertification is required from two years to four years.

Having gone through the training and certification of Underground Storage Tank Contractors; I would like to see more emphasis put on removing or closure of tanks. The course I attended put about 95% of the training on installation and 5% on removals and closures. If you would like, pass this information on to the training instructors.

Thank you for giving me this opportunity to express my opinions.

Sincerely,

Patrick J. Durnen
President

PJD/smd

SOUTHERN MINNESOTA OIL EQUIPMENT

INCORPORATED

MEMBER PEI PETROLEUM EQUIPMENT INSTITUTE

Eugene Stoltenberg
Route 2, Box 200
Stewartville, MN 55976
507-533-4251 or 282-4455

RECEIVED
AUG 09 1991
MPCA, HAZARDOUS
WASTE DIVISION

August 6, 1991

Minnesota Pollution Control Agency
Hazardous Waste Division
Thomas P. Clark
520 Lafayette Road North
St. Paul, MN 55155

Dear Thomas,

RE: Amendments to Minesota Rules Chapter 7105

This is to inform you of my opinion as to the amendments to the Minnesota Rules Chapter 7105 relating to underground storage tank contractor training and certification.

I believe in Part 7105.0090, subp. 5, item E. That diplomas would include and expiration date for accreditation that is four years after the date on which the student passed the examination.

Sincerely,

Eugene Stoltenberg

EUGENE STOLTENBERG,
President

ES/jm

VALLEY ELECTRIC & PETROLEUM EQUIPMENT

5510 10th Avenue North - P.O. Box 1355
Grand Forks, ND 58206-1355
(701) 772-7261 or Toll Free • 1-800-727-5499
FAX (701) 772-1301

August 6, 1991

RECEIVED
AUG 12 1991
MPCA, HAZARDOUS WASTE DIVISION

Minnesota Pollution Control Agency
Hazardous Waste Division
Thomas P. Clark
520 Lafayette Road North
St. Paul, Minnesota 55155

Re: Proposed amendment of Minn. rules ch. 7105

To Whom it May Concern,

Our Company would like to go on record as supporting the proposed amendment with regards to extending the length of time between recertification for supervisors for underground tank installers and removers.

Rule changes made between certification dates could be mailed to registered supervisors with returned signature cards kept on file at the MPCA to indicate that the supervisors have received and understand the rule changes.

We also would suggest that the rule changes be made retroactive to the start of the certification process, i.e. certifications issued in 1990 would be extended to 1994.

Thank you for the opportunity to offer our suggestions on this matter.

Sincerely,

Steve Sulland, President
Valley Electric & Petroleum Equipment, Inc.

Kleespie TANK AND PETROLEUM EQUIPMENT

Hwy. 28 & 59 N.E.
P.O. Box 106
Morris, MN 56267
Phone 612/589-2100

3521 Memorial Highway
P.O. Box 280
Mandan, ND 58554
Phone 701/663-6245

1415 SW Kandiyohi Avenue
Willmar, MN 56201
Phone 612/235-2509

August 8, 1991

RECEIVED
AUG 12 1991
MPCA, HAZARDOUS WASTE DIVISION

Mr. Thomas P. Clark
MINNESOTA POLLUTION CONTROL AGENCY
Hazardous Waste Division
520 Lafayette Road North
St. Paul, MN 55115

Dear Mr. Clark,

This letter is a response to the proposed amendments to Minnesota Rules Chapter 7105 relating to underground storage tank contractor training and certification.

I feel that Kleespie Tank and Petroleum Equipment has very knowledgeable people employed for the removal and installation of underground tanks. Our employees meet weekly to discuss new rules and techniques concerning tank installation and removal. New employees work under 12 certified supervisors and are taught the correct procedures. Proper certification of these employees costs our company many dollars for wages and subsistence. Extending certification from two years to four years would help us save lost time and wages. Applicants could be tested after two years, and those not achieving a test score of at least 90% would be required to retake the course.

I would also suggest shortening your tank installation course from five days to two days. This could easily be done if the course remained focused on tank installation or removal procedures. In addition, whenever there are installation or removal procedure changes, it would be extremely helpful if the Minnesota Pollution Control Agency would send out updates on their certification manuals. Many of the installation and removal problems could be taken care of in this way.

