

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC
3/10/92

RULE REVIEW CHECKLIST

File No. 1905
DATE RECEIVED 3-10-92
REVIEW DATE 3-19-92
DUE DATE 3-24-92
(DIS)APPROVED 3-23-92mjc
WITHDRAWN _____

Docket No. 050009 1400
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 3/10/92
REVISOR (DIS)APPROVED 3-11-92
FILED W/SEC. OF STATE 3-23-92
RETURNED TO AGENCY 3-23-92

✓ Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)
_____ 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
144.97 144.98 Statutory Authority
✓ Small Business Statement
_____ Expenditure of public money statement
Oct 4, 1991 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Oct 17, 1991 Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
October 30, 1991 Date 30/25 days before adoption Nov 4, 1991 Corrected errors didn't change comment period.

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

_____ Resolution Adopting
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Feb 3, 1992 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Dick Wexler Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

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

Rules acl

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

OFFICE MEMORANDUM

DATE: March 23, 1992

TO: Pauline M. Bouchard, J.D., Director
Public Health Laboratory Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, MN

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

The above-referenced rule has been approved as to its legality by the Attorney General on March 23, 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.

MJC:jj

cc: Richard A. Wexler
William Brown, Chief Judge
MaryAnn Hruby

Department of Health

Adopted Permanent Rules Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

Rules as Adopted

4740.2040 CERTIFIED TEST CATEGORIES.

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

Subp. 5. **Volatile organic compounds (VOCs)**

A. Analytes eligible for certification under the Clean Water Program are:

(1) Dichlorodifluoromethane;

(2) Chloromethane;

(3) Vinyl chloride;

(4) Bromomethane;

(5) Chloroethane;

(6) ~~Dichlorofluoromethane;~~

~~(7)~~ Trichlorofluoromethane;

~~(8) Trichlorotrifluoroethane;~~

~~(9)~~ (7) 1,1-Dichloroethene;

~~(10) Allyl Chloride;~~

~~(11)~~ (8) Methylene chloride;

~~(12)~~ (9) trans-1,2-Dichloroethene;

~~(13)~~ (10) 1,1-Dichloroethane;

~~(14)~~ (11) 2,2-Dichloropropane;

~~(15)~~ (12) cis-1,2 Dichloroethene;

~~(16)~~ (13) Chloroform;

~~(17)~~ (14) Bromochloromethane;

~~(18)~~ (15) 1,1,1-Trichloroethane;

~~(19) 1,1-Dichloropropene;~~

~~(20)~~ (16) Carbon tetrachloride;

~~(21)~~ (17) 1,2-Dichloroethane;

~~(22)~~ (18) Trichloroethene

~~(23)~~ (19) 1,2-Dichloropropane;

~~(24)~~ (20) Bromodichloromethane;

Approved by Revisor

~~(25)~~ (21) Dibromomethane;

~~(26)~~ (22) cis-1,3-Dichloropropene;

~~(27)~~ (23) trans-1,3-Dichloropropene;

~~(28)~~ (24) 1,1,2-Trichloroethane;

~~(29)~~ (25) 1,3-Dichloropropane;

~~(30)~~ (26) Tetrachloroethene;

~~(31)~~ (27) Chlorodibromomethane;

~~(32)~~ (28) 1,2-Dibromoethane;

~~(33)~~ (29) Chlorobenzene;

~~(34)~~ (30) 1,1,1,2-Tetrachloroethane;

~~(35)~~ (31) Bromoform;

~~(36)~~ (32) 1,1,2,2-Tetrachloroethane;

~~(37)~~ (33) 1,2,3-Trichloropropane;

~~(38)~~ (34) Bromobenzene

~~(39)~~ (35) 2-Chlorotoluene

~~(40)~~ (36) 4-Chlorotoluene;

~~(41)~~ (37) 1,3-Dichlorobenzene;

~~(42)~~ (38) 1,4-Dichlorobenzene;

~~(43)~~ (39) 1,2-Dichlorobenzene;

~~(44)~~ (40) 1,2-Dibromo-3-Chloropropane;

~~(45)~~ (41) 1,2,4-Trichlorobenzene;

~~(46)~~ (42) Hexachlorobutadiene;

~~(47)~~ (43) 1,2,3-Trichlorobenzene;

~~(48) Ethyl Ether;~~

~~(49) Acetone;~~

~~(50) Methyl-tertiary-Butyl-Ether;~~

~~(51) Methyl-Ethyl-Ketone;~~

~~(52) Tetrahydrofuran;~~

~~(53)~~ (44) Benzene;

~~(54) Methyl-Isobutyl-Ketone;~~

~~(55)~~ (45) Toluene;

~~(56)~~ (46) Ethylbenzene;

~~(57)~~ (47) m+p-Xylene;

~~(58)~~ (48) o-Xylene;

~~(59)~~ (49) Styrene;

~~(60)~~ (50) Isopropylbenzene;

Approved
by Revisor _____

~~(61)~~ (51) n-Propyl Benzene;

~~(62)~~ (52) 1,3,5-Trimethylbenzene;

~~(63)~~ (53) Tert-Butylbenzene;

~~(64)~~ (54) 1,2,4-Trimethylbenzene;

~~(65)~~ (55) sec-Butylbenzene;

~~(66)~~ (56) p-Isopropyltoluene;

~~(67)~~ (57) n-Butylbenzene; and

~~(68)~~ (58) Naphthalene.

B. Analytes eligible for certification under the Safe Drinking Water Program are:

(1) Chloromethane;

(2) Vinyl chloride;

(3) Bromomethane;

(4) Chloroethane;

(5) 1,1-Dichloroethene;

(6) Methylene chloride;

(7) Trans-1,2-Dichloroethene;

(8) 1,1-Dichloroethane;

(9) 2,2-Dichloropropane;

(10) cis-1,2 Dichloroethene;

(11) Chloroform;

(12) 1,1,1-Trichloroethane;

(13) 1,2-dichloropropene;

(14) Carbon tetrachloride;

(15) 1,2-Dichloroethane;

(16) 1,2-Dichloropropane;

(17) Trichloroethene;

(18) Bromodichloromethane;

(19) Dibromomethane;

(20) cis-1,3-Dichloropropene;

(21) trans-1,3-Dichloropropene;

(22) 1,1,2-Trichloroethane;

(23) 1,3-Dichloropropane;

(24) Tetrachloroethene;

(25) Chlorodibromomethane;

(26) 1,2-Dibromoethane;

Approved
by Revisor _____

(27) Chlorobenzene;

(28) 1,1,1,2-Tetrachloroethane;

(29) Bromoform;

(30) 1,1,2,2-Tetrachloroethane;

(31) 1,2,3-Trichloropropane;

(32) Bromobenzene;

(33) 2-Chlorotoluene;

(34) 4-Chlorotoluene;

(35) 1,3-Dichlorobenzene;

(36) 1,4-Dichlorobenzene;

(37) 1,2-Dichlorobenzene;

(38) 1,2-Dibromo-3-Chloropropane;

(39) Benzene;

(40) Toluene;

(41) Ethylbenzene;

(42) m+p-Xylene;

(43) o-Xylene; and

(44) Styrene.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

March 23 1992

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 23 1992

Joan Anderson Growe
Secretary of State

Bay West

Bay West Inc.
Five Empire Drive
St. Paul, Minnesota
55103-1857

612-291-0456
FAX 291-0099

TELECOMMUNICATION TRANSMITTAL

DATE 11/21/91 **TIME** 16:00

TO **Addressee:** Director Pauline Bouchard

Company: MN Dept of Health

Fax No: 623 - 5514

FROM **Originator:** T. Tweeten

Number of Pages (including transmittal sheet): 2

Title of Document: Rules Comments 4740.2040

Comments:

Please call the Originator at 612-291-0456 if you have any problems receiving this transmission.

Thank you.

Bay West Analytical Laboratory

Bay West Inc.
Five Empire Drive
St. Paul, Minnesota
55103-1867

612-291-0456
FAX 291-0099

Comment # 2
ACC FAX

November 21, 1991

Pauline M. Bouchard, J.D., Director
Public Health Laboratory Division
Minnesota Department of Health
717 Deleware Street Southeast
Minneapolis, MN 55440

Dear Director Bouchard:

The following are my concerns regarding the proposed rule change to Minnesota Rules part 4740.2040:

1. What are the detection limit requirments for the revised rule? Detection limits should be reasonable and attainable using standard EPA methods for surface water and drinking water.

2. Will a method be specified for the revised rule? The proposed list should comply with a standard EPA list. As a step toward a common national accreditation program, Minnesota must develop test groups which are in accordance with national clean water and drinking water programs.

3. What will be the quality assurance criteria for VOC data verification? For example, to what extent will sample spiking be required? How will the criteria be established for acceptable spike recovers for each of the test components?

Please send Bay West Analytical Laboratory a copy of Minnesota Rule part 4740.2040 as amended when available.

Sincerely,

Thomas N. Tweeten

Thomas N. Tweeten, Ph.D.
Laboratory Director

Bay West Analytical Laboratory

Bay West Inc.
Five Empire Drive
St Paul, Minnesota
55103-1657

612-291-0456
FAX 291-0099

November 21, 1991

Pauline M. Bouchard, J.D., Director
Public Health Laboratory Division
Minnesota Department of Health
717 Deleware Street Southeast
Minneapolis, MN 55440

Dear Director Bouchard:

The following are my concerns regarding the proposed rule change to Minnesota Rules part 4740.2040:

1. What are the detection limit requirments for the revised rule? Detection limits should be reasonable and attainable using standard EPA methods for surface water and drinking water.

2. Will a method be specified for the revised rule? The proposed list should comply with a standard EPA list. As a step toward a common national accreditation program, Minnesota must develop test groups which are in accordance with national clean water and drinking water programs.

3. What will be the quality assurance criteria for VOC data verification? For example, to what extent will sample spiking be required? How will the criteria be established for acceptable spike recovers for each of the test components?

Please send Bay West Analytical Laboratory a copy of Minnesota Rule part 4740.2040 as amended when available.

Sincerely,

Thomas N. Tweeten

Thomas N. Tweeten, Ph.D.
Laboratory Director

BRAUN[SM]
INTERTEC

Braun Intertec Environmental, Inc.
6875 Washington Avenue South
P.O. Box 39108
Minneapolis, Minnesota 55439-0108
612-941-5600 Fax: 942-4844

Engineers and Scientists Serving the Built and Natural Environments

November 21, 1991

Ms. Pauline M. Bouchard, J.D., Director
Public Health Laboratory Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, MN 55440

Dear Ms. Bouchard:

We are writing to express our concern about the proposed adoption of an amendment to Part 4740.2040, by adding subpart 5 relating to volatile organic analysts eligible for certification under the Environmental Laboratory Rules.

We are interested as to why the additional organic compounds have been added to the organic compound list for Clean Water certification. These extra compounds are not on EPA 502.2, 601, 602, 8010 and 8020 Method Lists. We feel that the certification requirements should not require laboratories to use the 465 series methods for the Clean Water Program. These extra compounds are not in any performance evaluation studies e.g., Water Pollution or required by the EPA. We think the Clean Water and Safe Drinking Water Acts should only include the EPA methods as described above. We would like you to take this into close consideration upon acceptance of this proposed amendment.

If you have any comments or need additional information from our laboratory, please contact Anne Ochs or myself at (612) 941-5600.

Sincerely,

Louise R. Ogden
Quality Assurance Coordinator

Anne L. Ochs
Vice President/
Laboratory Manager

cc: Mr. Steve Albrecht
Ms. Linda Crawford

lro/alo:saj/mdh.nov

Reply to comments

Minnesota Department of Health
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, MN 55440-9441
(612) 623-5000

January 10, 1992

To: Persons Commenting on the Proposed Laboratory Certification Rule Relating to VOC's

From: Pauline Bouchard, J.D., Director
Public Health Laboratory Division

For your information, based on your comments and suggestions, and with concurrence from the PCA Division of Water Quality, the following compounds will not be included in the Clean Water Program portion of the final rule:

Dichlorofluoromethane
Trichlorotrifluoroethane
Allyl Chloride
1,1 Dichloropropene
Ethyl Ether
Acetone
Methyl tertiary-Butyl Ether
Methyl Ethyl Ketone
Tetrahydrofuran
Methyl Isobutyl Ketone

A Notice of Adoption will be published in the near future, the final rule should be in effect prior to March 1, 1992 and we will provide a copy of it to you at that time.

Feel free to call me at 623-5331 if you have any questions.

PMB:j.

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: March 9, 1992

TO: PATRICIA NOLTE
Legal Assistant
Public Finance Division

FROM: RICHARD A. WEXLER
Assistant Attorney General

PHONE: 297-5934

SUBJECT: In the Matter of the Proposed Adoption of an Amendment to Part 4740.2040 by Adding Subpart 5 Relating to Volatile Organic Analytes Eligible for Certification Under the Environmental Laboratory Rules

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1990) and Minn. Rules pt. 2010.0300 (1991), are the following documents to support the above-referenced rule:

1. Rules as proposed with a certificate of approval as to form by the Revisor of Statutes attached;

2. Notice of Intent to Adopt Rules Without a Public Hearing (as mailed);

3. Statement of Need and Reasonableness;

4. Affidavit of Mailing the Notice of Intent to Adopt Rules Without a Public Hearing and Certificate of Mailing List;

5. Affidavit of Mailing the Notice of Intent to Adopt Rules without a Public Hearing and Statement of Need and Reasonableness (to the LCRAR);

6. Notice of Intent to Adopt Rules Without a Public Hearing (as published in the State Register);

7. Corrected Notice of Intent to Adopt Rules without a Public Hearing (as published in the State Register);

8. Rules as adopted (original and three copies);

9. Findings of Fact, Conclusions, and Order Adopting Rules;

10. Declaration of Counsel; and

11. Comments received pursuant to the Notice of Intent to Adopt Rules without a Public Hearing.

The Department did not seek outside advice regarding these rule amendments; accordingly, it did not publish a Notice of Intent to Solicit Outside

Opinion. In addition, no one requested to be notified when the rulemaking record was submitted to the Attorney General's office. The Department also did not receive any requests for a hearing.

