

State



STATE OF
MINNESOTA

Register

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—Executive Order from the Governor

Forest Fire Control

—Emergency Executive Order from the Governor

School District Accounting Procedures

—Adopted Rules from the Department of Education

Minimum Length of a School Day

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—Notices from the Environmental Quality Council

Draft EIS for Jonathan New Community Project

—Notice from the U.S. Department of Housing and Urban Develop-
ment

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*Proposed and adopted rules affecting the environment are found in the EQC Monitor section.

List of MCAR Rules Affected*

List of rules within the Minnesota Code of Agency Rules affected by documents published in the State Register during the current quarter beginning with Vol. 1, No. 40:

Department of Agriculture

Agr 165, 169 1477

Department of Education

EDU 44 (proposed) 1539

Public Service Commission

PSC 3 1477

*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MCAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MCAR.

EXECUTIVE ORDERS

Executive Order No. 145

Making State Resources Available to Remove Dilapidated Buildings

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, responsible government is premised upon the basis of resolving problems which pose a threat to the health and safety of the public; and

WHEREAS, dilapidated buildings provide shelter and breeding places for vermin, endanger surrounding property and public safety because of the fire hazards they contain, and threaten injury to children and other visitors because of hidden defects and other dangerous conditions; and

WHEREAS, the owners of dilapidated buildings which are not suitable for rehabilitation and the units of government in which these buildings are located often lack the financial resources to properly remove a dilapidated building; and

WHEREAS, state assistance in removing dilapidated buildings would serve the public purpose of eliminating dangers posed to the citizens of this state:

NOW, THEREFORE, I order:

1. That Department of Transportation and Department of Natural Resources equipment and personnel be made available to local units of government for the purpose of removing dilapidated buildings providing:

a. That the dilapidated building be voluntarily surrendered to the local unit of government by the owner and that it be accepted by same.

b. That the local unit of government assume liability for the removal activities.

c. That the local unit of government provide for a suitable site for disposal of debris from the demolition and for the restoration of the site to a natural condition.

d. That no building shall be removed which has architectural or historic value as determined by the local and state historical societies.

This order shall be effective upon publication in the *State Register* and shall remain in effect until January 30, 1978.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 11th day of April, 1977.



EXECUTIVE ORDERS

Emergency Executive Order No. 146

Providing for Assistance to County Officials of Minnesota

I, Rudy Perpich, Governor of the State of Minnesota, by the virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

WHEREAS, officials of various counties request assistance in the control of fires on wooded terrain within their areas of responsibility and;

WHEREAS, the generally rugged and inaccessible nature of the terrain on which such fires become rampant precludes efforts to effectively contain such fires within available resources of county officials:

NOW THEREFORE, I order:

1. The Adjutant General of Minnesota to order to active duty on and after 11 April 1977, in the service of the state, such elements of the military forces of the state as required, and for such period of time necessary to successfully contain such fires.

2. Cost of subsistence, transportation and fuel, and pay and allowances of said individuals will be defrayed from the General Revenue of the state as provided for by Minn. Stat. § 192.49, subd. 1; § 192.51; and §192.52.

This order shall be effective immediately and shall be in force until such date as elements of the military forces of the state are no longer required.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 11th day of April, 1977.



RULES

Department of Education Financial Accounting Reporting Requirements for Minnesota School Districts

The rules published at State Register Vol. 1, No. 11, p. 413, September 21, 1976 (1 S.R. 413), are adopted and are identical in every respect to their proposed form, with the following amendments:

EDU 765 Amendment.

A. The requirements of this chapter, including classifications of funds and accounts, are subject to

amendment as provided in this section unless otherwise provided in statute.

B. Any proposals by the state board for revision of the requirements in this chapter must be published in the *State Register*. If after twenty days there is no petition for a hearing pursuant to the requirements of Minn. Stat. ch. 15, such revisions shall be incorporated into this chapter. However, upon receipt of a petition from any interested person upon such proposed revision, the state board shall proceed according to Minn. Stat. § 15.0412.

[[C. Financial information may be requested by the commissioner from the districts on a one-time basis notwithstanding this chapter if necessary to fulfill a request of the executive, the legislature, the U.S. Office of Education, or any agency having a legislative requirement for such information.]]

PROPOSED RULES

Department of Education Proposed Rules Regulating the Length of a School Day and Financial Accounting Reporting Requirements

Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Howard B. Casmev
Commissioner

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Capitol Square Building, Room 716, St. Paul, Minnesota, on Thursday, June 2, 1977, continuing until all persons have had an opportunity to be heard. Proposed rules regulating the length of a school day will be heard at 9:00 A.M.; proposed rules regulating financial accounting reporting requirements will be heard at 10:00 A.M.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Room 300, 1745 University Avenue, St. Paul, Minnesota 55104 to the attention of Hearing Examiner Steve Mihalchick, phone number (612) 296-8112, either before the hearing or within 20 days after the close of the hearing.

A copy of the proposed rules EDU 44 and EDU 760-779 are attached hereto. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained within Minn. Stat. §§ 121.07, 121.11 and 121.94. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical

Rules as Proposed

Chapter Three: Classification for State Aids, Special Requirements for Secondary Schools

EDU 44 Length of school day. In all classified secondary schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours. [Community-based program may be approved as all or part of the school day by the state board. Employment-related community-based programs shall be supervised through the vocational-technical division, and non-employment-related community-based programs shall be supervised through the division of instruction.]

