

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC
6/12/92

RULE REVIEW CHECKLIST

File No. 1919
DATE RECEIVED 6-11-92
REVIEW DATE ~~6-20-92~~ 6-22-92
DUE DATE 6-25-92
(DIS)APPROVED 6-25-92
WITHDRAWN _____

Docket No. 05 0609 0986
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 6-12-92
REVISOR (DIS)APPROVED 6-18-92
FILED W/SEC. OF STATE 6-29-92
RETURNED TO AGENCY 6-29-92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
~~2-15-92~~ Date published in State Register 2-18-92
✓ Comments

Petition for Adoption of a Rule

Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

Notice of Intent to Adopt Rule
16B.065 Statutory Authority
✓ Small Business Statement
NA Expenditure of public money statement
3-16-92 Signature

Statement of Need and Reasonableness (if applicable)
No Statement Small Business Statement
✓ Fees - § 16A.128 Sent letters to House appropriation Senate Finance

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
April 22, 1992 Dated (30)/25 days before adoption
_____ Notice attached indicates it is attached
✓ Copy of rule or summary attached

✓ Publication in State Register
April 27, 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 not mandatory
✓ end of comment period (§ 14.26) (rules without hearing) may adopt rules
_____ effective date of statutory authority (§ 14.29) (emergency rules)

Resolution Adopting
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
May 28, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Paul Strandberg Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Rules rel

STATE OF MINNESOTA

Office of the Attorney General

TO : CAROL MULLIGAN
Planning Division
Minnesota Department of Agriculture
50 West Plato Boulevard
St. Paul

DATE : June 29, 1992

FROM : MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Rule Relating To Waste Pesticide Collection

The above-referenced rule has been approved as to its legality by the Attorney General on June 25, 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.

cc: Paul Strandberg
William Brown, Chief Judge
MaryAnn Hruby

MJC:jj.Rules.ax6

Department of Agriculture

Adopted Permanent Rules Relating to Waste Pesticide Collection

Rules as Adopted

1509.0010 AUTHORITY.

Parts 1509.0010 to 1509.0050 govern the waste pesticide collection program pursuant to Minnesota Statutes, section 18B.065. Parts 1509.0010 to 1509.0050 establish a process for: (1) assessment schedule and payment; (2) cosponsor selection; and (3) cooperative agreement.

1509.0020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1509.0010 to 1509.0050.

Subp. 2. **Collection site.** "Collection site" means a permanent or temporary designated location with scheduled hours for authorized collections where pesticide end-users may bring their waste pesticide.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subp. 4. **Container.** "Container" means a package, can, bottle, bag, barrel, drum, or other containing device used to enclose a pesticide formulation for storage, transport, or other handling.

Subp. 5. **Cosponsor.** "Cosponsor" means the state or local unit of government selected to enter into a cooperative agreement with the commissioner to administer a waste pesticide collection program.

Subp. 6. **Pesticide end-user.** "Pesticide end-user" means a farmer or other person who uses, intends to use, or owns a pesticide. Pesticide end-user does not include a dealer, manufacturer, formulator, or packager.

Subp. 7. **Pesticide formulation.** "Pesticide formulation" means a substance or mixture of one or more active ingredients

Approved by Revisor

and inerts that is used to mitigate or control pests.

Subp. 8. **Waste pesticide.** "Waste pesticide" means ~~an unusable pesticide including: suspended, canceled, or degraded pesticide. Waste pesticide does not include other materials contaminated with pesticide formulations~~ a pesticide that the pesticide end user considers a waste. A waste pesticide can be a canceled pesticide, an unusable pesticide, or a usable pesticide.

1509.0030 ASSESSMENT SCHEDULE AND PAYMENT.

Subpart 1. **Assessment schedule.** A pesticide end-user voluntarily participating in a collection authorized under Minnesota Statutes, section 18B.065, may be assessed a portion of the disposal costs based on gross weight in pounds of the pesticide formulation and container collected, up to a maximum of 2,200 pounds. The assessment of individual pesticide end-users must be based on costs described in the current hazardous pesticide waste packing, transportation and disposal service contract and invoiced at the rates determined under items A to C.

A. Agencies of government or their representatives must be assessed costs equal to 125 percent of the disposal price, but not less than $7 per pound to participate in a waste pesticide collection.

B. Assessments for other participants must be based on amounts for disposal at the following rate:

(1) no cost for disposal of 150 pounds or less;

(2) costs equal to 15 percent of the disposal price, but not less than $1 per pound for quantities greater than 150 pounds, up to 300 pounds;

(3) costs equal to 50 percent of the disposal price, but not less than $3 per pound for quantities greater than 300 pounds, up to 1,000 pounds; or

(4) costs equal to 100 percent of the disposal price, but not less than $6 per pound for quantities greater than 1,000 pounds, up to a maximum of 2,200 pounds.

Approved by Revisor _____

C. Assessments must be made based on the cumulative poundage of pesticide formulation and its container collected from each participant disposing of waste pesticides.

Subp. 2. **Payment.** The commissioner shall invoice participants promptly for disposal costs based on the assessment schedule in subpart 1.

1509.0040 PROGRAM OPERATION AND ADMINISTRATION.

Subpart 1. **Cosponsor selection.** A potential cosponsor seeking sole or joint participation in the operation and administration of a collection authorized under Minnesota Statutes, section 18B.065, shall complete and return an application form provided by the commissioner. Cosponsor selection must be based on the following criteria:

A. a completed application;

B. willingness to commit financial, physical, and other resources to collection;

C. proposed collection site; and

D. collection service area.

Subp. 2. **Cooperative agreement.** The commissioner and cosponsor must agree to the terms of the cooperative collection and sign a cooperative agreement defining responsibilities and conditions of each party in conducting a waste pesticide collection. Cosponsor roles and responsibilities may include:

A. providing funds for local administration and on-site operation;

B. obtaining a United States Environmental Protection Agency hazardous waste generator identification number;

C. supplying necessary physical and human resources for on-site operation;

D. reimbursing the commissioner for disposal costs; and

E. other described responsibilities and conditions agreed upon by the commissioner and cosponsor in the cooperative agreement.

