

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

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

Version 3
August 20, 2018

MSC
4/22/92

RULE REVIEW CHECKLIST

File No. 1913
DATE RECEIVED 4-20-92
REVIEW DATE 4/29/92
DUE DATE 5/4/92
(DIS)APPROVED 4-30-92mj
WITHDRAWN

Docket No. 05 0009 1210
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 4/22/92
REVISOR (DIS)APPROVED 4/23/92
FILED W/SEC. OF STATE 4-30-92
RETURNED TO AGENCY 4-30-92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
Feb 24, 1992 Date published in State Register
Comments

Petition for Adoption of a Rule

Board's Authorizing Resolution
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
103I.211 repeal Statutory Authority 103I.222
Small Business Statement
Expenditure of public money statement
February 24, 1992 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
March 5, 1992 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
March 9, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply Statute states must be adopted by May 25, 1992
✓ 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
April 15, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Marie Chesta 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: April 30, 1992

TO: DAN WILSON
Well Management Unit
Minnesota Department of Health
Division of Environmental Health
925 Southeast Delaware Street
P.O. Box 59040
St. Paul

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

The above-referenced rule has been approved as to its legality by the Attorney General on April 30, 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: Maria Christu
William Brown, Chief Judge
MaryAnn Hruby

Department of Health

Adopted Permanent Rules Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

Rules as Adopted

4725.7605 FLUSH THREADED POLYVINYL CHLORIDE (PVC) CASING AND SCREENS USED FOR MONITORING WELLS AT PETROLEUM STORAGE TANK SITES.

Notwithstanding parts 4725.6900 to 4725.7600, a monitoring well may use flush threaded polyvinyl chloride (PVC) casing and screens used for leak detection or groundwater monitoring at an underground or aboveground petroleum storage tank site if the requirements in this part are met.

A. The screen must intersect the surface of the water table at the time of installation. The well must be constructed so the joint between the two deepest casing sections is above the surface of the water.

B. The total depth of the monitoring well must be 50 feet or less.

C. The monitoring well must be constructed in unconsolidated materials.

D. The annular space between the bore hole and the casing must be grouted with neat cement. The grout must be placed from within ten feet of the top of the screen to the established ground surface.

E. The flush threaded polyvinyl chloride casing must meet at least the standards in schedule 40 for polyvinyl chloride (PVC) materials of the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania. Schedule 40 standards are contained in the Annual Book of ASTM Standards, Volume 8, Designation D 1785-88 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120 Tables I and II, published December

1988. The ASTM standards are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 30 1992

Joan Anderson Growe
Secretary of State

11:50 AM
PRB

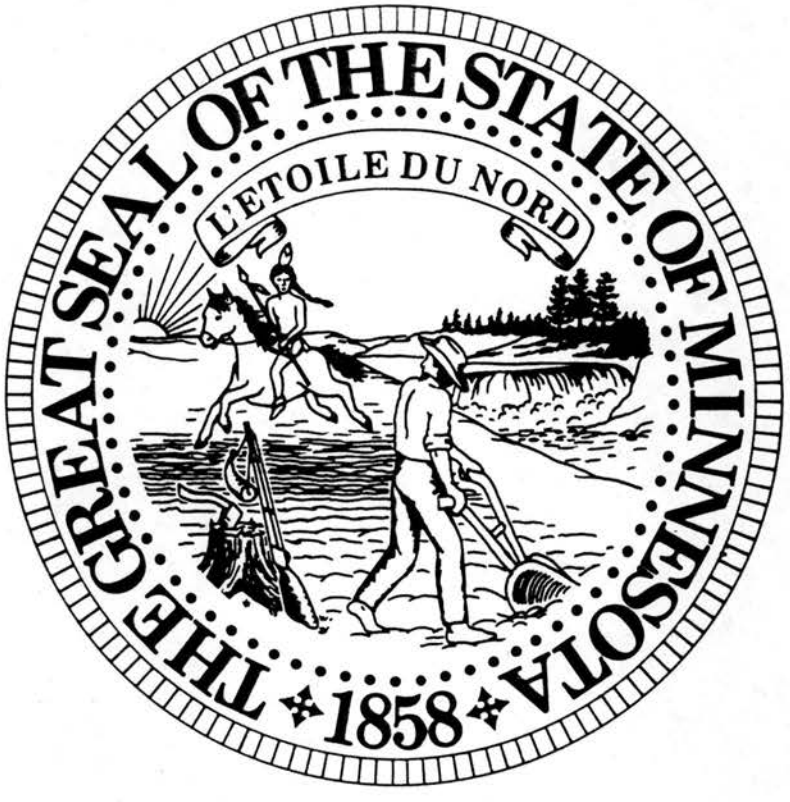
APPROVED AS TO FORM AND LEGALITY
April 30 1992
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

The Minnesota

State Register

Department of Administration—Print Communications Division

FEB 1992
RECEIVED
M.D.H.
E.H.



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 24 February 1992

Volume 16, Number 35

Pages 1933-1972

Minnesota Comprehensive Health Association

Notice of Actuarial Committee Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 1:00 p.m. on Wednesday, March 11, 1992 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in the 6th floor dining room.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Enrollee Appeal Committee will be held at 1:00 p.m. on Wednesday, March 4, 1992 at Blue Cross Blue Shield Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in the sixth floor board room. Portions of this meeting may be closed to the public.

For additional information please call Lynn Gruber at (612) 593-9609.

Ethical Practices Board

Advisory Opinion #118 re: Lobbying Disclosure

Issued 2-4-92 to Sarah Janecek—SUMMARY—118. When an industry hosts a general tour of its operations for legislators, the costs of the tour must be reported by the industry's lobbyist and included in the annual report of the lobbyist principal if the tour disseminates information related to legislative action regardless of whether legislation related to the industry is pending in the Minnesota Legislature. The full text of the opinion is available upon request from the Ethical Practices Board, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603; (612) 296-5148.

Ethical Practices Board

Advisory Opinion #119 re: Potential Conflict of Interest

Issued 2-11-92 to the Honorable Ted A. Mondale—SUMMARY—119. A public official or local official is not required to file a potential conflict of interest notice in a case involving official action of general application to the official's business or profession simply because of association in that business or profession. However, if an official or the official's associated business has a financial interest which would be directly and uniquely affected by an official action, then the official must file a potential conflict of interest notice as required by *Minnesota Statute* § 10A.07, subd. 1 (1990). The full text of the opinion is available upon request from the Ethical Practices Board, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603; (612) 296-5148.

Ethical Practices Board

Advisory Opinion #120 re: Annual Report of Lobbyist Principal

Issued 2-4-92 to John A. Cairns—SUMMARY—120. A member of a trade association is not required to report as a lobbying disbursement the dues paid to a trade association that engages or compensates a registered lobbyist. However, a trade association that spends more than $500 to engage or compensate a registered lobbyist must report as a principal. Records and data of lobbyists and principals submitted to the Board for audit are protected during the audit by the Government Data Practices Act. Materials retained by the Board after the audit is completed are public. The full text of the opinion is available upon request from the Ethical Practices Board, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603; (612) 296-5148.

Department of Health

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Permanent Rules of the Minnesota Department of Health Governing Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the Department in preparing to propose the adoption of rules of the Minnesota Department of Health Governing Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, *Minnesota Rules*, part 4725.7605. The adoption of a permanent rule is mandated by *Minnesota Statutes*, section 103I.222.

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

Mr. Dan Wilson
Well Management Unit
Minnesota Department of Health
Division of Environmental Health
925 Southeast Delaware Street
P.O. Box 59040
Minneapolis, Minnesota 55459-0040

Oral statements will be received during regular business hours over the telephone at (612) 627-5161 and in person at the above address.

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

Jane A. Nelson
Rules Coordinator

Department of Human Services

Health Care Management Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of Rules Governing Eligibility to Receive Medical Assistance Payment for Mental Health Services

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing Eligibility to Receive Medical Assistance Payment for Mental Health Services, *Minnesota Rules*, part 9505.0323, subpart 29. The proposed rule amendment is authorized by *Minnesota Statutes*, sections 256B.04, subdivisions 2 and 11 and 256B.0625, subdivision 24.