To a certain extent, I feel that the tank installation course did more harm than good. It gave many inexperienced excavators and installers a certificate to legally engage in procedures that they know very little about. By taking the course myself and listening to some of the questions that were asked, it was quite evident to me that several attending this course had <u>no</u> experience at all in this field. Since this class, Kleespie Tank has been contacted on several occasions by contractors who were certified in this course. The type of questions they asked demonstrated, as far as we are concerned, their grievous lack of knowledge in tank installation and removal procedures.

Kleespie Tank and Petroleum Equipment has very serious concerns about certifying inexperienced people to do work that should be done by knowledgeable companies with an experienced staff. According to the Tank and Spill section of the Hazardous Waste Division of the MPCA, the passing score for underground storage certification is only 75%. This is an allowance of an error margin of 25%! Such a margin of error involving work as volatile as tank and pump installation is, in our estimation, tantamount to playing Russian roulette. Certifying applicants who have low test scores means that the projects they are doing are more than likely not being done in a professional or even proper manner. This could very well result in property damage, pollution problems, personal injury, or even loss of life.

This is why Kleespie Tank and Petroleum Equipment suggests that a passing score for anyone seeking underground storage tank certification be no less than 90%. I feel that any requirement less than this may be courting a disaster of cataclysmic proportions. According to our records, Kleespie Tank's tank installation personnel have an average score of 93% in their test work.

I hope that these suggestions and concerns will be taken into serious consideration by the MPCA. Any comments from your office addressing these concerns would be most appreciated.

Sincerely,

Bob Kleespie

Bob Kleespie
President

Joe McNally
Project Coordinator

KWIK TRIP, INC.
P.O. Box 2107 • 1626 Oak Street • La Crosse, Wisconsin 54602-2107
Phone: (608) 781-8988 • Fax: (608) 781-8950

July 9, 1991

RECEIVED
AUG 12 1991
MPCA, HAZARDOUS WASTE DIVISION

Minnesota Pollution Control Agency
Division of Hazardous Waste
Thomas P. Clark
520 Lafayette Road North
St. Paul, Minnesota 55155

Re: Underground Storage Tank Contractor Training and Certification Proposal

Dear Mr. Clark,

Kwik Trip, Inc. would like to thank you for the opportunity to express an opinion on the letter we recieved.

We agree with the proposal to lengthen the certification period for supervisors from two years to four years. We also agree that this would be done after successfully completing the final training course examination.

Again, thank you for allowing us to express an opinion on this matter and please advise us of any new developments that may arise.

Sincerely

Ed Stellner

Ed Stellner
Ass't Director of Maintenance
Kwik Trip, Inc

ES/ps

BELAIR
EXCAVATING

RECEIVED
AUG 14 1991
MPCA, HAZARDOUS
WASTE DIVISION

August 12, 1991

Mr. Thomas Clark
Minnesota Pollution Control
Agency
Hazardous Waste Division
520 Lafayette Road North
St. Paul, MN 55155

SUBJECT: Continuing Education for Certified Underground Storage Tank Contractors

Dear Mr. Clark:

Pursuant to our conversation on Monday August 12, 1991, I believe that a refresher course lasting two eight-hour days every three years is sufficient education in this area.

Sincerely,

John E. Stenglein
Administrator

JES:mmr

443 8TH AVENUE NW • ST. PAUL, MN 55112 • (612) 633-6944 • FAX (612) 633-9350

From: MNPCA::CLARK_T "Tom....297-8617" 23-JUL-1991 13:55:30.34
To: LOCKWOOD, GERNES
CC: CLARK_T
Subj: Notice to solicit outside opinion for ch. 7105

Gary Thaden of MMCA called in response to the notice which he had seen in the 7/15 State Register. The discussion centered around: 1) Who we had sent the notice to and 2) Why we were proposing to extend the supervisor recertification period but not that for the contracting companies. On the first issue, I would recommend we send a copy of the notice to the certified contracting companies, if not the supervisors themselves. This is obviously a sensitive issue for MMCA and eventhough we have fulfilled the letter of the law by publishing the notice in the Register, we should probably do a separate mailing to the contractors.