Items 6 and 7 above, the Notice of Intent to Adopt Rules Without a Public Hearing and the Corrected Notice, require an explanation. The first notice has two errors in it. In two different places in the body of the notice, the citation to the rule being amended has typographical errors in it. The correct citation is Minn. Rules pt. 4740.2040. In the first paragraph of the notice, the citation is listed as part 4740.2020 and in the sixth paragraph as part 4790.2040.

In March of 1991 the Department adopted amendments to the same part being amended by this rulemaking proceeding. The notice for the first proceeding had the same identical errors as in the notice for the present proceeding.

On January 11, 1991, shortly after the problem with the first notice came to my attention, I met with Christie Eller and Marty Casserly regarding how to correct this problem. We discussed two questions. The first one was whether the Department had to send a corrected notice to all individuals to whom it had mailed a copy of the original notice in addition to publishing a notice of correction in the State Register. The second issue was whether the Department would have to extend the comment period 30 days from the date the notice or correction was published. Christie and Marty both concluded that the publication of the corrected notice in the State Register was sufficient and that extension of the 30-day comment period was unnecessary.

There were two reasons for these conclusions. A review of chapter 14 revealed that it did not explicitly require a citation to the rule being amended. Thus, Christie felt that they could make a determination as to whether the mistakes were so misleading as to require publication of a new notice. It was Christie and Marty's determination with respect to the rule citation that the mistake was inconsequential because the rule to be amended was properly cited at the end of the notice where the proposed amendment was printed in full.

Fortunately, the same situation exists with this second proceeding as the rule to be amended was properly cited at the end of the notice where the proposed amendment was recited. As with the first proceeding, the error with the second notice likewise should be considered inconsequential.

If you have any questions, please call me.

RAW:jln

Enclosures

cc: Pauline Bouchard

144.97 Definitions

144.98

subj 2 The commissioner may adopt rules to implement this section including etc

end of comment period Nov 21, 1991
republished a notice of Nov 4 changed
- corrected cite to rule in summary of rule paragraph

took out a large number of compounds (10) due to comments but aren't included in EPA so O.K. I don't think it is a substantial change

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Adoption of an Amendment to Part 4740.2040, by Adding Subpart 5 Relating to Volatile Organic Analytes Eligible for Certification Under the Environmental Testing Laboratory Rules

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Although the practice of laboratory testing of environmental samples has been ongoing for many years, it has historically related to human health concerns about waste water and drinking water. With the dawning of environmental awareness in the early 1970's, Congress enacted expansions of the narrowly focused environmental programs and developed ambitious new ones such as the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, and the Superfund. These programs covered a variety of environmental media including water, air, and land and caused an explosion in environmental testing.

The primary regulatory agency at the federal level, the U.S. Environmental Protection Agency (EPA), established environmental programs with substantial monitoring and testing requirements. A state could be delegated permit and regulatory authority from EPA if a state program existed that was consistent with and at least as stringent as the federal program. Minnesota received such authority to run the major environmental regulatory programs. The Minnesota Department of Health (hereinafter "MDH") has responsibility for enforcement of the Safe Drinking Water Act; the other major environmental programs are administered by the Pollution Control Agency.

The influx of environmental testing data placed a burden on the state agencies to determine data reliability. Judgments about compliance and impacts were only as good

as the data upon which they were based. Although EPA inspected and certified the MDH laboratory, few other laboratories in Minnesota doing environmental testing were subject to review for the adequacy and reliability of their operation.

In 1986, Congress amended the Safe Drinking Water Act, increasing the number of chemical, biological, and radiochemical measurements in public water supplies from 23 to 83. Although the MDH Laboratory had performed all necessary tests on public water supplies under the Safe Drinking Water Act, this increased workload of necessity would need to be distributed among laboratories outside the Department of Health. In February, 1987, the Office of the Minnesota Legislative Auditor issued a report on "Water Quality Monitoring." The report recommended the establishment of a state certification program for environmental laboratories. Voicing concern about the amount of money spent on water quality monitoring in Minnesota and the impact the monitoring results have on regulatory decisions, the auditor stated: "It is important that decisions on these matters be based on accurate data. The best way to ensure accuracy is to require laboratories to demonstrate their ability to perform those analyses." In the 1988 session, the legislature authorized the Commissioner of Health (hereinafter "Commissioner") to certify laboratories that test environmental samples by the enactment of Minn. Stat. §§ 144.97 and 144.98.

Although the legislation speaks broadly to environmental samples, to initiate the certification program the Commissioner decided to focus on environmental analytes in water and wastewater because these analytes have a long history of testing. Well established procedures exist to monitor them and the methodology is well defined and widely distributed. Historically, because of the human health concerns, discharges of wastewater and providers of public drinking water supplies have had to monitor, and this type of monitoring is expanding and generates the majority of analytical environmental test data produced in Minnesota.

In view of the history and legislative authority, the Commissioner adopted Minn. Rules pts. 4740.2010 to 4740.2040 on January 29, 1990. The rules specify the

administrative procedures associated with certification of environmental laboratories, requirements for base certification, and the various kinds of analytes for which the Commissioner will certify a laboratory's performance. These rules were adopted as the first phase of a multi-phased implementation of the legislation authorizing the Commissioner to certify environmental laboratories. The analytes contained in the rules basically covered the first three test categories listed in the fee section of the authorizing legislation. Minn. Stat. § 144.98, subd. 3. Metals analytes were added to the rules through the amendment of Minn. Rules part 4740.2040, subpart 4, which became effective on April 29, 1991. The proposed rule amendment, implementing phase three, expands the categories of analytes for which a laboratory may be certified to include volatile organic compounds. The amendment now brings in the sixth test category listed in subdivision 3 of section 144.98.

II. STATEMENT OF THE COMMISSIONER'S STATUTORY AUTHORITY

The Commissioner's statutory authority to adopt a rule related to certification procedures for environmental testing laboratories is set forth in Minn. Stat. § 144.98 which provides in relevant part that the Commissioner may adopt rules to implement this section, including the test categories for which certification is available as specified in Minn. Stat. § 144.98, subd. 3.

III. STATEMENT OF NEED

As noted in the Introduction section, the Commissioner decided to implement laboratory certification in stages. The reason for doing so is that the Department of Health had not previously been involved in a certification role of this scope. Administratively, the Department would have found it difficult to perform its role if certification were implemented all at once. Thus, with the rules adopted in January, 1990, the Department established the application process and certification standards and started with a list of analytes in part 4740.2040 which involved the simplest tests to perform. These tests were also the easiest for the Department to verify because they involve better established procedures. This approach to certification also enabled the largest number of laboratories

to become certified because laboratories are more likely to perform the easier rather than the more complex tests.

The Department is now ready administratively to perform the verification process for more complex test categories and thus to increase the number and types of analytes for which environmental laboratories may be certified. The new analytes require the use of more complicated tests which require more sophisticated instrumentation. By adding these analytes, the Department will have covered the first six test categories listed in Minn. Stat. § 144.98, subd. 3. (The remaining test category will be addressed in future amendments to the rule.)

The adoption of the rules in January, 1990, and of the first amendment in April, 1991, started implementation of section 144.98. With this proposed rule amendment, the Department will take another step toward full implementation of the section, which it must do in order to make it fully effective. There is also a need to enable environmental laboratories to become certified to perform these additional tests on environmental samples because under the federal Safe Drinking Water Act and Clean Water Act certification is required.

IV. STATEMENT OF REASONABLENESS

The proposed rule is reasonable because it meets the existing federal requirements and recommendations regarding analytes to be tested in drinking water laboratory certification programs, and in permits issued by the Minnesota Pollution Control Agency to entities which discharge wastewater. Because the entire certification program is driven by the federal water quality programs, it is only logical for the Commissioner to expand the certification program to include analytes for which tests must be conducted under federal requirements as soon as the Department is able to effectively administer the expanded program. The Department is now able to do that with the analytes listed in the proposed rule amendment. As soon as these analytes have been incorporated into the certification program, other analytes will be added in future rule amendments.

V. ADDITION OF SUBPART 5 TO PART 4740.2040, CERTIFIED TEST CATEGORIES FOR VOLATILE ORGANIC ANALYTES

The analytes listed are the ones most commonly requested or required for the specific programs after the analytes already specified in the rules and amendments adopted in January, 1990, and April, 1991, respectively. They are grouped according to familiar laboratory analysis categories for ease of use and for consistency with the fee schedule outlined in the statute. (The methodology for these analytes already exists in the certification rules adopted in January, 1990, which adopts by reference methodology specified in federal rules. See Minn. Rules pt. 4740.2030, subp. 1.)

VI. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

The impact of the amendment on small businesses was examined as required by Minn. Stat. § 14.115, subd. 2. As a general proposition, the subdivision asks an agency to consider whether regulatory requirements can be reduced or eliminated as applied to small business. The certification rules in general and the proposed amendment give businesses great latitude as demonstrated by the following:

1. Participation in the program is voluntary. There is no requirement to become certified.

2. The laboratory chooses as many or as few analytes for which it wants to be certified. There is no requirement for whole groups of analytes to be certified at once, possibly making it difficult for small laboratories. A small laboratory can proceed to add analytes according to its own schedule and capabilities or can delete analytes if they become uneconomical to analyze. No laboratory will be required to become certified for any of the analytes being added by the proposed amendment.

3. The laboratory chooses the methodology it uses for testing an analyte. A laboratory can review several approved methodologies and choose the one most consistent with its equipment and personnel constraints.

4. The primary measure of competency in testing analytes is a performance based standard, i.e. acceptable results in the analysis of performance

evaluation samples. Certification does not require certain design of facilities or numbers or degrees of personnel or kinds of analytical equipment.

5. The variance procedure allows the Commissioner to consider undue hardship if a laboratory has difficulty in complying with parts of the rule.

Participation by small businesses in the rulemaking process was encouraged in two ways as specified in Minn. Stat. § 14.115, subd. 4:

1. When the rules adopted in January, 1990, were being considered, at least one member of the technical advisory group which worked on the rules represented a small laboratory. The advisory group was aware of, and agreed with, the Department's proposal to add additional analytes in the future.

2. All laboratories currently certified by the Department or in the application process and other interested parties will be directly mailed copies of the proposed rules and invited to comment.

VII. OTHER CONSIDERATIONS IN RULEMAKING

The adoption of these rules will not require expenditure of public money by local public bodies of greater than $100,000 in either of the two years following promulgation, nor do these rules have any impact on agricultural land.

III. CONCLUSION

Based on the foregoing, the proposed rule amendment to the environmental testing laboratory certification rules are both needed and reasonable.

Dated: October 4, 1991

MARLENE E. MARSHALL
Commissioner of Health

Department of Health

Proposed Permanent Rules Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

Rules as Proposed

4740.2040 CERTIFIED TEST CATEGORIES.

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

Subp. 5. **Volatile organic compounds (VOCs)**

A. Analytes eligible for certification under the Clean Water Program are:

(1) Dichlorodifluoromethane;

(2) Chloromethane;

(3) Vinyl chloride;

(4) Bromomethane;

(5) Chloroethane;

(6) Dichlorofluoromethane;

(7) Trichlorofluoromethane;

(8) Trichlorotrifluoroethane;

(9) 1,1-Dichloroethene;

(10) Allyl Chloride;

(11) Methylene chloride;

(12) trans-1,2-Dichloroethene;

(13) 1,1-Dichloroethane;

(14) 2,2-Dichloropropane;

(15) cis-1,2 Dichloroethene;

(16) Chloroform;

(17) Bromochloromethane;

(18) 1,1,1-Trichloroethane;

(19) 1,1-Dichloropropene;

(20) Carbon tetrachloride;

(21) 1,2-Dichloroethane;

(22) Trichloroethene

(23) 1,2-Dichloropropane;

(24) Bromodichloromethane;

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(25) Dibromomethane;

(26) cis-1,3-Dichloropropene;

(27) trans-1,3-Dichloropropene;

(28) 1,1,2-Trichloroethane;

(29) 1,3-Dichloropropane;

(30) Tetrachloroethene;

(31) Chlorodibromomethane;

(32) 1,2-Dibromoethane;

(33) Chlorobenzene;

(34) 1,1,1,2-Tetrachloroethane;

(35) Bromoform;

(36) 1,1,2,2-Tetrachloroethane;

(37) 1,2,3-Trichloropropane;

(38) Bromobenzene

(39) 2-Chlorotoluene

(40) 4-Chlorotoluene;

(41) 1,3-Dichlorobenzene;

(42) 1,4-Dichlorobenzene;

(43) 1,2-Dichlorobenzene;

(44) 1,2-Dibromo-3-Chloropropane;

(45) 1,2,4-Trichlorobenzene;

(46) Hexachlorobutadiene;

(47) 1,2,3-Trichlorobenzene;

(48) Ethyl Ether;

(49) Acetone;

(50) Methyl tertiary-Butyl Ether;

(51) Methyl Ethyl Ketone;

(52) Tetrahydrofuran;

(53) Benzene;

(54) Methyl Isobutyl Ketone;

(55) Toluene;

(56) Ethylbenzene;

(57) m+p-Xylene;

(58) o-Xylene;

(59) Styrene;

(60) Isopropylbenzene;

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(61) n-Propyl Benzene;

(62) 1,3,5-Trimethylbenzene;

(63) Tert-Butylbenzene;

(64) 1,2,4-Trimethylbenzene;

(65) sec-Butylbenzene;

(66) p-Isopropyltoluene;

(67) n-Butylbenzene; and

(68) Naphthalene.