The proposed rule amendment will require the participation of a psychiatrist in providing certain services to a child with a severe emotional disturbance only if the child is taking a prescribed psychoactive drug and to a person with serious and persistent mental illness only if the person is taking a prescribed psychotropic or antidepressant drug.

The State Department of Human Services requests information and opinions concerning the subject matter of the amendments to the rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Eleanor Weber
Rules and Bulletins Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

Oral statements will be received during the regular business hours over the telephone at (612) 297-4301 and in person at the above address.

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

Date: 14 February 1992

Eleanor Weber
Rules and Bulletins

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : Health

DATE : February 24, 1992

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

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

PHONE : 627-5038

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

In accordance with the above matter, the Minnesota Department of Health is submitting to you the Statement of Need and Reasonableness on proposed rules governing Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605.

JAN:lk

Enclosure

2/20/92(rev)

STATE OF MINNESOTA
MINNESOTA DEPARTMENT OF HEALTH

In the Matter of Proposed Permanent Rules of the Minnesota Department of Health Governing Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605

Statement of Need and Reasonableness

The proposed permanent rules govern the use of flush threaded polyvinyl chloride (PVC) casing and screens in monitoring wells at petroleum storage tank sites. PVC casing and screens are plastic casing and screens. This material is allowed for use at monitoring wells and leak detection at petroleum storage tank sites as an alternative to cast iron and steel casings and screens. The use of flush threading as a connection mechanism is expressly permitted in this instance.

The rules proposed establish permanent rules on this matter. Emergency rules on the use of flush threaded PVC casing and screens for monitoring and leak detection at petroleum storage tank sites were adopted by the department November 25, 1991.

Authority to Adopt Rules

Authority to adopt the proposed rules is found in Minnesota Statutes, section 103I.221, subdivision 2 which states that "the commissioner may adopt rules relating to the installation of plastic well casing." Section 103I.222 adopted in Laws of Minnesota 1991, mandates that:

> The department shall adopt emergency rules within six months, and permanent rules within one year, of May 25, 1991, designed to allow the use of flush threaded polyvinyl chloride casing and screens used for leak detection and monitoring wells at underground or aboveground petroleum storage tank sites.

Minnesota Statutes, section 103I.501 stipulates that:

> (a) The commissioner shall regulate and license:
> (1) drilling, constructing, and repair of wells;
> (2) sealing of wells;
> (3) installing of well pumps and pumping equipment;
> (4) excavating, drilling, and sealing of holes for the installation of elevator shafts and hydraulic

cylinders; and

(5) construction and sealing of environmental boreholes.

Rulemaking procedures; discretionary notice.

Minnesota Statutes, chapter 14 specifies certain procedures which must be followed when an agency proposes to adopt a rule. Section 14.10 requires an agency to seek information or opinions from persons outside the agency for adoption of a rule to publish notice of such action in the State Register. This notice was published on February 24, 1992.

A notice and copy of this Statement of Need and Reasonableness was sent to the Legislative Commission to Review Administrative Rules as required by Minnesota Statutes, section 14.131.

The department provided notice of intent to adopt the permanent rules and a copy of the proposed rule to the Minnesota Petroleum Marketer's Association and to over 125 parties in addition to those persons and associations on the department certified mailing list. The additional discretionary mailing by the department included monitoring well drillers and engineering firms, testing firms and laboratories, the Minnesota Department of Transportation, Minnesota Geological Society, county health departments, the Minnesota Water Well Association, Minnesota Office of Waste Management, Minnesota Department of Agriculture, Minnesota Pollution Control Agency and United States Army Corps of Engineers. This discretionary notice was also made when the emergency rule was proposed and adopted. A number of these parties fall within the definition of a small business as provided in Minnesota Statutes, section 14.115.

Fiscal impact.

The department has estimated the fiscal impact of the proposed rules on state and local public bodies in the two years following adoption of the rules and finds that the permanent rules will not result in an additional expenditure of public funds.

Small business considerations

Minnesota Statutes, section 14.115, requires that an agency consider five factors for reducing the impact of proposed rules on small businesses, these being:

1. less stringent compliance or reporting requirements;
2. less stringent schedules or deadlines for compliance or reporting;
3. consolidation or simplification of compliance or reporting requirements;
4. the establishment of performance standards for small businesses to replace design or operational standards required in the rules; and
5. exemption of small businesses from the proposed rule.

Small business is defined as "....a business entity, including its affiliates that (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full time employees or has gross annual sales of less than four million dollars...." The small businesses most affected by the proposed rules are firms which install or use monitoring wells, and the owners of sites which contain a petroleum storage tank.

The proposed permanent rule complies with the legislative mandate to adopt permanent rules that allow for the use of PVC flush threaded casing for monitoring or leak detection at a petroleum storage tank site. Plastic casing and screens have been allowed for use at monitoring well sites (4725.7000 to 4725.7600). However, the use of plastic casing with flush threads was not expressly permitted. Laws of Minnesota 1991, mandated that the department adopt permanent rules to allow for the use of flush threaded plastic casing and screens.

1. The proposed rules do not mandate reporting requirements. The proposed rules do not require use of PVC flush treaded casing, but provide it as an option to other already recognized casing materials.

2. Schedules, deadlines or reporting requirements are not mandated within the scope of the proposed rules.

3. The purpose of the proposed rules is not to consolidate compliance or reporting requirements. The purpose is to allow for the permanent use of a product beyond May 22, 1992.

4. The department has considered the adoption of performance standards for well construction. The department views the intent of Minnesota Statutes, section 103I.222, in light of adopted rules, to specifically address the permitted use of a product in the construction of a well. With respect to groundwater protection, the department understands the intent of the legislation to be to encourage the use of monitoring wells on and around petroleum storage tank sites as a cost effective way to detect contamination leaks. Less stringent compliance standards for small businesses as defined may not ensure groundwater or public health protection. There has been concern among some hydrologists and soil scientists about the integrity of flush threaded casing. This concern remains. The department will continue to monitor the use of flush threaded pipe. The use of materials that do not endanger groundwater or public health are necessary regardless of the size of the employer or its dominance in the regulated field.

5. The major purpose of the proposed rule is to protect public health by ensuring protection of the groundwater which provides almost two thirds of all drinking water supplies in the state. Small businesses and the customers of small businesses should be afforded the same public health protection as other

individuals. It is not appropriate to exempt a business or affected party from the requirements of the proposed rules on the basis of size nor did the legislature make provision for such an exemption within chapter 103I.

Impact on agricultural land

In accordance with Minnesota Statutes, section 14.11, the department has determined that the proposed rules do not have a direct and substantial adverse impact on agricultural land in the state within the context of the state agricultural land preservation and conservation policy.

Need for and reasonableness of proposed part 4725.7605.

Minnesota Statutes (1991 Supplement), section 103I.222 mandates that:

> The department shall adopt emergency rules within six months, and permanent rules within one year, of May 25, 1991, designed to allow use of flush threaded polyvinyl chloride casing and screens used for leak detection and monitoring wells at underground or aboveground petroleum storage tank sites.

The department must adopt proposed part 4625.7605 to comply with statute.

Item A. The screen must intersect the water table at the time of installation to prevent the submersion of casing joints below the water table. The concern of the department is that flush threaded joints may not be water tight. Casing joints for schedule 40 PVC casing are typically laboratory tested to withstand 25 pounds per square inch of pressure. Plastic casing for water supply wells is required to withstand 200 pounds per square inch of pressure. The reduction in the capacity to withstand pressure in flush threaded casing is due to the decrease in the casing wall thickness where the threads are cut or molded into the plastic. The threaded area of the joints are thin and may fracture if stressed by cold temperatures or tightening. To prevent leakage through casing joints, the joints should not be submerged below the water table. This requirement is reasonable because monitoring wells are commonly designed with the screen just intersecting the water table. Allowing the water table to rise to the first casing joint is reasonable because it is common practice to attach a 10 to 20 foot casing length to the screen. This practice allows for an 8 to 20 foot water table fluctuation. A water table rise of more than eight feet would be a rare occurrence.

