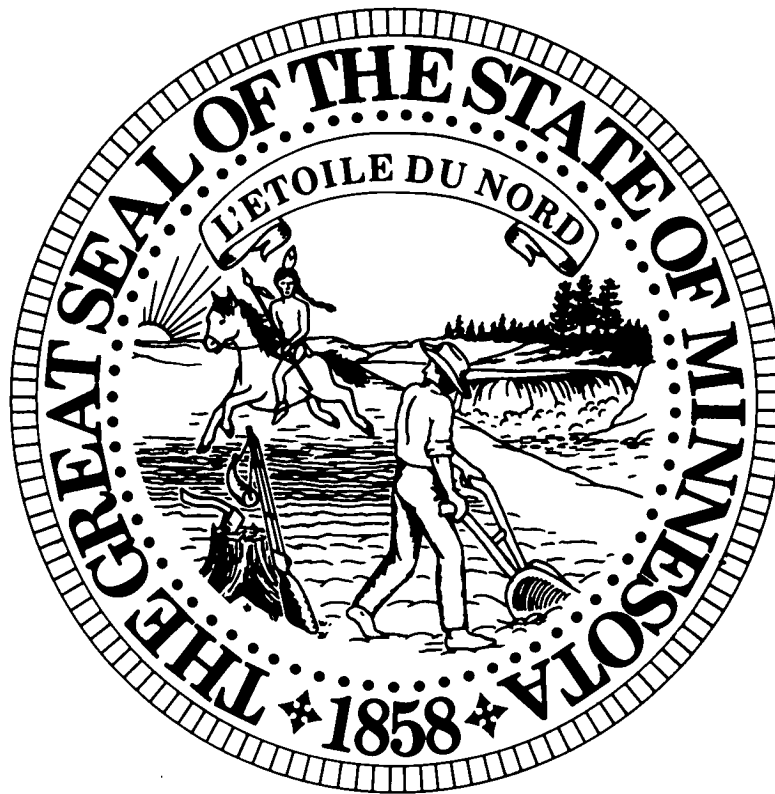


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The Minnesota
**State
Register**

Department of Administration—Print Communications Division



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

Monday 23 March 1992
Volume 16, Number 39
Pages 2089-2140

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
38	Monday 2 March	Monday 9 March	Monday 16 March
39	Monday 9 March	Monday 16 March	Monday 23 March
40	Monday 16 March	Monday 23 March	Monday 30 March
41	Monday 23 March	Monday 30 March	Monday 6 April

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Arne H. Carlson, Governor
Dana B. Badgerow, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division
Paul Hoffman, Acting Editor

Katherine J. Artishon, Assistant Editor
Debbie George, Circulation Manager
Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

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Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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9525.1800 s.4,16,19; .1860 s.2,5; .1930 s.2 (proposed repealer) 294			

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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.

Pollution Control Agency

Proposed Permanent Rules Relating to Emission Facility Offsets

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt amendments to the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* § 14.22 to 14.28 (1990). The MPCA's authority to adopt the amendments is set forth in *Minnesota Statutes* § 116.07.

All persons have until 4:30 p.m. April 23, 1992, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* § 14.131 to 14.20 (1990).

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

Norma Florell
Minnesota Pollution Control Agency
Air Quality Division
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7712

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

Minnesota Rules parts 7005.3010 to 7005.3060 (Offset Rule), set forth the procedures for trading emission credits between affected sources in nonattainment areas. Part D of the U.S. Clean Air Act requires states to adopt programs for permitting persons to expand or construct emission sources in areas not meeting ambient air quality standards. The U.S. Environmental Protection Agency (EPA) has adopted regulations to implement the provisions of the Clean Air Act regarding offset programs which are found in 40 C.F.R. Part 51, Subpart I and Appendix S. In order to be approvable by the EPA, the State of Minnesota's Offset Rule must meet the requirements specified in these regulations.

The MPCA is proposing to adopt amendments to the Offset Rule because the EPA will not approve the rules as currently adopted. The proposed amendments incorporate the federal standards of Appendix S as modified to meet the requirement of 40 C.F.R. Part 51 and recent amendments to the Clean Air Act. Because the MPCA now proposes to adopt the federal standard, the MPCA believes that the Offset Rule will be approved by the EPA, resulting in the removal of a "construction ban" currently enforced against Minnesota for failure to have an approvable Part D program. Notice is also hereby given that once formal rulemaking is completed the MPCA intends to adopt the amended version of *Minnesota Rules* Parts 7005.3010 to 7005.3060 as part the State Implementation Plan (SIP). A notice to amend the SIP will be published in the *State Register* following final adoption of the rule.

The proposed amendments are published below. One free copy of the rules is available upon request from Norma Florell at the address and telephone number stated above.

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1990), "Small business considerations in rulemaking," that the proposed amendments will not have an effect on small businesses. The proposed amendments only affect major new sources or major modifications in nonattainment areas. A major stationary source is defined as a stationary source that emits more than 100 tons per year of any pollutant subject to regulation under the Clean Air Act. A major modification is defined as a change that results in a significant net increase of emissions of pollutants from a major stationary source. Because of these definitions, it is unlikely that small businesses will be affected by this rule. However, even if a small business was affected, because the MPCA is adopting this rule in response to federal mandate, and a federal rule with identical standards would apply if the MPCA exempted small businesses from compliance, there is nothing that the MPCA could do to change the applicable standards.

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

Charles W. Williams
Commissioner

Rules as Proposed

7005.3020 SCOPE.

Parts ~~7005.3040~~ 7005.3020 to 7005.3060 apply to persons who propose to construct a major stationary source or major modification in a nonattainment area and to persons who propose to construct a major stationary source or major modification ~~the emissions from which would affect a nonattainment area in a designated attainment or unclassifiable area with emissions that would cause or contribute to a violation of a national ambient air quality standard in a nonattainment area.~~

7005.3030 DEFINITIONS.

Subpart 1. **Scope.** The definitions in ~~part 7005.0400~~ Code of Federal Regulations, title 40, chapter I, part 51, appendix S, apply to the terms used in parts ~~7005.3040~~ 7005.3020 to 7005.3060 unless the terms are defined ~~herein in this part.~~ For the purposes of ~~these parts 7005.3020 to 7005.3060,~~ the following words have the meanings defined below.

Subp. 1a. [See repealer.]

Subp. 1b. [See repealer.]

Subp. 2. [See repealer.]

Subp. 2a. [See repealer.]

Subp. 2b. [See repealer.]

Subp. 3a. **Attainment area.** "Attainment area" means any geographic area that has been designated by the United States Environmental Protection Agency as "better than national standards" for any national ambient air quality standard in Code of Federal Regulations, title 40, chapter I, section 81.324, as amended.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 7a. **Major stationary source.**

A. "Major stationary source" means:

(1) ~~any stationary source that emits, or has the potential to emit, 100 tons per year or more of any criteria pollutant; or~~

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.

Proposed Rules

(2) any physical change, change in the method of operation, or addition that is proposed to occur at a stationary source not qualifying under item A as a major stationary source if the change will result in additional emissions or potential emissions from the stationary source of 100 tons per year or more of any criteria pollutant.

B. A major stationary source that is major for volatile organic compounds must be considered major for ozone.

C. The fugitive emissions of a stationary source must not be included in determining whether the stationary source is a major stationary source unless the stationary source belongs to one of the categories listed in *Code of Federal Regulations*, title 40, section 51.165(a)(iv)(C) A. a major stationary source as defined in *Code of Federal Regulations*, chapter I, title 40, section 51, appendix S, as amended; or

B. a stationary source that emits or has the potential to emit 70 tons or more per year of PM10 and that is located or that will locate in an area classified as "serious" under *United States Code*, title 42, section 7513, as amended.

Subp. 7b. **National ambient air quality standards.** "National ambient air quality standards" means any air quality standard promulgated in *Code of Federal Regulations*, title 40, part 50, as amended.

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. **Nonattainment area.** "Nonattainment area" means any geographic region that has been:

A. designated by the agency as violating a state ambient air quality standard; or

B. designated by the United States Environmental Protection Agency as violating a national ambient air quality standard in *Code of Federal Regulations*, title 40, section 81.324, as amended.

Subp. 11. [See repealer.]

Subp. 11a. **PM10.** "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14a. [See repealer.]

[For text of subp 19a, see M.R.]

Subp. 19b. **Unclassifiable area.** "Unclassifiable area" means any geographic area that has been designated by the United States Environmental Protection Agency as "cannot be classified" for any national ambient air quality standard in *Code of Federal Regulations*, title 40, chapter I, section 81.324, as amended.

[For text of subp 20, see M.R.]

7005.3040 CONDITIONS FOR PERMIT.

Subpart 1. **In general.** No person shall commence construction of a major stationary source or major modification in:

A. a nonattainment area; or at a location where the emissions from the new or modified stationary source would affect a nonattainment area without obtaining an air emission permit and satisfying the conditions in subparts 2 to 4. All permits issued for major stationary sources or major modifications in a nonattainment area or at a location that would affect a nonattainment area shall contain the conditions in subpart 5

B. in an attainment area or unclassifiable area if that major stationary source or major modification would cause or contribute to a violation of a national ambient air quality standard in a nonattainment area as determined by the significance levels established in *Code of Federal Regulations*, title 40, chapter I, part 51, appendix S, part III, as amended, unless the requirements of *Code of Federal Regulations*, title 40, chapter I, part 51, appendix S, as incorporated in subpart 2a, are first satisfied.

Subp. 2. [See repealer.]

Subp. 2a. **Modified federal standard.** Persons subject to subpart 1 must comply with *Code of Federal Regulations*, title 40, chapter I, part 51, appendix S, as amended, with the following exceptions:

A. *Code of Federal Regulations*, title 40, chapter I, part 51, appendix S, part IV, section A, condition 1, footnotes 4 and 5, as amended, do not apply;

B. *Code of Federal Regulations*, title 40, chapter I, part 51, appendix S, part IV, section A, condition 3, is amended to read: Emission reductions ("offsets") from existing sources in the same area of the proposed source (whether or not under the same ownership) are required such that there will be reasonable progress toward attainment of the applicable NAAQS. Offsets must be based on actual emissions as defined in *Code of Federal Regulations*, title 40, section 51.165(a)(3), as amended. Only intrapollutant emission offsets will be acceptable (e.g. hydrocarbon increases may not be offset against SO_x reductions).

C. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section A, condition 3, footnote 7, as amended, does not apply.

D. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section A, footnote 8, as amended, does not apply.

E. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section B, as amended, does not apply.

F. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section C, as amended, applies except that, consistent with Code of Federal Regulations, title 40, section 51.165(3)(i)(A), as amended, the offset baseline shall be the actual emissions of the source from which offset credit is obtained.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

7005.3050 BANKING.

A person who has obtained a reduction in the lower of actual or allowable emissions a major stationary source that has reduced actual emissions shall be permitted to bank that reduction for future use as an offset as allowed by parts 7005.3010 to 7005.3060 under the following circumstances, limitations, and conditions Code of Federal Regulations, title 40, part 51, appendix S, part IV, section C.(5), as amended.

A. In order to be eligible for banking and to assure that emission trades do not contravene applicable requirements of the Clean Air Act, the emission reductions shall be final and enforceable, either through the terms of a stipulation agreement, permit, or other legal instrument obtained by an owner of the stationary source or through a permanent, physical alteration of the stationary source. No person shall cease to maintain emission reductions that were obtained to provide offsets for a new or modified stationary source.

B. In order to be able to bank reductions in emissions, the person obtaining those reductions shall report to the commissioner the amount and location of the banked emissions and the time at which the banked emissions have become permanently and finally implemented.

C. A person may bank only those reductions in emissions that:

(1) were obtained after August 1977, but before October 27, 1981, and that were reported to the agency within six months of October 21, 1981; or

(2) are obtained after October 27, 1981, and are reported within six months after the reductions have become final and enforceable.

RENUMBERING INSTRUCTION. References to Minnesota Rules, part 7005.3010, shall be changed to part 7005.3020 in Minnesota Rules.

REPEALER. Minnesota Rules, parts 7005.3010; 7005.3030, subparts 1a, 1b, 2, 2a, 2b, 5, 6, 7, 8, 9, 11, 12, 13, and 14a; and 7005.3040, subparts 2, 3, 4, 5, 7, and 8, are repealed.

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.

Adopted Rules

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

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

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

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

Department of Human Services

Adopted Permanent Rules Relating to Prior Authorization under Medical Assistance and General Assistance Medical Care

The rules proposed and published at *State Register*, Volume 16, Number 23, pages 1391-1393, December 2, 1991 (16 SR 1391), are adopted as proposed.

Pollution Control Agency

Adopted Permanent Rules Relating to Generators of Hazardous Waste

The rules proposed and published at *State Register*, Volume 16, Number 8, pages 323-349, August 19, 1991 (16 SR 323), are adopted with the following modifications:

Rules as Adopted

7001.0520 PERMIT REQUIREMENTS.

Subp. 2. **Exclusions.** A person who conducts any of the following activities is not required to obtain a hazardous waste facility permit for that activity:

B. The disposal by farmers of hazardous waste that ~~have~~ has been generated by their own use of pesticides as provided in part 7045.0213, subpart 2.

H. The management of hazardous waste as provided in part 7045.0120, subpart 1, item ~~J~~ L; 7045.0127, subpart 1; 7045.0135, subpart 5, items C and E; or 7045.0218.

Subp. 3. **Permits by rule.** The owner or operator of the following facilities shall be deemed to have obtained a hazardous waste facility permit without making application for it unless the commissioner finds that the following conditions are not met:

E. Containers or tanks where generators mix characteristic hazardous waste as identified in part 7045.0131, subpart 2, with used oil if:

(2) the generators who produce less than 1,000 kilograms per calendar month of hazardous waste meet the requirements of part ~~7045.0102~~ 7045.0292, subpart ~~3~~, ~~item~~ 5 or 6, as applicable.