1509.0050 DEPOSIT OF FUNDS.

Approved
by Revisor _____

Assessments collected under parts 1509.0030 and 1509.0040 must be deposited in the state treasury and credited to the waste pesticide collection account according to Minnesota Statutes, section 18B.065, subdivision 5.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

June 25 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M. D. Murray
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 29 1992

Joan Anderson Growe
Secretary of State

1:20pm GAT

Stat Authority 18B.065

The Commissioner may adopt rules to administer this section. (Waste Pesticide Collection Program)

Rules - definitions

1509.0020 subp 4 Container - rule makes definition narrower - rule only includes pesticides stored in it.

Department : AGRICULTURE

STATE OF MINNESOTA
Office Memorandum

Date : June 9, 1992

To : Patty Nolte
Attorney General's Office

From : Carol Milligan
Agriculture Planning Division

Phone : 296-6906

Subject : **Review of Proposed Rule Governing Waste Pesticide**

The Department of Agriculture adopted the above-mentioned rule pursuant to Minnesota Statutes, sections 14.22-14.28. Enclosed with this memo are the documents which are required to be submitted to the Attorney General for review prior to final approval of the rule. A list of the documents is attached for your convenience.

Please contact me if you have any questions.

cc: Newell Searle, Deputy Commissioner
Paul Strandberg, Special Assistant Attorney General
Paul Burns, Agriculture Planning
Bill Bulger, Agronomy Services
Larry Palmer, Agronomy Services

Rec 6-11-92

LIST OF ATTACHED DOCUMENTS

A. Notice of Solicitation of Outside Opinion

B. State Register Photocopy of Notice of Solicitation of Outside Opinion

C. Comments Received from Solicitation of Outside Opinion

D. Rule as Proposed

E. Notice of Intent

F. Memo to LCRAR that accompanied the Statement of Need

G. Statement of Need

H. Affidavit of Mailing

I. Mailing List Certificate

J. Notice to chairs of Finance & Appropriations Committees of fee setting by rule

K. *State Register* Photocopy of Notice of Intent

L. Rule as Adopted (four copies)

M. Findings of Fact

N. Submissions and Comments

O. Declaration of Counsel

Department of Agriculture

Agronomy Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Waste Pesticide Collection

Notice is hereby given that the State Department of Agriculture is seeking information or opinions from sources outside the department in preparing to propose adoption of new rules governing waste pesticide collection. The adoption is authorized by Minnesota Statutes, section 18B.065, subd. 6, which allows the commissioner to adopt rules necessary to administer a waste pesticide collection program.

The State Department of Agriculture requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Carol Milligan, Planning Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107. Oral statements will be received during regular business hours over the telephone at (612) 296-6906 and in person at the above address.

All statements of information and opinions shall be accepted until March 16, 1992. Any written material received by the department shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

2-5-92

Date

Elton Redalen

Elton Redalen
Commissioner

MINNESOTA EXTENSION SERVICE

UNIVERSITY OF MINNESOTA

Department of Plant Pathology
495 Borlaug Hall
1991 Upper Buford Circle
St. Paul, Minnesota 55108
(612) 625-6290
FAX: (612) 625-9728

February 24, 1992



Larry Palmer
Agronomy Services Division
Minnesota Department of Agriculture
90 West Plato Blvd
St. Paul, MN 55107

Dear Larry:

Thanks for providing an opportunity to comment informally on the proposed permanent rules relating to waste pesticide collection. As a member of the advisor committee I understand the background and the justification for the proposed rules and support them.

There is one item which I would like better clarification. What is the definition of 'agency of government?' Where would a public institution, such as the University of Minnesota, which is not a government agency, fit in relation to this definition? Are there other public institutions and organizations, even governmental organizations, that, in some respects, may not be considered an agency of government. I may be way off base and I am probably ignorant of the use and definition of this term and could be just nit picking. If so, I would still appreciate a clarification of this matter.

Could you also relate the rational for a 125% charge for government agencies? I believe we discussed this at one of the advisory committee meetings but can not recall the rational. It is not that I necessarily disagree, but would like to have a total understanding of the rational for the total fee structure.

How broadly have you distributed your request for informal comments? Should I pass this request on to our county agents who specialize in environmental issues and/or those who have cooperated in with the pesticide waste collection? Let me know what your wishes are on this matter.

Sincerely;

Dean Herzfeld
Assistant Extension Agriculturalist
Pesticide Applicator Training Program

xc: Dick Meronuck
Tom Halbach
Steve Laursen
Don Olson

DAKOTA COUNTY

ENVIRONMENTAL MANAGEMENT DEPARTMENT
14955 GALAXIE AVENUE

BARRY C. SCHADE
DIRECTOR
(612) 891-7011
FAX (612) 891-7031
APPLE VALLEY, MINNESOTA 55124-8579

RECEIVED

MAR 16 1992

PLANNING DIVISION

March 12, 1992

Ms. Carol Milligan
Planning Division, Minnesota Department of Agriculture
90 West Plato Blvd
Saint Paul, Minnesota, 55107

Dear Ms. Milligan,

Thank you for allowing the opportunity to comment on the proposed new rules governing waste pesticide collection.

Dakota County's primary concern is the system in general. We have greatly increased the publicity regarding registering pesticide containers for collection over the last year with little appreciable results. Farmers are very reluctant to register their waste with no assurances that it will ever be collected, and because of a concern that the information may be used against them at a later date. There appears to be a deep mistrust of the government by many of these individuals. The system, in place today, defeats the major goal of proper pesticide container disposal. Any minor changes nade to the current system will not change this overriding fact.