Item B. It is necessary to limit the total depth of the well to 50 feet because PVC casing is not strong enough to consistently withstand the increased stress associated with greater depth installations. This requirement is reasonable because the water

table in Minnesota is generally less than 50 feet from the surface.

Item C. It is necessary to limit flush and threaded casing to use only in unconsolidated materials because installation in rock would require that the casing then be cement grouted. Although cement grout is considered to be the best material available to achieve a good well seal, the amount of cement grout required in rock may be significantly greater due to large cavities resulting from drilling. The heat of cement hydration is great for large quantities of cement and may cause plastic casing to collapse.

Item D. Requiring neat cement grout is reasonable because this is the requirement for other types of plastic casing. Cement grout provides a good seal. Placing grout from within 10 feet of the top of the screen allows a longer than commonly used space for extension of a sand pack or a bentonite seal above the screen. This requirement is necessary to prevent intervals around the screen that may vertically interconnect confining layers with permeable layers.

Item E. The proposed rule provides discretion in the type of pipe used for flush and threaded PVC casing. A casing standard of schedule 40 PVC was chosen to establish a minimum measure for structural strength to prevent borehole collapse. The specification of schedule 40 PVC pipe is consistent with adopted part 4725.7100 which requires plastic water wells to meet American Society for Testing and Materials standard, ASTM F480 Standard Specification for Thermoplastic Water Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR). Casing meeting ASTM F480 must be at least schedule 40.

Although the department would like to adopt a more specific casing standard consistent with the requirement for iron and steel casing, the department does not find the ASTM F480-90 casing standard for flush and threaded PVC to be adequate because it does not include thread tolerances. The ASTM F480-90 standard also requires the use of Acme screws which generally are not used by the industry. The department will continue to monitor the development of ASTM F480 standards and may consider adoption of a future revision.

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : Health

DATE : April 21, 1992

TO : Patricia Nolte, legal assistant
Office of the Attorney General

Rec 4-20-92

FROM : Jane A. Nelson, rules coordinator JN
Environmental Health Division

PHONE : 627–5038

SUBJECT : Review of Permanent Rule Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.0400 for your review of a rule adopted without a public hearing. Please address any questions and your order on this matter to me.

Official documents in this submittal include:

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

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

C. A copy of the notice of intent to adopt a rule without a public hearing as mailed.

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

E. A copy of the notice of mailing the Statement of Need and Reasonableness to the Legislative Commission to Review Administrative Rules.

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

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

H. Four copies of the rule as adopted. The department made no modifications to the rule as proposed.

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

J. A copy of all written requests, submissions, or comment on the rule received by the Department except requests solely for copies of the rule or for the statement of need and reasonableness.

K. A copy of the Declaration of Counsel of the Attorney General–Health Law Division.

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

If you have any questions about this submittal, please call me at 627–5038.

103I. 222
The Department shall adopt emergency rules within six months, and permanent rules within one year of May 25, 1991, designed to allow use of flush and threaded polyvinyl chloride casing
" "

end of comment period April 8, 1992

Notice of Intent - E (11)
no statement that proposed rule is attached to the notice - or a description of the rule - — yes the is See bottom of 1st pg
called Jane + confirmed, they did send the rule

Findings of Fact
(7) no statement if recieved notice of submission to A.G.

180 -
not new material part of a ~~statute~~ rule

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rules of the Minnesota Department of Health Governing Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, sections 103I.211 and 103I.222.

(2) All persons have 30 days or until 4:30 p.m. on April 8, 1992 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) 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. (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 agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) Comments or written requests for a public hearing must be submitted to: Mr. Dan Wilson, Well Management Unit, Minnesota Department of Health, 925 S.E. Delaware Street, P.O. Box 59040, Minneapolis, Minnesota 55459-0040, (612) 627-5161.

(8) The proposed rule 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 rule as noticed. A copy of the proposed rule is attached to this notice as mailed and immediately follows the notice as published in the State Register.

A free copy of the rule is available upon request from Mr. Dan Wilson, (612) 627-5161. (11) missing summary of the rule

(12) A 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 has been prepared and is available from Mr. Dan Wilson, upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. (13)

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form, including the issues of substantial change; whether the Department has the authority to adopt the rules; and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. 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 the written request to Mr. Dan Wilson. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available on request from the Department.

Date: February 24, 1992

Marlene E. Marschall
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed Permanent of the Rules of the Minnesota Department of Health Governing Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT PERMANENT RULE

Laurie Kowalik, being sworn, says:

That on the 5 day of March, 1992, in the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Affidavit of Mailing Notice of Intent to Adopt a Permanent Rule by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the attached Department list and discretionary mailing list.

Laurie Kowalik
(name)

Secretary
(title)

Environmental Health
(division)

Subscribed and sworn to before me this 5th day of March, 1992.

Marlene K Randall

MARLENE K. RANDALL
NOTARY PUBLIC-MINNESOTA
ANOKA COUNTY
MY COMMISSION EXPIRES DECEMBER 6, 1996

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of Rules of the Minnesota Department of Health Governing Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605.

CERTIFICATE

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

11:00 a.m., this 28 day of February, 1992.

Christine Barton

Christine Barton

Michael J. Ahern
4800 Norwest Center
90 S. 7th St.
Minneapolis, MN 55402-4119

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

Anoka County Environmental
Services
% Robert Hutchison
Courthouse - 4th Floor
Anoka, MN 55303

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

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

William Bond
MN Pharmacists Assoc.
Court Int'l North #320
2550 University Ave. W.
St. Paul, MN 55114

Marge Scudder Brchan
Morrison County Public
Health Services
808 S.E. Third Street
Little Falls, MN 56345
Broeker, Geer, Fletcher
& LaFond, Limited
Attn: Sue Gilgenbach
8500 Normandale Blvd,
Suite 1510
Bloomington, MN 55437

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

William R. Carter, III
POST Board
1600 University Avenue
Suite 200
St. Paul, MN 55104

Rebecca A. Comstock
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, MN 55402

William Conley
114 Mackubin Street
St. Paul, MN 55102

D.E.F.F.B.A.M.
P.O. Box 11855
St. Paul, Mn 55111

Mary Davies, Director
Dakota Mental Health Ctr
744 - 19th Avenue North
So. St. Paul, MN
55075-1390

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

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

Michael J. Duffy, Director
Community Health Board
325 Lake Avenue South
Suite 604
Duluth, MN 55802

Doug Ewald
26 East Exchange Street
St. Paul, MN 55101

Carol Fielders, Nursing
Director
St. Louis County Health
Department
222 East Superior Street
Duluth, MN 55802-2134

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

Pamela A. Foster,
Supervising Sanitarian
City of Crystal
4141 Douglas Drive North
Crystal, MN 55422

Iris C. Freeman
MN Alliance For Health
Care Consumers
5609 Lyndale Ave. So.
Minneapolis, MN 55419

Cynthia R. Fremgord
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

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

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

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

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

Ms. Elisabeth Hennessey
Executive Director
Arc Olmsted County
903 West Center Street
Rochester, MN 55902

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

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

Hope Residence Inc.
Box 63
Waterville, MN 56096

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

Joel D. Johnson
14920 Paul Ave. No.
Mrne St. Crx., MN
55047-9751

Sharon Kannenberg
252 W. Wabasha Street
Winona, MN 55987

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

David R. Kiely
% A.R.R.M.
26 E. Exchange St. #503
St. Paul, MN 55101

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

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

Julie Krause
Todd County Public Health
Nursing Service
119 Third Street
Long Prairie, MN 56347

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

Sue Kvendru
MN Senior Federation
1885 University Avenue
St. Paul, MN 55104

Byron Laher
404 South 8th Street
Minneapolis, MN 55404

Wayne Larson
Mt. Olivet Rolling Acres
7200 Rolling Acres Road
Excelsior, MN 55317

Ernest K. Lehmann &
Associates, Inc.
Attn: Land Department
430 First Ave. N.-Ste. 790
Minneapolis, MN 55401

Virgil H. Lee, R.Ph., M.S.
St. Marys Hospital
Pharmacy
1216 Second St. S.W.
Rochester, MN 55902

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

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

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

David Lurie
Commissioner of Health
City of Minneapolis
250 S. 4th Street
Minneapolis, MN 55415-1372