Exceptions to the six hour day may be made as follows:

A. The state board of education may approve community-based programs for all or part of the school day. Employment related, community-based programs in excess of one hour per day shall be supervised by the vocational-technical division. Non-employment related, community-based programs in excess of one hour per day shall be supervised by the division of instruction.

B. The local board of education may adopt a policy which allows secondary school principals to adjust the length of the school day for individual students provided that:

1. The student is at least 16 years of age;

and

2. The student attends supervised classes in usual school facilities for not less than five hours per day;

and

3. A written record is maintained indicating the type of work-study option or other educational experience to be pursued during the exempted time;

and

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

PROPOSED RULES

4. The student's parent has approved the option in writing.

Chapter Thirty-Eight: Financial Accounting Reporting Requirements

EDU 764 Audited and unaudited financial statements, budgets.

EDU 764 A., B., C., and D. remain unchanged.

E. An audit shall be defined as an examination of the various financial statements of the funds and account groups of a school district by the state auditor, an independent certified public accountant, or a public accountant who for the five previous years has been actively engaged exclusively in the practice of public accounting. This examination shall be performed in accordance with generally accepted auditing standards as promulgated by the American Institute of Certified Public Accountants. Audited financial statements shall be defined as those financial statements which have been subjected to audit.

EDU 767 Statutory operating debt.

A. For the fiscal year ending June 30, 1977 and thereafter each district shall prepare a balance sheet as specified in EDU 768.

B. The sum of the unappropriated fund balances for the four operating funds, as defined in EDU 762 B., shall constitute operating debt if such sum is negative.

C. Operating debt shall be defined as "statutory operating debt" if the amount of operating debt exceeds two-and-one-half percent of the expenditures in the operating funds for the year specified in Minn. Stat. § 121.914.

D. Statutory operating debt, for which the statutory operating debt levy is to be provided as specified in Minn. Stat. § 275.125, subd. 9a, shall be the statutory operating debt determined as of June 30, 1977.

E. If as of June 30, 1977, the unaudited financial statements submitted to the department show an operating debt in excess of five percent of the expenditures identified in EDU 767 C. or show that it will require more than two years to eliminate such debt pursuant to the statutory operating debt levy, then the district shall be required to levy an additional 1.5 mills on the adjusted assessed valuation of the district and to comply with other provisions of Minn. Stat. § 121.917 and § 275.125, subd. 9a. If subsequently, the audited financial statements show the district had not been in statutory operating debt and was thereby ineligible for such

additional levy, the district shall recognize the additional levy as revenue to the general fund deferred one year and shall reduce the following maintenance levy by a like amount.

F. If as of June 30, 1977, the unaudited financial statements submitted to the department show an operating debt of less than five percent of the expenditures identified in EDU 767 C. and show that it will require two years or less to eliminate such debt pursuant to the statutory operating debt levy, the department shall require a reexamination of the financial statements and a redetermination of operating debt. The district shall request and utilize the services of a regional accounting coordinator, a representative of the appropriate regional service agency or a representative of the department of education to assist in this reexamination and redetermination. Upon completion the district shall recertify the financial statements as to their accuracy and compliance with this chapter and with Minn. Stat. § 121.914. If a statutory operating debt levy is authorized and subsequently the audited financial statements show the district was not in statutory operating debt and was therefore ineligible for such additional levy, the procedure in EDU 767 E. is to be followed. If a statutory operating debt levy is not authorized and subsequently the audited financial statements show the district was in statutory operating debt and was therefore eligible for the additional levy, the district shall make up the levy deficiency.

G. If as of June 30, 1977, the unaudited financial statements show no operating debt, there shall be no verification procedure required for statutory operating debt. If subsequently, the audited financial statements show the district was in statutory operating debt and was thereby eligible for the additional levy, the district shall make up the levy deficiency.

H. Prior to June 30, 1979, the commissioner may, on the basis of the audited financial statements submitted by a district to the department, pursuant to Minn. Stat. § 121.914, subd. 5, adjust the total amount of statutory operating debt of the district, determined as of June 30, 1977.

I. The commissioner shall not be required to certify a levy for statutory operating debt in 1977 if the unaudited financial statements show that the district was in statutory operating debt and was therefore eligible for an additional levy, the district shall make up the levy deficiency.

EDU 768 Balance sheet.

A. A balance sheet shall be prepared for each of the operating and the non-operating funds and for all funds

PROPOSED RULES

combined as of June 30th. The balance sheet shall specify assets, liabilities, encumbrances outstanding, appropriated fund balances and unappropriated fund balances.

B. Assets.

1. The total assets shall be reported in at least the following categories:

- a. Cash and investments
- b. Taxes receivable
- c. Accounts and interest receivable
- d. Due from other funds
- e. Due from other Minnesota school districts
- f. Due from other governmental units
- g. Inventory
- h. Prepaid expenses and deposits
- i. Other

2. Cash shall include amounts on deposit in officially designated depositories, undeposited cash, petty cash, interest bearing accounts, change funds, travel advance funds and cash with fiscal agents. Investments shall include investments in securities, commercial certificates of deposit or obligations of various governments.

3. Taxes receivable include the unreceived portion of current real and property tax levies including mobile home taxes, plus delinquent and non-property taxes receivable less an allowance for uncollectible taxes. The allowance for uncollectible taxes must be an estimate of taxes that will not be collected within six years.