On the second issue, I emphasized that this is just a notice to solicit opinions and was designed to ease our timeframe and give us time to put more thought into what would go into a recertification program. Our main concern is the supervisors themselves and their educational advancement. I referred him to Mark to discuss our thoughts as to what the recertification program would consist of.

Gary will be following his phone call with written comments before the August 15 deadline.

MINNESOTA MECHANICAL CONTRACTORS ASSOCIATION

Steven G. Pettersen, *Executive Vice President*

Larry Swanson, *President*
Harlan Perron, *Vice President*
Timothy Hayes, *Secretary*
P. Dan Gilbert, *Treasurer*

RECEIVED
AUG 15 1991
MPCA, HAZARDOUS WASTE DIVISION

Board of Directors
John Hendrickson
Tim McGuire
Douglas Olson
John Owens
Jerry St. Martin
Robert Westlund

August 14, 1991

Thomas P. Clark
Minnesota Pollution Control Agency
Hazardous Waste Division
520 Lafayette Road N.
St. Paul, Minnesota 55155

Dear Mr. Clark:

I am writing to you in response to your notice to solicit outside information regarding proposed amendments to Minnesota Rules Chapter 7105 (16 State Register 105).

My first point is that if supervisors' certificates are to be lengthened to four years, then contractors' certificates should also be lengthened to four years. Lengthening the contractors' certificates accomplishes similar goals to lengthening the supervisors' certificates. It also drastically cuts down on the MPCA renewal workload and lessens the paperwork contractors need to perform.

Second, the present certificates should be extended for two more years rather than making new certificates for four years. This will eliminate the need for MPCA to go through the entire renewal process for another two years. This will also allow all the concerned parties a two year period to set up permanent rules for the renewal of certificates.

The third point is a procedural issue. We never received notice of this solicitation until I told you that we already knew about the solicitation. We have been working with you on this issue for over a year. We requested that you keep us informed about all issues regarding underground tanks. We send Beth Lockwood, from your division, our monthly publication so MPCA will know about our industry, yet MPCA did not reciprocate. To say the least, this is very disappointing.

If you have any questions, please call me.

Sincerely,

Gary K. Thaden
Assistant Vice President

766 Transfer Road • St. Paul, Minnesota 55114-1470 • (612) 646-2121 • Fax (612) 646-9678

Representing EEO Employers

CERTIFICATE OF AGENCY'S AUTHORIZING RESOLUTION

I, Charles W. Williams, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the state of Minnesota, and that the following is a true, complete, and correct copy of the resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 22nd day of October, 1991, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Commissioner of the Minnesota Pollution Control Agency is hereby granted the authority to sign and give notice of the Minnesota Pollution Control Agency's intent to adopt, without a public hearing, the attached proposed amendment to the Underground Storage Tank Training and Certification Rules, ch. 7105, to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and publish the notice and the amendment in the State Register, and to perform any acts incidental thereto, including making any form changes in the rule amendment that the Revisor of Statutes requires the Minnesota Pollution Control Agency to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1990).
>
> BE IT FURTHER RESOLVED, that in the event that a public hearing becomes necessary, the Commissioner is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rule amendment as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for and Notice of Hearing, as well as acting as the Minnesota Pollution Control Agency's representative at all hearings.

IN WITNESS WHEREOF, I hereunto subscribed my name this 23 day of October, 1991.

Charles W. Williams
Commissioner

Pollution Control Agency

Proposed Permanent Rules Relating to Training and Certification; Underground Storage Tanks

Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.49 (1990).

All persons have until 4:30 p.m., on December 4, 1991, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the amendments. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

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

Thomas P. Clark
Tanks and Spills Section
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-3898
612/297-8617

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

The proposed amendments, if adopted, would extend the period an underground storage tank supervisor's certification is valid for, from two to four years. A copy of the proposed rule amendments follows this notice.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request at the above address.