7045.0020 DEFINITIONS.

Subp. 3a. **Acute hazardous waste.** "Acute hazardous waste" means waste listed as acute hazardous waste in part 7045.0135 or waste designated acute hazardous waste in part 7045.0129, subpart 3.

Subp. 6d. **Cathodic protection.** "Cathodic protection" means the technique to prevent corrosion of a metal surface by making that surface the cathode of ~~the~~ an electrochemical cell. A tank can be cathodically protected through the application of either galvanic anodes or impressed current.

Subp. 9d. **Compatible.** "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another. For a secondary containment seal, ~~this means that~~ the impermeability of the seal must be maintained upon contact with a stored substance. For substances, ~~this means that~~ two or more substances, if mixed, must not create a new hazard.

Subp. 9e. **Component.** "Component" means either ~~the~~ a tank or ancillary equipment of a tank system.

Subp. 38a. **Impermeable.** "Impermeable" means ~~a substance is not able~~ unable to pass be passed through ~~the depth of a containment area.~~

Subp. 43a. **Indoor storage.** "Indoor storage" means storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to a ~~masonry or other nonabsorbent~~ an impermeable floor placed on the ground.

Subp. 64a. **Outdoor storage.** "Outdoor storage" means storage that does not meet the ~~minimum~~ requirements of indoor storage as defined in subpart 43a.

7045.0075 PETITIONS.

Subp. 5. **Petition for use of alternate manifest.** A person who meets the criteria in item A may submit a petition to the commissioner for approval of the use of an alternate manifest system as described in item B. The criteria the commissioner shall use in determining whether to approve the use of the alternate manifest system are provided in item C.

A. Only persons meeting the following criteria are eligible to file a petition under this subpart:

(1) the person proposing to use the alternate manifest system must agree to only use the alternate manifest for the transportation of waste from small quantity or very small quantity generators;

7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

Subpart 1. **Exempt types of waste.** The following waste may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

B. sewage and any mixture of untreated sanitary sewage and other wastes that is formed by the combination of untreated sanitary sewage and one or more other wastes discharged through a sewage system to a publicly owned treatment works for treatment, except that this exemption does not include any of the individual wastes which form the composite wastewater;

7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.

Subp. 6. **Requirements for reclamation of specific hazardous waste.**

A. A by-product or a sludge that is hazardous only because it exhibits a characteristic of hazardous waste as defined in part 7045.0131 and is reclaimed is subject to the following requirements:

Subp. 7. **Generator requirements.** Except as provided in subpart 3a, 4, 5, or 6, or part 7045.0695, a generator of hazardous waste that is destined for recycle recycling is subject to the requirements of parts 7045.0205 to 7045.0320.

7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. **General.** A waste is a hazardous waste if it is listed under subparts 2 to 5 unless it has been excluded from the list under part 7045.0075, subpart 2.

The basis for listing the classes or types of waste listed in subparts 2 to 5 is indicated by employing one or more of the following hazard codes:

The constituent which caused the agency to list the waste as a toxicity characteristic waste (E) or toxic waste (T) in subparts 2 and 3 is identified in part 7045.0139.

Each listed hazardous waste is assigned a hazardous waste number which precedes the name of the waste. ~~This number must be used in complying with the license requirements of parts 7045.0205 to 7045.0320 and certain record keeping and reporting requirements under parts 7045.0205 to 7045.1030, 7045.1300 to 7045.1380, and the agency's permitting procedures in chapter 7001.~~

Subp. 5. **PCB wastes.** Requirements for PCB wastes are as follows:

C. A generator of PCB wastes who stores on-site prior to disposal is exempt from the agency's hazardous waste storage facility permit requirements and parts 7045.0292 and 7045.0450 to 7045.0642 for the storage of those wastes except for the following requirements:

(2) the requirements of part 7045.0292, subpart 1, items C, D, and ~~H~~ I regarding proper labeling and marking, personnel training, preparedness, prevention, and contingency planning.

7045.0205 APPLICABILITY OF GENERATOR STANDARDS.

Subp. 2. **Applicability to transporters.** The standards applicable to generators established in parts 7045.0205 to 7045.0320 apply to transporters of hazardous waste if a transporter transports hazardous waste into Minnesota from a foreign country or mixes hazardous waste of different United States Department of Transportation shipping descriptions by placing them into a single container as provided in part 7045.0355.

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Adopted Rules

7045.0206 GENERATOR SIZE DETERMINATION.

Subp. 2. **Large quantity generator.** A generator is a large quantity generator if, in a calendar month, waste is generated in any of the following quantities:

- A. greater than or equal to 1,000 kilograms of hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E,~~ excluding acute hazardous waste;
- B. greater than one kilogram of acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E;~~ or
- C. greater than 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E.~~

Subp. 3. **Small quantity generator.** A generator is a small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

- A. greater than 100 kilograms and less than 1,000 kilograms of hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E,~~ excluding acute hazardous waste;
- B. less than or equal to one kilogram of acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E;~~ and
- C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E.~~

Subp. 4. **Very small quantity generator.** A generator is a very small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

- A. less than or equal to 100 kilograms of hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E,~~ excluding acute hazardous waste;
- B. less than or equal to one kilogram of acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E;~~ and
- C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E.~~

Subp. 5. **Exempt Waste for exempt from size determination.** A generator shall not include the following waste when determining the quantity of hazardous waste generated:

- D. sewered hazardous waste under that is pretreated as provided in part 7045.0305, subpart 2; ~~item B, subitem (2);~~

Subp. 6. **Change in generator size status.** If a small quantity generator exceeds the quantity limits listed in subpart 3, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter unless the generator regains small quantity generator status under item A or B.

If a very small quantity generator exceeds the quantity limits listed in subpart 4, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter unless very small quantity generator status is regained under item A or C.

A. Once generator size status is lost, the generator shall not regain that status until the generator is notified in writing by the commissioner that the original generator size status has been approved. The commissioner shall only approve generator size status under this item if the generator can demonstrate to the satisfaction of the commissioner that the waste quantities that will be generated in the future will meet the limits established in ~~subparts subpart 3 and~~ subpart 3 and or 4, as applicable. The generator shall make this demonstration by submitting a written statement to the commissioner requesting reclassification as a small or very small quantity generator, as applicable, and including the information necessary for the commissioner to evaluate the request. The information shall include an explanation of the circumstances that resulted in each instance of overgeneration during the past year, an explanation of the measures that the generator has taken to correct the cause of overgeneration, and other information as necessary to document that the overgeneration will not reoccur.

B. For small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 3 and the cause of the overgeneration is a spill or accidental release of a hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~ that is not acute hazardous waste; the shutdown or cleanup of some part of the generation process; or the replacement of PCB containing equipment, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter. However, in any of these cases, a generator will automatically regain small quantity generator status without applying to the commissioner for approval if the generator:

C. For very small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 4 but does not exceed the quantity listed in subpart 3, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter. However, a generator shall automatically regain very small quantity generator status without applying to the commissioner for approval if the generator:

(2) complies with the quantity limits in subpart 4 during the other 11 months of the calendar year.

A generator who cannot automatically regain very small quantity generator status under this subpart may apply for reclassification under item A.

A very small quantity generator who generates hazardous waste in any calendar month exceeding the quantities listed in subpart 3 is subject to item A or B.

7045.0208 HAZARDOUS WASTE MANAGEMENT.

Subpart 1. **Management by generator.** A generator must manage hazardous waste by using one of the methods described in items A to D, unless otherwise specifically exempted under this chapter.

A. ~~The hazardous waste~~ A generator may be treated ~~treat or disposed~~ dispose of at an on-site facility as provided under part 7045.0211.

B. ~~The~~ A generator may ensure delivery to an off-site storage, treatment, or disposal facility. If located in the United States, the facility used must be permitted to accept hazardous waste under the agency's permitting procedures, have interim status under parts 7045.0552 to 7045.0642, or be authorized to manage hazardous waste by the Environmental Protection Agency or by a state with a hazardous waste management program authorized by the Environmental Protection Agency.

C. ~~The~~ A generator may ensure delivery to a facility that:

- (+) under part 7045.0125 beneficially uses or reuses, legitimately recycles, or legitimately reclaims the waste; or
- (-) treats the waste before beneficial use or reuse, legitimate recycling, or legitimate reclamation.

D. ~~The~~ A generator may export to a foreign country under the limitations in part 7045.0302.

7045.0211 REQUIREMENTS FOR GENERATORS WITH ON-SITE FACILITIES.

Subpart 1. **Waste procedures.** A generator who treats, stores, or disposes of a hazardous waste on site which ~~have~~ has been produced on site must comply with this chapter and chapter 7001, as applicable.

7045.0230 CONTENT OF ~~INITIAL~~ LICENSE APPLICATION.

Subpart 1. **Information required.** Except as provided in subpart 1a, an application must be on a form provided by the commissioner and must include the following information:

A. the generator's company name, location address, mailing address, type of business, principal products or service, contact person, telephone number, and EPA identification number or date applied for;

B. a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135, the physical state, and the source or process from which the wastes are generated;

~~B. C.~~ a list of all nonexempt wastes of the generator that have been determined by the generator to be nonhazardous wastes. The list must include the type of waste, the physical state, and the source or process from which the waste was produced;

C. the chemical composition of each waste which is hazardous due to one of the characteristics identified in part 7045.0131 and the anticipated fluctuations in the chemical composition that will occur during normal operations;

D. the concentration of each component in part 7045.0131, subpart 8 that is known or suspected to be in the leachate of the waste following the toxicity characteristic leaching procedure. If a component listed in that exhibit is known or suspected to be in the waste, the results from the toxicity characteristic leaching procedure for that component must be included unless alternative data approved by the commissioner is submitted;

E. the hazardous properties of the waste and the source of the data or information used to identify the hazardous properties;

F. in the event any tests were conducted to evaluate the waste, the results of all tests conducted;

G. a copy of the contingency plan prepared pursuant to part 7045.0292, subpart 1, item H, and a certification stating that the contingency plan is being maintained for currency of information on-site and is available for staff review;

D. a list of all used and waste oils generated, the physical state, and the source or process from which the waste was produced;

H. E. a management plan for each hazardous waste and oil produced that includes the following information:

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(7) the method(s) of treatment and/or disposal proposed for each hazardous waste;

(8) the date hazardous waste was first produced; and

(9) in the event any tests were conducted to evaluate the waste, the results of all tests conducted; and

~~F. any other information that the generator deems important.~~

F. the following certification signed by the generator or authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Subp. 1a. Very small quantity generator license application. An application for a very small quantity generator license must be on a form provided by the commissioner and must include the following information:

A. the generator's company name, location address, mailing address, type of business, contact person, telephone number, and identification number;

B. the date each hazardous waste was first produced;

C. the name or a description of each hazardous waste generated;

D. the estimated amount of each hazardous waste to be produced in a one year period;

E. the methods of treatment and/or disposal;

F. the certification required under subpart 1, item F; and

G. additional information required under subpart 1 as requested by the commissioner.

Subp. 4. **Laboratory waste.** A person who produces a waste from a laboratory or pilot plant that is a mixture of small amounts of unrelated but compatible chemicals such that the description of any sample or set of samples is not representative of the total waste is exempt from subpart 1, ~~items C, D, and F~~ item E, subitem (9).

7045.0240 SUBMITTAL OF LICENSE APPLICATION.

Subp. 3. **License application submittal.** Each generator who is producing hazardous waste in Minnesota must submit a license application to the commissioner within ~~30 75~~ 30 15 days of first producing a hazardous waste. The generator must at all times manage the waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the waste until at least ~~30 15~~ 30 15 days after the application is submitted to the commissioner. In the period between ~~30 15~~ 30 15 days after the generator's license application submittal and the ~~commissioner's license approval and issuance~~ commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the hazardous waste as provided in ~~parts 7045.0205 to 7045.0320~~ part 7045.0208 until written response to the generator's license application is received under part 7045.0245. After the commissioner acts on the license application, the generator must manage the waste according to the license conditions and the requirements of this chapter or the generator must cease producing the waste if the license application is denied.

A generator who has ~~disclosed~~ notified the commissioner of the generator's waste under this chapter before ~~October 1, 1991~~ April 1, 1992, need not submit a license application under this part. A license will be issued by the commissioner after the submittal and approval of the generator's next scheduled report and payment of generator fees under chapter 7046.

7045.0243 TERM AND CONDITIONS OF LICENSE.

Subpart 1. **Term of license.** A hazardous waste generator license is issued for the following terms:

~~A. for large quantity generators and small quantity generators, the term is not to exceed one year, except that the initial license issuance may be for a term of up to 18 months; and~~

~~B. for very small quantity generators, the term is not to exceed two years a term to be determined by the commissioner. The term of a license shall not exceed two years.~~

Subp. 2. **Special conditions.** Each license will contain or reference conditions necessary for the licensee to achieve compliance with applicable Minnesota or federal statutes or rules, including each of the applicable requirements in parts 7045.0205 to 7045.0320, and any conditions that the commissioner determines and shows with reasonable justification to be necessary to protect human health and the environment.

Subp. 3. **General conditions.** Each license must include the general conditions described in items A to J and the commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this part.

E. When authorized by *Minnesota Statutes*, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the licensee to enter at reasonable

times upon the licensed property of the licensee to examine and copy books, papers, records, or memoranda pertaining to the activity covered by the license; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the activity covered by the license.

F. If the licensee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the license has occurred, the licensee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. ~~The licensee must then correct the noncompliance within 24 hours after discovery or, if the licensee demonstrates that correction is not possible within 24 hours, at the earliest practical time as agreed to by the commissioner.~~

G. If the licensee begins generation of a hazardous waste that was not included on the license application and is wherefore not authorized under the existing license, the licensee must submit an amended application providing information required in part 7045.0230 within 30 75 days of first producing that the new hazardous waste. ~~The licensee may continue generation and the commissioner will review the amended application under the process provided in part 7045.0240. The generator must at all times manage the new waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the new waste until at least 15 days after the amended license application is submitted to the commissioner. In the period between 15 days after submittal and the commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the new waste as provided in part 7045.0208 until written response to the generator's amended license application is received under part 7045.0245. After the commissioner acts on the amended license application, the generator must manage the new waste according to the amended license conditions and the requirements of this chapter or the generator must cease producing the new waste if the amended license application is denied.~~

H. If the licensee changes management of a hazardous waste during the term of the license, the licensee must report the change in the next ~~report~~ license renewal application required under part 7045.0248.