4. Accounts receivable include all amounts due the district from outside sources other than taxes and amounts from other governmental agencies. Interest receivable is the amount of interest earned but not received on outstanding investments. Where investments have not matured, the interest shall be prorated to that year in proportion to the term of the investment occurring in that year. Interest shall be apportioned to the funds for their general purposes and not to accounts within a fund. The two approved methods for treating

investment income are the equity method and the average cash balance method. For ease of handling, the average cash balance method may be used. Any other equitable method may be approved by the state auditor.

Any funds with a negative (deficit) average monthly balance shall be assessed an interest charge.

5. Due from other Minnesota school district includes amounts due from all districts as defined in EDU 760.

6. Inventories shall represent only amounts of supplies and materials which have not been expensed. The amount of inventories which have been expensed but are available for use in a subsequent year may be footnoted to the report. Such amount shall be determined by the district in a manner consistent from year to year.

The inventory figure reported on the balance sheet must have supporting documentation. This supporting documentation may take the form of a fiscal year end physical count and/or perpetual inventory records.

7. Prepaid expenses and deposits represent amounts paid for benefits or goods not yet received. Whenever a district normally expenses supplies and materials at the time of purchase, it may treat as a prepaid expense an extraordinary purchase, whenever the amount is specific, the purchase is clearly identified for future use, and the amount of the purchase is to be expensed in a future fiscal year.

C. Liabilities.

1. The total liabilities shall be reported in at least the following categories:

- a. Salaries and wages payable
- b. Short-term indebtedness
- c. Due to other funds
- d. Due to other Minnesota school districts
- e. Due to other governmental units
- f. Claims and judgments payable
- g. Accounts and contracts payable, interest pay-

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PROPOSED RULES

able, payroll deductions and employer contributions payable

h. Property taxes levied for the subsequent year's expenditures

i. Deferred revenue

j. Other

2. Salaries and wages payable are amounts owed for personal services performed but not paid. This category does not include separation, sick or vacation pay since these and other similar employee benefits shall be expensed on a current basis.

3. Short-term indebtedness includes outstanding certificates of indebtedness and orders not paid for want of funds.

4. Property taxes levied for the subsequent year's expenditure shall be the amount, including abatements and portions to be assumed by the state, certified to the county auditor.

5. Revenues collected in advance of June 30 but not earned in the following year are deferred revenues.

6. Amounts due to other Minnesota school districts and other governmental units includes amounts due to all districts are defined in EDU 760.

7. Claims payable include losses incurred for which claims have not been paid. This category includes estimates of expenditures for losses which have occurred in the current period but for which payments have not been made or claims have not been filed.

Administrative awards, made against a district by a state or federal agency, which are not on appeal are included if unpaid.

8. Accounts and contracts payable are amounts due for goods received or services rendered.

Payroll deductions and employer contributions include amounts already expensed to appropriate accounts which are temporarily held until they are required to be transmitted.

D. Encumbrances outstanding. Encumbrances outstanding include all board commitments supported by itemized purchase orders issued to outside vendors

based on firm prices, provided that these expenditures have been budgeted in the current or prior year. This category does not include amounts that are set up as liabilities or amounts for personal services to be performed by a district employee.

E. Appropriated fund balances.

1. Appropriated fund balances represent available resources dedicated by law for specified purposes. These balances include amounts appropriated for:

a. Unemployment insurance

b. Bus purchases

c. Severance pay

d. Reserve for reduction of statutory operating debt

e. Building construction

2. Each of these appropriated fund balances must involve an accounting subsystem which is a part of, or an adjunct to, the overall accounting system. The amounts may be either negative or positive.

F. Unappropriated fund balances. The unappropriated fund balance is equal to the assets less the sum of the liabilities, encumbrances outstanding and appropriate fund balances. The unappropriated fund balance represents amounts that may be expended in the future for the operation of that fund.

EDU 769 Balance sheet account groups.

A. A balance sheet shall be prepared for the general fixed asset and general long term debt groups of accounts as of June 30.

B. General fixed assets. General fixed assets shall be carried in the books of the district at purchase price or at appraised value at date of acquisition if the property is donated. General fixed asset accounts include land, land improvements, buildings, equipment, allowances for depreciation, construction work in progress and investments in general fixed assets.

C. General long-term debt. General long-term debt accounts include amounts available and amounts to be provided for outstanding bonds, state loans payable and separation and severance pay.

OFFICIAL NOTICES

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Intent to Solicit Outside Information on Proposed Rules Governing Licensure of Architects

The Board of Architecture, Engineering, Land Surveying, and Landscape Architecture is considering a revision of its rule governing the examination of architect applicants proposing that each such applicant be a graduate of a 5-year architectural curriculum accredited by the National Architectural Accreditation Board (NAAB) or a Master's program accredited by the NAAB. The present rule appears in AE&LS 9.

The Board invites interested persons or groups to provide information, comment, and advice on the subject, in writing or orally, to Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying, and Landscape Architecture, 5th Floor, Metro Square, St. Paul, Minnesota 55101.

Written statements will be made part of the public hearing record.

Banking Division

Notice of Maximum Mortgage Interest Rate for the Month of May, 1977

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to the Conventional Home Loan Assistance and Protection Act, Laws of 1976, ch. 300, hereby determines that the maximum lawful rate of interest for home mortgages for the month of May, 1977, is nine and one-quarter (9.25) percent.