Instead, Dakota County's would like to encourage the State of Minnesota to operate regional pesticide container collection sites. Farmers may have to contact the site to set up an appointment prior to delivery, but registration would not be required. Regional sites would allow more farmers access to disposal opportunities. Under this proposed program, counties could assist the State by publicizing the sites, and provide other types of related public education to clarify the rules and regulations.

These revisions may be much more than you had intended, but we believe it is necessary if we are to protect our natural resources.

Thank you for your time and concern. If we can be of further assistance, please do not hesitate to contact either the Department of Environmental Management at 891-7020 or the Dakota County Extension Office at 463-3302.

Sincerely,

Barry C. Schade, Director
Environmental Management

Warren Siffereth, Director
Dakota County Extension

BCS/cdgp
milligan

Department : Agriculture

STATE OF MINNESOTA
Office Memorandum

Date : April 9, 1992

To : Maryanne Hruby, Director
LCRAR

From : Carol Milligan
Agriculture Planning Division

Phone : 296-6906

Subject : **Rule Governing Waste Pesticide Collection**

As required by Minnesota Statutes, sections 14.131 and 14.23, attached is the Statement of Need and Reasonableness for the above-captioned rule. The Notice of Intent to Adopt and the rule will be published in the *State Register* on 4/27/92.

Attachment

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

Statement of Need and Reasonableness

In the Matter of the Proposed Rule of the Department of Agriculture Governing the Minnesota Waste Pesticide Collection Program

Introduction

The waste pesticide collection program is authorized by Minnesota Statute, section 18B.065. Collected waste pesticides are required to be managed according to the standards applicable to hazardous waste. Subdivision 2 provides authority for the commissioner of agriculture to obtain a United States Environmental Protection Agency hazardous waste identification number to manage the waste pesticides collected. Furthermore, the commissioner of agriculture may limit the type and quantity of waste pesticides accepted for collection and may assess pesticide end-users for portions of the costs incurred.

The subject of this rule making is the proposed adoption by the Minnesota Department of Agriculture (hereinafter "Department")of a rule governing the Minnesota Waste Pesticide Collection Program. Minnesota Statutes, section 18B.065, subd. 6, authorizes the commissioner to adopt rules to administer the program. The proposed rules define (1) a schedule by which program participants will be assessed for a portion of disposal costs and (2) cooperative agreements between the commissioner and cosponsors for administration of the waste pesticide collection program. Consultation with farm, industry, and environmental groups has led us to believe that the proposed rules may be adopted as noncontroversial in accordance with Minnesota Statutes, section 14.22 through 14.28.

The proposed rule provides that pesticide end-users classified as

very small- or small-quantity generators of hazardous waste may transport their own wastes to the collection site without hazardous waste manifests and without employing Department of Transportation licensed transporters (Minn. Rules pt. 7045.0261).

The proposed rule will govern the management of waste pesticide collection program administered by the Minnesota Department of Agriculture. The rule addresses assessment schedule and payment, cosponsor selection, and cooperative agreements. The Department will continue to encourage and facilitate the voluntary use of the program by farmers resulting in a environmentally safe alternative to disposing of unusable waste pesticides. The Department feels that the proposed rules are of assistance in ensuring the safe and efficient operation of these collection program.

Small Business Impact

The proposed rule will not have a negative impact on small businesses (ie. pesticide end-users/farmers). The proposed rule is designed to assist in the safe collection and disposal of waste pesticides, thus having a beneficial effect on businesses to which they apply. Recent studies (Waste Pesticide Collection Pilot Project-1989-L.Palmer) identified waste pesticides on 29 percent of the state's farms. A major factor contributing to this accumulation of unused pesticides on the farm was the complex and costly process to dispose of waste through the hazardous waste network.

The waste pesticide collection program provides a system to expedite the disposal of waste pesticides currently present at many farm locations. The Minnesota Department of Agriculture consulted with the Minnesota Department of Transportation, Pollution Control Agency, and the United States Environmental Protection Agency in establishing an acceptable program meeting applicable state and federal hazardous waste regulations.

Need for and Reasonableness of the Proposed Rule

1509.0010 AUTHORITY.
This part is necessary to define the authority and scope of the rule.
1509.0020 DEFINITIONS.
Subp. 1. Scope.
It is reasonable to define these terms specifically so that there is a common understanding of the subject of these rules.

Subp. 2. Collection Site.
The term will have the meaning given it in M.S. 18B.01, subd. 4a. This is reasonable because it makes the rules consistent with the statute.

Subp. 3. Commissioner.
The term will have the meaning given it in M.S. 18B.01, Subd. 6. This is reasonable because it makes the rules consistent with the statute.

Subp. 4. Container.
The definition has been modified from the meaning given it in M.S. 18B.01, Subd. 6a. The change is for clarification to more fully characterize container types accepted for disposal.

Subp. 5. Cosponsor.
The term is necessary to clearly identify entities eligible for consideration to assist the commissioner in administering waste pesticide collection activities.

Subp. 6. Pesticide end-user.
The term will have the meaning given it in M.S. 18B.01, Subd. 19a. This is reasonable because it makes the rules consistent with the statute.

Subp. 7. Pesticide formulation.
The term is necessary to identify an admissible substance held within a container that is eligible for disposal through the waste pesticide collection program.

Subp. 8. Waste pesticide.
The definition has been modified and expanded from the meaning given in M.S. 18B.01, Subd. 31a. The change is for clarification to distinguish criteria for accepting waste pesticide products. Materials identified as not eligible will not be accepted for disposal through this program.