J. The license authorizes the licensee to perform the activities described in or referenced by the license under the conditions of the license. In issuing the license, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the licensee in the conduct of its actions, including those activities authorized under the license. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, *Minnesota Statutes*, section 3.736.

7045.0245 LICENSE APPROVAL AND ISSUANCE.

Subpart 1. **Review and approval.** The commissioner shall conduct a review of the license application and shall:

D. deny ~~approval of the license application within 45 days of the last submittal of information by the license applicant.~~

7045.0247 LICENSE REISSUANCE RENEWAL AND CONTINUATION OF EXPIRED LICENSE.

Subpart 1. **License ~~reissuance~~ renewal.** The commissioner will ~~reissue~~ renew the license after receipt, review, and approval of the license ~~reissuance~~ renewal application and ~~report~~ required under part 7045.0248 and payment in full of generator fees required under chapter 7046.

Subp. 2. **Continuation of expired license.** A generator who holds an expired license may continue to conduct the licensed activity according to the terms and conditions of the expired license until the commissioner takes final action on the ~~reissuance~~ renewal application if the commissioner determines that items A to D are true.

A. The licensee has submitted the application and ~~report~~ required under part 7045.0248 no later than 30 days after receipt of license ~~reissuance~~ renewal application.

B. The licensee responds to requests by the commissioner for additional ~~report~~ application information within 14 days of receiving the written or ~~verbal~~ request.

7045.0248 LICENSE REISSUANCE RENEWAL APPLICATION AND REPORT.

Subpart 1. **Applicability.** A licensed generator must submit a license ~~reissuance~~ renewal application and ~~report~~ to the commissioner on forms provided by the commissioner. A generator must submit the application and ~~report~~ at least 30 days before the expiration date of the generator license by a date specified by the commissioner. Except as provided in subpart 2, the application and ~~report~~ must contain the following information for each hazardous waste produced during the preceding calendar year:

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A. the generator's company name, location address, mailing address, type of business, principal products or service, contact person, telephone number, and EPA identification number;

B. the calendar year covered by the report renewal application;

C. the name of the hazardous waste, the hazardous waste number or numbers, and the United States Department of Transportation hazard class a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135, and the physical state;

D. the amount of each hazardous waste produced a list of all used and waste oils generated, the type of waste, and the physical state;

E. the names and identification numbers of the transporters used to transport shipments to facilities within the United States;

F. the names and addresses of the hazardous waste facilities used in the United States, their identification numbers, the method of treatment or disposal, or both, and, as applicable:

(1) the numbers of the hazardous waste facility licenses issued by the agency for those facilities located in Minnesota;

(2) the addresses of those facilities located outside Minnesota;

(3) the name of the wastewater treatment works to which a sewered hazardous waste was discharged; and

(4) the national pollution discharge elimination system or state disposal license number for discharge to land and waters of the state;

E. for each hazardous waste and oil produced during the reported calendar year the following information:

(1) the amounts produced;

(2) the names and identification numbers of the transporters used;

(3) the frequency with which the hazardous waste was transported or discharged;

(4) the name of the wastewater treatment works to which a sewered hazardous waste was discharged;

(5) the national pollutant discharge elimination system or state disposal permit number for discharges to sewers and waters of the state;

(6) the names of the hazardous waste facilities involved in the management of the hazardous waste and, as applicable, the numbers of the hazardous waste facility permits issued by the agency for those facilities located in Minnesota, or the addresses and identification numbers of those facilities located outside of Minnesota;

(7) the method(s) of treatment and/or disposal proposed for each hazardous waste; and

(8) the date hazardous waste was first produced;

G. F. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

H. G. a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available before 1984; and

I. H. the following certification signed by the generator or authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree that I have determined to be economically practicable and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and environment."

Subp. 2. Very small quantity generator license renewal application. A very small quantity generator must submit a license renewal application to the commissioner on forms provided by the commissioner. A generator must submit the application by a date specified by the commissioner. The application must contain the following information for each hazardous waste produced during the preceding calendar year:

A. the name or a description of the hazardous waste;

B. the amount of each hazardous waste produced;

C. the methods of treatment and/or disposal;

D. the certification required under subpart 1, item H; and

E. additional information required under subpart 1 as requested by the commissioner.

Subp. ~~2-3~~ **Recycled waste.** A generator of waste that is recycled according to part 7045.0125, and is exempt from the requirements of parts 7045.0261 and 7045.0265, must include as part of the report required under subpart 1 or 2:

A. evidence that the waste was recycled ~~as indicated in the management plan~~; and

Subp. ~~3-4~~ **Exported waste.** Reporting for exports of hazardous waste is not required under this part. Export reporting requirements are set out in part 7045.0302, subpart 6.

Subp. 4- 5 **Approval of application.** License ~~reissuance~~ renewal applications shall be subject to the commissioner's review and approval procedures under part 7045.0245, subpart 1.

7045.0250 LICENSE REVOCATION.

Subpart 1. ~~Justifications~~ Justification to revoke. The following constitute justification for the commissioner to revoke a license:

B. licensee failure to disclose fully the facts relevant to issuance of the license or ~~submits~~ submittal of false or misleading information to the commissioner; and

C. licensee failure to pay or escrow a penalty owed under *Minnesota Statutes*, section 116.072.

7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.

A. The generator is exempt from parts 7045.0225 to 7045.0250, license and license reporting, except that the generator must submit a management plan meeting the requirements of part 7045.0230, subpart 1, item ~~H~~ E, for approval by the commissioner ~~of~~ on forms provided by the commissioner.

7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

Subp. 1a. **Exemptions.** A generator may transport without a manifest as described in item A or B. Transporters exempt under this subpart must comply with all applicable requirements of *Minnesota Statutes*, sections 221.033 and 221.034, and Code of Federal Regulations, title 49, parts 171 to 199.

B. A small quantity or a very small quantity generator may use an alternate manifest system as provided under part 7045.0075, subpart 5.

7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **Large quantity generator.** A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 90 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

H. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and

I. the requirements of parts 7045.0558, 7045.0562, subparts 1 and 2, and 7045.0566 to 7045.0576 are fulfilled regarding personnel training, ignitable, reactive, or incompatible waste, preparedness and prevention, and contingency planning; and

~~I. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel.~~

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 180 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. ~~the quantity of waste accumulated on site never exceeds 3,000 kilograms of waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~ the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; or in tanks provided the generator complies with the requirements of part 7045.0629;

C. ~~the generator meets the requirements of subpart 1, items C to G and I~~ tanks and containers are clearly labeled with the

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waste accumulation start date; alternatively, containers are so labeled while a clearly designated and legible log of tank transactions which includes accumulation start dates is maintained; all of these dates must be available for inspection;

D. each container and tank is properly labeled and marked according to part 7045.0270, subparts 1 and 5;

E. outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

F. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

G. containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;

H. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel;

~~D. I.~~ I. the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention, and 7045.0568, relating to the arrangements with local authorities for emergencies; and

~~E. J.~~ J. the generator complies with the following requirements:

(1) the waste must be placed in containers that meet the standards of part 7045.0270, subpart 4, and are managed according to part 7045.0626; or in tanks, provided the generator complies with the requirements of part 7045.0629;

(2) the generator must ensure that there is available at all times at least one employee, identified as the emergency coordinator, responsible for coordinating all emergency response measures provided in subitem (5) (4); the emergency coordinator must be either on the generator's premises or available to respond to an emergency by reaching the premises within a short period of time;

(3) (2) the generator must post the following information next to the telephone on the premises: the name and telephone number of the emergency coordinator, the location of fire extinguishers and spill control material, the fire alarm, if present, and the telephone number of the fire department, unless there is a direct alarm;

(4) (3) the generator must ensure and document that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies; and

(5) (4) the emergency coordinator or a designee must respond to any emergencies that arise. Appropriate responses include: in the event of a fire, call the fire department or try to extinguish the fire by using a fire extinguisher; in the event of a spill, contain the flow of hazardous waste to the extent possible and as soon as practicable, clean up the hazardous waste and any contaminated materials or soils; in the event of a fire, explosion, or other release that could threaten human health outside the premises or when the generator has knowledge that a spill has reached surface water, the generator must immediately comply with part 7045.0275, subparts 2 and 3, and notify the National Response Center using its 24-hour toll free number (800) 424-8802 and provide the name, address, identification number of the generator, date, time, type of incident, and the estimated quantity and disposition of any recovered materials.

Subp. 6. Very small quantity generator. A very small quantity generator may accumulate waste on site ~~indefinitely without a permit or without having interim status~~ until 1,000 kilograms of hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E, that is not acute hazardous waste is accumulated. From the date the 1,000 kilogram limit is reached (accumulation start date), the entire quantity of waste must, within 180 days of accumulation start date, be treated on site or shipped off site in compliance with part 7045.0208.~~ A very small quantity generator accumulating waste under this subpart must meet the requirements of subpart 5, except for items B and E, subitems (2) to (5): if:

A. all accumulated hazardous waste is, within 180 days of the date the 1,000 kilogram limit is reached, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; or in tanks provided the generator complies with the requirements of part 7045.0629;

C. tanks and containers are clearly labeled with the waste accumulation start date; alternatively, containers are so labeled while a clearly designated and legible log of tank transactions which includes accumulation start dates is maintained; all of these dates must be available for inspection;

D. each container and tank is properly labeled and marked according to part 7045.0270, subparts 1 and 5;

E. outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

F. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

G. containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;

H. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and

I. the generator meets the requirements of part 7045.0566, relating to preparedness and prevention, and part 7045.0568, relating to the arrangements with local authorities for emergencies.

Subp. 7. Acute hazardous waste accumulation. A small quantity generator or a very small quantity generator who generates waste listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E, may accumulate that waste on site indefinitely until one kilogram of acute hazardous waste or 100 kilograms of residue, contaminated soil, water, or other debris resulting from the cleanup of a spill of an acute hazardous waste into or on any land or water, is accumulated. From the date the applicable limit is reached (accumulation start date), the entire quantity of waste must be treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208 within 90 days. A generator accumulating wastes under this subpart must meet the requirements in items A and B.

A. For the period preceding the accumulation start date, the generator must comply with subpart 5, items ~~E~~ B to ~~E~~ J.

Subp. 8. Satellite accumulation. Items A to C apply to all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, as applicable, accumulate as much as 55 gallons of hazardous waste or one quart of ~~extremely~~ acute hazardous waste listed in part 7045.0135, subpart 4, item E, in containers located at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste, provided the generator complies with items B and C.

C. A generator of any size who accumulates either hazardous waste or ~~extremely~~ acute hazardous waste listed in part 7045.0135, subpart 4, item E, in excess of the amounts listed in item A at or near any point of generation must, with respect to the amount of excess waste, comply within three days with subparts 1 to 7, as applicable. During the three-day period for compliance, the generator must continue to comply with item B.

Subp. 11. Accumulation requiring a permit. ~~No person shall accumulate hazardous waste beyond the maximum allowable time under subparts 1 to 10 without a hazardous waste facility permit. A large quantity generator who accumulates hazardous waste for more than the maximum allowable time 90 days is an operator of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0642 and the agency's permitting procedures in chapter 7001 unless the generator has been granted a time extension under subpart 10.~~

For small quantity and very small quantity generators, if the quantity of hazardous waste accumulated at any time exceeds the quantities in subpart 5 or 6, whichever applies, the generator must manage all of the accumulated waste in accordance with all the generator requirements of parts 7045.0205 to 7045.0320. The generator does not lose small quantity or very small quantity generator status, as applicable.

7045.0294 RECORD KEEPING.

Subp. 1b. Very small quantity generator collection program receipt. A generator must keep a copy of each signed receipt for waste delivered to a collection site under part 7045.0320. This signed copy must be retained as a record for at least three years from the date the waste was accepted at the collection site.

Subp. 2. Reports. A generator must keep a copy of the license application, each ~~annual report~~ license renewal application, and each exception report for at least three years from the due date of the report.

Subp. 2a. Container inspection reports. A generator must keep a copy of each weekly container inspection report required for generator accumulation under part 7045.0292 for a period of at least three years from the date of the inspection. ~~Part 7045.0292 references part 7045.0626 as a requirement for all size generators.~~

7045.0305 STANDARDS FOR GENERATORS WHO SEWER HAZARDOUS WASTE.

Subp. 2. Generator size determination. A generator who sewers hazardous waste shall ~~determine the generator size according to items A and B.~~

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A. For hazardous waste discharged to a sewer system not owned or operated by a publicly owned treatment works, the generator shall include quantities of pretreated and nonpretreated waste in the generator size determination.

B. For hazardous waste discharged to a sewer system owned or operated by a publicly owned treatment works, the generator shall include quantities of waste in the generator size determination as described in subitems (1) to (3):

(1) the volume of an untreated hazardous waste shall be included;

(2) include the quantity of seweraged hazardous waste in their size determination under part 7045.0206 except for the volume of a hazardous waste that has been pretreated provided that:

A. an 80 percent reduction of the quantity of the hazardous waste constituent mass is achieved before sewerage shall not be included if the following requirements are met:

(a) B. the discharge is under agreement with the approved by a publicly owned treatment works permitted under part 7001.0520, subpart 3, item B;

(b) C. the generator has the commissioner's approval under the licensing provisions of is licensed to sewer their waste under parts 7045.0225 to 7045.0250; and

(c) D. the generator has met the conditions of part 7001.0520; and, subpart 3, item C.