Robert A. Mampel
Commissioner of Banks

Department of Commerce Securities Division

Notice of Amendment of Statutes Governing the Minnesota Franchise Act

The following provisions of the Minnesota Franchise

Act, Minnesota Statutes, Chapter 80C, have been amended effective April 1, 1977.

Minn. Stat. § 80C.01 (1976).

Subd. 4. "Franchise" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons:

(a) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

(b) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

(c) for which the franchisee pays, directly or indirectly, a franchise fee.

"Franchise" shall include a contract, lease, or other agreement whereby the franchisee is granted the right to market (1) automobiles, motorcycles, trucks, truck tractors, or self propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on the public highways or (2) motor vehicle fuel.

"Franchise" does not include any business which is operated under a lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises, including, without limitation, leased departments and concessions.

Minn. Stat. § 80C.09 (1976).

[Advertising.] Subd. 1. No person shall publish or cause to be published in this state any advertisement offering a franchise subject to the registration requirements of §§ 80C.01 to 80C.22 unless a true copy of the advertisement has been filed in the office of the commissioner at least five business days prior to the first publication thereof, or at such later time as the commissioner by rule or order may allow, unless such advertisement has been exempted by rule of the commissioner.

Minn. Stat. §§ 80C.08 (1976).

[Annual Report.] Subd. 1. Within 120 days after the fiscal year end of the registrant, the registrant shall file a report in the form prescribed by rule of the commissioner. A fee of \$100 shall accompany the annual report.

Board of Teaching

Notice of Intent to Solicit Outside Information on Proposed Rules Governing Elementary Teachers

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the amendment and/or adoption of rules governing Teachers of Elementary Education. Any interested persons may submit data or views on these subjects in writing or orally to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
607 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2415

Any written material received by the Board shall become part of the hearing record in the event rules governing these subjects are promulgated.

Kenneth L. Peatross,
Executive Secretary

Pollution Control Agency

Proposed Rules Governing Label Requirements and Issuance of Exemptions for Use of Polychlorinated Biphenyls

Notice of Hearing

Notice is hereby given that public hearings in the above-entitled matter will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota, on May 25, 1977, commencing at 9:30 a.m. and in the Lake City Council Chambers, 205 West Center Street, Lake City, Minnesota, on May 31, 1977, commencing at 7:00 p.m. These hearings shall continue until all persons have had an opportunity to be heard. The Agency will present its witnesses and evidence in support of the abovecaptioned rule at the hearing in Roseville, Minnesota.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. William Seltzer, 1745 University Avenue, St. Paul, Minnesota 55104 (612) 296-8105 either before the hearing or within 20 days after the close of the hearing. For those wishing to submit written materials, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

The proposed rules, if adopted, would:

1. Establish procedures for issuing certificates of exemption for the use, possession, sale, purchase or manufacture of polychlorinated biphenyls (PCB) and products containing PCB in the State of Minnesota. These include:

(a) The procedures for applying for a certificate of exemption,

(b) The process and procedures for obtaining public comment on the certificate of exemption application,

(c) The criteria for approving or denying issuance of a certificate of exemption,

(d) The terms and conditions the Agency may include in a certificate of exemption,

(e) The procedures available for modifying, suspending or revoking a certificate of exemption.

2. Require labels for new items, products or materials which contain PCB.

3. Exempt certain uses of PCB or products containing PCB.

Copies of the proposed rule are now available and one free copy may be obtained by writing to Mr. Marvin Hora, Minnesota Pollution Control Agency, Division of Water Quality, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the door on the date of the hearings. The Agency's authority to promulgate the proposed rule is contained in Minn. Stat. § 116.37, subd. 3 (1976). A "statement of need" explaining why the Agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Sandra S. Gardebring
Executive Director

Rules as Proposed

WPC 38 Requirements for labeling of products containing PCB and for issuing certificates of exemption for the use, possession, sale, purchase or manufacture of PCB or products containing PCB.

A. Introduction.

1. Purpose. This regulation is hereby adopted and promulgated by the Agency to implement the provisions of Minn. Stat. §§ 116.36 and 116.37. This regulation establishes procedures for the issuance by the Agency of

certificates of exemption for the use, possession, sale, purchase or manufacture of polychlorinated biphenyls (PCB) and products or class of products containing PCB, and labeling requirements for items, products or materials sold in the State which contain PCB.

2. **Scope.** The provisions of this regulation shall apply to PCB and products or a class of products containing PCB used, possessed, sold, purchased or manufactured in the State of Minnesota.

3. **Severability.** The provisions of this regulation shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not void any other lettered paragraph, subparagraph or subdivision or any other part thereof.

B. Definitions.

1. "Agency" means the Minnesota Pollution Control Agency.

2. "Certificate of Exemption" means a document issued by the Agency for the purpose of permitting the use, sale, possession, purchase or manufacture of PCB, a product containing PCB, or a class of products containing PCB.

3. "Class of products containing PCB" means a group or category of closely related items, products or materials having a similar function or making similar use of the chemical or physical properties of the PCB which they contain.

4. "Director" means the Executive Director of the Minnesota Pollution Control Agency.

5. "PCB" means the class of organic compounds known as polychlorinated biphenyls and includes any of several compounds produced by replacing one or more hydrogen atoms on the biphenyl molecule with chlorine. PCB does not include chlorinated biphenyl compounds that have functional groups attached other than chlorine.