1509.0030
Subp. 1. Assessment schedule.
This subpart is necessary to ensure efficient and effective use of resources by the Department and provide reasonable access to the waste pesticide collection program with a limited funding source. Assessments for portions of the disposal cost make the program accessible to as many pesticide end-users as possible. Without the assessment schedule, it is possible that one or two pesticide end-user could possess sufficient quantities to negate participation by twenty to forty pesticide end-users with average waste pesticide quantities.

The assessment schedule illustrates who will be assessed and at what amount. The assessment amount is based on the current hazardous pesticide waste packing, transportation and disposal service contract. Subpart 1.A. provides for assessment of participating governments or their representative at 125 percent of the disposal cost. The additional 25% over the actual disposal cost (100 percent) will reimburse the Department for expenses to operate and administer the collection program. Subpart 1.B. assessment schedule encourages participation by offering a substantially reduced disposal cost to pesticide end-users voluntarily disposing of their waste pesticide through this

collection program. The assessment schedule establishes a pesticide end-user's minimum cost for disposal of waste pesticide. All assessment schedule rate adjustments will be based on the current hazardous pesticide waste packing, transportation and disposal service contract. The assessment for participants will increase proportionate to the Department's cost for disposal of the waste pesticide collected.

The assessment schedule is reasonable because it provides a process for the pesticide end-user and the department to share the disposal cost. The two year pilot project records and one year permanent program operation show that 70% of the participants will transport 150 pounds or less and will pay no disposal cost. Twenty two percent will pay disposal costs of $1 per pound at a maximum of $150.

Subp. 2. Payment.
This subpart is necessary to provide a reasonable mechanism for the Department to recover a portion of the disposal cost. The invoice will be based on the quantity of waste received at the collection from individual pesticide end-users at the rate described in subp. 1.

1509.0040
Subp. 1. Cosponsor selection.
This subpart is necessary to establish a standard criteria for evaluating and comparing qualifications of potential sponsors applying to work with the Department in conducting a waste pesticide program. The standard criteria will permit fair review and equal consideration of each applicant based on similar information. It is anticipated that the number of applicants will far exceed the number of waste pesticide collection projects the Department will be able to fund in any given year.

Subp. 2. Cooperative agreements.
This subpart is necessary to initiate a formal agreement between

the Department and cosponsors. Conducting a successful waste pesticide collection requires commitment from all sponsors involved. The formal agreement will explicitly define in writing the roles and responsibilities of involved parties.

1509.0050

This section is necessary to direct all assessments collected under this rule be deposited in the waste pesticide account. The revenue generated as a result of collected assessments will pay for a portion of costs incurred to implement the waste pesticide collection program. Minnesota Statute, section 18B.065 establishes the waste pesticide collection account and requires all assessments collected to be deposited in the state treasury and credited to the waste pesticide account. Money in the account is appropriated to the commissioner to pay for costs incurred to implement the waste pesticide collection program.

Department : AGRICULTURE

STATE OF MINNESOTA
Office Memorandum

Date : 3/30/92

To : Bruce Reddemann
Finance Department

From : R. Newell Searle
Deputy Commissioner

Phone : 297-3219

Subject : **Waste Pesticide Collection Assessment**

In accordance with Minnesota Statutes, section 16A.128, and Minnesota Rules, part 2010.0700, the department is requesting approval of the assessment set by the enclosed rule. Also enclosed is a copy of the fee review done by our Financial Administration Division and a copy of the Statement of Need and Reasonableness.

We are trying to expedite this rule adoption and would appreciate it if you would see to this as soon as possible. Once your review is completed, please call Larry Palmer of our Agronomy Services Division at 297-7082, and he will make arrangements to have the rule picked up. You can also call Larry if you have any questions about the rule.

Approved 4/6/92
B.J. Reddemann, Director
Budget Operations & Support



Department of Finance

FEE REVIEW

DRAFT

(Proposed Fee)

Date Prepared: 03/27/92

Department/Agency:	Budget Activity:
AGRICULTURE, DEPARTMENT OF	AGRONOMY SERVICES

Fee Name: WASTE PESTICIDE COLLECTION PROGRAM

Legal Citation:	Fee Set By: ☐ Law ☒ Agency
M.S. 18B.065	

Purpose of Fee:

To provide partial funding of the Waste Pesticide Collection Program through assessment of participating pesticide end-users for a portion of the disposal cost.

☒ Dedicated ☐ Non-Dedicated	Revenue Code: 300,990

APID:	Fund:	Accumulated Difference Thru 1988:	Dollars in Thousands (137,522 = 138)
30111:00-20	20	-0-	

Fiscal Year:	Actual F.Y. 89	Actual F.Y. 90	Actual F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Actual/Anticipated Receipts					34
Less Actual/Anticipated Costs					34
Current Difference					0
Accumulated Difference					0
Number Paying Fee					
Present Fee	NEW FEE -	SEE ATTACHED			
Date Fee Last Changed					

Remarks:

To assess for a portion of the cost incurred in operating the program in accordance with M.S. 18B.065 Subd. 2(b).

Projections

1) Collection of 58,000 pounds of waste pesticides.

2) 530 participants.

3) The weight and distribution of the poundage collected and the number of participants is based on the experience gained over the previous two years.

Department Authorized Signature: Joseph Kondo

Finance Department Recommendation:

Executive Budget Officer Signature: OK - JK.