(3) the volume of a pretreated hazardous waste not meeting the conditions of subitem (2) will be included.

Subp. 3. **Management.** A generator who sewers hazardous waste shall comply with the requirements of this chapter applicable to the their generator size except with the following exception. A generator whose quantity determination is zero because the generator meets the conditions of subpart 2, item B, subitem (2), are met will be classified as a very small quantity generator and shall meet the requirements of this chapter that apply to very small quantity generators.

7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

Subp. 3. **Management requirements.** An operator who establishes or operates all or part of a household hazardous waste management program must comply with the standards applicable to large quantity generators established in parts 7045.0205 to 7045.0320, except as modified in items A to G E.

~~B.~~ If the operator transports or offers for transport household hazardous waste for off-site treatment, storage, or disposal at a permitted hazardous waste facility, the operator must obtain a generator identification number as required in part 7045.0221.

~~C.~~ The operator may only transport or offer for transport household hazardous waste for off-site activities to a facility that either has a hazardous waste permit as provided in part 7045.0208 or to a collection site that has obtained the commissioner's approval under subpart 6.

~~E. C.~~ If the operator transports or offers for transport household hazardous waste for off-site activities at a collection site that has obtained the commissioner's approval under subpart 6, the operator:

~~F. D.~~ If the operator intends to store household hazardous waste for more than 90 days after the accumulation start date, the operator must obtain the approval of the commissioner as set out in subpart 6, but no facility permit is required unless the operator intends to perform treatment procedures other than those specified in subpart 7 or disposes of the waste on site.

~~G. E.~~ The operator need not comply with the record keeping requirements of part 7045.0294, subparts 2 and 3.

Subp. 6. **Storage of collected wastes.** An operator who accepts household hazardous waste from another collection site or stores household hazardous waste for more than 90 days must comply with the requirements of items A to E.

E. If the operator has not submitted a request as required under item B, or if the commissioner does not approve a request, the commissioner may still grant a storage extension if household hazardous waste must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances as provided in part 7045.0292, ~~subpart 3~~ subparts 10 and 11.

Subp. 7. **Treatment.** Operators conducting treatment of collected household hazardous wastes are subject to the requirements of items A to C.

B. Treatment methods which do not require approval of the commissioner are bulking of:

(3) motor used or waste oil; and

7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.

Subpart 1. **Applicability.** This part provides the requirements for the management and transportation of waste collected as part of a very small quantity generator hazardous waste collection program. Full compliance with this part exempts the program operator from the permit requirements of part 7001.0520.

An operator of a hazardous waste facility permitted under chapter 7001 is exempt from the requirements of this part to the extent that the facility permit specifically allows the facility to accept and store waste from other generators.

Subp. 2. **Generators who operate collection programs.** A generator who is also a program operator must comply with the applicable provisions of parts 7045.0205 to 7045.0320 as they apply to the generator's hazardous waste. A generator who operates a collection program must maintain separate records for the collected waste and waste generated by the generator.

Subp. 3. **Definitions.** When used in this part, the terms in items A to D have the meanings given them.

Subp. 3-4. **Program license.** A program operator must apply for and obtain a collection program license from the commissioner before accepting any waste. The program operator must renew the license annually.

Subp. 4-5. **License application.** The license application must provide a complete description of the program including, as applicable:

- C. the location and EPA identification number of all collection sites, designating central facilities and satellite facilities;
- F a description of the ~~application~~ operator's administrative process for accepting waste from very small quantity generators;
- J. the bulking of paints, solvents, ~~motor used or waste~~ oil, and antifreeze does not require submittal of the additional information under item I but must be addressed under items G and H;
- L. a description of the physical structures ~~to be used to collect~~ where collection and store collected waste storage will occur;
- O. the name ~~and~~ address, and EPA identification number of all hazardous waste transporters to be used; and
- P. the name ~~and~~ address, and EPA identification number of all hazardous waste facilities which will treat or dispose of the waste.

Subp. 5-6. **Changes to license conditions.** A program operator may change the conditions of management or operation during the time period for which the license is valid, except for treatment changes approved under subpart 4 5, item I, which require the commissioner's written approval before the operator may implement the treatment changes. If the program operator changes any of the conditions of management or operation during the life of the license, the operator shall report the changes in the next annual report.

Subp. 6-7. **License issuance and ~~reissuance~~ renewal.** After receiving the license application or annual report, as applicable, the commissioner will conduct a review of the submitted information and will:

Subp. 7-8. **Reporting requirements.** A program operator must meet the reporting requirements ~~applicable to large quantity generators~~ established in part 7045.0248, subpart 1.

In addition, the site operator must keep a written operating record at the collection site and available for inspection that contains the following information for each ~~collection time a waste is collected~~:

- A. the generator ~~name~~ names and identification ~~number~~ numbers as required under part 7045.0221 from whom waste was collected;
- B. the name or a description of the hazardous waste ~~or wastes, the hazardous waste number or numbers, and the United States Department of Transportation hazard class~~ collected;
- E. the date the waste was treated or shipped from the collection site.

Subp. 8-9. **Management requirements.** A person or persons involved in management of hazardous waste from very small quantity generators as part of a collection program shall comply with the requirements of items A to ~~E~~ F.

B. The license ~~and reporting~~ requirements of parts 7045.0225 to 7045.0250 are replaced by the requirements of subparts 3 4 to 7 8.

C. A site operator may accumulate hazardous waste on site without a permit or without interim status if the site operator complies with the accumulation time limits and management requirements provided in part 7045.0292. The site operator is a generator whose size shall be ~~determine~~ determined by applying part 7045.0206. The site operator shall comply with the requirements applicable to a generator of the appropriate size.

D. The site operator may ~~only~~ transport or offer for transport collected waste for off-site activities ~~to a facility that either has a hazardous waste permit as provided in part 7045.0208 or to a collection site that has obtained the commissioner's approval under the licensing provisions of is part of the same collection program licensed under~~ this part.

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E. If the site operator transports or offers for transport collected waste for off-site activities ~~at~~ to a collection site that ~~has obtained the commissioner's approval~~ is part of the same collection program licensed under this part, the operator:

E. The site operator must provide a written receipt to the generator immediately upon receipt of waste. The receipt must include:

- (1) the date the waste was received at the collection site;
- (2) the name or a description of the hazardous waste received;
- (3) the amount of each hazardous waste received;
- (4) the generator name and identification number; and
- (5) the signature of the generator or authorized representative.

Subp. 9- 10. Transport requirements. A person or persons who transport waste collected as a result of a collection program licensed under this part shall transport collected waste in compliance with the requirements in items A to D.

A. A transporter may not accept collected waste from a program operator or a site operator unless the waste is accompanied by either a manifest signed by the program operator or a shipping paper prepared according to subpart 8 9, item E, subitem (1).

C. If the collected waste is destined for a collection site that has obtained approval from the commissioner under the licensing provisions of this part, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397, except:

(2) a shipping paper prepared according to subpart 8 9, item E, subitem (1), may be used, in lieu of a manifest, to comply with the manifest requirements of parts 7045.0351 to 7045.0395.

~~Subp. 10. Generators who operate collection programs. A generator who is also a program operator must comply with the applicable provisions of parts 7045.0205 to 7045.0320 as they apply to the generator's hazardous waste. A generator who operates a collection program must maintain separate records for the collected waste and waste generated by the generator.~~

7045.0526 USE AND MANAGEMENT OF CONTAINERS.

Subp. 6. **Containment.** Requirements for containment systems are as described in items A to E.

A. Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and precipitation. The containment system must:

(1) have a floor underlying the containers that is free of cracks or gaps and is ~~impermeable~~ sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

7045.0629 REQUIREMENTS FOR SMALL QUANTITY AND VERY SMALL QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

Subpart 1. **Scope.** The requirements of this part apply to small quantity and very small quantity generators that accumulate hazardous waste in tanks, and do not exceed accumulation amounts as provided in part 7045.0292.

Subp. 2. **General operating requirements.** Small quantity Generators regulated under this part must comply with the following general operating requirements:

Subp. 3. **Inspections.** Small quantity Generators regulated under this part must inspect, where present:

Subp. 4. **Closure.** Small quantity Generators regulated under this part must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures.

Subp. 5. **Ignitable and reactive wastes.** Small quantity Generators regulated under this part must comply with the following special requirements for ignitable or reactive waste:

Subp. 6. **Incompatible wastes.** Small quantity Generators regulated under this part must comply with the following special requirements for incompatible wastes:

7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

Subpart 1. **Scope.** The requirements of this part apply to persons who generate, transport, collect, store, or reclaim spent lead-acid batteries that are recyclable. Except as provided in subpart 2, persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them, are not subject to regulation under parts 7045.0205 to 7045.0685 and chapter 7001 for the generation, transportation, and storage of spent batteries. For the purpose of this part, indoor storage is storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to a ~~masonry or other nonabsorbent~~ an impermeable floor placed on the ground.

7045.1020 EFFECT OF AGENCY APPROVAL OF COUNTY ORDINANCE.

If a county has adopted a hazardous waste ordinance that is approved in writing by the agency:

A. each generator who produces a hazardous waste within the county must obtain a generator license and must submit reports to the county as required by the county ordinance in lieu of submission to the agency unless specifically requested in writing by the commissioner to submit a copy of the license application or annual license renewal report to the commissioner; ~~and~~

B. each collection program operator who operates a collection program under part 7045.0310 or 7045.0320 within the county must obtain a program license and must submit reports to the county as required by the county ordinance in lieu of submission to the agency unless specifically requested in writing by the commissioner to submit a copy of the license or license renewal report to the commissioner; and

C. all persons shall comply with all other requirements of this chapter, the agency's permitting procedures, and all requirements of the county ordinance.

7045.1030 COUNTY ACTIONS.

Subp. 3. **Reporting.** A county shall submit to the commissioner, upon request, a copy of any information submitted under parts 7045.0225 to 7045.0250; ~~license and license reporting requirements (generator licenses), 7045.0310, and 7045.0320 (collection programs)~~, manifest, exception report, or other document that has been submitted to the county in lieu of submission to the agency pursuant to part 7045.1020. A county shall submit to the commissioner, upon request but not to exceed semi-annually, summary data based on the documents cited in this subpart.

7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.

Subp. 2. **Exemptions for restricted wastes.** ~~Prohibited Restricted~~ wastes may continue to be land disposed under the following conditions:

A. if an extension has been granted from the effective date of a prohibition under part 7045.0075, subpart 8, with respect to those wastes covered by the extension; and

B. if an exemption has been granted from a prohibition as a result of a petition under part 7045.0075, subpart 9, with respect to those wastes and units covered by the petition; and

C. ~~until November 8, 1988, if wastes are contaminated soil or debris resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or a corrective action required under the Resource Conservation and Recovery Act;~~

D. ~~if very small quantity generators as defined in part 7045.0206; and~~

E. ~~if a farmer is disposing of waste pesticides in accordance with part 7045.0213, subpart 2.~~

7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Subpart 1. **Basis of fees.** The agency shall charge nonmetropolitan area generator fees ~~that are~~ based on the license application and licensing reports submitted by generators ~~and~~ or other appropriate information available to the agency.

For the purposes of this part, one gallon of hazardous waste equals ten pounds of hazardous waste.

Subp. 4. **Annual fees.** An annual fee is the sum of the waste generation volume fees and the base fee. Nonmetropolitan area generators shall submit annual fees as described in items A and B.

B. A base fee must be paid by all nonmetropolitan area generators based on generator size as follows:

(2) a small quantity generator must pay a base fee of ~~\$405~~ 130; and

(3) a very small quantity generator must pay a base fee of ~~\$35~~ 62.

Subp. 5. **Follow-up action fee.** ~~A nonmetropolitan area generator is subject to payment of a follow-up action fee if the generator fails to respond within 30 days of receipt of a certified letter from the commissioner concerning the generator's noncompliance with part 7045.0216 requiring submission of an evaluation report or parts 7045.0225 to 7045.0250, license and license reporting requirements. The agency shall charge a follow-up action fee only if the commissioner's follow-up action involves sending the generator one or more additional certified letters or causing an authorized representative of the agency to make an inspection for the purpose~~

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of obtaining the required information. The fee for each follow-up certified letter, not to include the initial certified letter, is \$25. The fee for each follow-up inspection is \$200.

7046.0050 GENERATOR FEE EXEMPTIONS.

Subp. 4. ~~Certain nonmetro area generators. Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or drycleaning solvent related wastes reclaimed off site under a maintenance agreement, lead acid batteries, gasoline tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they obtain a license under parts 7045.0225 to 7045.0250, but rather are subject to a flat annual fee of \$25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the commissioner between a generator and a transporter and a reclaimer under which waste is removed from the generator's site on a regularly scheduled basis for reclamation by distillation.~~

~~If a small quantity nonmetropolitan area generator, who qualifies for this exemption, fails to submit the annual report by March 1 under part 7045.0248, the generator shall pay a full annual fee. If the generator is also subject to retroactive fees, the retroactive fees must be based on the flat annual fee of \$25.~~

Subp. 6. **Waste collected as a result of a very small quantity generator hazardous waste collection program.** An operator of a very small quantity generator hazardous waste collection program is exempt from generator fees for waste collected under part 7045.0320.

An operator who is also a generator is not exempt from generator fees for the waste that the operator generates ~~separate as distinct~~ from the waste that the operator collects from other generators.

REPEALER. *Minnesota Rules*, parts 7045.0211, subparts 2 and 3; 7045.0219; 7045.0220; 7045.0230, subpart 3; 7045.0235; 7045.0240, subparts 1 and 2; 7045.0249; 7045.0275, subpart 1; 7045.0290; 7045.0292, subparts 3 and 4; 7045.0296; 7045.0304; 7045.0310, subpart 4; ~~and 7045.1030, subpart 4; 7046.0031, subpart 5; and 7046.0050, subpart 4,~~ are repealed.