B. Analytes eligible for certification under the Safe Drinking Water Program are:

(1) Chloromethane;

(2) Vinyl chloride;

(3) Bromomethane;

(4) Chloroethane;

(5) 1,1-Dichloroethene;

(6) Methylene chloride;

(7) Trans-1,2-Dichloroethene;

(8) 1,1-Dichloroethane;

(9) 2,2-Dichloropropane;

(10) cis-1,2 Dichloroethene;

(11) Chloroform;

(12) 1,1,1-Trichloroethane;

(13) 1,2-dichloropropene;

(14) Carbon tetrachloride;

(15) 1,2-Dichloroethane;

(16) 1,2-Dichloropropane;

(17) Trichloroethene;

(18) Bromodichloromethane;

(19) Dibromomethane;

(20) cis-1,3-Dichloropropene;

(21) trans-1,3-Dichloropropene;

(22) 1,1,2-Trichloroethane;

(23) 1,3-Dichloropropane;

(24) Tetrachloroethene;

(25) Chlorodibromomethane;

(26) 1,2-Dibromoethane;

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by Revisor _____

(27) Chlorobenzene;

(28) 1,1,1,2-Tetrachloroethane;

(29) Bromoform;

(30) 1,1,2,2-Tetrachloroethane;

(31) 1,2,3-Trichloropropane;

(32) Bromobenzene;

(33) 2-Chlorotoluene;

(34) 4-Chlorotoluene;

(35) 1,3-Dichlorobenzene;

(36) 1,4-Dichlorobenzene;

(37) 1,2-Dichlorobenzene;

(38) 1,2-Dibromo-3-Chloropropane;

(39) Benzene;

(40) Toluene;

(41) Ethylbenzene;

(42) m+p-Xylene;

(43) o-Xylene; and

(44) Styrene.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4740

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of Amendments to Part 4740.2040, Subpart 5 Relating to Volatile Organic Analytes Eligible for Certification Under the Environmental Laboratory Rules

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The Department of Health (hereinafter "Department") initiated the above captioned rulemaking proceeding to adopt rules without a public hearing pursuant to Minn. Stat. §§ 14.22 to 14.28 as well as all other provisions of Minn. Stat. ch. 14 applicable to this rulemaking proceeding. The comment period has closed without 25 or more persons requesting that a hearing be held on these rule amendments. Accordingly, the Commissioner of Health (hereinafter "Commissioner") having fully and thoroughly reviewed and considered the record in this matter, and based thereon, makes the following **FINDINGS:**

1. (1) The Department's Notice of Intent to Adopt the above-entitled rules without a public hearing was published in the State Register on October 21, 1991, and was sent by United States mail to all persons on the list maintained by the Department pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 on October 10, 1991. The Department also sent a copy of the Notice by United States mail to all environmental testing laboratories which are currently certified by the Department or which are in the certification process. The Department also published a correction to the Notice in the State Register on November 4, 1991.

(2) 2. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt rules Without a Public Hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public. The Statement of Need and Reasonableness was also sent to the Legislative Commission to Review Administrative Rules.

(4) 3. All persons were given the opportunity to submit comment on the rules for more than 30 days after the notice of proposed rulemaking was published and mailed.

(5) 4. The Department received no requests for a public hearing on the rules.

(7) 5. No person requested to be notified when the rulemaking record is submitted to the office of the Attorney General.

6. Prior to closing of the comment period, the Department received a letter from Serco Laboratories. Serco objected to including ten compounds as part of the list of analytes certifiable under the Clean Water program. The compounds to which Serco objected are:

Dichlorofluoromethane
Trichlorotrifluoroethane
Allyl Chloride
1,1-Dichloropropene
Ethyl Ether
Acetone
Methyl tertiary-butyl ether
Methyl Ethyl Ketone
Tetrahydrofuran
Methyl Isobutyl Ketone

Serco's objection was based on the fact that these compounds are not contained in the U.S. Environmental Protection Agency (EPA) list of methods for the Clean Water Program. For this reason Serco proposed that these compounds not be included in the final rule.

7. After closing of the comment period, a letter was received from Braun Intertech, Inc., making the same objection as that raised by Serco.

8. Bay West Analytical Laboratory submitted a letter questioning the methods to be used in analyzing for the ten compounds to which the others objected. Bay West did not specifically object to any part of the rule.

9. In response to Serco's objection, the Water Quality Division of the Pollution Control Agency which manages the state's Clean Water program recommended that the ten compounds not be included in the final rule for the same reasons as were articulated by Serco.

10. The purpose of the certification program is to meet the needs of state agency environmental monitoring programs by assuring that laboratories comply with methods established by the EPA. The EPA methods do not include all the volatile organic compounds which are commonly found in industrial wastes. The Department has developed methods for these compounds and routinely uses them in its own analyses. The ten compounds at issue were inadvertently included in the proposed rule. Since the compounds to which the commentors objected are not contained in the EPA list, the Department has withdrawn them and they do not appear in the final rule.

11. The Commissioner incorporates herein as findings, the statement of need and reasonableness.

Based upon the above findings, the Commissioner with respect to the above captioned rules makes the following **CONCLUSIONS:**

1. That all substantive and procedural requirements have been complied with;

2. That the rules are statutorily authorized; and

8 3. That the rules are both needed and reasonable.

NOW, THEREFORE, IT IS HEREBY ORDERED that the rules identified as In the Matter of the Proposed Adoption of Amendments to Part 4740.2040, Subpart 5 Relating to Metal Analytes for Certification Under the Environmental Laboratory Rules, as modified in accordance with Finding No. 10, are adopted this 3rd day of February, 1992 pursuant to authority vested in the Commissioner by Minn. Stat. §§ 144.97 and 144.98 (1990).

(9)

Marlene E. Marschall
Commissioner of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of an Amendment to Part 4740.2040, by Adding Subpart 5 Relating to Volatile Organic Analytes Eligible for Certification Under the Environmental Laboratory Rules

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) **NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health (hereinafter "Department") intends to adopt without a public hearing the above-entitled amendment to rules by expanding the list of analytes eligible for certification under the Clean Water Program and the Safe Drinking Water Program. To accomplish this purpose the Department intends to amend Minnesota Rules part 4740.2020, by adding a new subpart 5, without a public hearing following the procedures set forth in the Administrative Procedure Act in Minnesota Statute §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is Minnesota Statute §§ 144.97 and 144.98 (1990).

(2) All persons have until Thursday, November 21, 1991, 4:30 P.M. to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period, ending November 21, 1991. (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 should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes, Sections 14.131 to 14.20 (1990).

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

Pauline M. Bouchard, J.D., Director
Public Health Laboratory Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5210

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

(11) The rule authorizes environmental testing laboratories to become certified by the Department to perform tests for certain specified analytes under two testing programs: the Safe Drinking Water Act, 42 United States Code, Section 300f et seq., Minnesota Statutes, Section 144.381 et seq., and 40 Code of Federal Regulations 141; and the Clean Water Act, 33 United States Code, Section 1251 et eq. and 40 Code of Federal Regulations, Section 136. This amendment adds volatile organic analytes in part 4790.2040, subpart 5.

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

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Pauline M. Bouchard upon request at the above address.

(14) Pursuant to Minnesota Statute Section 14.115, subdivision 2, the impact on small businesses has been considered in the promulgation of this rule amendment. The Department's analysis and position regarding the impact of the amendment on small businesses is set forth in the Statement of Need and Reasonableness. Anyone wishing to present evidence or argument as to the amendment's effect on small businesses is encouraged to do so.

Pursuant to Minnesota Statute Section 14.115, subdivision 4 (c), the Department, in order to provide an opportunity for small businesses to participate in the rule making process, will mail copies of the proposed rule amendment and this Notice to all laboratories which are currently certified or in the application process. To the Department's knowledge this includes all laboratories which do environmental testing. These laboratories are encouraged to comment.

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

Dated: October 4, 1991

Marlene E. Marschall
Commissioner

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of Amendments to Part 4740.2040, by Adding Subpart 5, Relating to Organic Volatile Analytes Eligible for Certification Under the Environmental Laboratory Rules

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

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

Al Tupy, 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 or 14.30, that their names be placed on the Department of Health rulemaking mailing list is accurate, complete, and current as of this 10 day of Oct, 1991.

That on the 17 day of Oct, 1991, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list attached as Exhibit A, as well as to all environmental testing laboratories which are currently certified by the Department or which are in the application process, the names and addresses of which are attached as Exhibit B.

BARBARA A. MACHACEK
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My commission expires 9-15-97

Allen C. Tupy

Subscribed and sworn to before me this 26th of February, 1992.

Barbara A. Machacek

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of an Amendment to Part 4740.2040, by Adding Subpart 5 Relating to Volatile Organic Analytes Eligible for Certification Under the Environmental Laboratory Rules

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") intends to adopt without a public hearing the above-entitled amendment to rules by expanding the list of analytes eligible for certification under the Clean Water Program and the Safe Drinking Water Program. To accomplish this purpose the Department intends to amend Minnesota Rules part 4740.2020, by adding a new subpart 5, without a public hearing following the procedures set forth in the Administrative Procedure Act in Minnesota Statute §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is Minnesota Statute §§ 144.97 and 144.98 (1990).

All persons have until Thursday, November 21, 1991, 4:30 P.M. to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period, ending November 21, 1991. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes, Sections 14.131 to 14.20 (1990).

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Pauline M. Bouchard, J.D., Director
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717 Delaware Street Southeast
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The proposed rule amendments may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rules as noticed.

The rule authorizes environmental testing laboratories to become certified by the Department to perform tests for certain specified analytes under two testing programs: the Safe Drinking Water Act, 42 United States Code, Section 300f et seq., Minnesota Statutes, Section 144.381 et seq., and 40 Code of Federal Regulations 141; and the Clean Water Act, 33 United States Code, Section 1251 et eq. and 40 Code of Federal Regulations, Section 136. This amendment adds volatile organic analytes in part 4790.2040, subpart 5.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Pauline M. Bouchard upon request at the above address.

Pursuant to Minnesota Statute Section 14.115, subdivision 2, the impact on small businesses has been considered in the promulgation of this rule amendment. The Department's analysis and position regarding the impact of the amendment on small businesses is set forth in the Statement of Need and Reasonableness. Anyone wishing to present evidence or argument as to the amendment's effect on small businesses is encouraged to do so.

Pursuant to Minnesota Statute Section 14.115, subdivision 4 (c), the Department, in order to provide an opportunity for small businesses to participate in the rule making process, will mail copies of the proposed rule amendment and this Notice to all laboratories which are currently certified or in the application process. To the Department's knowledge this includes all laboratories which do environmental testing. These laboratories are encouraged to comment.

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

Dated: October 1, 1991

Marlene E. Marschall
Commissioner

Department of Health

Proposed Permanent Rules Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

Rules as Proposed

4740.2040 CERTIFIED TEST CATEGORIES.

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

Subp. 5. Volatile organic compounds (VOCs)

A. Analytes eligible for certification under the Clean Water Program are:

(1) Dichlorodifluoromethane;

(2) Chloromethane;

(3) Vinyl chloride;

(4) Bromomethane;

(5) Chloroethane;

(6) Dichlorofluoromethane;

(7) Trichlorofluoromethane;

(8) Trichlorotrifluoroethane;

(9) 1,1-Dichloroethene;

(10) Allyl Chloride;

(11) Methylene chloride;

(12) trans-1,2-Dichloroethene;

(13) 1,1-Dichloroethane;

(14) 2,2-Dichloropropane;

(15) cis-1,2 Dichloroethene;

(16) Chloroform;

(17) Bromochloromethane;

(18) 1,1,1-Trichloroethane;

(19) 1,1-Dichloropropene;

(20) Carbon tetrachloride;

(21) 1,2-Dichloroethane;

(22) Trichloroethene

(23) 1,2-Dichloropropane;

(24) Bromodichloromethane;

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(25) Dibromomethane;

(26) cis-1,3-Dichloropropene;

(27) trans-1,3-Dichloropropene;

(28) 1,1,2-Trichloroethane;

(29) 1,3-Dichloropropane;

(30) Tetrachloroethene;

(31) Chlorodibromomethane;

(32) 1,2-Dibromoethane;

(33) Chlorobenzene;

(34) 1,1,1,2-Tetrachloroethane;

(35) Bromoform;

(36) 1,1,2,2-Tetrachloroethane;

(37) 1,2,3-Trichloropropane;

(38) Bromobenzene

(39) 2-Chlorotoluene

(40) 4-Chlorotoluene;

(41) 1,3-Dichlorobenzene;

(42) 1,4-Dichlorobenzene;

(43) 1,2-Dichlorobenzene;

(44) 1,2-Dibromo-3-Chloropropane;

(45) 1,2,4-Trichlorobenzene;

(46) Hexachlorobutadiene;

(47) 1,2,3-Trichlorobenzene;

(48) Ethyl Ether;

(49) Acetone;

(50) Methyl tertiary-Butyl Ether;

(51) Methyl Ethyl Ketone;

(52) Tetrahydrofuran;

(53) Benzene;

(54) Methyl Isobutyl Ketone;

(55) Toluene;

(56) Ethylbenzene;

(57) m+p-Xylene;

(58) o-Xylene;

(59) Styrene;

(60) Isopropylbenzene;

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(61) n-Propyl Benzene;

(62) 1,3,5-Trimethylbenzene;

(63) Tert-Butylbenzene;

(64) 1,2,4-Trimethylbenzene;

(65) sec-Butylbenzene;

(66) p-Isopropyltoluene;

(67) n-Butylbenzene; and

(68) Naphthalene.