FI-00195-02 (3/90)

Department of Finance

FEE REVIEW - Details of Cost

DRAFT

(Proposed Fee)

Date Prepared: 03/27/92

Department/Agency: AGRICULTURE, DEPARTMENT OF

Budget Activity: AGRONOMY SERVICES

Fee Name: WASTE PESTICIDE COLLECTION PROGRAM

Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-07 Dollars in Thousands (137,522 = 138)

Fiscal Year:	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y.92	Requested F.Y. 93
Agency Direct Expenditures					32
Salary Increase	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX		0
Attorney General					2
Statewide Indirect					0
Agency Indirect					0
Totals: must agree with cost on Fee Review Form					34

Remarks:

FI-00195-20 (3/90)

Department of Finance

FEE REVIEW - Attachment

DRAFT

(Proposed Fee)

Date Prepared: 03/27/92

Department/Agency: AGRICULTURE, DEPARTMENT OF

Budget Activity: AGRONOMY SERVICES

Fee Name: WASTE PESTICIDE COLLECTION PROGRAM

Remarks:

Assessment Schedule

Proposed Fee	Assessment Rate	Estimated Amt. Collected
a) Local units of government	125% of the disposal price but not less than $7.00 per pound	$350.00
b) 1 - 150 lbs.	$0 per pound	-0-
c) 151-300 lbs.	15% of disposal price but not less than $1.00 per pound	$6,960.00
d) 301-1000 lbs.	50% of disposal price but not less than $3.00 per pound	$11,100.00
e) 1001- 2200 lbs.	100% of disposal price but not less than $6.00 per pound	$15,710.00

Note: 2,200 pounds is the maximum that can be collected under the proposed rules.

Department of Agriculture

Agronomy Services Division

In the Matter of the Proposed Rule of the	NOTICE OF INTENT TO ADOPT
State Department of Agriculture Governing	A RULE WITHOUT A PUBLIC
Waste Pesticide Collection	HEARING

(1) Notice is hereby given that the Minnesota Department of Agriculture 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 14.22-14.28. The statutory authority to adopt this rule is Minnesota Statutes, section 18B.065.

(2) All persons have 30 days 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 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 department will proceed according to Minnesota Statutes, sections 14.131-14.20. (7)

(5) Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

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

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

(12A) 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 upon request from Ms. Milligan.

The proposed rule deals with a program entered into voluntarily by local units of government and therefore, has no significant impact on small businesses. (14)

. If no hearing i\ 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 Ms. Milligan. (9)

3-16-92
Date

STATE OF MINNESOTA

Elton Redalen
Elton Redalen, Commissioner
Department of Agriculture

Department of Agriculture

Proposed Permanent Rules Relating to Waste Pesticide Collection

Rules as Proposed (all new material)

1509.0010 AUTHORITY.

Parts 1509.0010 to 1509.0050 govern the waste pesticide collection program pursuant to Minnesota Statutes, section 18B.065. Parts 1509.0010 to 1509.0050 establish a process for: (1) assessment schedule and payment; (2) cosponsor selection; and (3) cooperative agreement.

1509.0020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1509.0010 to 1509.0050.

Subp. 2. **Collection site.** "Collection site" means a permanent or temporary designated location with scheduled hours for authorized collections where pesticide end-users may bring their waste pesticide.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subp. 4. **Container.** "Container" means a package, can, bottle, bag, barrel, drum, or other containing device used to enclose a pesticide formulation for storage, transport, or other handling.

Subp. 5. **Cosponsor.** "Cosponsor" means the state or local unit of government selected to enter into a cooperative agreement with the commissioner to administer a waste pesticide collection program.

Subp. 6. **Pesticide end-user.** "Pesticide end-user" means a farmer or other person who uses, intends to use, or owns a pesticide. Pesticide end-user does not include a dealer, manufacturer, formulator, or packager.

Subp. 7. **Pesticide formulation.** "Pesticide formulation" means a substance or mixture of one or more active ingredients

Approved by Revisor

and inerts that is used to mitigate or control pests.

Subp. 8. **Waste pesticide.** "Waste pesticide" means an unusable pesticide including: suspended, canceled, or degraded pesticide. Waste pesticide does not include other materials contaminated with pesticide formulations.

1509.0030 ASSESSMENT SCHEDULE AND PAYMENT.

Subpart 1. **Assessment schedule.** A pesticide end-user voluntarily participating in a collection authorized under Minnesota Statutes, section 18B.065, may be assessed a portion of the disposal costs based on gross weight in pounds of the pesticide formulation and container collected, up to a maximum of 2,200 pounds. The assessment of individual pesticide end-users must be based on costs described in the current hazardous pesticide waste packing, transportation and disposal service contract and invoiced at the rates determined under items A to C.

A. Agencies of government or their representatives must be assessed costs equal to 125 percent of the disposal price, but not less than $7 per pound to participate in a waste pesticide collection.

B. Assessments for other participants must be based on amounts for disposal at the following rate:

(1) no cost for disposal of 150 pounds or less;

(2) costs equal to 15 percent of the disposal price, but not less than $1 per pound for quantities greater than 150 pounds, up to 300 pounds;

(3) costs equal to 50 percent of the disposal price, but not less than $3 per pound for quantities greater than 300 pounds, up to 1,000 pounds; or

(4) costs equal to 100 percent of the disposal price, but not less than $6 per pound for quantities greater than 1,000 pounds, up to a maximum of 2,200 pounds.

C. Assessments must be made based on the cumulative poundage of pesticide formulation and its container collected from each participant disposing of waste pesticides.

Approved
by Revisor _____

Subp. 2. **Payment.** The commissioner shall invoice participants promptly for disposal costs based on the assessment schedule in subpart 1.

1509.0040 PROGRAM OPERATION AND ADMINISTRATION.

Subpart 1. **Cosponsor selection.** A potential cosponsor seeking sole or joint participation in the operation and administration of a collection authorized under Minnesota Statutes, section 18B.065, shall complete and return an application form provided by the commissioner. Cosponsor selection must be based on the following criteria:

A. a completed application;

B. willingness to commit financial, physical, and other resources to collection;

C. proposed collection site; and

D. collection service area.

Subp. 2. **Cooperative agreement.** The commissioner and cosponsor must agree to the terms of the cooperative collection and sign a cooperative agreement defining responsibilities and conditions of each party in conducting a waste pesticide collection. Cosponsor roles and responsibilities may include:

A. providing funds for local administration and on-site operation;

B. obtaining a United States Environmental Protection Agency hazardous waste generator identification number;

C. supplying necessary physical and human resources for on-site operation;

D. reimbursing the commissioner for disposal costs; and

E. other described responsibilities and conditions agreed upon by the commissioner and cosponsor in the cooperative agreement.