Department of Public Safety

Office of Pipeline Safety

Adopted Permanent Rules Relating to Pipeline Safety Funding

The rules proposed and published at *State Register*, Volume 16, Number 31, pages 1742-1744, January 27, 1992 (16 SR 1742), are adopted as proposed.

Gambling Control Board

Adopted Permanent Rules Relating to Lawful Gambling

The rules proposed and published at *State Register*, Volume 16, Number 16, pages 909-950, October 14, 1991 (16 SR 909), are adopted with the following modifications:

Rules as Adopted

7861.0020 LICENSED ORGANIZATION.

Subp. 2. **Licensing qualifications.** In addition to the qualifications contained in *Minnesota Statutes*, section 349.16, subdivision 2, the director shall not issue a license to:

B. an organization which has not established a permanent location in Minnesota where the gambling records required to be maintained by this chapter will be kept and which has not established a gambling bank account within Minnesota ~~for each gambling premises;~~

Subp. 7. **Issuance and denial.** The following items apply to the issuance and denial of licenses:

A. The director ~~may shall~~ issue a license to an organization which submits the information required by subparts 3 and 4 and is eligible to receive a license pursuant to subpart 2 and *Minnesota Statutes*, section 349.16. The license must be issued at the same time as ~~the gambling manager's license and~~ any premises permits being renewed or applied for at the time the organization is applying for a license. Licenses issued by the director pursuant to this part are effective on the first day of a month.

C. An organization that has never been licensed to conduct lawful gambling or an organization whose application for renewal of its license was submitted after the expiration of its license may appeal the denial of a license application by notifying the board within 15 days of the date it receives notice that its application has been denied. The appeal must be made in writing and must contain a complete copy of the application and a statement describing the reasons the license should not be denied. The appeal is not a contested case under *Minnesota Statutes*, chapter 14.

The board ~~may~~ shall refer the appeal to the executive committee which shall review the appeal within ten days of receipt. The executive committee shall issue a written decision within ten days of its consideration of the appeal. If the committee reverses the director's decision, it shall instruct the director to issue a license to the organization effective the first day of the month following the committee's written decision. The executive committee's decision is a final agency decision.

Subp. 8. **Renewals.** The following items apply to license renewals:

A. To renew a license at the end of a term, an organization must submit to the board a complete renewal application on a form prescribed by the board at least 75 days before the expiration of the organization's existing license. A renewal application is not complete until it contains the information required by subparts 3 and 4 and a completed expense calculation on a form prescribed by the board.

Complete applications received by the board less than 75 days before the expiration of the applicant's existing license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the license ~~need will~~ not be renewed by the director until the first day of the month following the expiration of 75 days after the board has received the complete application. An organization shall not continue gambling after the expiration of its license unless and until it receives a renewed license.

D. An organization that the director determines has failed to submit a complete renewal application at least 75 days before the expiration of its existing license may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the organization's existing license. The director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. ~~When possible, The hearing must be held less than 30 days after the service of a Notice and Order for Hearing pursuant to part 1400.5600, subpart 3. In any event, all practicable efforts must be made to hold a hearing, receive the administrative law judge's recommendation, and make a final agency decision before the expiration of the licensee's existing license if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under *Minnesota Statutes*, section 14.61.~~ The sole issue at the hearing is whether the applicant submitted a complete application at least 75 days before the expiration of the applicant's existing license.

An organization whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to *Minnesota Statutes*, chapter 14. The request must be made in writing and received by the board no later than ten days after the organization receives the denial of its renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. ~~When possible, The hearing must be held less than 30 days after the service of Notice and Order of for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. In any event, all practicable efforts must be made to hold a hearing, receive the administrative law judge's recommendation, and make a final agency decision before the expiration of the organization's existing license. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under *Minnesota Statutes*, section 14.61.~~

Subp. 9. **License termination.** If an organization voluntarily or involuntarily terminates all of its gambling activities, it shall submit a license termination plan to the board for approval on a form provided by the board. The plan must be submitted within 15 days of the termination date of all gambling activities. The plan must provide for the disposal of all registered gambling equipment in the organization's possession and for the distribution of profit carryover in its general gambling bank account. The board ~~may~~ shall require the organization to revise the plan if it does not meet with board approval. Board approval must be based on the following criteria:

7861.0030 GAMBLING MANAGER.

Subp. 2. **Licensing qualifications.** In addition to the qualifications in *Minnesota Statutes*, section 349.167, the director shall not issue a gambling manager's license to:

E. a person who has not satisfactorily completed a course of instruction conducted by the board on the duties and responsibilities of the gambling manager, except that a gambling manager who replaces a previous gambling manager during the term of the

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organization's license ~~may due to the death, disability, or termination of the previous gambling manager shall~~ receive a license if the new gambling manager completes the training within 90 days of being issued a license and is otherwise eligible for a gambling manager's license pursuant to this part and Minnesota Statutes, section 349.167; or

Subp. 10. **Issuance and denial.** The following items apply to the issuance and denial of a gambling manager's license:

A. The director ~~may shall~~ issue a gambling manager's license to a person who submits the information required by subparts 5 and 6 and pays the \$100 fee pursuant to subpart 8 if that person is eligible to receive a license pursuant to subpart 2 and *Minnesota Statutes*, section 349.167. ~~The license must be issued at the same time as the organization's license and any premises permits being renewed or applied for at the time the person is applying for a gambling manager's license.~~ A license issued by the director pursuant to this part is effective on the first day of a month.

C. A person who has never been licensed as a gambling manager or a person whose application for renewal of a gambling manager's license was submitted after the expiration of the license may appeal the denial of a gambling manager's license by notifying the board within 15 days of the date the person receives notice that the application has been denied. The appeal must be in writing and must contain a complete copy of the application and a statement describing the reasons the license should not be denied. The appeal is not a contested case under Minnesota Statutes, chapter 14.

The board ~~may shall~~ refer the appeal to the executive committee which shall review the appeal within ten days of receipt. The executive committee shall issue a written decision within ten days of its consideration of the appeal. If the committee reverses the director's decision, it shall instruct the director to issue a license to the organization effective the first day of the month following the committee's written decision. The executive committee's decision is a final agency decision.

Subp. 11. **Renewals.** The following items apply to renewals of a gambling manager's license:

A. To renew a license at the end of a term, a licensed gambling manager must submit a complete renewal application on a form prescribed by the board to the board at least 75 days before the expiration of the gambling manager's existing license. A renewal application is not complete until it contains the information required by subparts 5 and 6.

Complete applications received by the board less than 75 days before the expiration of the applicant's existing gambling manager's license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the license ~~need will~~ not be renewed by the director until the first day of the month following the expiration of 75 days after the board has received the complete application. A person ~~may shall~~ not continue acting as a gambling manager after the expiration of the person's license and until the person has received a renewed license.

D. Appeals:

(1) A gambling manager whom the director determines has failed to submit a complete renewal application at least 75 days before the expiration of an existing license may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the gambling manager's existing license. The director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. ~~When possible,~~ The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. ~~In any event, all practicable efforts must be made to hold a hearing, receive the administrative law judge's recommendation, and make a final agency decision before the expiration of the licensee's existing license. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61.~~ The sole issue at the hearing is whether the applicant submitted a complete application at least 75 days before the expiration of the applicant's existing license.

(2) A gambling manager whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to *Minnesota Statutes*, chapter 14. The request must be made in writing and received by the board no later than ten days after the gambling manager receives the denial of a renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. ~~When possible,~~ The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. ~~In any event, all practicable efforts must be made to hold a hearing, receive the administrative law judge's recommendation, and make a final agency decision before the expiration of the gambling manager's existing license. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61.~~

Subp. 12. **Assistant gambling managers.** The following items apply to assistant gambling managers:

A. An assistant gambling manager is a person who performs a ~~substantial number~~ the duties specified in subpart 9, item C, or performs three or more of the other duties for which a gambling manager is responsible in subpart 9.

7861.0040 PREMISES PERMITS.

Subp. 3. **Contents of premises permit application.** A premises permit application must include:

Q. an acknowledgment that the appropriate local unit of government under *Minnesota Statutes*, section 349.213, subdivision 2, received the premises permit application.

Subp. 4. **Attachments to application.** The following must be attached to the premises permit application:

A. A copy of the lease must be submitted. A lease must be on a form prescribed by the board and must contain at a minimum the following information:

(10) an irrevocable consent from the lessor that:

(c) the owner of the premises or the lessor will not manage or ~~participate in~~ the conduct of gambling at the premises;

C. A copy of the resolution from the appropriate local unit of government under *Minnesota Statutes*, section 349.213, subdivision 2, approving the premises permit.

Subp. 5. **Changes in application information.** If any information submitted in the application changes, the organization must notify the board and the appropriate local governing body unit of government under *Minnesota Statutes*, section 349.213, subdivision 2, in writing within ten days of the change.

Subp. 8. **Local approval or denial.** The following items apply to local approval or denial of premises permits:

A. The organization must take the premises permit application to the appropriate local unit of government under *Minnesota Statutes*, section 349.213, subdivision 2, and request that the local unit of government pass a resolution approving the premises permit application.

Subp. 9. **Issuance and denial.** The following items apply to the issuance or denial of premises permits:

C. An organization that has never obtained a premises permit for the proposed site or whose application for renewal of a premises permit was submitted after the expiration of its permit may appeal the denial of a permit application by notifying the board within ten days of the date it receives notice that its application has been denied. The appeal must be made in writing and must contain a complete copy of the application and a statement describing the reasons the permit should not be denied. The appeal is not a contested case under *Minnesota Statutes*, chapter 14.

The board ~~may~~ shall refer the appeal to the executive committee which shall review the appeal within ten days of receipt. The executive committee shall issue a written decision within ten days of its consideration of the appeal. If the committee reverses the director's decision, it shall instruct the director to issue a premises permit to the organization effective the first day of the month following the committee's written decision. The executive committee's decision is a final agency decision.

Subp. 10. **Renewals.** The following items apply to renewals of premises permits:

A. To renew a permit at the end of a term, an organization must submit to the board a complete renewal application on a form prescribed by the board at least 75 days before the expiration of the organization's existing permit. A renewal application is not complete until it contains the information required by subparts 3 and 4, the fee required by subpart 7, and local approval in the manner required by subpart 8.

Complete applications received by the board less than 75 days before the expiration of the applicant's existing permit will be considered pursuant to this part but the permit ~~need will~~ not be renewed by the director until the first day of the month following the expiration of 75 days after the board has received the complete application. An organization shall not conduct gambling at a site where an existing permit has expired unless and until it receives a renewed permit.

D. Appeals:

(1) An organization that the board determines has failed to submit a complete renewal application at least 75 days before the expiration of its existing premises permit may appeal that determination by filing a written request for a contested case hearing with the board no later than 30 days before the expiration of the organization's existing premises permit. The director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. ~~When possible,~~ The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. ~~In any event, all practicable efforts must be made to hold a hearing, receive the administrative~~

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~~law judge's recommendation, and make a final agency decision before the expiration of the licensee's existing premises permit. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61.~~ The sole issue at the hearing is whether the applicant submitted a complete application at least 75 days before the expiration of the applicant's existing premises permit.

(2) An organization whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to *Minnesota Statutes*, chapter 14. The request must be made in writing and received by the board no later than ten days after the organization receives the denial of its renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. ~~When possible,~~ The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. ~~In any event, all practicable efforts must be made to hold a hearing, receive the administrative law judge's recommendation, and make a final agency decision before the expiration of the organization's existing premises permit. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61.~~

7861.0050 ILLEGAL GAMBLING.

Subpart 1. **Prohibition.** Illegal gambling may not be conducted at a premises ~~where~~ for which a licensed organization has been ~~permitted a premises permit~~ to conduct lawful gambling.

Subp. 2. **Discipline.** The board shall suspend an organization's premises permit for one year for any violation of this part. The board ~~may~~ shall suspend or revoke an organization's license if the organization or its agents participated in the illegal gambling prohibited by subpart 1.

7861.0060 CONDUCT OF LAWFUL GAMBLING.

Subp. 2. **Restrictions for gambling on leased premises.** The following items are restrictions for gambling on leased premises:

A. An organization shall not enter into a lease agreement which imposes ~~implicit or explicit~~ restrictions on the organization with respect to providers of gambling-related equipment and services or in the use of net profits for lawful purposes.

7861.0080 PULL-TABS.

Subp. 4. **Commingled deals.** The following items apply to commingled deals of pull-tabs:

D. The board may prohibit an organization from commingling deals of pull-tabs if it determines that the organization ~~has excessive or abnormal cash shortages~~ cannot account for the amount of actual cash profit from each commingled deal of pull-tabs.

7861.0110 RAFFLES.

Subpart 1. **Conducting raffles.** The following items apply to the conduct of raffles:

A. ~~A raffle~~ Each ticket for entry in a raffle must constitute an equal chance to win in the raffle.

B. ~~A No~~ person ~~may not~~ shall be required to purchase more than one ticket, or to pay for anything other than the ticket, in order to enter a raffle.

C. ~~A No~~ person ~~may not~~ shall be required to be present at a raffle drawing in order to be eligible for the prize drawing.

Subp. 5. **Prizes must be awarded.** All raffle prizes must be awarded on the date indicated on the raffle ticket unless a different date is approved by the board. The board shall extend the date for the drawing if:

B. not enough tickets were sold to cover the cost of the prizes, and an extension will ~~make a material difference~~ enable the organization conducting the raffle to sell enough tickets to cover the cost of the prizes. The fact that a desired level of profit will not be attained is not a basis for an extension of the date of the drawing.

7861.0120 ORGANIZATION OPERATIONS, ACCOUNTS, AND REPORTS.

Subpart 1. **Internal accounting and administrative controls required.**

A. An organization must establish, implement, and have available for review a written system of internal accounting and administrative controls relative to its lawful gambling operations, which includes procedures for:

(4) accounting and monthly reports.