You are hereby advised, pursuant to *Minnesota Statutes* § 13.115 (1988), "Small Business Considerations in Rulemaking," that the economic effect of these proposed amendments on small businesses is anticipated to be either neutral or beneficial. In drafting the proposed rules, the MPCA considered the potential impact on small businesses. A discussion of these considerations can be found in the Statement of Need and Reasonableness.

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

Charles W. Williams
Commissioner

Rules as Proposed

7105.0060 SUPERVISOR CERTIFICATION.

[For text of subps 1 to 5, see M.R.]

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

Subp. 6. **Length of supervisor certification.** Supervisor certificates expire ~~two~~ four years after the applicant successfully completes the final training course examination.

Subp. 7. **Reciprocity.** The commissioner shall approve a tank installer certification course sponsored by a state or organization other than an approved training provider if the commissioner determines that the course is comparable to the program outlined in parts 7105.0080 and 7105.0090. Persons seeking reciprocity under this subpart shall be required by the commissioner to pass an examination to verify their familiarity with Minnesota's laws pertaining to underground storage tank systems if the commissioner finds that their courses did not adequately address Minnesota's statutes and rules. This examination may be taken any time after the completion of the approved training course and before applying for certification. However, the certificate expires ~~two~~ four years after the final day of the approved training course.

7105.0090 EXAMINATIONS AND DIPLOMAS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Diplomas.** The training provider shall issue a numbered diploma to each student who completes the training course and successfully passes the examination. The following information must be included on the diploma:

[For text of items A to D, see M.R.]

E. an expiration date for accreditation that is ~~two~~ four years after the date on which the student passed the examination; and

[For text of item F, see M.R.]

If the person administering the examination is not the same person administering the course, both persons shall sign the diploma.

Veterans Homes Board

Proposed Permanent Rules Relating to Resident Care

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Veterans Homes Board (Board) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22 to 14.28. The Board's authority to adopt the rule is set forth in *Minnesota Statutes*, section 198.003, as amended by *Laws of Minnesota 1991*, Chapter 24.

These rules were originally published in the September 3, 1991 *State Register*, Volume 16, Number 10, pages 478 through 484. All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. All comments must be submitted by the ending date and time of December 6, 1991 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

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

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

Robert Klukas
or
Eileen Hanlon
Minnesota Veterans Homes Board
Veterans Service Building
20 West 12th Street, Room 122
St. Paul, Minnesota 55155
(612) 296-2073

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this mailed notice and has been published in the September 3, 1991 *State Register* on pages 478 through 484.

The proposed amendments to *Minnesota Rules*, Parts 9050.0010 to 9050.0900 govern the operation of the Minnesota Veterans Homes and establish the standards used to determine:

A. an applicant's eligibility and suitability for admission to a board-operated facility;

CARL BOLANDER & SONS CO.
251 STARKEY STREET • P.O. BOX 7216 • SAINT PAUL, MINNESOTA 55107 • (612) 224-6299

RECEIVED
NOV 11 1991
MPCA, HAZARDOUS WASTE DIVISION

November 7, 1991

Thomas P. Clark
Tanks and Spills Section
Hazardous Waste Division
MN Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Re: Proposed Rule Amendments for Certification
of UST Installers, Removers and Repairers

Dear Mr. Clark,

By this letter I officially support the extension period of UST supervisor certification from two to four years.

Sincerely,

CARL BOLANDER & SONS CO.

Ronald A. Stenerson
Safety Director

RECEIVED
NOV 12 1991
MPCA, HAZARDOUS
WASTE DIVISION

November 11, 1991

State of Minnesota
Pollution Control Agency
Hazardous Waste Division
Tanks and Spills Section
520 Lafayette Road North
St. Paul, Minnesota 55155

Attn: Tom P. Clark

Dear Tom,

In reference to letter dated 10/23/91, in regards to proposed amendments to the rule, chapter 7105 to extend underground storage tank supervisor certification from two to four years.

I am very much in favor of the amendment and I do not feel that a public hearing is necessary.