1509.0050 DEPOSIT OF FUNDS.

Assessments collected under parts 1509.0030 and 1509.0040 must be deposited in the state treasury and credited to the waste pesticide collection account according to Minnesota

Approved
by Revisor _____

Statutes, section 18B.065, subdivision 5.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Waste Pesticide Collection

AGENCY: Department of Agriculture

MINNESOTA RULES: Chapter 1509

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

In the Matter of the Proposed Adoption of the Rule of the State Department of Agriculture Governing Waste Pesticide Collection

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Marie Skerbitz, being sworn, says:

That on the 22nd day of April, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule 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 who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Department of Agriculture rulemaking mailing list.

DIANE M. WINDHAM
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 11-1-96

Marie Skerbitz
Mail Room Manager

Subscribed and sworn to before me
this 22nd day of April, 1992.

Diane M. Windham

- frozen juice concentrate
- Hawaiian Punch containing 15% or more fruit juice
- Kool-Aid (powdered)
- iced tea (instant or canned)
- ReaLemon
- Roses Lime Juice
- Tang or other powdered fruit drinks
- water (noncarbonated) when the container size is ½ gallon or larger

Not all Ocean Spray products show the percentage of fruit juice content on the labels. The following Ocean Spray products contain more than 15% natural fruit juices and are exempt from tax.

- OCEAN SPRAY Cranberry Juice Cocktail
- Cranapple Cranberry Apple Drink
- Cran-Grape Grape Cranberry Drink
- Cran-Raspberry Raspberry Cranberry Drink
- Cranicot Cranberry Apricot Juice Drink
- Cran-Blueberry Blueberry Cranberry Drink
- OCEAN SPRAY Low Calorie Cranberry Juice Cocktail
- Low Calorie Cranapple Cranberry Apple Drink
- Low Calorie Cran-Raspberry Raspberry Cranberry Drink
- OCEAN SPRAY 100% Grapefruit Juice
- OCEAN SPRAY Pink Grapefruit Juice Cocktail
- OCEAN SPRAY Pineapple Grapefruit Juice Cocktail
- OCEAN SPRAY 100% Apple Juice
- OCEAN SPRAY 100% Orange Juice
- Cran-Tastic A Blended Juice Drink
- Pink Premium Grapefruit Juice
- Mauna La'i Hawaiian Guava Passion Fruit Drink

Other Ocean Spray products are taxable. The taxability of new products should be determined using the guidelines in this revenue notice.

Dated: 18 February 1992

Official Notices

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

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

Department of Agriculture

Agronomy Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Waste Pesticide Collection

NOTICE IS HEREBY GIVEN that the State Department of Agriculture is seeking information or opinions from sources outside

the department in preparing to propose adoption of new rules governing waste pesticide collection. The adoption is authorized by *Minnesota Statutes*, section 18B.065, subd. 6, which allows the commissioner to adopt rules necessary to administer a waste pesticide collection program.

The State Department of Agriculture requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Carol Milligan, Planning Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, MN 55107. Oral statements will be received during regular business hours over the telephone at (612) 296-6906 and in person at the above address.

All statements of information and opinions shall be accepted until March 16, 1992. Any written material received by the department shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 5 February 1992

Elton Redalen
Commissioner

Minnesota Comprehensive Health Association

Notice of Legislative and Public Policy Committee Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Legislative and Public Policy Committee will meet at 7:30 a.m. on Thursday, February 20, 1992 at the Kelly Inn, at I-94 and Marion Street, St. Paul, Minnesota. The Committee will meet in the "Annex."

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

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. These agencies will remain open for application through March 10, 1992. Appointing Authorities may also choose to review applications received after that date. Applications are kept on file for a one year period.

EXPORT FINANCE AUTHORITY
1000 World Trade Center, St. Paul 55101-4902. 612-297-4658
Minnesota Statutes 116J.9673

APPOINTING AUTHORITY: Governor. COMPENSATION: $55 per diem plus expenses.
VACANCY: One member, must be knowledgeable in international finance, exporting, or international law.

The authority is created to aid and facilitate the financing of exports from Minnesota; will meet credit needs of Minnesota exporters through loan guarantees and export credit insurance. The authority board consists of six members who must be knowledgeable in international finance, exporting, or international law. The commissioner of the Department of Trade and Economic Development is the chair of the board. Members must file with the Ethical Practices Board.

MEDICAL SERVICES REVIEW BOARD
Dept. of Labor and Industry, Rehabilitation & Medical Affairs, 443 Lafayette Rd., St. Paul 55155. 612-296-8213
Minnesota Statutes 176.103

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: $55 per diem plus expenses.
VACANCY: One member from the public.

The board advises on medical matters relating to workers compensation and hears appeals under Chapter 14. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer of insurer member, and one public member plus eight alternates. The commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board.

In the Matter of the Proposed Rule
of the State Department of Agriculture
Governing Waste Pesticide Collection

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carol Milligan, being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22 or 14.30, that their names be placed on the Minnesota Department of Agriculture rulemaking mailing list is accurate, complete and current as of this 22nd day of April, 1992.

Carol Milligan
Management Analyst

DIANE M. WINDHAM
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 11-1-96

Subscribed and sworn to before me
this 22nd day of April, 1992.