The board shall require that the organization revise its internal accounting and administrative control system if it is not sufficient to protect the integrity of the lawful gambling operation or does not meet accounting control system objectives of item B or the administrative control objectives of item C. Failure to respond to the board's notice that the organization must revise its internal accounting and administrative control system ~~may~~ shall result in the board taking disciplinary action.

Subp. 3. **Records and reports required.** The following items apply to records and reports:

C. The following information must be filed with the board monthly on forms prescribed by the board or quarterly in the case of a licensed organization that does not report more than \$1,000 in gross receipts from lawful gambling in any calendar quarter:

- (1) a record of lawful purpose expenditures (schedule C); and
- (2) a record of board-approved expenditures (schedule D); and
- ~~(3) the acknowledgment and recipient forms completed for each lawful purpose expenditure included on the appropriate C or D schedules.~~

Subp. 4. **Bank accounts.** The following items apply to bank accounts:

A. Each organization must maintain a separate gambling bank account at a financial institution, located within Minnesota.

(3) Nongambling funds may shall not be deposited in the gambling bank account unless the organization is required by the board to deposit nongambling funds in the account to reimburse the account for unlawful expenditures or expenses, or to bring the account into compliance with Minnesota Statutes, section 349.15.

Subp. 5. **Expenditures.** The following items apply to expenditures of gambling funds:

B. Allowable expenses:

- (2) An organization may not spend gambling gross profits for:
 - ~~(a) advertising.~~
 - ~~(b) Legal fees or damages that relate to the conduct of lawful gambling incurred in defending the organization against the board, the attorney general, the United States attorney, the commissioner of revenue, or a county or city attorney.~~

~~Subp. 6. **Annual audit required.** An organization licensed to conduct lawful gambling shall have an annual audit of its lawful gambling activities, books, and accounts conducted by an independent certified public accountant or independent licensed public accountant or a firm in good standing with the Minnesota State Board of Accountancy. The licensed organization must submit the annual audited financial report to the Department of Revenue on or before the end of the sixth month following the organization's fiscal year.~~

~~A. The annual audited financial report must contain, in conformity with accounting practices required by the Gambling Control Board, the financial condition of the organization as of the end of the most recent fiscal year and the results of its operations for the year then ended and contain the following information:~~

- ~~(1) a written narrative report of the accountant;~~
- ~~(2) a balance sheet reporting assets, liabilities, and surplus;~~
- ~~(3) a statement of gain or loss from operations;~~
- ~~(4) any notes to financial statements, as required by generally accepted accounting principles, and an analysis of any unallowable expenditures reimbursed by the licensed organization; and~~
- ~~(5) supplementary information, which includes any additional information that the Gambling Control Board may require to be disclosed.~~

~~B. The Department of Revenue shall not accept any audit required by this subpart unless the audit is performed by an independent certified public accountant or independent licensed public accountant in good standing with the Minnesota State Board of Accountancy and licensed to practice in Minnesota.~~

~~C. A licensed organization shall file with the Department of Revenue a report of the study and evaluation conducted by the accountant regarding the accounting procedures of the licensed organization and its system of internal control, including any remedial action taken or proposed, filed within 60 days after the filing of the annual audited financial report.~~

~~The report concerning the organization's system of internal control shall be in the form prescribed by generally accepted auditing standards.~~

~~D. Work papers are the records kept by the independent certified public accountant or independent licensed public accountant~~

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of the procedures followed, the tests performed, the information obtained, and the conclusions reached pertinent to the examination of the financial statements of a licensed organization.

Work papers include, but are not limited to:

- (1) work programs;
- (2) analyses;
- (3) memoranda;
- (4) letters of confirmation and representation;
- (5) management letters;
- (6) abstracts of company documents; and
- (7) schedules or commentaries prepared or obtained by the accountant in the course of the audit of the financial statements of a licensed organization which support the accountant's opinion.

E. Each licensed organization required to file an annual audited financial report shall require the accountant, through the licensed organization, to make available upon request of the Department of Revenue the work papers prepared in the conduct of the audit.

F. The licensed organization shall require that the accountant retain the audit work papers for not less than 3-1/2 years after the period reported upon. In the conduct of periodic reviews by the board, photocopies of pertinent audit work papers may be made and retained by the board.

7861.0140 EXEMPTED LAWFUL GAMBLING.

Subpart 1. **Registration required.** An organization that conducts exempted lawful gambling must submit an application to the board at least 30 days before the gambling activity is to be conducted. The application fee for each activity is \$25. The application must be on a form prescribed by the board and must contain at a minimum the following information:

7861.0150 TECHNICAL ASSISTANCE REQUIREMENTS.

Subp. 2. **Additional training.** The board may require the gambling manager of a licensed organization to attend up to two additional seminars a year conducted or approved by the board if the gambling manager has demonstrated insufficient knowledge of the laws and rules governing lawful gambling to perform properly the duties for which the gambling manager is responsible under part 7861.0030, subpart 9.

7862.0010 BINGO HALL LICENSES.

Subp. 6. **Contents of application.** The application must be on a form prescribed by the board and must contain at a minimum the following information:

M. ~~the local government an~~ acknowledgment that the appropriate local unit of government under *Minnesota Statutes, section 349.213, subdivision 2*, received the license application;

Subp. 7. **Attachments to application.** The following items apply to attachments to bingo hall license applications:

A. The bingo hall occasion list must be on a form prescribed by the board and must at a minimum contain the following information:

B. A bingo hall personnel form must be provided for the owners of the bingo hall and, if the bingo hall is owned by an organization, corporation, firm, or partnership, by the officers, directors, managers, and supervisors. The bingo hall personnel form must be on a form prescribed by the board and must at a minimum contain the following information:

Subp. 8. **Changes in application information.** If any information submitted in the application changes, the bingo hall applicant or licensee must notify the board and the appropriate local unit of government under *Minnesota Statutes, section 349.213, subdivision 2*, within ten days of the change.

Subp. 10. **Local approval.** The following items apply to local approval or denial of bingo hall applications:

A. The applicant must take the bingo hall application to the clerk of the appropriate local unit of government under *Minnesota Statutes, section 349.213, subdivision 2*, and request that the local unit of government pass a resolution approving the bingo hall application. The resolution must be adopted no earlier than 60 days before the date that the application is received by the board.

Subp. 11. **Issuance and denial.** The following items apply to the issuance and denial of bingo hall licenses:

A. The board may shall issue a bingo hall license to an applicant who submits the information required by subparts 6 and 7, pays the fee required by subpart 9, obtains the local approval required by subpart 10, and is eligible to be licensed pursuant to this

part and *Minnesota Statutes*, section 349.164. A license issued by the board pursuant to this part shall be effective on the first day of a month.

C. A person who has never held a bingo hall license or whose application for renewal of a bingo hall license was submitted after the expiration of the license is not entitled to an administrative appeal of the board's denial of the person's application.

Subp. 12. **Renewals.** The following items apply to bingo hall license renewals:

A. To renew a license at the end of a term, a bingo hall licensee must submit a complete renewal application on a form prescribed by the board at least 75 days before the expiration of the licensee's existing bingo hall license. A renewal application is not complete until it contains the information required in subparts 6 and 7, the fee required by subpart 9, and the proof of local approval required by subpart 10.

Complete applications received by the board less than 75 days before the expiration of the applicant's existing license will be considered pursuant to this part but, if the applicant is entitled to a renewed license, the board ~~need~~ will not issue that renewed license until the first day of the month following the expiration of 75 days after the board has received the complete application. A bingo hall shall not continue to operate after the expiration of its license unless and until it receives a renewed license.

C. Appeals:

(1) An applicant that the board determines has failed to submit a complete renewal application at least 75 days before the expiration of an existing bingo hall license may appeal that determination by filing a written request for a contested case hearing with the board before the expiration of the existing bingo hall license. The director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. ~~When possible,~~ The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. ~~In any event, all practicable efforts must be made to hold a hearing, receive the administrative law judge's recommendation, and make a final agency decision before the expiration of the licensee's existing license. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61.~~ The sole issue at the hearing is whether the applicant submitted a complete application at least 75 days before the expiration of the applicant's existing license.

(2) A bingo hall owner whose renewal application has been denied may appeal that denial by requesting a contested case hearing pursuant to *Minnesota Statutes*, chapter 14. The request must be made in writing and received by the board no later than ten days after the bingo hall licensee receives the denial of the renewal application. Upon receipt of the request, the director shall schedule a contested case hearing before an administrative law judge pursuant to *Minnesota Statutes*, chapter 14. ~~When possible,~~ The hearing must be held less than 30 days after the service of a Notice and Order for Hearing if allowed by the chief administrative law judge pursuant to part 1400.5600, subpart 3. ~~In any event, all practicable efforts must be made to hold a hearing, receive the administrative law judge's recommendation, and make a final agency decision before the expiration of the existing bingo hall license. The board must issue its final decision within 30 days after receipt of the administrative law judge's report and subsequent exceptions and argument under Minnesota Statutes, section 14.61.~~

7863.0010 DISTRIBUTORS.

Subp. 6. **Contents of application.** The application must be on a form provided by the board, and must contain ~~at a minimum~~ the following information:

Subp. 7. **Attachments to application.** The following items apply to attorney attachments to a distributor's application:

A. A distributor personnel form must be completed by each owner, partner, director, officer, manager, supervisor, or person eligible to make sales on behalf of the distributor. The form, prescribed by the board, must contain the following information:

7864.0010 LICENSED MANUFACTURERS.

Subp. 6. **Contents of application.** The application must be on a form prescribed by the board and include ~~at a minimum~~ the following information:

Subp. 7. **Attachments to application.** The following items apply to attachments to manufacturer's license applications:

A. A manufacturer's personnel form must be completed by each owner ~~or, if a corporation or partnership, each~~ partner,

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Adopted Rules

officer, director, supervisor, manager, or person eligible to make sales on behalf of the manufacturer in Minnesota. The manufacturer's personnel form must include, ~~at a minimum,~~ the following information:

Subp. 10. **Investigation.** Before granting or renewing a manufacturer's license, the board ~~may~~ shall conduct, or request the director of gambling enforcement to conduct, a background investigation, ~~including which may include~~ a review of the applicant's sources of financing, ownership, and organizational structure.

7864.0020 MANUFACTURER OPERATIONS, ACCOUNTS, AND RECORDS.

Subpart 1. **Sale of gambling equipment.** The following items apply to the sale of gambling equipment:

A. Before the sale of gambling equipment in Minnesota, the manufacturer must submit to the board a sample of its gambling equipment. The board shall inspect the product to determine if it meets the criteria and standards established by law and rule. The board shall notify the manufacturer within 15 days of the board's decision whether the product is approved for sale in this state.

Subp. 4. **Records and reports.** The following items apply to manufacturers records of reports:

D. Examination of books and records:

(1) The board and the commissioner of revenue or public safety and their agents may examine the books and records of any manufacturer without notice at any time during normal business hours.

Commissioners' Orders

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

Order No. 78058

Whereas, the Commissioner of Transportation has made his Order No. 72156, dated April 8, 1987, which order has been amended by Orders No's. 73139, 74653, 74846, 75024, 75110, 75193, 75314, 75451, 76384, 76518, 76589, and 76042 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that the Commissioner of Transportation Order No. 72156 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows

COUNTY ROADS

CARLTON COUNTY

- C.S.A.H. 61 From South County Line (So. of Moose Lake) to I-35 (East County Line) (12 Month)
- C.S.A.H. 6 From C.S.A.H. 61 (Barnum) to I-35 (12 Month)
- C.S.A.H. 1 From C.S.A.H. 61 (Esko to I-35) (12 Month)

Dated: 16 March 1992

James M. Denn
Commissioner

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.

Pollution Control Agency

In the Matter of the Petition by the Unincorporated Area Around Rush Lake to be Known as Shorewood Park Sanitary District for the Formation of the Shorewood Park Sanitary District

Notice and Order for Hearing

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that a contested case hearing concerning the above-entitled matter will be held by the Minnesota Pollution Control Agency (MPCA or Agency) on April 22, 1992, at the Rush City Community Center in Rush City, Minnesota, beginning at 7:00 p.m. and continuing until all persons can be heard.

The hearing will be held before Allen Klein, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Street, Minneapolis, Minnesota 55415, telephone (612) 341-7609, an Administrative Law Judge appointed by the Chief Administrative Law Judge of the State of Minnesota.

The purpose of the hearing is to consider testimony and evidence relating to the petition filed with the MPCA to form a sanitary district. The petition was signed by residents of the unincorporated area around Rush Lake and a representative of Chisago County. The sanitary district will encompass an area around Rush Lake, in Nessel Township as described in the legal description attached to the petition, and will be named Shorewood Park Sanitary District.

The petition for the creation of the sanitary sewer district was filed with the MPCA pursuant to *Minnesota Statutes* § 115.20, subs. 1 and 2 (1990). This hearing is being held pursuant to the requirements of *Minnesota Statutes* § 115.20, subd. 4 (1990). From the record established at the hearing, the MPCA will determine whether the conditions specified in *Minnesota Statutes* § 115.19 (1990) for creation of a sanitary district have been met. The statute requires as conditions for establishment of a district that there be a need throughout the proposed district for an adequate and efficient system for handling sewage, that treatment of sewage in the district cannot be effectively accomplished by existing public agencies, that treatment can be effectively accomplished on an equitable basis by a district, and that creation and maintenance of the district will be administratively feasible and in furtherance of the public health, safety, and welfare.

The hearing will be conducted pursuant to the contested case procedures set out in *Minnesota Statutes* §§ 1402 and 14.57-14.69 (1990), the rules of the Office of Administrative Hearings, *Minnesota Rules* Parts 1400.5100-1400.8402 (1991), and the MPCA Rules of Procedure, *Minnesota Rules* ch. 7000 (1991). A copy of these statutes or rules can be obtained for a fee from the State Law Library, 25 Constitution Avenue, MN Judicial Center, St. Paul, Minnesota, 55155, telephone (612) 296-2775.