Mary Luth, Washington
County Public Health Dir.
14900 N. 61st Street
Stillwater, MN 55082

MBW Company
513 Center Street
New Ulm, MN 56073

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

Ms. Mary Martin
GRAY, PLANT, MOOTY, MOOTY
& BENNETT
3400 City Center
33 South Sixth Street
Minneapolis, MN 55402

Angie McCollum
444 Lafayette Road
St. Paul, MN 55155-3843

Minnesota Chiropractic
Association
Attn: Scott Mayer
1700 W. Hwy. 36, #130
Roseville, MN 55113-4057

NASW Alan Ingram, Ex. Dir.
480 Concordia Ave.
St. Paul, MN 55103

Karen L. Nelson
620 - 7th St. N.E.
Staples, MN 56479

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

Phillip C. Newberg
MN Bd Nsg Home Admin.
2700 University Ave. W.
#104
St. Paul, MN 55114-1082

Lyonel Norris, Family &
Children's Service
414 South 8th Street
Minneapolis, MN 55404

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

Nancy Publicover
Scott-Levin Assoc.
60 Blacksmith Road
New Town, PA 18940

Public Affairs Department
Care Providers of MN
2850 Metro Drive, #200
Minneapolis, MN 55425

Michael J. Steffl
8370 Hwy 23 N.E.
Willmar, MN 56201

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

HA Swift
5165 N. St. Albans
St. Paul, MN 55126

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

James Temple
Chrestomathy Center Inc.
310 East 38th Street
Minneapolis, MN 55409

Vickie Schleuning
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55343

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

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

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

Jackie Schwietz
4249 Nicollet Avenue
Minneapolis, MN 55409

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

#82 - Revised 4/4/91

Jean Searles
38 - 7th Avenue North
Hopkins, MN 55343

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

Randy S. Sellers
Strategic Coordinator
D.E.F.F.B.A.M.
1935 Wilson Ave. #102
St. Paul, MN 55119

Sue Zuidem
Hennepin County Community
Health Department
525 Portland Ave. South
Minneapolis, MN 55415

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

Daniel McInerney
Leonard, Street & Deinard,
Suite 2300
150 South 5th Street
Minneapolis, MN 55402

So. Center Manor
508 Park Island
Box 386
Center City, MN 55012

Dominic Sposeto
2824 Irving Ave. S.
Minneapolis, MN 55408

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rules of the Minnesota Department of Health Governing Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, sections 103I.211 and 103I.222.

All persons have 30 days or until 4:30 p.m. on April 8, 1992 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

Comments or written requests for a public hearing must be submitted to: Mr. Dan Wilson, Well Management Unit, Minnesota Department of Health, 925 S.E. Delaware Street, P.O. Box 59040, Minneapolis, Minnesota 55459-0040, (612) 627-5161.

The proposed rule 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 rule as noticed. A copy of the proposed rule is attached to this notice as mailed and immediately follows the notice as published in the State Register.

A free copy of the rule is available upon request from Mr. Dan Wilson, (612) 627-5161.

A 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 has been prepared and is available from Mr. Dan Wilson, upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form, including the issues of substantial change; whether the Department has the authority to adopt the rules; and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. 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 the written request to Mr. Dan Wilson. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available on request from the Department.

Date: February 24, 1992

Marlene E. Marschall
COMMISSIONER OF HEALTH

Department of Health

Proposed Permanent Rules Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

Rules as Proposed (all new material)

4725.7605 FLUSH THREADED POLYVINYL CHLORIDE (PVC) CASING AND SCREENS USED FOR MONITORING WELLS AT PETROLEUM STORAGE TANK SITES.

Notwithstanding parts 4725.6900 to 4725.7600, a monitoring well may use flush threaded polyvinyl chloride (PVC) casing and screens used for leak detection or groundwater monitoring at an underground or aboveground petroleum storage tank site if the requirements in this part are met.

A. The screen must intersect the surface of the water table at the time of installation. The well must be constructed so the joint between the two deepest casing sections is above the surface of the water.

B. The total depth of the monitoring well must be 50 feet or less.

C. The monitoring well must be constructed in unconsolidated materials.

D. The annular space between the bore hole and the casing must be grouted with neat cement. The grout must be placed from within ten feet of the top of the screen to the established ground surface.

E. The flush threaded polyvinyl chloride casing must meet at least the standards in schedule 40 for polyvinyl chloride (PVC) materials of the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania. Schedule 40 standards are contained in the Annual Book of ASTM Standards, Volume 8, Designation D 1785-88 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120 Tables I and II, published December

Approved by Revisor MEO

1988. The ASTM standards are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4725

INCORPORATIONS BY REFERENCE:

Part 4725.7605 - Annual Book of ASTM Standards, Volume 8, Designation D 1785-88 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120 Tables I and II, published December 1988. Available through Minitex interlibrary loan system.

The attached rules are approved for publication in the State Register

Marie O'Neill

Marie E. O'Neill
Assistant Revisor

James Cunningham
Terracon Consultants, Inc.
5855 Harnischfeger Drive, S.W.
P.O. Box H
Cedar Rapids, IA 52406

Loren Denn
Loren Denn Well Drilling
Route 1, Box 137
Mapleton, MN 56065

Daniel Dietzler
Patrick Engineering, Inc.
346 Taft AVenue
Glen Ellyn IL 60137

Alphonse Donabauer
Donabauer Well and Pump Company
31795 Collegville Road
St. Joseph, MN 56374

Robert Douglass
The Traverse Group, Inc.
2525 Aero Park Drive
Traverse City, MI 49684

Lawrence Feldsien
Braun Engineering Testing
245 East Roselawn AVenue
St. Paul, MN 55117

Bill Fellows
Twin City Testing Corporation
3118 Benjamin Street
Minneapolis, MN 55418

Loel Fetting
Midwest Testing Laboratory, Inc.
4102 Seventh Avenue North
P.O. Box 3042
Fargo, ND 58108-3042

Russell Fish
Twin Ports Testing, Inc.
1301 North Third Street
Superior, WI 54880

Robert Foster
Great Plains Engineering Laboratory
3712 North Tenth Avenue
Sioux Falls, SD 57104-0832

Douglas Garlick
I-90 Well Drilling
1309 East Eighth Street
Fairmont, MN 56031

Terry Giles
Giles Engineering Associates, Inc
NBW 2235 Johnson Road
Waukesha, WI 53186

John Uran
Drillco
44 Center Street, Box 290
Excelsior, MN 55331

Brian Van Beusekom
Ingleside Engineering and Const., Inc.
4920 Highway 55
Loretto, MN 55357

Marvin Vareberg
Vareberg Well Drilling
Route 3, Box 201
Detroil Lakes, MN 56501

Kevin Weisel
Kevin Wm. Weisel Well Company
3905 Highway 29 South
Alexandria, MN 56308

Norman Wenck
Wenck Associates, Inc.
1800 Pioneer Creek Drive
Maple Plain, MN 55359

Don Whaley
Whaley Well Drilling
207 Second Avenue South
Wheaton, MN 56296

David Antonsen
Antonsen Well Drilling
Route 2, Box 210
Vergas, MN 56587

Rodney Atkinson
Atkinson Well and Pump
P.O. Box 185
Freeport, MN 56331

Patrick Beemer
Beemer Well drilling, Inc.
Route 1, Box 2
Fairmont, MN 56031

Herbert Bemis
Bemis Well Drilling
Route 1, Box 21
Waterville, MN 56096

Leslie Berg
Berg Well Drilling and Repair
Rural Route 1, Box 98
Gully, MN 56646

Basil Bowman
B & R Bowman Wells and Pumps
Route 1, Box 308
Cohasset, MN 55721

Roger Hartmann
Hartmann Well Company
308 East Main Street
New Prague, MN 56071

Duane Heley
Midwest Testing Laboratory, Inc.
4102 Seventh Avenue North
Fargo, ND 58102

Robert Hines
Northland Drilling Company
Route 1
Randall, MN 56475

Austin Huffman
Hydro Engineering Inc.
115 East Main Street
Young America, MN 55397