Diane M. Windham

LAND OF QUALITY FOODS

90 WEST PLATO BOULEVARD
SAINT PAUL, MINNESOTA 55107

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

April 10, 1992

TO: Senator Gene Merriam
Finance Committee Chairman

FROM: Carol Milligan, Management Analyst
Program Support Division

SUBJ: Proposed Rule of the Department of Agriculture

Enclosed you will find a "Notice of Intent to Adopt a Rule Without a Public Hearing" and proposed rule governing waste pesticide collection and assessment of fees. The Notice explains the procedures that will be followed in adopting the rule including opportunities for public comment.

The Notice and the proposed rule will be published in the *Minnesota State Register* on Monday, April 27, 1992. The 30-day comment provided for by the Administrative Procedures Act will extend from that date until May 27, 1992.

Please call me at 296-6906 if you have any questions.

CM:dw

Enclosure

LAND OF QUALITY FOODS

90 WEST PLATO BOULEVARD
SAINT PAUL, MINNESOTA 55107

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

April 10, 1992

TO: Representative Wayne Simoneau
Appropriations Committee Chairman

FROM: Carol Milligan, Management Analyst
Program Support Division

SUBJ: Proposed Rule of the Department of Agriculture

Enclosed you will find a "Notice of Intent to Adopt a Rule Without a Public Hearing" and proposed rule governing waste pesticide collection. The Notice explains the procedures that will be followed in adopting the rule including opportunities for public comment.

The Notice and the proposed rule will be published in the *Minnesota State Register* on Monday, April 27, 1992. The 30-day comment provided for by the Administrative Procedures Act will extend from that date until May 27, 1992.

Please call if you have any questions.

CM:dw

Enclosure

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture

Proposed Permanent Rules Relating to Waste Pesticide Collection

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture 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 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, section 18B.065.

All persons have 30 days 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 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 department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

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

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 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 upon request from Ms. Milligan.

The proposed rule deals with a program entered into voluntarily by local units of government and therefore, has no significant 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 Ms. Milligan.

Dated: 16 March 1992

State of Minnesota
Elton Redalen, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1509.0010 AUTHORITY.

Parts 1509.0010 to 1509.0050 govern the waste pesticide collection program pursuant to *Minnesota Statutes*, section 18B.065.

Parts 1509.0010 to 1509.0050 establish a process for: (1) assessment schedule and payment; (2) cosponsor selection; and (3) cooperative agreement.

1509.0020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1509.0010 to 1509.0050.

Subp. 2. **Collection site.** "Collection site" means a permanent or temporary designated location with scheduled hours for authorized collections where pesticide end-users may bring their waste pesticide.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subp. 4. **Container.** "Container" means a package, can, bottle, bag, barrel, drum, or other containing device used to enclose a pesticide formulation for storage, transport, or other handling.

Subp. 5. **Cosponsor.** "Cosponsor" means the state or local unit of government selected to enter into a cooperative agreement with the commissioner to administer a waste pesticide collection program.

Subp. 6. **Pesticide end-user.** "Pesticide end-user" means a farmer or other person who uses, intends to use, or owns a pesticide. Pesticide end-user does not include a dealer, manufacturer, formulator, or packager.

Subp. 7. **Pesticide formulation.** "Pesticide formulation" means a substance or mixture of one or more active ingredients and inerts that is used to mitigate or control pests.

Subp. 8. **Waste pesticide.** "Waste pesticide" means an unusable pesticide including: suspended, canceled, or degraded pesticide. Waste pesticide does not include other materials contaminated with pesticide formulations.

1509.0030 ASSESSMENT SCHEDULE AND PAYMENT.

Subpart 1. **Assessment schedule.** A pesticide end-user voluntarily participating in a collection authorized under *Minnesota Statutes*, section 18B.065, may be assessed a portion of the disposal costs based on gross weight in pounds of the pesticide formulation and container collected, up to a maximum of 2,200 pounds. The assessment of individual pesticide end-users must be based on costs described in the current hazardous pesticide waste packing, transportation and disposal service contract and invoiced at the rates determined under items A to C.

A. Agencies of government or their representatives must be assessed costs equal to 125 percent of the disposal price, but not less than $7 per pound to participate in a waste pesticide collection.

B. Assessments for other participants must be based on amounts for disposal at the following rate:

(1) no cost for disposal of 150 pounds or less;

(2) costs equal to 15 percent of the disposal price, but not less than $1 per pound for quantities greater than 150 pounds, up to 300 pounds;

(3) costs equal to 50 percent of the disposal price, but not less than $3 per pound for quantities greater than 300 pounds, up to 1,000 pounds; or

(4) costs equal to 100 percent of the disposal price, but not less than $6 per pound for quantities greater than 1,000 pounds, up to a maximum of 2,200 pounds.

C. Assessments must be made based on the cumulative poundage of pesticide formulation and its container collected from each participant disposing of waste pesticides.

Subp. 2. **Payment.** The commissioner shall invoice participants promptly for disposal costs based on the assessment schedule in subpart 1.

1509.0040 PROGRAM OPERATION AND ADMINISTRATION.

Subpart 1. **Cosponsor selection.** A potential cosponsor seeking sole or joint participation in the operation and administration of a collection authorized under *Minnesota Statutes*, section 18B.065, shall complete and return an application form provided by the commissioner. Cosponsor selection must be based on the following criteria:

A. a completed application;

B. willingness to commit financial, physical, and other resources to collection;

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.

C. proposed collection site; and

D. collection service area.

Subp. 2. **Cooperative agreement.** The commissioner and cosponsor must agree to the terms of the cooperative collection and sign a cooperative agreement defining responsibilities and conditions of each party in conducting a waste pesticide collection. Cosponsor roles and responsibilities may include:

A. providing funds for local administration and on-site operation;

B. obtaining a United States Environmental Protection Agency hazardous waste generator identification number;

C. supplying necessary physical and human resources for on-site operation;

D. reimbursing the commissioner for disposal costs; and

E. other described responsibilities and conditions agreed upon by the commissioner and cosponsor in the cooperative agreement.