At the hearing any member of the public who wishes to do so will be permitted to make a statement and offer exhibits about the proposed sanitary district. In addition, persons may file a Petition to Intervene to obtain all the rights of a "party" to the hearing. Simply making statement or offering exhibits at the hearing will not make a person a "party." A party to a case has the right to present evidence and argument with respect to the issues and to cross examine witnesses. A party has a right to be represented by legal counsel, by a person of the party's choice, or by the person himself or herself if not otherwise prohibited as the unauthorized practice of law. Further, parties may be entitled, pursuant to *Minnesota Rule* Part 1400.7000 (1991) to issuance of subpoenas requiring the attendance of witnesses and the production of documents relevant to any matter involved in the hearing.

Parties should be aware that if information that is classified as not public data by law is admitted into evidence, the information may become public unless a party objects and asks for relief under *Minnesota Statutes* § 14.60, subd. 2 (1990).

Presently, the unincorporated area around Rush Lake to be known as Shorewood Park Sanitary District and Chisago County are the parties to this hearing. Any other governmental body or individual desiring to intervene as a party must file a timely Petition to Intervene with the Administrative Law Judge pursuant to *Minnesota Rules* Part 1400.6200. A copy of the Petition must be mailed to the individuals listed below.

A Petition to Intervene must show how the petitioner's legal rights, duties or privileges may be determined or affected by the

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Official Notices

contested case. The petition must also set forth the grounds and purposes for which intervention is sought and indicate the petitioner's statutory right to intervene if one should exist.

The unincorporated area around Rush Lake to be known as Shorewood Park Sanitary District and Chisago County are represented by Mr. Curt Brekke, Midwest Assistance Program, P.O. Box 184, Shakopee, Minnesota, 55379, telephone (612) 445-8910. The Agency will be represented at the hearing by Daniel P. Ofstedal, Special Assistant Attorney General, Suite 200, 520 Lafayette Road, St. Paul, Minnesota, 55155, (612) 296-7703.

Each party must file with the Administrative Law Judge a Notice of Appearance form by April 13, 1992. The Notice of Appearance form is attached to this notice and additional copies are available from the Administrative Law Judge or the Agency.

Dated: 11 March 1992

Minnesota Pollution Control Agency
Charles W. Williams
Commissioner

Department of Public Service

Energy Division

Notice of Intent to Solicit Outside Opinion Regarding the Minnesota Energy Code

NOTICE IS HEREBY GIVEN that the State Department of Public Service is seeking information or opinions from sources outside the agency in preparing proposed amendments to *Minnesota Rules* Chapter 7670 governing the Minnesota Energy Code, a part of the State Building Code. The adoption of this rule is authorized by *Minnesota Statutes*, section 216C.19 subd. 8, section 216C.195, and section 16B.165.

Interested persons or groups may submit data or views on the subject of concern in writing or orally. Written statements should be addressed to:

Bruce D. Nelson, Senior Engineer
Department of Public Service, Energy Division
150 East Kellogg Blvd., Room 790
St. Paul, MN 55101
telephone (612) 297-2313 fax (612) 297-1959

Oral statements will be received during regular business hours by telephone and in person at the above address.

All statements of information and opinions will be accepted until July 16, 1992. Any written material received by the agency 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: 9 March 1992

Krista L. Sanda, Commissioner
Department of Public Service

Department of Revenue

Appeals, Legal Services, and Criminal Investigation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Sale and Use Taxation of Cable Television Service

NOTICE IS HEREBY GIVEN that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing a rule governing Sales and Use Taxation of Cable Television Service. The adoption of the rule is authorized by *Minnesota Statutes*, section 270.06, clause (13), which permits the agency to make, publish, and distribute rules for the administration and enforcement of state tax laws.

The State Department of Revenue 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:

Stephen E. Krenkel
Department of Revenue
Appeals, Legal Services, and Criminal Investigation Division
10 River Park Plaza
Mail Station 2220
St. Paul, MN 55146-2220

Oral statements will be received during regular business hours over the telephone at (612) 296-1902 Extension 135 and in person at the above address.

All statements of information and opinions shall be accepted until April 6, 1992. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Stephen E. Krenkel
Attorney

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond

NOTICE IS HEREBY GIVEN that a public hearing will be held on April 9, 1992, at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 75 acres of farmland located in Section 9 Township 107N, R25W, Blue Earth County, Minnesota on behalf of Brian Loeffler, a single Person (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$120,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest hereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to take payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 4 March 1992

LaVonne Nicolai
RFA Executive Director

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond

NOTICE IS HEREBY GIVEN that a public hearing will be held on April 9, 1992 at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 160 acres of farmland located in Section 24 Township 115N, R43W, Yellow Medicine County, Minnesota on behalf of Jeffrey Loose, a single Person (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$100,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest hereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to take payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

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All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

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All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 4 March 1992

LaVonne Nicolai
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NOTICE IS HEREBY GIVEN that a public hearing will be held on April 9, 1992 at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 200 acres of farmland located in Sections 13, 14, & 23; Winnebago Township, Houston County, Minnesota on behalf of Richard & Susan M. Kasten, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$61,200. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest hereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower

whereby the Borrower will be obligated to take payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 4 March 1992

LaVonne Nicolai
RFA Executive Director

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Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond

NOTICE IS HEREBY GIVEN that a public hearing will be held on April 9, 1992 at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 150 acres of farmland located in Section 7 Township 102N, Range 25W, Faribault County, Minnesota on behalf of Bruce E. & Kelly A. Anderson, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$110,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest hereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to take payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 4 March 1992

LaVonne Nicolai
RFA Executive Director

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond

NOTICE IS HEREBY GIVEN that a public hearing will be held on April 9, 1992 at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 230 acres of farmland located in Section 23 & 26 Petersburg Township, Jackson County, Minnesota on behalf of Bruce & Tina Zebedee, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$250,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest hereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to take payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 4 March 1992

LaVonne Nicolai
RFA Executive Director

Board of Water and Soil Resources

Meeting

The Board of Water and Soil Resources will hold its regularly scheduled monthly meeting on March 25, 1992, at the Kelly Inn (Sibley A & B), 194 and Marion Street, St. Paul. The meeting will convene at 9:00 a.m.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Health

AIDS/STD Prevention Services Section

Request for Proposals for HIV CARE Services Programs

Purpose

The Minnesota Department of Health (MDH) has funds available for a nine-month period (July 1, 1992–March 31, 1993) for HIV services programming within the following program categories: (1) Outreach and access programs for women and children affected by HIV disease; (2) Educational curricula and pilot program on living with HIV; (3) Emergency needs vouchers for individuals living with HIV. Proposals addressing these program categories will be funded on a competitive bases.

These services are targeted to persons with HIV disease, especially from, though not limited to, the following populations: (1) communities of color, (2) women, (3) persons with a history of chemical dependency or substance abuse, (4) underserved regions of the state, (5) low income and/or non insured individuals, and (6) newly diagnosed persons.

Amount

A total of up to \$98,000 is available for the following:

- Funding of up to \$49,000 is available to fund a single proposal for the development and/or maintenance of a consortia to provide outreach and access programs for women and children affected by HIV disease.
- Funding of up to \$24,000 is available to fund one or more agencies for the development and/or implementation of pilot educational curricula about living with HIV disease for targeted populations of persons with HIV disease.
- Funding of up to \$25,000 is available to fund one or more agencies for the provision of emergency needs vouchers to low income persons with HIV disease.

Duration

The grant period is established for nine months, July 1, 1992–March 31, 1993. Continuation funding will be dependent upon the availability of state and federal HIV services funds to the MDH and satisfactory program performance during the first year.

Eligibility

1. Any public or private agency (not-for-profit) that can demonstrate administrative, organizational, programmatic, and fiscal capacity to develop, implement, and evaluate the proposed program.
2. Demonstrated support from persons with HIV disease, local health departments, community and neighborhood agencies, health and social service care providers and members of the target population outlined above.

Procedure for Grant Application

Full Proposals:

The request for proposals packet is available upon request, including instructions, format, necessary forms, and selected readings. A technical assistance meeting will be held, Tuesday, March 31, 1992. Call for information. Agencies seeking MDH funding for HIV services programming are required to submit ten (10) copies of the complete proposal by **4:30 p.m., Friday, May 8, 1992.**

Proposals are to be submitted by the specified date and time to:

Fraser Nelson
HIV Services Planner
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 623-5698

Department of Human Services

Minnesota Board on Aging

Request for Grant Proposals to Implement Congregate Housing Services Projects

Amount and Purpose

The Minnesota Board on Aging is requesting proposals for congregate housing services projects in subsidized housing for older persons. To be considered a congregate housing project, an applicant must have 1) an on-site coordinator, and 2) a plan which assures the availability of one meal per day, seven days a week, per elderly participant in need. The on-site coordinator is a person who works in one or more buildings and serves as a contact for older persons who need services, support and assistance in order to "age in place" and to delay or prevent nursing home placement. Proposals are being accepted for continuation, supplemental, and new grants.

The Minnesota Board on Aging anticipates awarding grants totaling \$259,000* for FY 1993 (July 1, 1992–June 30, 1993), in the following categories:

1. Continuation funds: The four grantees who received federal/state funds ending on 6/30/92 can apply for up to \$20,000 each project for one additional year.
2. Continuation funds: The four grantees who received federal/state funds ending on 12/31/92 can apply for up to \$10,000 for each project for an additional 6 months.
3. Supplemental funds: Any of the five grantees who are participating in the Seniors' Agenda for Independent Living (SAIL) projects can apply for supplemental funds to expand a project to serve more persons, add a new site, etc. Total funds available is \$40,000.
4. New grants: \$99,000 is available for new one year grants. Funds available per project are \$15,000–\$40,000.

Application Process:

To request application forms, call Bernie Kuhn at (612) 296-3868 or at toll-free number 1-800-652-9747 from greater Minnesota.

Two copies of the completed application forms **must be received no later than 4:30 p.m. on Friday, May 1, 1992**. Later proposals will not be accepted. Send proposals to:

Minnesota Board on Aging
Attention: Ron Abato
444 Lafayette Road
St. Paul, MN 55155-3843

Grants will be made to applicants which, in the judgment of the Minnesota Board on Aging will most effectively meet the program requirements as stated in the application materials.

For further information contact Ron Abato at (612) 296-3769, or 1-800-652-9747.

***Pending availability of state funds.**

Interagency Adult Learning Advisory Council

Request for Proposals to Improve Coordination and Effectiveness in Adult Basic Skills Programs and Related Services

The Minnesota Department of Education is seeking to make one-time investments in local multi-agency or multi-disciplinary projects that increase the on-going effectiveness of adult basic skills and diploma/GED delivery systems. Goals for this program include: linking basic skills learning with employment, reducing adult learner dropout rates, reducing intergenerational illiteracy, and increased efficiency through coordination of various education support services. Project must serve one or more of the following adult populations: (1) public assistance recipients, (2) the unemployed, (3) the underemployed, (4) the incarcerated, or (5) non- or limited-English speaking persons. Projects must be sustainable from other funding sources in the future.

Funding for this grant program is as appropriated by the 1991 legislature. Approximately **\$225,000** will be available for the period from August 1, 1992 to June 30, 1993. Four types of proposals will be considered.

1. Team Building Grants: \$2,000–\$10,000. Grants to communities not previously funded under this program to do multi-agency needs assessment, planning, team building, staff development, and project startup.

State Grants

2. **Capacity Building Mini-Grants: \$2,000–\$20,000.** Grants for pilot program startup costs, multi-agency systems, process and system development, delivery of services, co-located facilities, curriculum, technology, or other one-time investments.
3. **Dissemination Grants: \$2,000–\$10,000.** Grants for training and consultation to transfer successful models to new communities, including models developed in previously funded interagency grants.
4. **Innovation Grants: \$2,000–\$40,000.** Grants for unique, novel, or model projects that may have statewide potential for relocation or dissemination, or serve communities with a high incidence of the target population not previously reached by this program.

Overall, it is estimated that between eight and fourteen communities will be funded. A minimum of approximately \$125,000 will be reserved for categories 1, 2, and 3 above. The Department will seek to fund a mix of grantees that has geographic balance and representation of communities of color.

Priority Areas: Proposals are to be based on local needs. However, the Department of Education may prioritize proposals in the following areas:

A. Families and Children. Teams that integrate learning, developmental, and family self-sufficiency efforts for both parents and children, involving agencies such as elementary schools, Headstart, STRIDE and ECFE.

B. Cultural Diversity. Projects that increase program capacity and effectiveness for communities of color or persons with disabilities.

C. Systems Integration. Projects that join together systems and services from several programs. This may be done through co-locations, common individual learner plans, shared case management, shared information systems, or other methods. Also, projects are desired that coordinate services between two-year colleges, and Adult Basic Education programs.

D. Workforce Education. Projects that promote cooperation between educational providers, business or industry, and appropriate support services. Adults who are unemployed, under-employed, or are experiencing difficulties in the workplace because of their lack of basic educational skills should be the recipients of services within these workforce education projects.

Proposals will be accepted only from multi-disciplinary teams serving a defined geographic area or special population. Teams may include major education, job training, human services/family/children's/or correctional services, businesses, unions, and minority agencies or programs. Any governmental or non-profit private agency may be the lead agency and fiscal agent for the team.

Six copies of proposals must be received by 4:30 p.m., June 2, 1992, on forms provided by the Department. A letter of intent must be received, faxed, or postmarked by Friday, May 15.

The Department of Education will notify grantee teams of their selection no later than July 10, and reserves the right to negotiate funding levels and conditions.

This request is authorized by *Minnesota Statutes* 1991-124c.03. It was developed under the guidance of the Interagency Adult Learning Advisory Council. For a copy of the full Request for Proposal and the required forms contact:

Annette Hughley (612) 296-7965
Adult and Family Education Unit
MN Department of Education
Room 994, Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
FAX (612) 297-5695

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Minnesota Center for Arts Education

Notice of Request for Proposal for Evaluation of Minnesota Arts eXperience

The Minnesota Center for Arts Education is seeking proposals from qualified individuals to evaluate the 1992 Minnesota Arts eXperience (MAX), a series of 42 workshops providing arts instruction to students and teachers (K-12), in over 60 statewide locations.