Sincerely
Joe Schmidt

Signed _____

Certification # 774

AF of L - CIO

MINNEAPOLIS PIPEFITTERS JOINT JOURNEYMAN
and APPRENTICE COMMITTEE

702 DUNWOODY BOULEVARD
MINNEAPOLIS, MINNESOTA 55403
PHONE 377-8432
FAX 377-8612

RECEIVED
NOV 12 1991
MPCA, HAZARDOUS
WASTE DIVISION

Thomas P. Clark
Tanks and Spills
Hazardous Waste Div.
Mn. Pollution Contorl Div.
St. Paul, Mn. 55155

Dear Mr. Clark:

Just a short note to tell you that I am in favor of the proposed rules changes by the MPCA.

This would change the storage tank supervisors certification from two years to four years. In fact I would support a change to six years.

If you have any questions please contact me at 377-8432.

Sincerely,

Bob Gfroerer

Bob Gfroerer
Coordinator

November 11, 1991

RECEIVED
NOV 14 1991
MPCA, HAZARDOUS
WASTE DIVISION

State of Minnesota
Pollution Control Agency
Hazardous Waste Division
Tanks and Spills Section
520 Lafayette Road North
St. Paul, Minnesota 55155

Attn: Tom P. Clark

Dear Tom,

In reference to letter dated 10/23/91, in regards to proposed amendments to the rule, chapter 7105 to extend underground storage tank supervisor certification from two to four years.

I am very much in favor of the amendment and I do not feel that a public hearing is necessary.

Sincerely
Michael Kaczmarcik

Signed Michael Kaczmarcik
Certification # 764

November 11, 1991

RECEIVED
NOV 14 1991
MPCA, HAZARDOUS
WASTE DIVISION

State of Minnesota
Pollution Control Agency
Hazardous Waste Division
Tanks and Spills Section
520 Lafayette Road North
St. Paul, Minnesota 55155

Attn: Tom P. Clark

Dear Tom,

In reference to letter dated 10/23/91, in regards to proposed amendments to the rule, chapter 7105 to extend underground storage tank supervisor certification from two to four years.

I am very much in favor of the amendment and I do not feel that a public hearing is necessary.

Sincerely
Steven M. Murphy
Signed
Certification #00744 3/92

RECEIVED
NOV 18 1991
MPCA, HAZARDOUS
WASTE DIVISION

November 11, 1991

State of Minnesota
Pollution Control Agency
Hazardous Waste Division
Tanks and Spills Section
520 Lafayette Road North
St. Paul, Minnesota 55155

Attn: Tom P. Clark

Dear Tom,

In reference to letter dated 10/23/91, in regards to proposed amendments to the rule, chapter 7105 to extend underground storage tank supervisor certification from two to four years.

I am very much in favor of the amendment and I do not feel that a public hearing is necessary.

Sincerely,
Richard Utsch

Signed Richard Utsch
Certification # 0025 4

RECEIVED
NOV 13 199
MPCA, HAZARDOUS
WASTE DIVISION

MINNESOTA MECHANICAL CONTRACTORS ASSOCIATION

Steven G. Pettersen,
Executive Vice President

Larry Swanson, *President*
Harlan Perron, *Vice President*
Timothy Hayes, *Secretary*
P. Dan Gilbert, *Treasurer*

RECEIVED
NOV 20 1991
MPCA, HAZARDOUS WASTE DIVISION

Board of Directors
John Hendrickson
Tim McGuire
Douglas Olson
John Owens
Jerry St. Martin
Robert Westlund

November 19, 1991

Thomas P. Clark
Tanks and Spills Section
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: Proposed Amendment of Rules for the Certification of Underground Storage Tank Installers, Removers, and Repairers (16 S.R. 1125)

Dear Mr. Clark:

I am writing to you to express our support for the changes you are proposing to the Underground Storage Tank Certification Rules. Extending the supervisor certification from two years to four years makes sense from the industry's perspective. We are not seeking any modifications, nor are we requesting a public hearing for this rule change. We look forward to working with you in the future.

Sincerely,

Steven G. Pettersen
Executive Vice President

766 Transfer Road • St. Paul, Minnesota 55114-1470 • (612) 646-2121 • Fax (612) 646-9678

Representing EEO Employers

O'DAY EQUIPMENT, INC.