B. Analytes eligible for certification under the Safe Drinking Water Program are:

(1) Chloromethane;

(2) Vinyl chloride;

(3) Bromomethane;

(4) Chloroethane;

(5) 1,1-Dichloroethene;

(6) Methylene chloride;

(7) Trans-1,2-Dichloroethene;

(8) 1,1-Dichloroethane;

(9) 2,2-Dichloropropane;

(10) cis-1,2 Dichloroethene;

(11) Chloroform;

(12) 1,1,1-Trichloroethane;

(13) 1,2-dichloropropene;

(14) Carbon tetrachloride;

(15) 1,2-Dichloroethane;

(16) 1,2-Dichloropropane;

(17) Trichloroethene;

(18) Bromodichloromethane;

(19) Dibromomethane;

(20) cis-1,3-Dichloropropene;

(21) trans-1,3-Dichloropropene;

(22) 1,1,2-Trichloroethane;

(23) 1,3-Dichloropropane;

(24) Tetrachloroethene;

(25) Chlorodibromomethane;

(26) 1,2-Dibromoethane;

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by Revisor _____

(27) Chlorobenzene;

(28) 1,1,1,2-Tetrachloroethane;

(29) Bromoform;

(30) 1,1,2,2-Tetrachloroethane;

(31) 1,2,3-Trichloropropane;

(32) Bromobenzene;

(33) 2-Chlorotoluene;

(34) 4-Chlorotoluene;

(35) 1,3-Dichlorobenzene;

(36) 1,4-Dichlorobenzene;

(37) 1,2-Dichlorobenzene;

(38) 1,2-Dibromo-3-Chloropropane;

(39) Benzene;

(40) Toluene;

(41) Ethylbenzene;

(42) m+p-Xylene;

(43) o-Xylene; and

(44) Styrene.

Approved
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Pharmacy
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MN Bd Nsg Home Admin.
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Children's Service
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EXHIBIT A

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Minneapolis, MN 55401

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Pharmacy
1216 Second St. S.W.
Rochester, MN 55902

Dakota's Children Inc.
Attn: Kathleen LeMay
400 West Marie
West St. Paul, MN 55118

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Northern States Power Co.
A.S. King Plant
210 N. 10th Avenue
Bayport, MN 55003

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Assisi Residences, Inc.
Box 454
Blue Earth, MN 56013

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City of Minneapolis
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County Public Health Dir.
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Stillwater, MN 55082

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513 Center Street
New Ulm, MN 56073

Manty/A Well Drilling Inc.
1392 St. Croix Tr. No.
Box 797
Lakeland, MN 55043

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Roseville, MN 55113-4057

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480 Concordia Ave.
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2700 University Ave. W.
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414 South 8th Street
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Box 96
Pine River, MN 56474

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60 Blacksmith Road
New Town, PA 18940

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Rochester, MN 55902

Mr. John W. Henrich
Bergerson Caswell
5115 Industrial Street
Maple Plain, MN 55359

ENVIRONMENTAL TESTING LABORATORIES CONTACT PERSON LIST

LAB_NO	LAB_NAME	STREET	CITY	ST	ZIPCODE	PHONE	MGR_NAME
027-123-220	3M CHEMOLITE CENTER ENVIRONMENTAL LABORATORY	10746 CHEMOLITE ROAD	ST. PAUL	MN	55133	612-458-2032	THOMAS BALTUTIS, P.E
027-123-237	3M ENVIRONMENTAL LABORATORY	935 BUSH AVENUE, BLDG 2-3E	ST. PAUL	MN	55144	612-778-6979	GARRY HILLING
027-035-135	A.W. RESEARCH LABORATORIES	711 LAUREL STREET	BRAINERD	MN	56401	218-829-7974	BARBARA GOOCHEY
027-049-129	ALBERT LEA ENVIRONMENTAL HEALTH LABORATORY	221 EAST CLARK STREET	ALBERT LEA	MN	56007	507-377-4311	NEAL C. LINDEMAN
027-047-177	ALBERT LEA WASTEWATER TREATMENT FACILITY	R.R. #3	ALBERT LEA	MN	56007	507-373-9159	WILLIAM ENTORF
027-041-171	ALEXANDRIA LAKE AREA SANITARY DISTRICT	2201 NEVADA STREET	ALEXANDRIA	MN	56308	612-762-1135	EDWARD WILSON
027-053-210	ALLIANT TECHSYSTEMS M&PE	1625 ZARTHAN AVENUE	ST. LOUIS PARK	MN	55416	612-931-6983	W.H. PENZEL
027-019-234	AMERICAN CRYSTAL SUGAR COMPANY	1060 STOUGHTON AVENUE	CHASKA	MN	55318	612-448-2811	R.O. SCHOEN
027-119-254	AMERICAN CRYSTAL SUGAR COMPANY	HIGHWAY 75 SOUTH, BOX 600	CROOKSTON	MN	56716	218-281-1993 X 122	LARRY CARLSON
027-027-260	AMERICAN CRYSTAL SUGAR COMPANY-MOORHEAD FACTORY LABORATORY	2500 NORTH 11TH STREET	MOORHEAD	MN	56560	218-287-3435	SHELDON SEABORN
027-151-241	APPLETON MINNESOTA WASTEWATER TREATMENT PLANT		APPLETON	MN	56208	612-289-1816	JIM NELSON
027-123-253	APPLIED PHYSICAL SCIENCES, INC.	261 EAST FIFTH STREET, SUITE #119	ST. PAUL	MN	55101	612-292-1254	ELIZABETH A. CLUBB
027-037-264	APTUS	21750 CEDAR AVENUE	LAKEVILLE	MN	55044	612-469-3475	LEWIS KRANZ
027-109-160	AQUA LAB	511 EAST CENTER STREET	ROCHESTER	MN	55904	507-281-4702	TODD R. USTBY
027-003-262	ASPEN RESEARCH CORPORATION	436 WEST COUNTY ROAD D	NEW BRIGHTON	MN	55112-3522	612-631-9234	JERRY D. OLSON
027-137-174	AURORA WASTEWATER FACILITY	% CITY HALL 16 WEST 2ND AVENUE NO.	AURORA	MN	55705	218-229-2232	WAYNE THURINGER
027-099-211	AUSTIN WASTEWATER TREATMENT FACILITY	1205 SOUTH MAIN STREET	AUSTIN	MN	55912	507-437-7701	DENNIS HAYES
027-123-225	BAY WEST ANALYTICAL LABORATORY	5 EMPIRE DRIVE	ST. PAUL	MN	55103	612-291-0456	GRANT PAUL
027-007-198	BEMIDJI WASTEWATER TREATMENT FACILITY LABORATORY	PO BOX 430	BEMIDJI	MN	56601	218-751-2894	KAREN CUMMINGS
027-147-244	BLOOMING PRAIRIE WASTEWATER TREATMENT PLANT	6TH AVENUE SE	BLOOMING PRAIRIE	MN	55917	507-583-7308	SUSAN PENKAVA
027-071-159	BOISE CASCADE PAPERS	400 SECOND STREET	INTERNATIONAL FALLS	MN	56649	218-285-5011	ALLAN W. MEADOWS
027-035-116	BRAINERD WASTEWATER TREATMENT PLANT LABORATORY	101 LAUREL STREET, P.O. BOX 373	BRAINERD	MN	56401	218-829-5700	DALE HALONEN
027-053-117	BRAUN INTERTEC ENVIRONMENTAL, INC.	6875 WASHINGTON AVE SO, PO 39108	MINNEAPOLIS	MN	55439-0108	612-941-5600	LOUISE OGDEN
027-103-259	BROWN-NICOLLET ENVIRONMENTAL HEALTH WATER LAB	301 S WASHINGTON	ST. PETER	MN	56082	507-931-4140	BONNIE HOLZ
027-171-196	BUFFALO WATER QUALITY LAB	212 CENTRAL AVENUE	BUFFALO	MN	55313	612-682-1182	TED STRAND
027-109-169	BYRON WASTEWATER TREATMENT PLANT	11 FOURTH STREET N.W.	BYRON	MN	55920	507-775-6414	ARLEN D. RUD
027-059-185	CAMBRIDGE WATER AND WASTEWATER LABORATORY	800 SW SEVENTH	CAMBRIDGE	MN	55008	612-689-1800	ROBERT BREDESON
027-049-201	CANNON FALLS WASTEWATER LABORATORY	CANNON RIVER AVENUE	CANNON FALLS	MN	55009	507-263-4064	VERNARD HAWKINSON

Exhibit B

ENVIRONMENTAL TESTING LABORATORIES CONTACT PERSON LIST

LAB_NO	LAB_NAME	STREET	CITY	ST	ZIPCODE	PHONE	MGR_NAME
027-163-240	CARLOS AVERY CHEMISTRY LABORATORY	5463 WEST BROADWAY	FOREST LAKE	MN	55025	612-464-1247	PATRICIA KIRBY
001-999-250	CH2M HILL SOUTHEAST, INC.	2567 FAIRLANE DRIVE	MONTGOMERY	AL	36116	205-271-1444	MARY WISDOM
027-145-227	CHAMPION INTERNATIONAL	100 EAST SARTELL STREET	SARTELL	MN	56377	612-251-6511	DAVID L. KELLER
027-021-158	CHIPPEWA NATIONAL FOREST LABORATORY	ROUTE 3, BOX 244	CASS LAKE	MN	56633	218-335-2226	LONNIE E. SWANSON
027-137-233	CITY OF BABBITT, WASTEWATER TREATMENT FACILITY	100 POPLAR DRIVE	BABBITT	MN	55706	218-827-3292	CURT KOIVISTO
027-151-230	CITY OF BENSON - WATER/WASTEWATER LABORATORY	1410 KANSAS AVENUE	BENSON	MN	56215	612-843-3707	EARL KNUTSON
027-005-183	CITY OF DETROIT LAKES WATER & WASTEWATER LABORATORY	1025 ROOSEVELT AVENUE	DETROIT LAKES	MN	56501	218-847-8631	MILTON BRAHMER
027-137-208	CITY OF GILBERT	BOX 548 BROADWAY	GILBERT	MN	55741	218-741-8978	RICHARD HOMOLA
027-171-246	CITY OF HOWARD LAKE WATER QUALITY LAB	200 SECOND AVENUE	HOWARD LAKE	MN	55349	612-543-2318	DAN ZAREMBINSKI
027-097-184	CITY OF LITTLE FALLS WATER DEPARTMENT	100 SEVENTH AVENUE NE	LITTLE FALLS	MN	56345	612-632-6526	JIM PASCH
027-133-182	CITY OF LUVERNE WASTE WATER TREATMENT PLANT	203 EAST MAIN	LUVERNE	MN	56156-0348	507-283-2223	DELVIN DOMAGALA
027-013-221	CITY OF MANKATO WWTP LABORATORY	END OF PINE STREET	MANKATO	MN	56001	507-387-8667	MARY FRALISH
027-023-258	CITY OF MONTEVIDEO WASTEWATER TREATMENT	103 CANTON AVE, PO BOX 676	MONTEVIDEO	MN	56265	612-269-7146	BYRON L HAYUNGA
027-027-166	CITY OF MOORHEAD WASTEWATER TREATMENT FACILITY	PO BOX 779, 2121 - 28TH STREET N.	MOORHEAD	MN	56561	218-299-5386	ROBERT ZIMMERMAN
027-129-175	CITY OF OLIVIA	1009 WEST LINCOLN AVENUE	OLIVIA	MN	56277	612-523-2230	CHARLES K. EVRIDGE
027-045-251	CITY OF SPRING VALLEY WASTE WATER TREATMENT PLANT	EAST FARMER	SPRING VALLEY	MN	55975	507-346-2992	DEB DOHERTY
027-109-245	CITY OF STEWARTVILLE	417 SOUTH MAIN, BOX 275	STEWARTVILLE	MN	55976	507-533-4250	MICHAEL E. HEIMER
027-157-265	CITY OF WABASHA WWTP LABORATORY	PO BOX 127	WABASHA	MN	55981	612-565-3818	RICHARD GOSSE
027-161-219	CITY OF WASECA WWTP	508 SOUTH STATE STREET	WASECA	MN	56093	507-835-2833	CARL SONNENBERG
027-049-247	CITY OF ZUMBROTA WASTEWATER TREATMENT PLANT	365 MAIN STREET	ZUMBROTA	MN	55992	507-732-5374	GREGORY SWARTHOUT
027-027-118	CLAY COUNTY HEALTH DEPARTMENT	123 - 21ST STREET SOUTH	MOORHEAD	MN	56560	218-299-5222	BRUCE JASTER
027-017-147	CLOQUET WATER LABORATORY	% CLOQUET CITY HALL	CLOQUET	MN	55720	218-624-0391	TED L. ECKARD
027-171-228	CRC LABORATORIES	702 SOUTH 7TH STREET	DELANO	MN	55328	612-479-6525	TED STERN
027-123-162	DAIRY QUALITY CONTROL INSTITUTE, INC.	5205 QUINCY STREET	ST. PAUL	MN	55112-1400	612-785-0484	PAUL NIERMAN
055-999-151	DAVY LABORATORIES	115 SOUTH 6TH STREET, SUITE D	LA CROSSE	WI	54601	608-782-3130	PAUL A. HARRIS
027-021-131	DEEP PORTAGE CONSERVATION RESERVE LABORATORY	ROUTE 1, BOX 129	HACKENSACK	MN	56452	218-682-2325	DELMAN R. HOGEN
027-097-249	DEPARTMENT OF MILITARY AFFAIRS, CAMP RIPLEY	PO BOX 150	LITTLE FALLS	MN	56345-0150	612-632-6631 X 7389	DAVID J. SCEPANIAK
027-039-242	DODGE CENTER, MINNESOTA WASTEWATER TREATMENT PLANT		DODGE CENTER	MN	55927	507-374-2534	DWAYNE BROWEN
027-059-261	EAST CENTRAL WATER TESTING	ROUTE 2, BOX 43	CAMBRIDGE	MN	55008	612-689-94444	VICKI A. TERPSTRA
027-067-112	ECO-AGRI LABORATORIES, INC.	3009 EAST HIGHWAY 12	WILLMAR	MN	56201	612-235-3927	WILLIAM L. OLSEN