Professional, Technical & Consulting Contracts

The individual will have demonstrated experience in, and commitment to, evaluating arts education programs for K-12 teachers and students.

The specific services to be provided under this contract are outlined in detail in the Minnesota Arts eXperience Request for Proposal (RFP) Statement of Project Scope and Tasks. The formal RFP may be requested from:

Nancy Engen-Wedin, Resource Programs Associate
Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422
(612) 591-4700 or 1-800-657-3515 (toll free)

It is anticipated that the cost of the contracted service, as described in the Request For Proposals, is to be provided during the contract period from Phase I, May 11, 1992 to June 30, 1992, and Phase II, July 1, 1992 to February 27, 1993 and will not exceed a total of \$20,000.00.

The deadline for submission of proposals is 4:00 p.m., Friday, April 10, 1992. Selections may be made by April 17, 1992. Proposals should be submitted to Nancy Engen-Wedin, Resource Programs Associate.

Department of Health

Request for Proposals for an Imaging System for the Section of Water Supply and Well Management

The Water Supply and Well Management Section is requesting proposals from qualified vendors for a computerized imaging system that will be compatible with the Section's existing computer systems.

To obtain a copy of the Request for Proposal, call or write:

Marilyn Scruton
Section of Water Supply and Well Management
925 S.E. Delaware Street
P.O. Box 59040
Minneapolis, Minnesota 55459-0040
Phone 612/627-5127
Fax 612/627-5135

A question and answer session will be held at 3:00 p.m., April 1 at the above address regarding the proposal.

Proposals are due at the above address no later than 2:00 p.m. April 10, 1992.

Department of Human Services

Refugee and Immigrant Assistance Division

Request for Proposals for the Training of Bilingual Asian Youth Services Workers

NOTICE IS HEREBY GIVEN that the Refugee and Immigrant Assistance Division, Family Self-Sufficiency Administration, Minnesota Department of Human Services, is seeking proposals to provide training to bilingual Asian youth services workers.

Funding is from the State Fiscal Year 1993 funds for refugee youth services. The amount of funds available is \$100,000.00. The one-year training project is expected to begin July 1, 1992.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee and Immigrant Assistance Division by 4:20 p.m., CDT, April 20, 1992. We reserve the right not to act on this RFP.

Please direct all questions and request for copies of the full Request for Proposals to:

Minnesota Department of Human Services
Refugee and Immigrant Assistance Division
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3837
612-296-1383

Minnesota Department of Natural Resources

Request for a Partner to Help Fund the Construction of a Log Building at the 1992 Minnesota State Fair

NOTICE IS HEREBY GIVEN that the Department of Natural Resources, in cooperation with the Minnesota State Fair Agricultural Society, wishes to enter into a partnership to fund and construct a log building in Natural Resources Park, State Fairgrounds, Falcon Heights, Minnesota. The building will be similar to, but much smaller, than the DNR Building; which was constructed of logs in 1933.

The new building will be called the "Nature Store". Its purpose is: to enhance environmental awareness through the sale of nature oriented merchandise such as books, calendars, clothing, maps, environmental tapes and other items that promote state parks and other DNR programs. The proceeds of the sale of this merchandise will be dedicated to providing supplemental funds to continue and expand displays at the DNR State Fair exhibit and other free programs, and to fund resource management and interpretive projects in state parks.

The estimated cost of the 30 foot by 30 foot Nature Store is \$85,000. The Department of Natural Resources will contribute \$20,000 towards the building construction and is looking for individuals, contractors, corporations, who are interested in becoming a partner by contributing some or all of the labor and/or materials to help construct the building at the STATE FAIR. The following items are needed:

- the basic log structure
- concrete slab and base, walkways
- roof deck and roof shingles
- electrical service, wiring, light fixtures
- interior finishing to include walls, counter tops, shelving
- doors and frames
- merchandise display fixtures

WHAT'S IN IT FOR YOU!

The Nature Store is a smaller version of the massive DNR Building, which is a landmark of the State Fair. The Nature Store will be the first "product" of a proposed major renovation of the fish and wildlife displays, the building interior, and landscaping of Natural Resources Park. Because of heightened media interest and coverage, the DNR is expecting to exceed our annual visitorship of 750,000 people who tour the DNR Building during the 12 days the fair is open. The DNR believes that this is an exceptional opportunity for product visibility and corporate/organizational image building.

The DNR will work with potential sponsors to create and approve an acceptable marketing/promotion plan that may be proposed by a contributor.

Details of a contributor's marketing/promotion plan are negotiable and must be approved by the DNR and State Fair Agricultural Society.

All interested parties are invited to express interest in the project by contacting:

Judy Melander (612) 296-0906
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046

by April 20, 1992. Project details such as preliminary building design, site plan and cost estimate are available from the above location (person).

Department of Transportation

Amended Notice of Request for Proposals for Counseling Services

NOTICE IS HEREBY GIVEN that the Department of Transportation, for administrative reasons, is extending the period for submission of resumés and work plan proposals for a professional psychologist to provide professional counseling services until **April 17, 1992**. The Notice of Request for Proposals for this proposed contract was originally published in the *State Register* on February 24, 1992 at *16 S.R. 1965*.

The contractor will conduct training courses for supervisors and managers in the appropriate techniques used in motivating recalcitrant employees as well as providing guidance to employees who may be suffering emotional trauma.

The contractor must possess:

1. A doctorate in psychology.
2. A license as a professional psychologist.
3. 4 years experience in the practice of clinical psychology.
4. Experience as a professional counselor with an employer of 1,000 or more employees ranging from managers and professionals to trade persons, technicians, and clerks.
5. Experience as a chemical dependency counselor.
6. Knowledge of and ability to conduct management training and development courses.

A contract for the requested services will commence July 1, 1992 and terminate on June 30, 1994. The compensation limit for time and expenses during the contract period is \$100,000 with payment not to exceed \$38.00 per hour. Payments will be made monthly for the hours listed on the monthly report. Services are to be rendered by the individual or persons possessing the doctorate in psychology. Services are to be provided to Mn/DOT employees at least 3 days in each work week. If two or more qualified applicants wish to submit a combined proposal they may do so provided that the total contract amount will not exceed \$100,000.

Qualified professionals should submit their resumés and work plan proposals not later than April 17, 1992 to:

Roger W. Durbahn, Manager
Employee Services Section
Minnesota Department of Transportation
515 Transportation Building
St. Paul, MN 55155

Dated: 16 March 1992

James N. Denn, Commissioner

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

COMMODITY CODE KEY		
A = Sealed Bid B = Write for Price C = Request for Proposal D = Request for Information E = \$0-\$1,500 Estimated Dollar Value F = \$1,500-\$5,000 Estimated Dollar Value	G = \$5,000-\$15,000 Estimated Dollar Value H = \$15,000-\$50,000 Sealed Bid I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	J = Targeted Vendors Only K = Local Service Needed L = No Substitute M = Installation Needed N = Pre-Bid Conference O = Insurance or Bonding Required

Commodity: B G—Hydraulic simulator
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: March 27
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23497

Commodity: B F—Manhole installation in fire lane area
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: March 25
Agency: Minnesota Correctional Facility
Deliver to: Stillwater
Requisition #: B 78620-00434

Commodity: B F—Concrete beam tester
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: March 24
Agency: Minnesota Department of Transportation
Deliver to: Rochester
Requisition #: B 79000-23083

Commodity: B F—Precipitation gauges
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: March 25
Agency: Board of Water & Soil Resources
Deliver to: St. Paul
Requisition #: B 99780-20717

Commodity: B F—Biology storage cabinet
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 27
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23519

Commodity: B F—Food cutter
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 25
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter
Requisition #: B 55105-09058

Commodity: B F—Software
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 25
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67440-43357

Commodity: B F—Video/data monitor
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: March 25
Agency: Lakewood Community College
Deliver to: White Bear Lake
Requisition #: B 27154-47373

Commodity: B F—Triple compactor
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: March 27
Agency: Minnesota Department of Transportation
Deliver to: Maplewood
Requisition #: B 79000-23082

Commodity: B F—Window installation
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: March 25
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79050-27610

Commodity: B F—Outdoor fixtures
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 25
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23517

State Contracts and Advertised Bids

Commodity: B E—Software—
unistation
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 25
Agency: Department of Labor &
Industry
Deliver to: St. Paul
Requisition #: B 42204-17325

Commodity: B G M—Motor starter for
refrigeration compressor
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 31
Agency: Brainerd Regional Human
Services Center
Deliver to: Brainerd
Requisition #: B 55304-09172

Commodity: B F M—Cable & supplies
for radio tower
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 25
Agency: Willow River Camp
Deliver to: Moose Lake
Requisition #: B 78890-42035

Commodity: B E—Water softener salt
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 25
Agency: Minnesota Department of
Transportation
Deliver to: Windom
Requisition #: B 79750-01164

Commodity: Painting, indoor
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: April 8
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: Guard uniform clothing
and accessories
Contact: Norma Cameron 612-296-2546
Bid due date at 2pm: April 2
Agency: Minnesota Correctional
Facilities
Deliver to: Various
Requisition #: Price contract

Commodity: A H—Microscopes
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 2pm: March 26
Agency: Minnesota Department of
Health
Deliver to: Minneapolis
Requisition #: B 12400-86227

Commodity: A H L—IBM PS/2 55SX
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 2pm: March 26
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-48175

Commodity: B G—Pathworks network
system
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 26
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23461

Commodity: B F—Stereomicroscopes
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 26
Agency: Hibbing Extension Duluth
Center
Deliver to: Duluth
Requisition #: B 27163-65056

Commodity: B G—Supermac display
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 26
Agency: Minnesota Department of
Education/Accounts Payable
Deliver to: St. Paul
Requisition #: B 37090-99803

Commodity: B F—Farallon parts
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 26
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67440-43558

Commodity: A H—386/33 computer
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 2pm: March 30
Agency: Minnesota Correctional
Facility—Faribault
Deliver to: Faribault
Requisition #: B 78790-20625

Commodity: B F—Channel pads
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 26
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-26213-1

Commodity: B F L—IBM PS/2
Model 55SX
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 26
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-50953

Commodity: B F—Ethernet cards
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 26
Agency: Metropolitan State University
Deliver to: St. Paul
Requisition #: B 26176-03388

Commodity: B F—CD rom drives
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 26
Agency: Minnesota Department of
Education/Accounts Payable
Deliver to: St. Paul
Requisition #: B 37010-99752

Commodity: B F L—Verifier
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 4:30pm: March 25
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67350-43563

State Contracts and Advertised Bids

Commodity: B E L—Kenwood oscilloscope
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: March 26
Agency: Minnesota Correctional Facility
Deliver to: Shakopee
Requisition #: B 78640-02358

Commodity: B F—Platform scale
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: March 26
Agency: Minnesota Department of Transportation
Deliver to: Willmar
Requisition #: B 79000-23084

Commodity: B F—Unistation software
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: March 26
Agency: Department of Labor & Industry
Deliver to: St. Paul
Requisition #: B 42207-17328

Commodity: B G M—Sprinkler system
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: March 30
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11168

Commodity: A H L—Clarity telephones
Contact: Teresa Manzella 612-296-7556
Bid due date at 2pm: March 27
Agency: Department of Human Services
Deliver to: St. Paul
Requisition #: B 55000-25213

Commodity: B G—Ohmeda pulse oximeter
Contact: Teresa Manzella 612-296-7556
Bid due date at 4:30pm: March 26
Agency: Moose Lake Regional Training Center
Deliver to: Moose Lake
Requisition #: B 55103-05809

Commodity: B F—386/33 computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: March 27
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: B 12500-86297

Commodity: B F—Misc drives and boards
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: March 27
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23518

Commodity: B F—3 year lease/purchase of analyzer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: March 27
Agency: Moose Lake Regional Training Center
Deliver to: Moose Lake
Requisition #: B 55103-05811

Commodity: B F—Meat for May delivery
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: April 9
Agency: Minnesota Correctional Facility
Deliver to: Oak Park Heights
Requisition #: B 78630-10460

Commodity: B F K M—Fax
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: March 30
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23511

Commodity: B G—Nihon Kohden defib/monitor
Contact: Teresa Manzella 612-296-7556
Bid due date at 4:30pm: March 27
Agency: Moose Lake Regional Training Center
Deliver to: Moose Lake
Requisition #: B 55103-05808

Commodity: B G—ECT machine
Contact: Teresa Manzella 612-296-7556
Bid due date at 4:30pm: March 26
Agency: Moose Lake Regional Training Center
Deliver to: Moose Lake
Requisition #: B 55103-05810

Commodity: B F L—IBM PS/2 30
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: March 27
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-49715

Commodity: B E—NEC rom disk drive
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: March 27
Agency: Hibbing Extension Duluth Center
Deliver to: Duluth
Requisition #: B 27163-65055

Commodity: B G—Miscellaneous filing folders
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: March 29
Agency: Minnesota Pollution Control Agency
Deliver to: St. Paul
Requisition #: B 32300-31199

Commodity: B F—Meat for June delivery
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: May 11
Agency: Minnesota Correctional Facility
Deliver to: Oak Park Heights
Requisition #: B 78630-10470

Commodity: A H—Air compressor PTO driven
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: March 30
Agency: Minnesota Department of Transportation
Deliver to: Oakdale
Requisition #: B 79382-02394

Commodity: B F—Kamber spray gun assembly parts
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: March 30
Agency: Minnesota Department of Transportation
Deliver to: Windom
Requisition #: B 79750-01165

Commodity: Electrical supplies
Contact: Patricia Anderson 612-296-3770
Bid due date at 2pm: April 10
Agency: Various
Deliver to: Various
Requisition #: Price contract

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