6. "Person" means the state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership or other entity, including, but not limited to, association, commission, or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation.

7. "Possess" or "Possession" means the ownership or physical control of an item, product or material. "Possess" or "Possession" does not include physical

control by a person other than the owner while the item, product or material is being shipped in commerce.

8. "Product containing PCB" means a product, item or material which contains a concentration of PCB equal to or greater than 500 milligrams per kilogram (mg/kg). Concentration for the purposes of this definition is calculated as follows:

a. If PCB is distributed throughout a product, item or material, the concentration of PCB is determined on the basis milligram (mg) of PCB per kilogram (kg) of the mass in which the PCB is distributed.

b. If PCB is a constituent of only a portion of a product, item or material, the concentration of PCB is determined on the basis of milligram (mg) of PCB per kilogram (kg) of only that portion of the product, item or material in which the PCB is a constituent.

9. "Subsequent use" means a use of PCB or a product or class of products containing PCB which is identical in function to the use exempted in a certificate of exemption currently in effect.

10. "Written" includes printing, typewriting or any other intentional reduction to tangible form.

Other terms and abbreviations used herein which are not specifically defined by law shall be construed in conformance with the context and commonly accepted professional usage.

C. Certificate of Exemption.

1. Application.

a. Existing facilities, equipment and products. Any person who presently uses, possesses, sells, purchases or manufactures PCB or a product containing PCB shall submit a complete application for a certificate of exemption within 90 days after the effective date of this regulation.

b. New facilities, equipment and products. Any person who intends to use, possess, sell, purchase or manufacture PCB or a product containing PCB shall submit a complete application for a certificate of exemption at least 180 days prior to the proposed date of use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

c. Forms and signatures.

(1) Applications shall be submitted on forms prescribed by the Director.

EQC Monitor

(2) Signatures. Applications shall be signed as follows:

(a) In case of a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative.

(b) In case of a partnership, by a general partner.

(c) In case of a sole proprietorship, by the proprietor.

(d) In case of a municipal, state or other public entity by either the principal executive officer or by an official authorized by a resolution passed at an official meeting of the governing body.

d. Contents of application.

(1) The application for certificate of exemption shall include:

(a) The name and address of the applicant.

(b) The amount of PCB involved in the use, possession, sale, purchase, or manufacture or contained in a product containing PCB.

(c) The purpose for the use, possession, sale, purchase, or manufacture of PCB or a product containing PCB.

(d) A concise description of the location of the use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(e) Justification for the use, possession, sale, purchase or manufacture of the PCB or a product containing PCB. The justification shall include, but is not limited to, a detailed evaluation of the following:

(i) The impact upon the air, water and land resources of the State which may result from the applicant's use, possession, sale, purchase or manufacture of PCB or a product containing PCB, including any impacts that may result from the accidental spill of PCB or fluids containing PCB.

(ii) The risk to public health and safety which may result from the applicant's use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(iii) The toxicity, flammability and reasonable availability of PCB substitutes.

(iv) Any feasible alternatives to the continued use, possession, sale, purchase or manufacture of PCB or a product containing PCB which have been considered by the applicant.

(v) The data, information or analyses which the applicant has relied upon or developed in determining the public health, safety, and environmental impacts which may result from the applicant's use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(f) A description of the applicant's practices and procedures for handling and storing PCB or products containing PCB. The description shall include, but is not limited to, the following:

(i) The existing safeguards utilized in handling or storing PCB or products containing PCB.

(ii) The procedures utilized in the control and cleanup of spilled PCB or products containing PCB.

(iii) The procedures followed for disposing of PCB, products containing PCB, or materials and items contaminated by PCB.

(2) Any application for a certificate of exemption for the use or replacement of existing electrical transformers or capacitors shall include, in addition to the requirements of section C.1.d. (1) of this regulation

(a) A detailed assessment of the cost of replacing the existing electrical transformers or capacitors with equipment that does not contain PCB.

(b) The cost of purchasing and installing non-PCB fluids in existing equipment.

e. Complete application. All certificate of exemption applications shall be reviewed for completeness by the Director. If an application is incomplete or otherwise deficient, the Director shall promptly advise the applicant of such incompleteness or deficiency. Further processing of the application may be suspended until the applicant has supplied the necessary information or otherwise corrected the deficiency. A certificate of exemption shall not be issued until a complete application is submitted to the Agency.

f. Any person may submit an application for a certificate of exemption for a class of products possessed by the applicant which contain PCB. An application for a class of products exemption shall comply with section C.1.d. of this regulation.

2. Preliminary determination and draft certificate of exemption.

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a. The Director shall make preliminary determinations regarding a complete certificate of exemption application prior to issuance of public notice of the application. These preliminary determinations shall include a proposed determination to issue or deny a certificate of exemption.

b. The Director shall inform the applicant of the proposed determination to issue or deny a certificate of exemption.

c. If the proposed determination is to issue a certificate of exemption, the Director shall prepare a draft certificate.

3. Public notice of certificate of exemption application.

a. Circulation of public notice. The Director shall prepare and issue a public notice of the certificate of exemption application. The notice shall be circulated within the geographical area of the use, possession, sale, purchase or manufacture of the PCB or a product containing PCB. The Director may circulate the notice in any of the following ways:

(1) Posting the notice in public libraries or other public buildings or places located in the designated geographical area.