ENVIRONMENTAL TESTING LABORATORIES CONTACT PERSON LIST

LAB_NO	LAB_NAME	STREET	CITY	ST	ZIPCODE	PHONE	MGR_NAME
027-163-141	ECOWATER RENAMED SPECTRUM LABS	.	.				DANIEL J. WARHOL
027-141-229	ELK RIVER WASTE WATER TREATMENT PLANT	720 DODGE AVENUE N.W.	ELK RIVER	MN	55330	612-441-5136	DARRELL MACK
027-137-170	ELY ENVIRONMENTAL LABORATORY SERVICES	209 EAST CHAPMAN	ELY	MN	55731	218-365-3247	TERRY JACKSON
034-999-252	ENSECO EAST	2200 COTTONTAIL LANE	SOMERSET	NJ	08875	908-469-5800	DEBORAH A. LORING
027-145-144	ENVIRONMENTAL PROTECTION LABORATORIES	217 OSSEO AVENUE NORTH	ST. CLOUD	MN	56303	612-253-1640	FOREST D. REICHEL
027-085-115	ENVIRONMENTAL TESTING SERVICES	705 EAST 18TH STREET	GLENCOE	MN	55336-1499	612-864-3121 X295	MARY ANN LEVINE
027-137-152	ERA LABORATORIES, INC.	24 NORTH 21ST AVENUE WEST	DULUTH	MN	55806	218-727-6380	ROBERT D. MAGNUSON
027-119-255	FACTORY LAB EAST GRAND FORKS	BOX 357	EAST GRAND FORKS	MN	56721	218-773-5130	KENNETH HEGGE
027-091-191	FAIRMONT WASTEWATER TREATMENT LABORATORY	301 MARGARET STREET	FAIRMONT	MN	56031	507-235-6502	CLARE HYBBERT
027-131-194	FARIBAULT WASTEWATER TREATMENT PLANT	P.O. BOX 84 NE 14TH STREET	FARIBAULT	MN	55021-5105	507-334-8696	HOWARD M. HELGESON
027-111-224	FERGUS FALLS WASTEWATER LABORATORY	311 S. KENNEDY PARK DRIVE	FERGUS FALLS	MN	56537	218-739-4691	DAVID WILLIAMSCHEN
027-053-113	FIELD ENGINEERING, INC.	7608 - 119TH LANE NORTH	CHAMPLIN	MN	55316	612-427-0826	MARVIN J. WENZEL
027-085-257	GLENCOE WASTEWATER TREATMENT FACILITY	630 - 10TH STREET EAST	GLENCOE	MN	55336	612-864-4115	THOMAS M. VOGT
027-145-181	GOLD'N PLUMP WASTEWATER LAB	EAST HIGHWAY 23	COLD SPRING	MN	56320	612-685-3601	LAURA HUSTON
027-031-202	GRAND MARAIS WASTEWATER TREATMENT PLANT LABORATORY	PO BOX 600	GRAND MARAIS	MN	55604	218-387-1160	THOMAS NELSON
027-097-200	HENNEPIN PAPER COMPANY	100 S.W. 5TH AVENUE	LITTLE FALLS	MN	56345	612-632-3684	RON KLINKER
027-137-232	HIBBING WASTEWATER LAB	SO. WASTETREAT. PLANT, TOWNLINE RD	HIBBING	MN	55746	218-262-2628	MICHAEL KEMPA
027-137-178	HOYT LAKES ENVIRONMENTAL TESTING LABORATORY	LEEDS ROAD % CITY HALL	HOYT LAKES	MN	55750	218-225-2813	FLOYD NELSON
027-085-206	HUTCHINSON WASTEWATER TREATMENT FACILITY	1300 HIGHWAY 22 SOUTH	HUTCHINSON	MN	55350	612-587-5151	RANDY DEVRIES
031-999-176	IBP LABORATORY	HIGHWAY 35	DAKOTA CITY	NE	68731	402-241-2274	SUZANNE SHELL
027-053-134	INGMAN LABORATORIES, INC.	2945 - 34TH AVENUE SOUTH	MINNEAPOLIS	MN	55406	612-724-0121	PETER W. MELAND
027-003-130	INSTRUMENTAL RESEARCH, INC.	7813 MADISON STREET N.E.	SPRING LAKE PARK	MN	55432	612-571-3698	DELMAN R. HOGEN
027-003-148	INTERPOLL LABORATORIES, INC.	4500 BALL ROAD N.E.	CIRCLE PINES	MN	55014	612-786-6020	JEANNIE F. O'NEIL
027-145-149	JACK FROST LAB	200 OSSEO AVENUE N.	ST. CLOUD	MN	56303	612-259-7457	LAURA HUSTON
027-053-154	JAMES M. MONTGOMERY, CONSULTING ENGINEERS, INC., WATER LAB	14910 - 28TH AVENUE N.	PLYMOUTH	MN	55441	612-473-4224	FRANK DE STENO
027-003-105	JT TESTING SERVICE	14755 PALM ST. N.W.	ANDOVER	MN	55304	612-434-9634	JEAN TORGERSON
027-173-132	KILOWATT LABORATORY	101 OAK STREET	GRANITE FALLS	MN	56241	612-564-2530	DARRELL O. OPDAHL
027-071-109	KOOCHICHING WATER QUALITY TESTING SERVICE	ROUTE 9, BOX 570	INTERNATIONAL FALLS	MN	56649	218-377-4346	PHILIP R. KANGAS
027-157-235	LAKE CITY CITY LABORATORY	205 WEST CENTER STREET	LAKE CITY	MN	55041	612-345-3711	JOSEPH F. VANHOUTEN
027-111-192	LAKE REGION HOSPITAL LABORATORY	712 SOUTH CASCADE	FERGUS FALLS	MN	56537	218-736-5475	DR. D.L. MICHAELIS

ENVIRONMENTAL TESTING LABORATORIES CONTACT PERSON LIST

LAB_NO	LAB_NAME	STREET	CITY	ST	ZIPCODE	PHONE	MGR_NAME
027-063-243	LAKEFIELD, MINNESOTA WASTEWATER TREATMENT PLANT		LAKEFIELD	MN	56150	507-662-5920	KEVIN THOMPSON
027-137-126	LAKEWOOD WATER TREATMENT PLANT LAB	8130 CONGDON BOULEVARD	DULUTH	MN	55804	218-525-6631	THOMAS M. BIELE
027-123-205	LAND O'LAKES, INC. ANALYTICAL LABORATORY	P.O. BOX 116	MINNEAPOLIS	MN	55440	612-481-2100	SHERI PETERSON
027-088-124	LINCOLN, LYON, MURRAY & PIPESTONE COMM HLTH SERV LABORATORY	1210 EAST COLLEGE DRIVE	MARSHALL	MN	56258	507-537-6709	FREDD FUHRMANN
027-093-163	LITCHFIELD WASTEWATER LABORATORY	NORTH ARMSTRONG AVENUE & HIGHWAY 24	LITCHFIELD	MN	55355	612-693-3321	DENNIS HOLTZ
027-097-104	LITTLE FALLS WASTE TREATMENT PLANT	100 N.E. 7TH AVENUE	LITTLE FALLS	MN	56345	612-632-8200	GREG McGILLIS
027-137-146	LTV STEEL MINING COMPANY	P.O. BOX 847	HOYT LAKES	MN	55750	218-225-4458	R.W. BITTER
027-019-204	M.A. GEDNEY	P.O. BOX 8	CHASKA	MN	55318	612-448-2612	LISA K. FAHRENKAMP
027-073-231	MADISON WASTEWATER TREATMENT FACILITY	109 SEVENTH AVENUE	MADISON	MN	56256	612-598-3239	ROBERT A UTNE
027-013-114	MANKATO WATER PLANT	SIBLEY PARK	MANKATO	MN	56001	507-387-8661	JIM JAYCOX
027-123-142	MARKLEY LABORATORIES, INC.	1853 OLD HIGHWAY 8	NEW BRIGHTON	MN	55112	612-633-5477	HARRY S. MARKLEY
027-083-173	MARSHALL WASTEWATER TREATMENT FACILITIES	600 ERIE ROAD	MARSHALL	MN	56258	507-537-6776	ERNEST SEPPI
027-145-239	MELROSE WASTEWATER TREATMENT FACILITY (LAB)	116 NORTH 8TH AVENUE EAST	MELROSE	MN	56352	612-256-3251	JAMES KOOPMEINERS
027-111-256	MEMORIAL HOSPITAL AND HOME	665 THIRD STREET SW	PERHAM	MN	56573	218-346-4500	LOIS GREISEN
027-123-172	METROPOLITAN WASTE CONTROL COMM.-QUALITY CONTROL LABORATORY	2400 CHILDS ROAD	ST. PAUL	MN	55106	612-772-7133	JAMES D. WYZYKOWSKI
027-143-209	MIDAMERICA DAIRYMEN, INC. NORTHERN OPERATIONS	212 EAST FIRST STREET, P.O. BOX Z	WINTHROP	MN	55396	507-647-5385	KENT VOGEL
027-059-156	MIDWEST ANALYTICAL SERVICES	330 S. CLEVELAND STREET, PO BOX 349	CAMBRIDGE	MN	55008	612-689-2175	JOHN ROCK, PH.D.
027-053-136	MINNEAPOLIS HEALTH DEPARTMENT	250 SOUTH FOURTH STREET	MINNEAPOLIS	MN	55415-1372	612-673-2160	ROBERT M. BOECK
027-053-128	MINNEAPOLIS WATER WORKS SOFTENING PLANT LAB	4300 MARSHALL STREET N.E.	MINNEAPOLIS	MN	55421	612-788-3907	LARRY D. COLE
027-137-179	MINNESOTA POWER ENVIRONMENTAL LABORATORY	1510 WEST SUPERIOR STREET	DULUTH	MN	55806	218-722-2641 X 3517	VALERIE M. PATTERSON
027-015-125	MINNESOTA VALLEY TESTING LABORATORIES, INC.	1126 NORTH FRONT STREET	NEW ULM	MN	56073	507-354-8517	WANDA LIEDER
027-027-145	MOORHEAD PUBLIC SERVICE DEPARTMENT LABORATORY	215 - 23RD STREET NORTH	MOORHEAD	MN	56560	218-299-5470	CLIFFORD MCLAIN
027-099-150	MOWER COUNTY WATER LABORATORY	1105 1/2 - 8TH AVENUE N.E.	AUSTIN	MN	55912	507-437-9527	WILLIAM C. BUCKLEY
027-137-248	NATURAL RESOURCES RESEARCH INSTITUTE	5013 MILLER TRUNK HIGHWAY	DULUTH	MN	55811	218-720-4316/4343	DR. RICHARD P. AXLER
027-079-238	NEW PRAGUE MUNICIPAL WASTEWATER TREATMENT FACILITY	601 12TH STREET N.E.	NEW PRAGUE	MN	56071	612-758-3637	RONALD R. BRUZEK
027-015-216	NEW ULM WASTE WATER TREATMENT	3 TOWER ROAD	NEW ULM	MN	56073	507-354-3315	DEL SENST
027-071-193	NORTH KOOCHICHING SANITARY DISTRICT	P.O. BOX 1223	INTERNATIONAL FALLS	MN	56649	218-283-4748	JOHN BRUGGEMAN
027-137-157	NORTHEAST TECHNICAL SERVICES, INC.	RIDGEWOOD DRIVE, P.O. BOX 1142	VIRGINIA	MN	55792	218-741-4290	JOHN H. SEURER
027-171-190	NORTHERN STATES POWER COMPANY-MNGP	2807 WEST HIGHWAY 75	MONTICELLO	MN	55362	612-295-1311	KEVIN P. JEPSON
027-049-218	NORTHERN STATES POWER-PRAIRIE ISLAND	1717 WAKONADE DRIVE	EAST WELCH	MN	55089	612-338-1121 #4420	SCOTT LAPPEGAARD