John Jamnick
Mateffy Engineering, Inc.
663 Old Highway 8
New Brighton, MN 55112

John Johnson
Johnson Well Company
Route 4, Box 30
Worthington, MN 56187

Rex Johnson
Johnson and Son Well Drilling
Highway 71 North
Sebeka, MN 56477

Robert Kadwell
Tellus Consultants
1315 Glenwood Avenue North
Minneapolis, MN 55405

Charles Knight
Blue Water Well Drilling, Inc.
P.O. Box 82
Brooten, MN 56316

Robert Krueger
Krueger well Drilling
Audubon, MN 56511

Vernon Lambert
Lambert Water Wells
P.O. Box 201
Emily, MN 56447

Richard Larson
Larson Well Drilling Company
Route 2, Box 95
Mabel, MN 55954

Quentin Lee
Lee Well Drilling, Inc.
Rural Route 2, Box 351
Milbank, SD 57252

Tom Maher
Maher Well Drilling, Inc.
Route 1
Hastings, MN 55033

Gene McAlpine
McAlpine's Well Drilling of Dayton
18280 Dayton River Road
Dayton, MN 55327

Kenneth McAlpine
McAlpine Bros., Inc.
Box 115
Rogers, MN 55374

Donald L. Jakes
Minn. Pllution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Mr. Herb Wenkel
Blue Earth County Env. Department
P.O. Box 86606
Mankato, MN 56001

Ron Spong
Dakota County Env. Health Services
33 East Wentworth AVenue, Suite 101
West St. Paul, MN 55118

Lynette Kerce
PHS of Goodhue and Wabasha Counties
419 Bush Street
Red Wing, MN 55066

Ms. Jill Johnson
Winona County Environmental Health
Winona County Courthouse
Winona, Minnesota 55987

Mr. Joseph Korzilius
Uffice of Materials, Res. & Standards
Minnesota Department of Transportation
Room 127, Transportation Bldg., John Ireland E
St. Paul, Minnesota 55155

Mr. David Kill, P.E.
Recovery Equipment Supply, Inc.
9282 Wellington Lane, North
P.O. Box 322
Maple Grove, MN 55369

Mr. Douglas Ewald
Minnesota Water Well Association
26 East Exchange Street
St. Paul, Minnesota 55101

Mr. Andrew Zickman
Delta Environmental Consultants
1801 Highway 8, Suite 114
New Brighton, Minnesota 55112

Mr. Bruce L. Brasaemie
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108

Mr. Thomas P. Clark
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

Mr. Terry Jorgenson
U.S. Army Corps of Engineers
1421 USPO and Customs House
St. Paul, Minnesota 55101

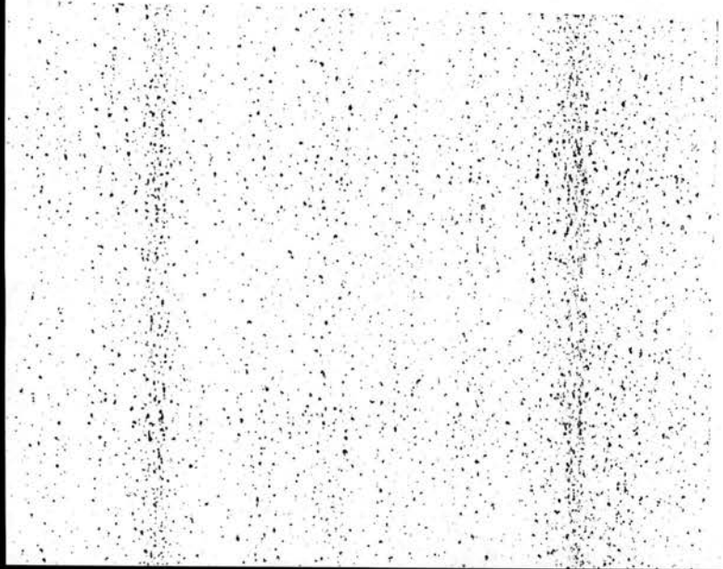
Mr. Allen Sunderman
Tellus Consultants
1315 Glenwood Avenue
Minneapolis, Minnesota 55405

Mr. Christopher M. Nadler
Remediation Technologies, Inc.
23 Old Town Square, Suite 250
Fort Collins, CO 80524

Ms. Shiela Growe
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, Minnesota 55107

Mr. Kevin Powers
Leggette Brashears and Graham, Inc.
1210 West County Road E, Suite 700
Arden Hills, Minnesota 55112

Mr. Wes Olson
Barr Engineering Company
7803 Glenroy Road
Minneapolis, Minnesota 55439



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

Sarah Tufford
Minnesota Dept. of Natural Resources
Third Floor, Dept. of Nat. Res. Bldg
500 Lafayette Road
St. Paul, Minnesota 55146

Christine E. Everson
Minnesota Department of Health
925 S.E. Delaware Street
P.O. Box 59040
Minneapolis, Minnesota 55459-0040

Bruce Bloomgren
Minnesota Geological Survey
University of Minnesota
2642 University Avenue
St. Paul, Minnesota 55114

Mr. Douglas Rovang
720 Tenth Street, S.W.
Rochester, Minnesota 55902

Rexford Singer
1444 Englewood Avenue
St. Paul, Minnesota 55104

James H. Overtoom
16660 Jasper Street
Ramsey, Minnesota 55303

Mr. Pete Thein
Box 429
Clara City, MN 56222

Mr. George Keys
413 North Lexington Parkway
St. Paul, MN 55104

Mr. Tom Stevens
Route 1, Box 123
Maple Plain, MN 55359

Mr. Tom Renner
15688 Jarvis Street
Elk River, MN 55330

Mr. Tony Ruppert
20420 County Road 50 North
Hamel, MN 55340

Thomas B. Rosga
Rosga Well Drilling, Inc.
410 Second Street, S.E.
P.O. Box 586
Hinckley, Minnesota 55037

Roger E. Renner
E. H. Renner and Sons, Inc.
15688 Jarvis Street, N.W.
Elk River, Minnesota 55330

Duane E. Frauenkron
Duane Frauenkron Well Drilling
Rural Route 1, Box 45
Hokah, Minnesota 55941

Bruce Gunderson
Pelan Construction and Well Drilli
Star Route, Box 23
Karlstad, Minnesota 56722

John S. Johnson
Johnson Brothers Well Drilling Com
2750 Noel Avenue
St. Paul, Minnesota 55117

Corey J. Seppmann
Route 9, Box 173
Mankato, Minnesota 56001

Larry Hierau
Southeast District Office
Rochester

Bob Schmidt
Southwest District Office
Marshall

Gary Otnes
West Central District Office
Fergus Falls

AGENDA ONLY
Mr. Leonard T. Pulkrabek
LTP Enterprises, Inc.
Box 9035
Fargo, ND 58106

AGENDA ONLY
Mr. Maurice Leuthner
Victoria, MN 55359

AGENDA ONLY
Mr. Robert Kruger
Audubon, MN 56511

AGENDA ONLY
Mr. Al Rosga
410 Second Street, S.E.
P.O. Box 402
Hinckley, MN 55037

AGENDA ONLY
Mr. Tom Moore
3200 Everest Lane
Plymouth, MN 55447

MINUTES AND AGENDA
Ms. Zona DeWitt
Legislative Library
Room 111, State Capitol Building
St. Paul, MN 55155

AGENDA ONLY
Mr. Steve Bennett
11208 Wren Street
Coon Rapids, MN 55433

Mr. John W. Beck
Lehmann Exploration Management, Inc.
Suite 790, Kickernick Building
430 First Avenue North
Minneapolis, Minnesota 55401

Agenda/Minutes
Dennis Thein
Thein Well Company - Rochester
7025 North Highway 63
Rochester, Minnesota 55904

Mr. Gary Bohn
Bohn Well Drilling Company, Inc.
16550 Baseline Avenue
Shakopee, Minnesota 55379