(2) Posting the notice at or nearby the entrance to the applicant's premises.

(3) Publishing the notice in one or more newspapers of general circulation in the designated geographical area of the applicant or, if appropriate, in an applicable periodical.

(4) Publishing the notice in the *State Register*.

b. Availability of public notice.

(1) The Director shall mail a copy of the public notice to the applicant and to interested persons upon written request.

(2) The Director shall make available a copy of the public notice at the main Agency office and at the appropriate Agency regional office.

c. Public notice comment period.

(1) Any interested person, including the applicant, may, within 30 days following the issuance of the public notice, submit written comments on the certificate of exemption application to the Agency. The time for public comment may be extended by the Director if he determines that such extension of time is necessary to facilitate public comment.

(2) All written comments submitted during the comment period shall be retained and considered in the formulation of final determinations concerning the certificate of exemption application.

d. Public notice contents. The public notice of the certificate of exemption application shall include:

(1) The name and address of the applicant.

(2) A concise description of the applicant's use, possession, sale, purchase or manufacture of PCB or a product containing PCB and location of that use, possession, sale, purchase or manufacture.

(3) A statement of the Director's preliminary determination to issue or deny the certificate of exemption.

(4) If the proposed determination is to issue a certificate of exemption, a statement regarding the proposed duration of the draft certificate of exemption.

(5) A statement that any interested person may submit written comments to the Agency for 30 days after the issuance of the public notice.

(6) The date the 30 day comment period terminates.

(7) If the proposed determination is to issue a certificate of exemption, a statement that a copy of the draft certificate of exemption will be mailed to any person upon written request.

(8) The address and telephone number of the main Agency office and the appropriate Agency regional office.

(9) A concise statement explaining the procedures for petitioning for a public hearing on the certificate of exemption application.

4. Public hearing on certificate of exemption application.

a. The applicant or any interested person may, within the 30 day comment period, file a petition with the Director for a public hearing on a certificate of exemption application. A petition for a public hearing shall include:

(1) The basis for the hearing request.

(2) The specific portion of the draft certificate of exemption, if one has been prepared pursuant to section C.2 of this regulation, that necessitates a public hearing.

(3) The interest in or relationship of the petitioner to the applicant.

The Agency shall, in its discretion, grant or deny the hearing request.

b. All public hearings on certificate of exemption applications shall be held in accordance with the rules and regulations of the Office of the Hearing Examiners.

5. Duration of certificate of exemption. All certificates of exemption issued by the Agency shall have a fixed term which shall not exceed five years.

6. Issuance of certificate of exemption.

a. The Agency shall not issue a certificate of exemption unless:

(1) A complete application has been filed with the Agency.

(2) The applicant has provided sufficient justification, to the satisfaction of the Agency, for the use, possession, sale, purchase or manufacture of PCB or a product or class of products containing PCB in accordance with section C.1. of this regulation.

b. In determining whether to issue or deny the certificate of exemption, the Agency shall consider, but is not limited to:

(1) The effect upon the air, water and land resources of the State which may result from the applicant's use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(2) The gravity of risk to public health and safety which may result from the applicant's use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(3) The toxicity, flammability and reasonable availability of PCB substitutes.

(4) The existence of feasible alternatives to the applicant's use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(5) The potential risk for dispersion of PCB into the air, water and land resources of the State which may result from the applicant's use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(6) The applicant's practices and procedures, including compliance with applicable State and federal

statutes and regulations, for the handling, storing and disposing of PCB, products containing PCB, or materials and items contaminated by PCB.

c. If the certificate of exemption application involves the use or replacement of existing electrical transformers or capacitors, the Agency shall consider, in addition to the requirements of sections 6.a. and b. of this regulation:

(1) The safety of proven alternatives or substitutes.

(2) The cost of replacing existing electrical transformers or capacitors with equipment that does not contain PCB.

(3) The cost of purchasing and installing non-PCB fluids in existing equipment.

7. Terms and conditions of a certificate of exemption. The Agency may include in a certificate of exemption such terms and conditions as are necessary in order to abate, control or prevent pollution of the air, water and land resources of the State including, but not limited to:

a. A requirement that annual reports be submitted to the Agency within 30 days following the end of each calendar year and that these reports include the following information:

(1) Name and address of the person responsible for filing the report.

(2) Quantity of PCB used, possessed, sold, purchased or manufactured during the preceding calendar year.

(3) Location and nature of the use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(4) Handling, storage or disposal practices and procedures utilized in the use, possession, sale, purchase or manufacture of PCB or a product containing PCB.

(5) Such other information as the Executive Director deems necessary.

b. A requirement that any item, product or material containing PCB be labeled in a manner which discloses the following:

(1) The presence of PCB in the item, product or material.

(2) A statement regarding proper disposal of the item, product or material.

(3) A warning regarding potential environmental and public health hazards of PCB.

c. A requirement that all records, including analytical and test analyses, be retained by the holder of the certificate of exemption for a period of three years.

d. A schedule for the replacement of existing equipment which contains PCB or PCB compounds or fluids with equipment which does not contain PCB or PCB compounds or fluids.

e. Such other terms and conditions as the Executive Director deems necessary.