ENVIRONMENTAL TESTING LABORATORIES CONTACT PERSON LIST

LAB_NO	LAB_NAME	STREET	CITY	ST	ZIPCODE	PHONE	MGR_NAME
027-131-215	NORTHFIELD WASTEWATER TREATMENT LAB	801 WASHINGTON	NORTHFIELD	MN	55057	507-645-3052	GLENN LINDROOS
027-053-197	NSP TESTING LABORATORY	1518 CHESTNUT AVENUE	MINNEAPOLIS	MN	55403	612-347-9439	TOM LEVERENTZ
027-005-168	NSP-SHERBURNE COUNTY GENERATING PLANT LAB	13999 INDUSTRIAL BOULEVARD	BECKER	MN	55308-9611	612-261-3131	DUANE S. WOLD
027-109-153	OLMSTED COMMUNITY HEALTH CENTER ENVIRONMENTAL LABORATORY	1650 FOURTH STREET S.E.	ROCHESTER	MN	55904	507-287-2334	LAURA SCHEINOHA
027-147-180	OWATONNA WASTEWATER TREATMENT FACILITY	540 WEST HILLS CIRCLE	OWATONNA	MN	56093	507-451-1005	DEAN NELSON
027-053-137	PACE, INC.	1710 DOUGLAS DRIVE NORTH	GOLDEN VALLEY	MN	55422	612-544-5543	SUSAN J. LAUTT
027-049-188	PEOPLESERVICE-PINE ISLAND	PO BOX 1218	PINE ISLAND	MN	55963	507-356-4390	TODD E. ARLANDER
027-021-266	PINE RIVER AREA SANITARY DISTRICT	PO BOX 354	PINE RIVER	MN	56474	218-587-2223	GARY MOSER
027-157-165	PLAINVIEW-ELGIN SANITARY SEWER DISTRICT	PO BOX 416	PLAINVIEW	MN	55964	507-534-3891	RICHARD BRISTOW
027-035-223	POTLACH CORPORATION	1801 MILL AVENUE N.E.	BRAINERD	MN	56401	218-828-3200	HARRY DEAN
027-061-189	PUBLIC UTILITIES COMM. WW TREAT	420 NO POKEGAMA AVENUE, PO BOX 658	GRAND RAPIDS	MN	55744	218-326-9480	JAMES ACKERMAN
027-049-133	RED WING CITY LABORATORY	229 NORTH TYLER ROAD	RED WING	MN	55066	612-388-5834	DOUGLAS ALMS
027-139-207	RICHARDS ASPHALT COMPANY	12101 YESEMITE AVENUE SOUTH	SAVAGE	MN	55788	612-894-8000	TOM KIMBALL
055-999-107	RMT INC.	744 HEARTLAND TRAIL, P.O. BOX 8923	MADISON	WI	53708-8923	608-831-4444	MARK WIRTZ
027-109-199	ROCHESTER WATER RECLAMATION PLANT	301 NW 37TH STREET	ROCHESTER	MN	55901	507-281-6191	DAVID L. PETERSEN
042-999-123	ROY F. WESTON, INC.	208 WELSH POOL ROAD	LIONVILLE	PA	19353-1313	215-524-7360	DIANNE S. THERRY
027-129-217	S.M.S.C. LABORATORY	P.O. BOX 500	RENVILLE	MN	56284	612-329-8305	PHIL LEDOUX
027-047-226	SCHUHMACHER TESTING LABORATORY	1027 FRANK HILL DRIVE	ALBERT LEA	MN	56007	507-373-6588	BRUCE SCHUHMACHER
027-123-111	SERCO LABORATORIES	1931 WEST COUNTY ROAD C-2	ST. PAUL	MN	55113	612-636-7173	DIANE E. MOLES
027-169-155	SOUTHEAST MINNESOTA ANALYTICAL SERVICE	PASTEUR HALL, WINONA STATE UNIV.	WINONA	MN	55987	507-457-5297	WAYNE DUNBAR, Ph.D.
027-123-187	SPECTRUM LABS, INC	301 WEST COUNTY ROAD E2	NEW BRIGHTON	MN	55112	612-633-0101	DANIEL J. WARHOL
027-145-143	ST. CLOUD PUBLIC UTILITIES - WASTEWATER	524 - 240TH STREET	ST. CLOUD	MN	56301	612-255-7226	KEITH REDMOND
027-145-139	ST. CLOUD PUBLIC UTILITIES - WATER	1000 - 5TH AVENUE NORTH	ST. CLOUD	MN	56303	612-255-7225	DUANE JOHNSON
027-165-263	ST. JAMES WASTEWATER TREATMENT PLANT	1305 WESTON AVE N	ST. JAMES	MN	56081-0070	507-375-3121 EXT 228	CLARICE DEXHEIMER
027-137-122	ST. LOUIS COUNTY HEALTH DEPARTMENT LABORATORY	222 EAST SUPERIOR STREET	DULUTH	MN	55802-2134	218-725-5233	ORVILLE J. BERG
027-123-140	ST. PAUL DIVISION OF PUBLIC HEALTH - LABORATORY	555 CEDAR STREET	ST. PAUL	MN	55101	612-292-7721	DIANE NEISIUS
027-123-106	ST. PAUL WATER UTILITY LABORATORY	1900 NORTH RICE STREET	ST. PAUL	MN	55113	612-489-1624	CHARLES WESTERBERG
027-137-120	SUPERIOR NATIONAL FOREST LABORATORY	118 SOUTH 4TH AVENUE EAST	ELY	MN	55731	218-365-6185	EDWARD C. MARSOLEK
027-113-203	THIEF RIVER FALLS WASTEWATER DEPARTMENT	P.O. BOX 528	THIEF RIVER FALLS	MN	56701	218-681-4425	MITCH HAMS
027-145-121	TRAUT WATER ANALYSIS LABORATORY	151 - 72ND AVENUE SOUTH	ST. CLOUD	MN	56301	612-251-5090	PAUL LAMBRECHT
027-053-127	TRI-CITY PUBLIC HEALTH LABORATORY	5146 EDEN AVENUE SOUTH	EDINA	MN	55436	612-927-8861 X 307	DAVID VELDE
046-999-214	TWIN CITY TESTING CORP.SIOUX FALLS CHEMISTRY LABORATORY	601 EAST 48TH STREET NORTH	SIOUX FALLS	SD	57104	605-332-5371	VIRGINIA VERMULM

ENVIRONMENTAL TESTING LABORATORIES CONTACT PERSON LIST

LAB_NO	LAB_NAME	STREET	CITY	ST	ZIPCODE	PHONE	MGR_NAME
027-123-108	TWIN CITY TESTING CORPORATION	662 CROMWELL AVENUE	ST. PAUL	MN	55114	612-645-3601	FRED L. DEROOS
027-053-119	TWIN CITY WATER CLINIC, INC.	617 - 13TH AVENUE SOUTH	HOPKINS	MN	55343	612-935-3556	WILLIAM VAN ARSDAL
027-161-186	U C LABORATORIES	129 NORTH MAIN STREET, BOX 551	JANESVILLE	MN	56048	507-234-5835	KEN SCHREADER
040-999-102	USPCI ANALYTICAL SERVICES	4322 SOUTH 49TH WEST AVENUE	TULSA	OK	74107	918-446-1162	JAMES W. ENGMAN
039-999-103	WADSWORTH/ALERT LABORATORIES, INC.	4101 SHUFFEL DR NW	CANTON	OH	44709	216-497-9396	JEFFREY M. GRAHAMS, Ph.D.
027-159-164	WASTE WATER TREATMENT PLANT, CITY OF WADENA	P.O. BOX 30 AIRPORT ROAD	WADENA	MN	56482	218-631-3107	LELAND C BUNDY
027-141-110	WATER LABORATORY, INC.	429 E. MAIN STREET, PO BOX 388	ELK RIVER	MN	55330	612-441-5465	KEVIN KLOEPPNER
027-137-138	WESTERN LAKE SUPERIOR SANITARY DISTRICT	27TH AVENUE WEST & THE WATERFRONT	DULUTH	MN	55806	218-722-3336 X 239	MIKE GUITE
017-999-101	WESTON/GULF COAST LABORATORIES	2417 BOND STREET	UNIVERSITY PARK	IL	60466	708-534-5200	DONNA J. MCCARTHY
027-169-236	WHITEWATER RIVER AREA POLLUTION CONTROL FACILITY	P.O. BOX 96, NORTH RICHLAND AVENUE	ST. CHARLES	MN	55972	507-932-4171	ROBERT D. WISKOW
027-067-167	WILLMAR WASTEWATER TREATMENT PLANT	1400 S.E. 7TH STREET	WILLMAR	MN	56201	612-235-4760	DONNIE BOB JONES
027-043-222	WINNEBAGO WASTEWATER TREATMENT PLANT	16 CLEVELAND AVENUE EAST	WINNEBAGO	MN	56098	507-893-4411	DAROLD NIENHAUS
017-999-195	WMI ENVIRONMENTAL MONITORING LABORATORIES, INC.	2100 CLEANWATER DRIVE	GENEVA	IL	60134	708-208-3100	PAUL DUFFY
027-105-213	WORTHINGTON WASTE WATER LABORATORY	27TH STREET NORTH BOX 279	WORTHINGTON	MN	56187	507-372-8660	MIKE PAVELKO
026-999-161	WW ENGINEERING & SCIENCE INC., ENV. LAB DIVISION	5555 GLENWOOD HILLS PARKWAY	GRAND RAPIDS	MI	49588	616-942-9600	DOUGLAS E. KRISCUNAS

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of an Amendment to Part 4740.2040, by Adding Subpart 5 Relating to Volatile Organic Analytes EligIble for Certification Under the Environmental Laboratory Rules

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING AND STATEMENT OF NEED AND REASONABLENESS

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

Pauline M. Bouchard, J.D., being duly sworn says:

That on the 10th day of October, 1991, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed a Notice of Intent to Adopt Rules Without a Public Hearing and Statement of Need and Reasonableness, pursuant to Minnesota Statutes, Section 14.23, by depositing in the Department of Health's Central Mail System for United States mailing a copy thereof, with postage prepaid, to Maryanne V. Hruby, Executive Director, Legislative Commission to Review Agency Rules, State Office Building, Room 55, 100 Constitution Avenue, St. Paul, MN 55155. The Notice and Statement are attached hereto as Exhibit A and are made a part hereof.

Pauline M. Bouchard

Subscribed and sworn to before me
this 10 day of October, 1991.

Barbara A. Machacek

NOTARY PUBLIC

BARBARA A. MACHACEK
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My commission expires 9-15-97

EXHIBIT A

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of an Amendment to Part 4740.2040, by Adding Subpart 5 Relating to Volatile Organic Analytes Eligible for Certification Under the Environmental Laboratory Rules

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") intends to adopt without a public hearing the above-entitled amendment to rules by expanding the list of analytes eligible for certification under the Clean Water Program and the Safe Drinking Water Program. To accomplish this purpose the Department intends to amend Minnesota Rules part 4740.2020, by adding a new subpart 5, without a public hearing following the procedures set forth in the Administrative Procedure Act in Minnesota Statute §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is Minnesota Statute §§ 144.97 and 144.98 (1990).

All persons have until Thursday, November 21, 1991, 4:30 P.M. to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period, ending November 21, 1991. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes, Sections 14.131 to 14.20 (1990).

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

Pauline M. Bouchard, J.D., Director
Public Health Laboratory Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5210

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

The rule authorizes environmental testing laboratories to become certified by the Department to perform tests for certain specified analytes under two testing programs: the Safe Drinking Water Act, 42 United States Code, Section 300f et seq., Minnesota Statutes, Section 144.381 et seq., and 40 Code of Federal Regulations 141; and the Clean Water Act, 33 United States Code, Section 1251 et eq. and 40 Code of Federal Regulations, Section 136. This amendment adds volatile organic analytes in part 4790.2040, subpart 5.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Pauline M. Bouchard upon request at the above address.

Pursuant to Minnesota Statute Section 14.115, subdivision 2, the impact on small businesses has been considered in the promulgation of this rule amendment. The Department's analysis and position regarding the impact of the amendment on small businesses is set forth in the Statement of Need and Reasonableness. Anyone wishing to present evidence or argument as to the amendment's effect on small businesses is encouraged to do so.

Pursuant to Minnesota Statute Section 14.115, subdivision 4 (c), the Department, in order to provide an opportunity for small businesses to participate in the rule making process, will mail copies of the proposed rule amendment and this Notice to all laboratories which are currently certified or in the application process. To the Department's knowledge this includes all laboratories which do environmental testing. These laboratories are encouraged to comment.

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

Dated: October 4, 1991

Marlene E. Marschall
Commissioner

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4740

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

Department of Health

Proposed Permanent Rules Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

Rules as Proposed

4740.2040 CERTIFIED TEST CATEGORIES.

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

Subp. 5. **Volatile organic compounds (VOCs)**

A. Analytes eligible for certification under the Clean Water Program are:

(1) Dichlorodifluoromethane;

(2) Chloromethane;

(3) Vinyl chloride;

(4) Bromomethane;

(5) Chloroethane;

(6) Dichlorofluoromethane;

(7) Trichlorofluoromethane;

(8) Trichlorotrifluoroethane;

(9) 1,1-Dichloroethene;

(10) Allyl Chloride;

(11) Methylene chloride;

(12) trans-1,2-Dichloroethene;

(13) 1,1-Dichloroethane;

(14) 2,2-Dichloropropane;

(15) cis-1,2 Dichloroethene;

(16) Chloroform;

(17) Bromochloromethane;

(18) 1,1,1-Trichloroethane;

(19) 1,1-Dichloropropene;

(20) Carbon tetrachloride;

(21) 1,2-Dichloroethane;

(22) Trichloroethene

(23) 1,2-Dichloropropane;

(24) Bromodichloromethane;

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(25) Dibromomethane;

(26) cis-1,3-Dichloropropene;

(27) trans-1,3-Dichloropropene;

(28) 1,1,2-Trichloroethane;

(29) 1,3-Dichloropropane;

(30) Tetrachloroethene;

(31) Chlorodibromomethane;

(32) 1,2-Dibromoethane;

(33) Chlorobenzene;

(34) 1,1,1,2-Tetrachloroethane;

(35) Bromoform;

(36) 1,1,2,2-Tetrachloroethane;

(37) 1,2,3-Trichloropropane;

(38) Bromobenzene

(39) 2-Chlorotoluene

(40) 4-Chlorotoluene;

(41) 1,3-Dichlorobenzene;

(42) 1,4-Dichlorobenzene;

(43) 1,2-Dichlorobenzene;

(44) 1,2-Dibromo-3-Chloropropane;

(45) 1,2,4-Trichlorobenzene;

(46) Hexachlorobutadiene;

(47) 1,2,3-Trichlorobenzene;

(48) Ethyl Ether;

(49) Acetone;

(50) Methyl tertiary-Butyl Ether;

(51) Methyl Ethyl Ketone;

(52) Tetrahydrofuran;

(53) Benzene;

(54) Methyl Isobutyl Ketone;

(55) Toluene;

(56) Ethylbenzene;

(57) m+p-Xylene;

(58) o-Xylene;

(59) Styrene;

(60) Isopropylbenzene;

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(61) n-Propyl Benzene;

(62) 1,3,5-Trimethylbenzene;

(63) Tert-Butylbenzene;

(64) 1,2,4-Trimethylbenzene;

(65) sec-Butylbenzene;

(66) p-Isopropyltoluene;

(67) n-Butylbenzene; and

(68) Naphthalene.