Christopher DeMattos
Rochester District Office

Steve Gruber
Bemidji District Office

Noel Hasskamp
Mankato District Office

Kelly Jorgensen
St. Cloud District Office

Mark Malmanger
Fergus Falls District Office

Robert Nielsen
Marshall District Office

Edward Schneider
Duluth District Office

Marvin Traut
Bemidji District Office

H. Curtis Wunderlich
St. Cloud District Office

Randy Ziemann
Rochester District Office

Peter Zimmerman
Rochester District Office

Dennis G. Larson, P.E.
Minnesota Department of Transportati
Office of Materials and Research
1400 Gervais Avenue, Room 70
Maplewood, Minnesota 55109

INTEROFFICE
Beverly A. Krogseng
Assistant Commissioner
Executive Office
Minnesota Department of Health

Mr. Warren Rodning
Board of Water and Soil Resources
Route 2, Box 158
Nicollet, Minnesota 56074

Mr. Eric Mohring
Board of Water and Soil Resources
155 South Wabasha, Suite 104
St. Paul, Minnesota 55107

Mr. Brian Rongitsch
Groundwater Unit Supervisor
Minn. Department of Natural Resource
500 Lafayette Road
St. Paul, Minnesota 55155-4032

GARY BAROTT 02303-A
BAROTT DRILLING SERVICES, INC.
681 BIRCH STREET
LINO LAKES, MN 55014

WILLIAM GANGL 02641-
MIDWEST ENVIRONMENTAL CONTROL CORP
3901 UNIVERSITY AVENUE NORTHEAST
MINNEAPOLIS, MN 55421-

RICHARD KUCK 08258-A
SEARLES WELL DRILLING, INC.
ROUTE 2, BOX 202B
NEW ULM, MN 56073

THOMAS BARRICK 27017-A
WTD ENVIRONMENTAL DRILLING
P.O. BOX 33615
MINNEAPOLIS, MN 55433

JOHN HENRICH 27058-A
BERGERSON-CASWELL, INC.
5115 INDUSTRIAL STREET
MAPLE PLAIN, MN 55359-

THOMAS STEVENS 27194-A
STEVENS WELL DRILLING COMPANY INC.
6240 HIGHWAY 12 WEST
MAPLE PLAIN, MN 55359

MARK PRUEHER 27653-A
W.T.D. ENVIRONMENTAL DRILLING
P.O. BOX 33615
MINNEAPOLIS, MN 55433-

PETER THEIN 34050-A
11355 HIGHWAY 71 EAST, P.O. BOX 77
SPICER, MN 56288

THOMAS OOTHOUDT 49588-A
NORTH STAR DRILLING, INC.
BOX 355
LITTLE FALLS, MN 56345

GEORGE KEYS 62012-A
KEYS WELL DRILLING COMPANY
413 NORTH LEXINGTON AVENUE
ST. PAUL, MN 55104

WILLIAM GANGL 62136-A
GANGL WELL DRILLING, INC.
1790 BIRCH LAKE AVENUE
WHITE BEAR LAKE, MN 55110

TIMOTHY LINDGREN 62573-A
BAY WEST INC.
5 EMPIRE DRIVE
ST. PAUL, MN 55103

NORVILLE PETERSEN 69183-A
PETERSEN WELL DRILLING, INC.
P. O. BOX 1045
VIRGINIA, MN 55792

DOUGLAS KOLSTAD 69554-A
KOLSTAD-OLSON DRILLING
P. O. BOX 217
ORR, MN 55771

ROGER RENNER 71015-A
E. H. RENNER AND SONS, INC.
15688 JARVIS STREET, N.W.
ELK RIVER, MN 55330

MARK TRAUT 71536-A
MARK J. TRAUT WELLS, INC.
151 72ND AVENUE, SOUTH
ST. CLOUD, MN 56301

Robert Valnes 75330-A
VALNES WELL DRILLING, INC.
RURAL ROUTE 1, BOX 950
MORRIS, MN 56267

WILLIAM KWASNY M0013-
GME CONSULTANTS, INC.
14000 21ST AVENUE, NORTH
MINNEAPOLIS, MN 55447

JAMES OVERTOOM M0017-M
STS CONSULTANTS, LTD.
3650 ANNAPOLIS LANE
MINNEAPOLIS, MN 55447

CAMERON KRUSE M0019-
BRAUN ENGINEERING TESTING, INC.
6800 SOUTH TRUNK HIGHWAY 169
EDEN PRAIRIE, MN 55344

STEPHAN GALE M0022-M
STS CONSULTANTS, LTD.
3650 ANNAPOLIS LANE
MINNEAPOLIS, MN 55447

DONOVAN STORMOE M0024-M
AMERICAN ENGINEERING TESTING, INC.
2102 UNIVERSITY AVENUE, WEST
ST. PAUL, MN 55114

JACK MCCONAHA M0029-
DRILLING AND ENGINEERING
8200 VIKING BOULEVARD
WYOMING, MN 55092

JOEL ZELTINGER M0038-
TWIN CITY TESTING & ENGRG. LAB., INC.
3100 EAST BROADWAY AVENUE
BISMARCK, ND 58501

JOHN GILBERTSON M0045-M
BERGERSON-CASWELL, INC.
5115 INDUSTRIAL STREET
MAPLE PLAIN,, MN 55359

MARTIN BONNELL M0054-M
DPRA
E-1500 FIRST NATIONAL BANK BUILDING
332 MINNESOTA STREET
ST. PAUL. MN 55101

DAVID LUICK M0055-
RESOLUTION TRUST CORPORATION
17082 HAMILTON DRIVE
LAKEVILLE, MN 55044

DANIEL ZWILLING M0058-
MINNESOTA DEPT. OF NATURAL RESOURCE
500 LAFAYETTE ROAD
ST. PAUL, MN 551554032

GEORGE KLUEMPKE M0059-M
BRAUN ENGINEERING TESTING
P.O. BOX 39108
MINNEAPOLIS, MN 55439-0108

LOEL FETTING M0061-M
MIDWEST TESTING LABORATORY, INC.
4102 SEVENTH AVENUE NORTH
P.O. BOX 3042
FARGO, ND 58108-3042

THOMAS KRZEWINSKI M0063-M
AMERICAN ENGINEERING TESTING, INC.
4431 WEST MICHIGAN STREET, SUITE 4
P.O. BOX 16008
DULUTH, MN 55816

JOHN GISLASON, JR. M0070-

2246 FAIRMONT AVENUE
ST. PAUL, MN 55105

PAUL BURLEY M0077-
BRAUN ENVIRONMENTAL LABORATORIES, I
6800 SOUTH TRUNK HIGHWAY 169
P.O. BOX 35108
MINNEAPOLIS. MN 55435

BRUCE CARD M0089-M
TWIN CITY TESTING CORPORATION
601 EAST 48TH STREET NORTH
SIOUX FALLS, SD 57104

RALPH LINDNER M0092-M
GEOTEK ENGINEERING AND
TESTING SERVICES, INC.
501 EAST 52ND STREET
SIOUX FALLS. SD 57104-

MARK JOHNSON M0095-M
DAHL AND ASSOCIATES
4390 MCMENEMY ROAD
ST. PAUL, MN 55127

MERVYN MINDESS M0101-M
GME CONSULTANTS, INC.
14000 21ST AVENUE NORTH
MINNEAPOLIS, MN 55114

DENNIS LARSON M0102-M
MINNESOTA DEPARTMENT OF TRANSPORTATIC
MATERIALS & RESEARCH LABORATORY, ROOM
1400 GERVAIS AVENUE
MAPLEWOOD. MN 55109