8. Subsequent uses. If the Agency issues a certificate of exemption for the use of PCB or a product or class of products containing PCB, the certificate of exemption shall be valid for all subsequent uses of PCB or the product or class of products containing PCB if the subsequent uses are consistent with the terms and conditions of the original certificate of exemption.

9. Modification, suspension, and revocation of certificate of exemption.

a. Grounds for Modification, Suspension, or Revocation. The Agency may modify, suspend, or revoke any term or condition of the certificate of exemption, or the certificate of exemption in its entirety, upon finding:

(1) There has been a change in the applicant's justification for use, possession, sale, purchase or manufacture of PCB or a product or class of products containing PCB.

(2) There has been a violation of law.

(3) There has been a misrepresentation or omission of significant facts upon which certificate of exemption was based.

(4) The terms and conditions of the certificate of exemption have not been complied with or have been violated.

(5) Other just cause exists for such action.

b. Notice of Modification, Suspension or Revocation. No certificate of exemption may be modified, suspended or revoked by the Agency unless the exempt person is notified of the proposed action at least 30 days prior to the effective date of the modification, suspension or revocation.

c. Opportunity for public hearing. Any person may request, in accordance with MPCA 9(b), the Agency to hold a public hearing on the proposed modification, suspension or revocation. The Agency shall, in its discretion, grant or deny the hearing request. The Agency, upon its own motion, may order that a public hearing be held.

d. Section C.9 of this regulation shall not limit or preclude the Agency from exercising its emergency powers pursuant to Minn. Stat. § 116.11.

D. Labels.

1. Any person after July 1, 1977, who adds PCB in the manufacture of any new item, product, or material or any person in this State who sells any new item, product, or material to which PCB has been added shall conspicuously label the PCB or product containing PCB.

a. The label shall disclose the following:

(1) The presence of PCB in the item, product or material.

(2) The item, product, or material contains a concentration of PCB equal to or greater than 500 milligrams per kilogram (mg/kg).

(3) A statement regarding proper disposal.

(4) A warning regarding potential environmental and public health hazards of PCB.

b. The label shall be written and affixed to the item, product or material so that a reasonable person ought to have noticed it.

c. The following statement may be used to satisfy the requirements of section D.1.a. of this regulation:

WARNING: Contains a concentration of polychlorinated biphenyl (PCB) equal to or greater than 500 mg/kg. Severe environmental contaminant. Care should be taken to prevent entry into the environment through spills, leakage, use, vaporization or disposal of liquid or containers. Avoid prolonged breathing of vapors or mists, contact with eyes or prolonged contact with skin. This item must be used and disposed of in accordance with State and federal statutes and regulations.

E. Exemptions.

1. The following uses of PCB or products containing PCB are exempted by the Agency:

a. Any product containing PCB which was pur-

chased or otherwise acquired by an individual person for consumer use in the home.

b. Wastepaper, pulp or other wood fiber materials purchased for use within this State in the manufacture of recycled paper products.

c. Any electrical capacitor or transformer which contains less than one kilogram of PCB.

2. The certificate of exemption and labeling requirements shall not apply to the uses or products exempted under section E.1. of this regulation.

10. Adopted findings, issued construction permit and designated HVTL route as recommended by Citizens Route Evaluation Committee for CU-TR-2.

11. Approved minor route alteration (MA-2) for MP&L-TR-1 (Twin Cities to Kettle River HVTL).

12. Accepted application from Northern States Power for minor route alteration (MA-3) on NSP-TR-1 (HVTL near Hinckley).

13. Determined to review Final EIS on MP&L-TR-1A (HVTL from Kettle River to Forbes).

14. Determined that stipulation agreement be added as part of Final EIS on Whitebirch project at Breezy Point.

Environmental Quality Council

Actions Taken at the April 11, 1977 EQC Meeting

1. Accepted as adequate the Final Environmental Impact Statement (EIS) on I-94 (from St. Paul to Washington County) and determined no review required.

2. Accepted as adequate the federal Final EIS as a State EIS on Princeton Bypass (TH 169 from Princeton to Onamia) and determined no review required.

3. Accepted as adequate the Final EIS on Bemidji Bypass and determined no review required.

4. Found adequate the Final EIS on Williams Pipeline (Mason City, Iowa to Cottage Grove, Minnesota).

5. Found adequate the Final EIS on CU-TR-2 [High Voltage Transmission Line (HVTL) Dickinson Substation to Willmarth Substation near Mankato].

6. Determined no EIS required on Northern States Power's proposed spent fuel pool expansion at Prairie Island near Red Wing.

7. Ordered Environmental Assessment Worksheet (EAW) prepared on proposed swine confinement facilities in Haverhill and Farmington townships.

8. Accepted preliminary federal Final EIS on Roseau River flood project as State Draft EIS.

9. Authorized Phase II limited work at Minnesota Power and Light's Clay Boswell Unit #4 near Cohasset.

Transmission Line Route from Kettle River to Forbes

On May 10, 1977 the Minnesota Environmental Quality Council will act on the application from Minnesota Power and Light Company for a construction permit and route designation for a high voltage transmission line. The proposed 500 kilovolt line will be built between Kettle River, Minnesota and the Forbes Substation southwest of Eveleth. The meeting will begin at 9:00 a.m. in the Metropolitan Council Chambers, 3rd Floor, Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Receipt of Final EIS on Dayton Development Company's Proposed Shopping Center in Woodbury, Washington County

The EQC has received the Final Environmental Impact Statement (EIS) on Dayton Development Company's proposed Wooddale Shopping Center in Woodbury, Washington County. The Final EIS was submitted by the City of Woodbury on April 11, 1977.