B. Analytes eligible for certification under the Safe Drinking Water Program are:

(1) Chloromethane;

(2) Vinyl chloride;

(3) Bromomethane;

(4) Chloroethane;

(5) 1,1-Dichloroethene;

(6) Methylene chloride;

(7) Trans-1,2-Dichloroethene;

(8) 1,1-Dichloroethane;

(9) 2,2-Dichloropropane;

(10) cis-1,2 Dichloroethene;

(11) Chloroform;

(12) 1,1,1-Trichloroethane;

(13) 1,2-dichloropropene;

(14) Carbon tetrachloride;

(15) 1,2-Dichloroethane;

(16) 1,2-Dichloropropane;

(17) Trichloroethene;

(18) Bromodichloromethane;

(19) Dibromomethane;

(20) cis-1,3-Dichloropropene;

(21) trans-1,3-Dichloropropene;

(22) 1,1,2-Trichloroethane;

(23) 1,3-Dichloropropane;

(24) Tetrachloroethene;

(25) Chlorodibromomethane;

(26) 1,2-Dibromoethane;

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(27) Chlorobenzene;

(28) 1,1,1,2-Tetrachloroethane;

(29) Bromoform;

(30) 1,1,2,2-Tetrachloroethane;

(31) 1,2,3-Trichloropropane;

(32) Bromobenzene;

(33) 2-Chlorotoluene;

(34) 4-Chlorotoluene;

(35) 1,3-Dichlorobenzene;

(36) 1,4-Dichlorobenzene;

(37) 1,2-Dichlorobenzene;

(38) 1,2-Dibromo-3-Chloropropane;

(39) Benzene;

(40) Toluene;

(41) Ethylbenzene;

(42) m+p-Xylene;

(43) o-Xylene; and

(44) Styrene.

Approved
by Revisor _____

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Adoption of an Amendment to Part 4740.2040, by Adding Subpart 5 Relating to Volatile Organic Analytes Eligible for Certification Under the Environmental Testing Laboratory Rules

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Although the practice of laboratory testing of environmental samples has been ongoing for many years, it has historically related to human health concerns about waste water and drinking water. With the dawning of environmental awareness in the early 1970's, Congress enacted expansions of the narrowly focused environmental programs and developed ambitious new ones such as the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, and the Superfund. These programs covered a variety of environmental media including water, air, and land and caused an explosion in environmental testing.

The primary regulatory agency at the federal level, the U.S. Environmental Protection Agency (EPA), established environmental programs with substantial monitoring and testing requirements. A state could be delegated permit and regulatory authority from EPA if a state program existed that was consistent with and at least as stringent as the federal program. Minnesota received such authority to run the major environmental regulatory programs. The Minnesota Department of Health (hereinafter "MDH") has responsibility for enforcement of the Safe Drinking Water Act; the other major environmental programs are administered by the Pollution Control Agency.

The influx of environmental testing data placed a burden on the state agencies to determine data reliability. Judgments about compliance and impacts were only as good

as the data upon which they were based. Although EPA inspected and certified the MDH laboratory, few other laboratories in Minnesota doing environmental testing were subject to review for the adequacy and reliability of their operation.

In 1986, Congress amended the Safe Drinking Water Act, increasing the number of chemical, biological, and radiochemical measurements in public water supplies from 23 to 83. Although the MDH Laboratory had performed all necessary tests on public water supplies under the Safe Drinking Water Act, this increased workload of necessity would need to be distributed among laboratories outside the Department of Health. In February, 1987, the Office of the Minnesota Legislative Auditor issued a report on "Water Quality Monitoring." The report recommended the establishment of a state certification program for environmental laboratories. Voicing concern about the amount of money spent on water quality monitoring in Minnesota and the impact the monitoring results have on regulatory decisions, the auditor stated: "It is important that decisions on these matters be based on accurate data. The best way to ensure accuracy is to require laboratories to demonstrate their ability to perform those analyses." In the 1988 session, the legislature authorized the Commissioner of Health (hereinafter "Commissioner") to certify laboratories that test environmental samples by the enactment of Minn. Stat. §§ 144.97 and 144.98.

Although the legislation speaks broadly to environmental samples, to initiate the certification program the Commissioner decided to focus on environmental analytes in water and wastewater because these analytes have a long history of testing. Well established procedures exist to monitor them and the methodology is well defined and widely distributed. Historically, because of the human health concerns, discharges of wastewater and providers of public drinking water supplies have had to monitor, and this type of monitoring is expanding and generates the majority of analytical environmental test data produced in Minnesota.

In view of the history and legislative authority, the Commissioner adopted Minn. Rules pts. 4740.2010 to 4740.2040 on January 29, 1990. The rules specify the

administrative procedures associated with certification of environmental laboratories, requirements for base certification, and the various kinds of analytes for which the Commissioner will certify a laboratory's performance. These rules were adopted as the first phase of a multi-phased implementation of the legislation authorizing the Commissioner to certify environmental laboratories. The analytes contained in the rules basically covered the first three test categories listed in the fee section of the authorizing legislation. Minn. Stat. § 144.98, subd. 3. Metals analytes were added to the rules through the amendment of Minn. Rules part 4740.2040, subpart 4, which became effective on April 29, 1991. The proposed rule amendment, implementing phase three, expands the categories of analytes for which a laboratory may be certified to include volatile organic compounds. The amendment now brings in the sixth test category listed in subdivision 3 of section 144.98.

II. STATEMENT OF THE COMMISSIONER'S STATUTORY AUTHORITY

The Commissioner's statutory authority to adopt a rule related to certification procedures for environmental testing laboratories is set forth in Minn. Stat. § 144.98 which provides in relevant part that the Commissioner may adopt rules to implement this section, including the test categories for which certification is available as specified in Minn. Stat. § 144.98, subd. 3.

III. STATEMENT OF NEED

As noted in the Introduction section, the Commissioner decided to implement laboratory certification in stages. The reason for doing so is that the Department of Health had not previously been involved in a certification role of this scope. Administratively, the Department would have found it difficult to perform its role if certification were implemented all at once. Thus, with the rules adopted in January, 1990, the Department established the application process and certification standards and started with a list of analytes in part 4740.2040 which involved the simplest tests to perform. These tests were also the easiest for the Department to verify because they involve better established procedures. This approach to certification also enabled the largest number of laboratories

to become certified because laboratories are more likely to perform the easier rather than the more complex tests.

The Department is now ready administratively to perform the verification process for more complex test categories and thus to increase the number and types of analytes for which environmental laboratories may be certified. The new analytes require the use of more complicated tests which require more sophisticated instrumentation. By adding these analytes, the Department will have covered the first six test categories listed in Minn. Stat. § 144.98, subd. 3. (The remaining test category will be addressed in future amendments to the rule.)

The adoption of the rules in January, 1990, and of the first amendment in April, 1991, started implementation of section 144.98. With this proposed rule amendment, the Department will take another step toward full implementation of the section, which it must do in order to make it fully effective. There is also a need to enable environmental laboratories to become certified to perform these additional tests on environmental samples because under the federal Safe Drinking Water Act and Clean Water Act certification is required.

IV. STATEMENT OF REASONABLENESS

The proposed rule is reasonable because it meets the existing federal requirements and recommendations regarding analytes to be tested in drinking water laboratory certification programs, and in permits issued by the Minnesota Pollution Control Agency to entities which discharge wastewater. Because the entire certification program is driven by the federal water quality programs, it is only logical for the Commissioner to expand the certification program to include analytes for which tests must be conducted under federal requirements as soon as the Department is able to effectively administer the expanded program. The Department is now able to do that with the analytes listed in the proposed rule amendment. As soon as these analytes have been incorporated into the certification program, other analytes will be added in future rule amendments.

V. ADDITION OF SUBPART 5 TO PART 4740.2040, CERTIFIED TEST CATEGORIES FOR VOLATILE ORGANIC ANALYTES

The analytes listed are the ones most commonly requested or required for the specific programs after the analytes already specified in the rules and amendments adopted in January, 1990, and April, 1991, respectively. They are grouped according to familiar laboratory analysis categories for ease of use and for consistency with the fee schedule outlined in the statute. (The methodology for these analytes already exists in the certification rules adopted in January, 1990, which adopts by reference methodology specified in federal rules. See Minn. Rules pt. 4740.2030, subp. 1.)

VI. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

The impact of the amendment on small businesses was examined as required by Minn. Stat. § 14.115, subd. 2. As a general proposition, the subdivision asks an agency to consider whether regulatory requirements can be reduced or eliminated as applied to small business. The certification rules in general and the proposed amendment give businesses great latitude as demonstrated by the following:

1. Participation in the program is voluntary. There is no requirement to become certified.

2. The laboratory chooses as many or as few analytes for which it wants to be certified. There is no requirement for whole groups of analytes to be certified at once, possibly making it difficult for small laboratories. A small laboratory can proceed to add analytes according to its own schedule and capabilities or can delete analytes if they become uneconomical to analyze. No laboratory will be required to become certified for any of the analytes being added by the proposed amendment.

3. The laboratory chooses the methodology it uses for testing an analyte. A laboratory can review several approved methodologies and choose the one most consistent with its equipment and personnel constraints.

4. The primary measure of competency in testing analytes is a performance based standard, i.e. acceptable results in the analysis of performance

evaluation samples. Certification does not require certain design of facilities or numbers or degrees of personnel or kinds of analytical equipment.

5. The variance procedure allows the Commissioner to consider undue hardship if a laboratory has difficulty in complying with parts of the rule.

Participation by small businesses in the rulemaking process was encouraged in two ways as specified in Minn. Stat. § 14.115, subd. 4:

1. When the rules adopted in January, 1990, were being considered, at least one member of the technical advisory group which worked on the rules represented a small laboratory. The advisory group was aware of, and agreed with, the Department's proposal to add additional analytes in the future.

2. All laboratories currently certified by the Department or in the application process and other interested parties will be directly mailed copies of the proposed rules and invited to comment.

VII. OTHER CONSIDERATIONS IN RULEMAKING

The adoption of these rules will not require expenditure of public money by local public bodies of greater than $100,000 in either of the two years following promulgation, nor do these rules have any impact on agricultural land.

III. CONCLUSION

Based on the foregoing, the proposed rule amendment to the environmental testing laboratory certification rules are both needed and reasonable.

Dated: October 4, 1991

MARLENE E. MARSHALL
Commissioner of Health

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

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

Keith A. J. Friendshuh, DVM
Minnesota Board of Animal Health
Room 119
90 West Plato Boulevard
St. Paul, MN 55107
(612) 296-3428

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

The proposed rules as published on May 20, 1991, *State Register*, Volume 15, Number 47, have not changed. The only changes are in the **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule. It has been revised and is available upon request from Dr. Friendshuh.

The board has determined that this rule will have no significant negative impact on small businesses.

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

Dated: 4 October 1991

T. J. Hagerty, DVM
Executive Secretary

Department of Health

Proposed Permanent Rules Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") intends to adopt without a public hearing the above-entitled amendment to rules by expanding the list of analytes eligible for certification under the Clean Water Program and the Safe Drinking Water Program. To accomplish this purpose the Department intends to amend *Minnesota Rules* part 4740.2020, by adding a new subpart 5, without a public hearing following the procedures set forth in the Administrative Procedure Act in *Minnesota Statute* §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is *Minnesota Statute* §§ 144.97 and 144.98 (1990).

All persons have until Thursday, November 21, 1991, 4:30 p.m. to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period, ending November 21, 1991. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes*, Sections 14.131 to 14.20 (1990).

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

Pauline M. Bouchard, J.D., Director
Public Health Laboratory Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5210

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

The rule authorizes environmental testing laboratories to become certified by the Department to perform tests for certain specified analytes under two testing programs: the Safe Drinking Water Act, 42 *United States Code, Section 300f et seq., Minnesota Statutes,* Section 144.381 et seq., and 40 *Code of Federal Regulations* 141; and the Clean Water Act, 33 *United States Code,* Section 1251 et eq. and 40 *Code of Federal Regulations,* Section 136. This amendment adds volatile organic analytes in part 4790.2040, subpart 5.

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

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Pauline M. Bouchard upon request at the above address.

Pursuant to *Minnesota Statute* Section 14.115, subdivision 2, the impact on small businesses has been considered in the promulgation of this rule amendment. The Department's analysis and position regarding the impact of the amendment on small businesses is set forth in the **STATEMENT OF NEED AND REASONABLENESS.** Anyone wishing to present evidence or argument as to the amendment's effect on small businesses is encouraged to do so.