1509.0050 DEPOSIT OF FUNDS.

Assessments collected under parts 1509.0030 and 1509.0040 must be deposited in the state treasury and credited to the waste pesticide collection account according to *Minnesota Statutes*, section 18B.065, subdivision 5.

Official Notices

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

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

Department of Commerce

Minnesota Regulated Loan Act—Adjustment of Dollar Amounts

Commissioner of Commerce Bert J. McKasy announced today that an additional 10% change will occur in certain dollar amounts indexed in the Regulated Loan Act (The Act), *Minnesota Statutes*, Chapter 56. The Act provides for periodic adjustment in dollar amounts that would be effective on July 1, in even-numbered years based on a percentage change in the Implicit Price Deflator for the Gross National Product.

Information obtained from the U.S. Department of Commerce, Bureau of Economic Analysis indicates a percentage change from the revised reference base to be 58% calculated to the nearest whole percentage point as required. The index was revised nationally to 1987 = 100, with the statutory reference based index for dollar adjustments being December 1980. The rebased index for December 1980 is 74.4, increasing to 117.9 in 1991, for a percentage change of 58.47%. The statute requires that the percentage change in the reference base index be 10% or more in order to adjust the dollar amounts. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded as dollar amounts change only in multiples of ten percent. The law was effective August 1, 1981, and there was no change in dollar amounts in 1982.

According to Commissioner McKasy, this means indexed dollar limits will increase an additional 10% effective July 1, 1992 after factoring out prior year's adjustments. The results of indexing are as follows, with the percentage increased noted under the various dates:

	Original	7-1-84 10%	7-1-86 10%	7-1-88 10%	7-1-90 10%	7-1-92 10%
Loan maximum M.S. § 56.131, subd. 1(a)	$35,000	$38,500	$42,000	$45,500	$49,000	$52,500
Principal subject to 33% interest M.S. § 56.131, subd. 1(a)(1)	$ 350	$ 385	$ 420	$ 455	$ 750	$ 1,125*
Maximum closing costs on real estate secured loans M.S. § 56.131, subd. 2(b)	$ 250	$ 275	$ 300	$ 325	$ 350	$ 375

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of the Rule of the State Department of Agriculture Governing Waste Pesticide Collection

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the *State Register* on April 27, 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 April 22, 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 rulemaking mailing list and published in the *State Register* and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after the notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the department.

(7) (0) No requests for notice of submission to the attorney general were received by the department.

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

(6) 1509.0020, Subp. 8

The definition of waste pesticide was changed to make it consistent with statute. The comments received indicated that there may be some confusion if the definition in rule was not the same as the definition in statute. This change is not substantial because it merely clarifies the rule.

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

NOW, THEREFORE, IT IS ORDERED that the rule identified as the rule governing waste pesticide collection is adopted this 28th day of May, 1992, pursuant to authority vested in me by Minnesota Statutes, section 18B.065. (9)

Elton Redalen
Commissioner

MINNESOTA
PESTICIDE INFORMATION & EDUCATION (PIE)
ORGANIZATION

2916 South Shore Drive
Prior Lake, MN 55372
(612) 447-1187

May 6, 1992

RECEIVED
MAY 08 1992
PLANNING DIVISION

MN Department of Agriculture
Ms. Carol Milligan
90 W. Plato Blvd.
St. Paul MN 55107

Dear Ms. Milligan:

In response to the Department of Agriculture's Proposed Permanent Rules Relating to Waste Pesticide Collection, please accept the following comments:

1. The definition of waste pesticide in the proposed rules is as follows:
"Waste pesticide" means an unusable pesticide including: suspended, cancelled, or degraded pesticide. Waste pesticide does not include other materials contaminated with pesticide formulations.

This definition is quite different from the definition of waste pesticide currently contained in Minnesota statute 18B.01, subdivision 6A which states, "Waste pesticide" means a pesticide that the end user considers a waste. A waste pesticide can be a cancelled pesticide, an unusable pesticide, or a usable pesticide.

The legislative intent that usable pesticides may be considered a "waste pesticide" is quite clear, yet the department's definition states that a pesticide must be unusable before it is considered a waste. We believe that the legislature's definition should be adopted in the final rules.

2. All other portions of the proposed rules are acceptable.

Sincerely,

T. K. Ambroz

Theresa Ambroz
State Coordinator

TA/pb

minnesota power / 30 west superior street / duluth, minnesota 55802 / telephone 218-722-2641

May 19, 1992

RECEIVED

MAY 20 1992

PLANNING DIVISION

MN Department of Agriculture
Ms. Carol Milligan
90 W. Plato Blvd.
St. Paul, MN 55107

Re: Proposed Permanent Rules Relating to Waste Pesticides Collection

Dear Ms. Milligan,

Minnesota Power has only one comment on the proposed rules to waste pesticide collection. We recommend that the definition of "waste pesticides" be the same as established in Minnesota Statue 18B.01, Subdivision 31a.

It is our opinion that it was the legislative intent to include in the definition "an unusable pesticide, or a usable pesticide." We recommend using definitions in statue whenever possible.

We appreciated the opportunity to comment on the prosed rules. If additional information is necessary, please contact me at 218-722-2641, extension 3658.

Sincerely,

Keith Hanson
Regulatory Services
Natural Resource Liason

In the Matter of the Adoption of
the Rule of the State Department
Agriculture Governing Waste
Pesticide Collection

DECLARATION
OF COUNSEL

I, Paul Strandberg, 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 0986.

Paul Strandberg
Special Assistant Attorney General

Dated: 6/3/92