1301 - 40TH STREET N.W.
P.O. BOX 2706
FARGO, ND 58108
(701) 282-9260

Petroleum • Chemical • Industrial Equipment

RECEIVED
NOV 25 1991
MPCA, HAZARDOUS WASTE DIVISION

November 19, 1991

Thomas P. Clark
Tanks & Spills Section
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: Comments on Proposed Changes to Minnesota Rules Chapter 7105

Dear Mr. Clark:

We are in support of the proposed change in Chapter 7105.0060. A four year certification period for supervisors is more reasonable than a two year period. Granted there may be changes in regulations and procedures from year to year, we do not feel there is enough changes to justify a recertification every two years. With new equipment coming into the industry and upgrades of the existing equipment, it is imperative that contractors take it upon themselves to maintain training on installing and servicing this equipment. As most training is scheduled in the slower time of the year, the change of the Minnesota certification from two to four years allows contractors more flexibility in scheduling other important training.

However, we would like to know if the Contractor's Certification would be changed from two years to four years along with this proposed rule change.

Sincerely,

O'DAY EQUIPMENT, INC.

Duane Grippe
Project Engineer

DG:rr

cc: John Suhreptz
Dave Reed
Jim O'Day

Special Resource Management, Inc.
Specialists in Waste and Resource Management Technology

RECEIVED
DEC 04 1991
MPCA, HAZARDOUS WASTE DIVISION

December 2, 1991

Tanks and Spills Section
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Attention: Mr. Thomas P. Clark

Subject: Comments Regarding Proposed Amendments to Minnesota Rules Chapter 7105 Relating to Underground Storage Tank Contractor Training and Certification

Dear Mr. Clark:

Special Resource Management, Inc. (SRM) is pleased to submit comments concerning the proposed amendments to Minnesota Rules Chapter 7105.

Part 7105.0060, subp 6.	SRM recommends that the length of supervisor certification be set at four years from the date of successfully completing the training course examination as detailed in the proposed rules.
Part 7105.0060, subp 7.	SRM recommends that supervisor certificates issued pursuant to reciprocal agreements with other states or organizations other than the approved MPCA approved training provider should expire four years after the final day of the approved training course as detailed in the proposed rules.
Part 7105.0090, subp 5, item E.	SRM recommends that diplomas include an expiration date for accreditation that is four years after the date on which the student passed the examination as detailed in the proposed rules.

If you have any questions concerning these comments, please contact me at (701) 281-3903.

Sincerely,

Paul K. West
Supervisor, Technical Services
Minnesota Underground Storage Tank Supervisor Certificate 02212
Minnesota Underground Storage Tank Contractor Certificate 0041

1447 44th St. N. - Fargo, North Dakota 58102-2854
(701) 281-3903 • 800-445-4404 (In North Dakota) • FAX (701) 281-9399
A Montana Power/Entech Company

11/8/91, 11:00 am

Doug Dudeck
Newmach Co., Inc.
1633 Eustis St.
St. Paul, MN 55113

642-5547

Supports 4 yr recertification

Integrated Ground Water I mation System (I.G.W.I.S.)

Detail Defi cy Report

Facility ID: xxxxxxxxxxxx Program Code: xxx Facility Type: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx MPCA ID: xxxxxxxxxxxx

Facility Name: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Station No.	Typ	Date Report Received	Required Reporting Date	Actual Sample Date	Required Sample Date	Sampling Requirements Table	Sampling Requirements Excep.	Conf. Factor	Missing Parameters
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xxxxxx	x	xx/xx/xx	xx/xx/xx	xx/xx/xx	xx/xx/xx	xx	Y	xxx	xxxxxxxxxxxxxxxxxxxxxxx
xxxxxx	x	xx/xx/xx	xx/xx/xx	xx/xx/xx	xx/xx/xx	xx	Y	xxx	xxxxxxxxxxxxxxxxxxxxxxx
xxxxxx	x	xx/xx/xx	xx/xx/xx	xx/xx/xx	xx/xx/xx	xx	N	xxx	xxxxxxxxxxxxxxxxxxxxxxx
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									xxxxxxxxxxxxxxxxxxxxxxx

Carroll Herbst, 12/3/91
Herbst Construction
In favor of the Rule 7105 amendment extending the supervison cert from two to four yrs.