Pursuant to *Minnesota Statute* Section 14.115, subdivision 4 (c), the Department, in order to provide an opportunity for small businesses to participate in the rule making process, will mail copies of the proposed rule amendment and this Notice to all laboratories which are currently certified or in the application process. To the Department's knowledge this includes all laboratories which do environmental testing. These laboratories are encouraged to comment.

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

Dated: 4 October 1991

Marlene E. Marschall
Commissioner

Rules as Proposed

4740.2040 CERTIFIED TEST CATEGORIES.

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

Subp. 5. **Volatile organic compounds (VOCs)**

A. Analytes eligible for certification under the Clean Water Program are:

(1) Dichlorodifluoromethane;

(2) Chloromethane;

(3) Vinyl chloride;

(4) Bromomethane;

(5) Chloroethane;

(6) Dichlorofluoromethane;

(7) Trichlorofluoromethane;

(8) Trichlorotrifluoroethane;

(9) 1,1-Dichloroethene;

(10) Allyl Chloride;

(11) Methylene chloride;

(12) trans-1,2-Dichloroethene;

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.

(13) 1,1-Dichloroethane;
(14) 2,2-Dichloropropane;
(15) cis-1,2 Dichloroethene;
(16) Chloroform;
(17) Bromochloromethane;
(18) 1,1,1-Trichloroethane;
(19) 1,1-Dichloropropene;
(20) Carbon tetrachloride;
(21) 1,2-Dichloroethane;
(22) Trichloroethene
(23) 1,2-Dichloropropane;
(24) Bromodichloromethane;
(25) Dibromomethane;
(26) cis-1,3-Dichloropropene;
(27) trans-1,3-Dichloropropene;
(28) 1,1,2-Trichloroethane;
(29) 1,3-Dichloropropane;
(30) Tetrachloroethene;
(31) Chlorodibromomethane;
(32) 1,2-Dibromoethane;
(33) Chlorobenzene;
(34) 1,1,1,2-Tetrachloroethane;
(35) Bromoform;
(36) 1,1,2,2-Tetrachloroethane;
(37) 1,2,3-Trichloropropane;
(38) Bromobenzene
(39) 2-Chlorotoluene
(40) 4-Chlorotoluene;
(41) 1,3-Dichlorobenzene;
(42) 1,4-Dichlorobenzene;
(43) 1,2-Dichlorobenzene;
(44) 1,2-Dibromo-3-Chloropropane;
(45) 1,2,4-Trichlorobenzene;
(46) Hexachlorobutadiene;
(47) 1,2,3-Trichlorobenzene;
(48) Ethyl Ether;
(49) Acetone;
(50) Methyl tertiary-Butyl Ether;
(51) Methyl Ethyl Ketone;
(52) Tetrahydrofuran;
(53) Benzene;
(54) Methyl Isobutyl Ketone;

(55) Toluene;

(56) Ethylbenzene;

(57) m + p-Xylene;

(58) o-Xylene;

(59) Styrene;

(60) Isopropylbenzene;

(61) n-Propyl Benzene;

(62) 1,3,5-Trimethylbenzene;

(63) Tert-Butylbenzene;

(64) 1,2,4-Trimethylbenzene;

(65) sec-Butylbenzene;

(66) p-Isopropyltoluene;

(67) n-Butylbenzene; and

(68) Naphthalene.

B. Analytes eligible for certification under the Safe Drinking Water Program are:

(1) Chloromethane;

(2) Vinyl chloride;

(3) Bromomethane;

(4) Chloroethane;

(5) 1,1-Dichloroethene;

(6) Methylene chloride;

(7) Trans-1,2-Dichloroethene;

(8) 1,1-Dichloroethane;

(9) 2,2-Dichloropropane;

(10) cis-1,2 Dichloroethene;

(11) Chloroform;

(12) 1,1,1-Trichloroethane;

(13) 1,2-dichloropropene;

(14) Carbon tetrachloride;

(15) 1,2-Dichloroethane;

(16) 1,2-Dichloropropane;

(17) Trichloroethene;

(18) Bromodichloromethane;

(19) Dibromomethane;

(20) cis-1,3-Dichloropropene;

(21) trans-1,3-Dichloropropene;

(22) 1,1,2-Trichloroethane;

(23) 1,3-Dichloropropane;

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.

(24) Tetrachloroethene;

(25) Chlorodibromomethane;

(26) 1,2-Dibromoethane;

(27) Chlorobenzene;

(28) 1,1,1,2-Tetrachloroethane;

(29) Bromoform;

(30) 1,1,2,2-Tetrachloroethane;

(31) 1,2,3-Trichloropropane;

(32) Bromobenzene;

(33) 2-Chlorotoluene;

(34) 4-Chlorotoluene;

(35) 1,3-Dichlorobenzene;

(36) 1,4-Dichlorobenzene;

(37) 1,2-Dichlorobenzene;

(38) 1,2-Dibromo-3-Chloropropane;

(39) Benzene;

(40) Toluene;

(41) Ethylbenzene;

(42) m + p-Xylene;

(43) o-Xylene; and

(44) Styrene.

Board of Pharmacy

Proposed Permanent Rules Relating to Licensure Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to amend *Minnesota Rules* pts. 6800.1150, 6800.1250, and 6800.1300 relating to fees. A copy of the proposed amendments is attached to this Notice. One additional free copy is available from the Board upon request. Procedures for the adoption of noncontroversial rules, found in *Minnesota Statutes* 14.22 to 14.28 (1986), will be used.

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged.

2. Each comment should identify the portion of the proposed rules addressed, the reason for the comments, and any change proposed.

3. In addition to submitting comments, interested persons may request in writing, during the 30 day comment period, that a hearing be held on the proposed rule amendment.

4. All comments, including requests for a public hearing, shall be submitted to:

David E. Holmstrom, Executive Director
Minnesota Board of Pharmacy
Room 107
Colonial Office Park Building
2700 University Avenue, West
Suite 107
St. Paul, Minnesota 55114-1079

Department of Health

Proposed Permanent Rules Relating to Eligible Analytes under the Clean Water and Safe Drinking Water Program

Corrected Notice of Intent to Adopt Rules Without a Public Hearing

The Notice and proposed rules which were published in the *State Register*, Volume 16, Number 17, October 21, 1991, at Pages 1026 to 1030 contained two errors. **The corrected notice is printed below. The rules as proposed have not been changed.**

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") intends to adopt without a public hearing the above-entitled amendment to rules by expanding the list of analytes eligible for certification under the Clean Water Program and the Safe Drinking Water Program. To accomplish this purpose the Department intends to amend *Minnesota Rules* part 4740.2040, by adding a new subpart 5, without a public hearing following the procedures set forth in the Administrative Procedure Act in *Minnesota Statute* §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is *Minnesota Statute* §§ 144.97 and 144.98 (1990).

All persons have until Thursday, November 21, 1991, 4:30 p.m. to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period, ending November 21, 1991. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes*, Sections 14.131 to 14.20 (1990).

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

Pauline M. Bouchard, J.D., Director	717 Delaware Street Southeast
Public Health Laboratory Division	Minneapolis, Minnesota 55440
Minnesota Department of Health	Telephone: (612) 623-5210

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

The rule authorizes environmental testing laboratories to become certified by the Department to perform tests for certain specified analytes under two testing programs: the Safe Drinking Water Act, 42 *United States Code, Section 300f et seq.*, *Minnesota Statutes*, Section 144.381 et seq., and 40 *Code of Federal Regulations* 141; and the Clean Water Act, 33 *United States Code*, Section 1251 et eq. and 40 *Code of Federal Regulations*, Section 136. This amendment adds volatile organic analytes in part 4740.2040, subpart 5.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Pauline M. Bouchard upon request at the above address.

Pursuant to *Minnesota Statute* Section 14.115, subdivision 2, the impact on small businesses has been considered in the promulgation of this rule amendment. The Department's analysis and position regarding the impact of the amendment on small businesses is set forth in the **STATEMENT OF NEED AND REASONABLENESS.** Anyone wishing to present evidence or argument as to the amendment's effect on small businesses is encouraged to do so.

Pursuant to *Minnesota Statute* Section 14.115, subdivision 4 (c), the Department, in order to provide an opportunity for small businesses to participate in the rule making process, will mail copies of the proposed rule amendment and this Notice to all laboratories which are currently certified or in the application process. To the Department's knowledge this includes all laboratories which do environmental testing. These laboratories are encouraged to comment.

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

Dated: 4 October 1991

Marlene E. Marschall
Commissioner

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Adoption of an
Amendment to Part 4740.2040
by Adding Subpart 5 Relating to
Volatile Organic Analytes Eligible
for Certification Under the
Environmental Laboratory Rules

DECLARATION OF COUNSEL

I, Richard A. Wexler, 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 Minn. Rules ch. 2010 have been followed without exception. For Attorney General billing purposes, the four-digit docket client code is 1400.

Dated: March 9, 1992

RICHARD A. WEXLER
Assistant Attorney General

SERCO Laboratories

St. Paul, Minnesota

1931 West County Road C2
St. Paul, Minnesota 55113
Phone: (612) 636-7173 FAX (612) 636-7178



November 19, 1991

Ms. Pauline Bouchard, J.D., Director
Public Health Laboratory Division
Minnesota Department of Health
717 Delaware Street SE
Minneapolis, MN 55440

Dear Ms. Bouchard:

I wish to comment on the proposed adoption of an amendment to Part 4740.2040 relating to volatile organic analytes (VOAs) for certification under the environmental laboratory rules.

SERCO Laboratories and I are in opposition to the inclusion of certain VOAs in the Clean Water Program list. The compounds in question are:

(6) Dichlorofluoromethane
(8) Trichlorotrifluoroethane
(10) Allyl Chloride
(19) 1,1-Dichloropropene
(48) Ethyl Ether
(49) Acetone
(50) Methyl tertiary-butyl ether
(51) Methyl Ethyl Ketone
(52) Tetrahydrofuran
(54) Methyl Isobutyl Ketone

These compounds are not listed in the traditional EPA analytical methods for VOAs; specifically 601, 602, 8010, 8020, 502.2 and the other 500 series methods. They are, however, listed in the MDH method 465D. Except for compound (50), they have all been listed as determinable parameters in the MDH 465 series methods for a number of years. Since the Clean Water Program list of compounds and the MDH Method 465D list of determinable parameters are very similar, we are assuming that the Department of Health will be basing the certification of the Clean Water Program on the ability to perform MDH Method 465D. We are in opposition to this and the inclusion of the previously mentioned compounds for the following reasons:

Availability of chemical standards. The MDH 465 series methods are very similar to the aforementioned EPA methods in terms of equipment required, analytical procedures, quality control requirements, etc. The big difference between these procedures is that Minnesota has added to the list of determinable compounds.

Availability of chemical standards (cont.)
Vendors who supply analytical equipment and consumable materials such as chemical standards gear their products to the analytes listed in the EPA methods. When Minnesota chooses to regulate and certify for compounds beyond the EPA methods' lists of determinable parameters, labs are forced to improvise, often at significant cost. Pure, undiluted volumes of the additional compounds must be purchased. An analyst must then prepare the standard solutions from these pure compounds. This results in the person having to handle very toxic, volatile chemicals. This contrasts to the procedure for the compounds on the EPA lists, in which dilute solutions in mixtures specifically designed for the method can be readily purchased.

Validity of 465D method for the additional compounds. There has always been some question in my mind whether the 465 methods are appropriate for the additional compounds in question, especially the non-halogenated species such as acetone and ethyl ether. The equipment used in these procedures, specifically the photoionization detector, is not particularly sensitive to these parameters. I have spoken with a number of other people in the testing laboratory community who share this sentiment.

Industry standards. Conventional industry standards are to use the published EPA methods for the analysis of the VOAs. When Minnesota deviates from these analytical standards, it raises many questions concerning regulation and certification. One that immediately comes to mind is reciprocity of certification. How will Minnesota ensure that out-of-state labs are performing the MDH 465 methods? Will Minnesota labs be put at a competitive disadvantage with out-of-state labs because of the forced duplication of methods?

Necessity of testing for additional compounds. There is no denying that many of the additional compounds are quite toxic. It has been our experience, however, that if a site is contaminated with these compounds, it is extremely likely that the site will also be contaminated with many other of the traditional VOAs listed in the EPA methods. In addition, the occurrence of some of these additional compounds is quite rare. One analyst, who has four years of VOA testing experience at SERCO, never recalls finding Dichlorofluoromethane, Allyl Chloride, or 1,1-Dichloropropene in any of the thousands of samples she has analyzed.

In lieu of certifying the Clean Water Program for VOAs based on the ability to perform MDH method 465D, we would like to propose any of the following alternatives:

Certify the Clean Water Program based on the ability to perform MDH method 465D, but exclude the aforementioned compounds.

Certify the Clean Water Program using any of the previously mentioned EPA methods for the analysis of VOAs.

Certify for the previously mentioned compounds separately and produce or suggest improved methods for their analysis.

In summary I would like to state that one of the goals at SERCO Laboratories is to provide the highest quality data possible to our clients. We have long felt that the data generated for the previously listed compounds has not been as high of quality as data generated for the other VOAs. We believe excluding these parameters from the Clean Water Certification Program, or making some provision for an alternative analysis for these compounds, would inherently increase the quality of VOA data generated by all testing laboratories in Minnesota. I hope you will strongly consider our proposals.

Should you have any questions or comments regarding this matter, feel free to contact me.

Sincerely,

SERCO Laboratories

Christopher S. Jones, Ph.D.
Lab Manager

CSJ/jep