The proposed shopping center would be built on a 174-acre site about 6 miles east of downtown St. Paul.

The EQC Technical Committee will discuss this Final EIS at its April 27, 1977 meeting and the Council will make a determination whether to review the document at its May 10, 1977 meeting. If the EQC decides to review the Final EIS, a determination on its adequacy will be made at its first

meeting held more than 45 days after review commences. An EQC decision not to review a final EIS would constitute acceptance of the EIS. No government approval of the action can be granted prior to EQC acceptance of the Final EIS.

For further information on this project contact:

Dwight Picha
Community Development Director
Municipal Building
2100 Radio Drive
Woodbury, Minnesota 55042
(612) 739-7972

**Receipt of Petition for EIS on County
Ditch No. 146 in Renville County**

The EQC received a petition on April 8, 1977 for an Environmental Impact Statement (EIS) on a proposed agricultural drainage system along Sacred Heart Creek, Renville County.

The proposed County Ditch No. 146 would begin in SE¼ SE¼ Sec. 1, Twp. 114N, R37W, and would continue 5.9 miles upstream to a point near the center of Sec. 12, Twp. 115N, R37W.

The EQC Technical Committee will discuss this petition at its meeting on April 27, 1977 and the Council will make a determination on the petition at its May 10, 1977 meeting.

**Negative Declaration (NO EIS) on
Izatys Lodge Subdivision in
Mille Lacs County**

An Environmental Assessment Worksheet (EAW) on the Izatys Lodge Subdivision proposed by Jerome L. Dubbs has been submitted to the EQC by the Mille Lacs County Zoning Office.

The EAW determined that no EIS is needed on this project because it is a major action but does not have the potential for significant environmental effects. No EIS will be required on this project unless objections are filed with the EQC by May 25, 1977. MEQC Rule 28B indicates the procedures for filing objections to a Negative Declaration.

The proposed action consists of development of approximately 60 townhouse units and approximately 60 family lots; addition of nine holes to an existing golf course; and construction of a channel and marina; to be staged over the next five years.

This development would be located in South Harbor, Mille Lacs County, NE¼ and Govt. Lot 1 Sec. 26, R26W, Twp. 42N.

Copies of the EAW and supporting documentation are on file for public review at the Zoning Office, Courthouse, Milaca, MN, (612) 983-6949 from 8:00 a.m. to 4:30 p.m.

For further information on this EAW contact:

Mahlon L. Dahl
Mille Lacs County Zoning Office
Courthouse
Milaca, MN 56353
(612) 983-6949

**U.S. Department of Housing
and Urban Development**

**EIS Preparation Notice on Jonathan New
Community Project in Carver County**

The U.S. Department of Housing and Urban Development (HUD) New Communities Administration, Washington, D.C., intends to issue a Draft Environmental Impact Statement (EIS) for the Jonathan New Community project.

Jonathan is located approximately 25 miles south of Minneapolis in the City of Chaska and the Township of Laketown, Carver County, Minnesota.

As a result of the Jonathan New Community project's financial difficulties, the New Communities Development Corporation (NCDC) Board of Directors is contemplating a number of alternative acquisition and disposition/development options for the project. The EIS will evaluate the environmental impact of these alternative actions.

Completion of the Draft EIS is anticipated for May 2, 1977. For further information contact:

John Sanger
Brauer & Associates
6440 Flying Cloud Drive
Eden Prairie, Minnesota 55343
(612) 941-1660
or

Albert R. Diehl
Department of Housing and Urban Development
451 7th Street, S.W.
Washington, D.C. 20410
(202) 755-6876

**Pollution Control Agency
Receipt of Natural Resource
Permit Applications**

Ottertail County

Name of Permit: Use of Liquid Storage Site

Applicant: Perham Cooperative Oil Company

Project Location: Perham, Ottertail County, NE ¼ Sec. 23, R39W, Twp. 136N

Project Description: Installation of 6 petroleum product tanks (the largest 21,000 gallons; total capacity 104,000 gallons) and installation of diking to contain any material spilled from the tanks

No state Environmental Assessment Worksheet (EAW) preparation is anticipated.

Comments and requests for additional information on this project should be submitted by May 25, 1977 to:

Abner M. Fisch
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
(612) 296-7389

Scott County

Name of Permit: Use of Liquid Storage Site

Applicant: Belle Plaine Coop.

Project Location: Belle Plaine, Scott County, NE¼ Sec. 6, R24W, Twp. 113N

Project Description: Installation of six petroleum product storage tanks (the largest being 21,000 gallons; the total volume being 114,000 gallons) and construction of a containment basin to retain spills from a transport or a tank. The basin would contain the volume of the largest tank.

No state EAW preparation is anticipated.

Comments and requests for additional information on this project should be submitted by May 25, 1977 to Abner Fisch, address as above.

Errata

1. 1 S.R. 1527: Change . . . "scope of quality" . . . to "scope and Quality" at line 7, and change "targeted as" to "targeted at" at line 14 of 1977 U.S. Regional Special Project Grants.

2. 1 S.R. 1529: Change "MEQC Rule 29A" to "MEQC 28A" at line 17 in EIS Preparation Notice from Mn. Historical Society.

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