PAUL NELSON M0104-M
BRAUN INTERTEC ENGINEERING
310 SERVICE COURT NORTHEAST
ROCHESTER, MN 55906

MICHAEL GILGOSCH M0106-M
TWIN CITY TESTING, INC.
737 PELHAM BOULEVARD
DOCK 4
ST. PAUL. MN 55114

TOM DONOFRIO M0107-M
MATEFFY ENGINEERING, INC.
663 OLD HIGHWAY 8
NEW BRIGHTON, MN 55112

JON SCHARF M0109-M
BRAUN INTERTEC ENVIRONMENTAL, INC.
1345 NORTHLAND ROAD
MENDOTA HEIGHTS, MN 55120-

MICHAEL SCHMIDT M0110-M
TWIN CITY TESTING CORPORATION
ROUTE 9, BOX 98A
MANKATO, MN 56001-

BILL FELLOWS M0112-M
TWIN CITY TESTING CORPORATION
737 PELHAM BOULEVARD
ST. PAUL, MN 55114-1776

JAMES STARK M0113-M
U.S. GEOLOGICAL SURVEY
702 POST OFFICE BUILDING
ST. PAUL, MN 55101-

GARY HAGE M0114-M
TWIN PORTS TESTING, INC.
1301 NORTH THIRD STREET
SUPERIOR, WI 54880-

ROBERT FOSTER M0116-M
GREAT PLAINS ENGINEERING LABORATORY
3712 NORTH TENTH AVENUE
SIOUX FALLS, SD 57104-0832

Paul Schwartz
Indeco, Inc.
630 East River Drive
Bettendorf, IA 52722

Michael Scott
Minn. Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

Ronald Schaffer
Twin City Testing
1355 Mendota Heights Road
Mendota Heights, MN 55114

David Singleton
Layne-Western Company, Inc.
4430 Commercial Avenue
P.O. Box 11067
Omaha, NE 68110

Duane Spartz
Spartz and Sons Well Company
Box 136
Iona, MN 56141

Sylvester Steffl
Steffl Well Drillers
Glenwood, MN 56334

Robert Stodola
R. E. S. Well Drilling Co.
4530 Highland Road
Minnetonka, MN 55345

Joseph Stotko
Layne Minnesota Company
3147 California Street, N.E.
Minneapolis, MN 55418

Stanley Thein
P.O. Box 429
Clara City, MN 56222

Richard Thron
Mantyla Well Drilling, Inc.
1392 St. Croix Trail North
P.O. Box 797
Lakeland, MN 55043

Ronald Torgerson
Torgerson Well Company, Inc.
6855 Dogwood Street
Rockford, MN 55373

Steven Traut
Steven M. Traut Wells, Inc.
Route 2, Box 456
Alexandria, MN 56308

Lester Anderson
Kimmes-Bauer
21830 Lillehei Avenue
Hastings, MN 55033

Neal Anderson
Anderson Well Drilling
Route 1
Clarissa, MN 56440

Daniel Zwilling
Minn. Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4032

Jack McConaha
Drilling and Engineering
8200 Viking Boulevard
Wyoming, MN 55092

LeRoy McCullough
McCullough and Sons, Inc.
20355 Forest Boulevard North
Forest Lake, MN 55025

Paul Miller
John Mathes and Associates, Inc.
P.O. Box 330
Columbia, IL 62236

David Morrill
McGhie and Betts, Inc.
1648 Third Avenue, S.E.
Rochester, MN 55904

Donald Muelebroeck
Don's Pump and Well Service
Route 3
Glenwood, MN 56334

Barbara Ranson
B. B. Ranson Engineering, Inc.
320 South Jefferson
P.O. Box 26
Wadena, MN 56482

Harold Reithmiller
Tri-State Drilling, Inc.
P.O. Box 252
Hamel, MN 55340

Curt Sampson
Sampson Brothers Well Company
839 Oak Lane
Lino Lakes, MN 55014

3/23

The Minnesota

State Register

Department of Administration—Print Communications Division



LIBRARY
MINNESOTA DEPARTMENT OF HEALTH
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440
MAR 10 1992

Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 9 March 1992

Volume 16, Number 37

Pages 2017-2048

4735.0200 LICENSURE FEES FOR HOSPITALS, NURSING HOMES, BOARDING CARE HOMES, SUPERVISED LIVING FACILITIES, AND OUTPATIENT SURGICAL CENTERS.

In accordance with parts 4655.0300, subpart 2, 4640.0200, subpart 1, 4665.0400, subpart 5, and 4675.0300, subpart 8, each application for an initial or a renewal license to operate a hospital, nursing home, boarding care home, supervised living facility, or an outpatient surgical center shall be accompanied by a fee based upon the formula in this part.

Each separate licensure classification requires a separate base fee. For example, a hospital that is accredited by the Joint Commission on Accreditation of Healthcare Organizations with boarding care home beds must submit a ~~$450~~ $1,647 base fee for the hospital and a ~~$50~~ $249 base fee for the boarding care home plus the appropriate per bed fee for ~~each licensure classification~~ the boarding care home beds.

The fee schedule applies to all licenses issued on or after July 1, ~~1983~~ 1992.

Licensure fees for hospitals, nursing homes, boarding care homes, supervised living facilities, and outpatient surgical centers.

Licensure Classification	Base Fee	Per Bed Fee
Joint Commission on Accreditation of ~~Hospitals~~ Healthcare Organizations		
Accredited hospital	~~$450~~ $1,647	$ 0
Nonaccredited hospital	~~468~~ 1,713	~~29~~ 106 ~~(including bassinets)~~
Nursing home	~~68~~ 249	~~16~~ 59
Boarding Care Home	~~68~~ 249	~~16~~ 59
Supervised living facility	~~68~~ 249	~~16~~ 59
Outpatient surgical center	~~450~~ 1,647	0

Department of Health

Proposed Permanent Rules Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 103I.211 and 103I.222.

All persons have 30 days or until 4:30 p.m. on April 8, 1992 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

Comments or written requests for a public hearing must be submitted to: Mr. Dan Wilson, Well Management Unit, Minnesota Department of Health, 925 S.E. Delaware Street, P.O. Box 59040, Minneapolis, Minnesota 55459-0040, (612) 627-5161.

The proposed rule 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 rule as noticed. A copy of the proposed rule is attached to this notice as mailed and immediately follows the notice as published in the *State Register.*

A free copy of the rule is available upon request from Mr. Dan Wilson, (612) 627-5161.

A 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 has been prepared and is available from Mr. Dan Wilson, upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form, including the issues of substantial change; whether the Department has the authority to adopt the rules; and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. 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 the written request to Mr. Dan Wilson. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available on request from the Department.

Dated: 24 February 1992

Marlene E. Marschall
Commissioner of Health

Rules as Proposed (all new material)

4725.7605 FLUSH THREADED POLYVINYL CHLORIDE (PVC) CASING AND SCREENS USED FOR MONITORING WELLS AT PETROLEUM STORAGE TANK SITES.

Notwithstanding parts 4725.6900 to 4725.7600, a monitoring well may use flush threaded polyvinyl chloride (PVC) casing and screens used for leak detection or groundwater monitoring at an underground or aboveground petroleum storage tank site if the requirements in this part are met.

A. The screen must intersect the surface of the water table at the time of installation. The well must be constructed so the joint between the two deepest casing sections is above the surface of the water.

B. The total depth of the monitoring well must be 50 feet or less.

C. The monitoring well must be constructed in unconsolidated materials.

D. The annular space between the bore hole and the casing must be grouted with neat cement. The grout must be placed from within ten feet of the top of the screen to the established ground surface.

E. The flush threaded polyvinyl chloride casing must meet at least the standards in schedule 40 for polyvinyl chloride (PVC) materials of the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania. Schedule 40 standards are contained in the Annual Book of ASTM Standards, Volume 8, Designation D 1785-88 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120 Tables I and II, published December 1988. The ASTM standards are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Public Safety

Adopted Permanent Rules Relating to Eligibility and Claims Procedures for Reparations

The rules proposed and published at *State Register*, Volume 16, Number 25, pages 1501-1504, December 16, 1991 (16 SR 1501), are adopted as proposed.

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.

Department of Health

Proposed Permanent Rules Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

Rules as Proposed (all new material)

4725.7605 FLUSH THREADED POLYVINYL CHLORIDE (PVC) CASING AND SCREENS USED FOR MONITORING WELLS AT PETROLEUM STORAGE TANK SITES.

Notwithstanding parts 4725.6900 to 4725.7600, a monitoring well may use flush threaded polyvinyl chloride (PVC) casing and screens used for leak detection or groundwater monitoring at an underground or aboveground petroleum storage tank site if the requirements in this part are met.

A. The screen must intersect the surface of the water table at the time of installation. The well must be constructed so the joint between the two deepest casing sections is above the surface of the water.