Phone call comment received by M Gerner
3:40 12/3/91

State of Minnesota
Pollution Control Agency

In the Matter of the Proposed Amendment of Rules for the Certification of Underground Storage Tank Installers, Removers and Repairers, Minn. Rules ch. 7105

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rule is set forth in Minn. Stat. § 116.49 (1990).

(2) All persons have until 4:30 p.m. on December 4, 1991, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the amendments. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendments within the comment period. (4) If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. (6) Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the MPCA will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1990).

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

Thomas P. Clark
Tanks and Spills Section
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/297-8617

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

(11) The proposed amendments, if adopted, would extend the period an underground storage tank supervisor's certification is valid for, from two to four years. A copy of the proposed rule amendments follows this notice.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request at the above address.

(14) You are hereby advised, pursuant to Minn. Stat. § 13.115 (1988), "Small Business Considerations in Rulemaking," that the economic effect of these proposed amendments on small businesses is anticipated to be either neutral or beneficial. In drafting the proposed rules, the MPCA considered the potential impact on small businesses. A discussion of these considerations can be found in the Statement of Need and Reasonableness.

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

Date: 10/23/91

Charles W. Williams
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Amendments to Underground Storage Tank Training and Certification Rules, Minn. Rules, ch. 7105

AFFIDAVIT OF MAILING OF NOTICE OF INTENT TO AMEND RULES AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)S..
COUNTY OF RAMSEY)

Thomas P. Clark, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) that their names be placed on the Minnesota Pollution Control Agency's rulemaking mailing list is accurate, complete, and current as of this 6th day of November, 1991.

That on the 6th day of November, 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Amend Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System or in the United States Mail for first class mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Thomas P. Clark

Subscribed and sworn to before me
this 8 day of November, 1991

Diane Fox
Notary Public

DIANE FOX
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 2-25-96

12/5/91 clark_t boardmail

Interested Party Mailing List--Ch. 7105

Mr. Harold Roscamp
Minnesota Service Station Association
1705 Marion St.
St. Paul, MN 55113

Mr. Robert Krogman
Minnesota Petroleum Marketers Association
2345 Rice St.
St. Paul, MN 55113

Mr. Darryl Bunge
Minnesota Petroleum Association
350 St. Peter St., Suite 1025
St. Paul, MN 55102

Mr. Steve Pettersen
Minnesota Mechanical Contractors Association
766 Transfer Rd.
St Paul, MN 55114

Mr. Robert James
Office of State Fire Marshall
285 Bigelow Bldg.
450 N. Syndicate St.
St. Paul, MN 55104

Mr. Neal Opstad
Albert Lea Technical College
2200 Tech Drive
Albert Lea, MN 56007

Mr. George Halloran
U. S. Environmental Protection Agency
Region 5--Office of Underground Storage Tanks
230 S. Dearborn St.
Chicago, IL 60604

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CIRCLE PINES, MN 55014
02793

MR. DAN J. HELM
HAZ-I-DENT, INC.
1809 CEDAR AVENUE, SUITE 204
WHITE BEAR LAKE, MN 55110
02794

G ROBERT JOHNSON
POPHAM HAIK SCHNOBRICH
3300 PIPER JAFFRAY TOWER
222 S 9TH STREET
MPLS, MN 55402
03076

DAVID M BENFORADO, P E
3M COMPANY
BLDG #21 2W 06
900 BUSH AVE
ST PAUL, MN 55144
04217

ANOKA COUNTY ENV SERV
COURTHOUSE
325 E MAIN STREET
ANOKA, MN 55303

HWM Technologies, Inc.
423 S Main St.
Stillwater, MN 55082

Midwest Food Processors Assn.
P.O. Box 1297
Madison, WI 53701

Al Olson
fman Engineering Co
Ehlen Dr.
Anoka, MN 55303

05383