B. The total depth of the monitoring well must be 50 feet or less.

C. The monitoring well must be constructed in unconsolidated materials.

D. The annular space between the bore hole and the casing must be grouted with neat cement. The grout must be placed from within ten feet of the top of the screen to the established ground surface.

E. The flush threaded polyvinyl chloride casing must meet at least the standards in schedule 40 for polyvinyl chloride (PVC) materials of the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania. Schedule 40 standards are contained in the Annual Book of ASTM Standards, Volume 8, Designation D 1785-88 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120 Tables I and II, published December

Approved by Revisor MEO

1988. The ASTM standards are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4725

INCORPORATIONS BY REFERENCE:

Part 4725.7605 - Annual Book of ASTM Standards, Volume 8, Designation D 1785-88 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120 Tables I and II, published December 1988. Available through Minitex interlibrary loan system.

The attached rules are approved for publication in the State Register

Marie O'Neill

Marie E. O'Neill
Assistant Revisor

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Adoption of a Permanent Rule Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING A RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on Monday, March 9, 1992 and was sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on March 5, 1992. (2) The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the Department mailing list and published in the State Register and was available to the public. In accordance with Minnesota Statutes, sections 14.131 and 14.23, the Statement of Need and Reasonableness was submitted to the Legislative Commission to Review Administrative Rules on February 24, 1992.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The (5) Department received two comments on the proposed rule and no requests for public hearing.

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

FINDINGS

(6) 1. Commentor Joseph M. Pattok of The Society of the Plastics Industry, Inc. requests that the referenced ASTM standard not be date specific to permit updated ASTM standards to automatically

roll into the adopted state code. In this instance, the department prefers to incorporate date specific standards. Date specific incorporations are also preferred by the Office of the Revisor of Statutes. In some cases federally-adopted laws and regulations may be appropriate to adopt in state rules without a specific date, generally in areas where federal funding reimbursement is concerned. The Department of Health has usually adopted national standards by reference using a specific date. In the case of ASTM standards, the department is using standards of a body that is a national standards organization, but is not congress or a federal agency. With respect to products and materials used within the state, particulalrly those that may affect drinking water and groundwater resources, the department wants to retain the option to review new standards and adopt them in a manner that affords other interested parties within the state the opportunity to comment on their appropriateness and suitability for the use designated.

2. Commentor Pattok suggests that the proposed rule could also provide for the use of polyethylene (PE) casing and screen. Polyethylene is a plastic material that is different from PVC which is the material specified in Minnesota Statutes, section 103I.222. The department is not aware of any use of polyethylene for well casing. It cannot be cemented. Two inch pipe has a memory that resists uncoiling. It has recently been approved by the American Water Works Association for water pipe and appears to be resistent to a wide range of, but not all, chemicals. Some manufacturers have indicated that polyethylene should not be flush threaded; that connections must be heat fused. Heat fusing sections or couplings creates projections into the well and necessitates additional allowances to the outside of the borehole. Polyethylene is not necessarily cheaper than PVC. The department is not certain whether schedule 40 polyethylene would provide adequate pressure tolerance. At this time the department prefers to recognize the use of flush threaded PVC pipe for monitoring well use in accordance with the statutory mandate. The recognition of flush threaded polyethlylene material at this time without affording all interested parties the opportunity for public comment is not prudent. The department needs further public comment on its use from others within the state and to discuss the appropriateness of this material with ASTM and other experts at the national level.

3. Based on the comment and evidence in the record before the Department, including the Statement of Need and Reasonableness which is incorporated herein, the above matter is needed and reasonable.

CONCLUSIONS

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

2. Any duplication in this rule of language contained in Minnesota Statutes is crucial to the ability of the persons affected by the rule to comprehend its meaning and effect.

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

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

NOW THEREFORE, IT IS ORDERED that the rule identified as a Permanent Rule Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605 is adopted this 1st day of April, 1992, pursuant to authority vested in me by Minnesota Statutes, sections 103I.221 and 103I.222.

Marlene E., Marschall
COMMISSIONER OF HEALTH

→ Jane Nelson

The Society of the
Plastics Industry, Inc.

1275 K Street, N.W., Suite 400
Washington, D.C. 20005
(202) 371-5200
FAX 371-1022





April 1, 1992

Mr. Daniel A. Wilson
Well Management Unit
Water Supply and Well Management
925 S.E. Delaware Street
P.O. Box 59040
Minneapolis, MN 55459-0040

Dear Mr. Wilson,

Thank you for the opportunity to comment on your proposed rules governing flush threaded Polyvinyl Chloride (PVC) casing and screens used for monitoring wells at petroleum storage tank sites.

The Society of the Plastics Industry is the major national trade association for the plastics industry, composed of over 2,000 members, representing approximately 75% of the dollar volume of the sales of plastics in the United States. SPI's operating units and committees are composed of resin manufacturers, distributors, plastic pipe manufacturers, plastics processors, moldmakers and other industry-related companies and individuals. Founded in 1937, SPI serves as the "voice" of the plastics industry.

Your citation of the standards developed by The American Society for Testing and Materials (ASTM) which apply to PVC is appropriate. However, the ASTM reviews and updates such standards on a regular basis and your reference to "ASTM D1785-88" and "published December 1988" will not permit Minnesota's standards to be updated when ASTM standards are. While we realize that many state constitutions and/or acts of state legislature forbid the automatic amending of executive rule-making by organizations outside of state government, we would encourage you to amend your proposed language accordingly, if state law permits.

In addition to PVC, the Plastic Pipe Institute, a division of the SPI has advised me that polyethylene (PE) casing and screen is also suitable for this application. It is available in schedule 40 wall thicknesses with flush threads, as is PVC. The use of PE well casing would be compatible with secondary containment systems of that material which are often used in these kinds of situations.

The applicable ASTM standard is D2447, "Standard Specification for Polyethylene (PE) Plastic Pipe, Schedules 40 & 80, Based on Outside Diameter."

If we can be of any further assistance to you and the Department on this matter, please do not hesitate to contact me.

Yours truly,

Joe Pattok

Joseph M. Pattok
Director, State Government Affairs

cc: L. Freeman, SPI
P. Toner, SPI
N. Bryan, Plastic Pipe Institute
M. Scheck, The Vinyl Institute
S. Faurot, SPI, Mid-West Region

Terracon
ENVIRONMENTAL, INC.
3535 Hoffman Road East
White Bear Lake, Minnesota 55110
(612) 770-1500 FAX (612) 770-1657

James A. Cunningham, P.E.
John F. Hartwell, P.E.
Robert L. Sholar
Tom Gapinske
William J. Breitzman
Thomas E. Harvey



April 7, 1992

Mr. Dan Wilson
Well Management Unit
Minnesota Department of Health
925 S.E. Delaware Street
Minneapolis, Minnesota 55459-0040

Re: Proposed Rule
Flush Threaded Polyvinyl Chloride
(PVC) Monitoring Wells

Dear Mr. Wilson:

The purpose of this letter is to comment on the proposed rule governing the use of flush threaded PVC well casing and screen for monitoring wells at petroleum storage tank sites. Terracon Environmental, Inc. (Terracon) is pleased that the Minnesota Department of Health (MDH) has recognized the need for flush-threaded PVC materials in the environmental field.

As you are aware, PVC solvent-welded joints, which are currently allowed in the well code can introduce low levels of contaminants into monitoring wells. Rather than compromise the water quality, monitoring wells are being constructed of stainless steel materials, which are expensive and difficult to install. The implementation of this proposed rule will reduce the number of dollars spent on monitoring well installations and will aid in containing costs for our clients and the Minnesota Petroleum Tank Compensation Board. We appreciate your involvement in this issue and look forward to the adoption of this rule.

Very truly yours,

TERRACON ENVIRONMENTAL, INC.

Terese W Miller

Terese W. Miller
Project Manger/Geologist

TWM/ck(2)

STATE OF MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Adoption of a Permanent Rule Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites, Minnesota Rules, part 4725.7605.

DECLARATION OF COUNSEL

I, Maria Christu, Special Assistant Attorney General do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four digit docket client code is 52 · 0015 · 1210

Maria C. Christu

Special Assistant
Attorney General

Dated: 4/20/92