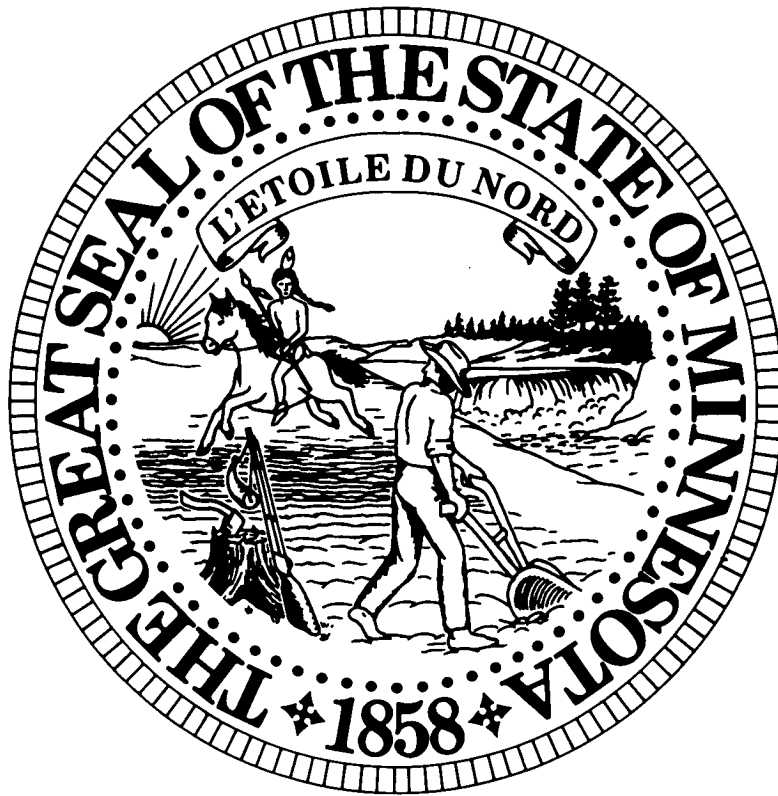


The Minnesota  
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Register**

Department of Administration—Print Communications Division



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(Tuesday if Monday is a holiday)

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# 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
#7	Monday 29 July	Monday 5 August	Monday 12 August
#8	Monday 5 August	Monday 12 August	Monday 19 August
#9	Monday 12 August	Monday 19 August	Monday 26 August
#10	Monday 19 August	Monday 26 August	Tuesday 3 September

\*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.

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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.

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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

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Room 231 State Capitol, St. Paul, MN 55155  
(612) 296-0504

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**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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# Minnesota Rules: Amendments and Additions

## 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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# Proposed Rules

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

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

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

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

## Department of Agriculture

### Dairy and Livestock Division

#### Notice of Intent to Adopt a Rule Without a Public Hearing in the Matter of the Proposed Rule of the State Department of Agriculture Governing Dairy Plant Monthly Reports

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Agriculture intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, section 32.18.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

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

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ms. Milligan.

The proposed rule is a technical change and will have no impact on small businesses.

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

Dated: 1 July 1991

Elton Redalen, Commissioner  
Department of Agriculture

**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

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### Rules as Proposed (all new material)

#### 1525.1521 DAIRY PLANT MONTHLY REPORTS.

A dairy plant that purchases products containing milk fat from producers shall report those transactions each month on forms furnished by the Minnesota Agriculture Statistics Service through the commissioner of agriculture.

**REPEALER.** *Minnesota Rules*, part 1525.1520, is repealed.

## Office of Waste Management

### Notice of Intent to Adopt Rules Without a Public Hearing in the Matter of Proposed Amendment of Rules Governing Pollution Prevention Grants, *Minnesota Rules* Parts 9205.0400 to 9205.0480

**NOTICE IS HEREBY GIVEN** that the Minnesota Office of Waste Management (Office) intends to adopt the above-entitled rule amendments without a public hearing. The rule amendments are published in lieu of previous rule amendments proposed and published in the *State Register* on Monday, March 11, 1991; CITE 15 S.R. 2038-2042 and the previously published rules are withdrawn. The adoption of rule amendments follow the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The authority of the Office to adopt the amendments is set forth in *Minnesota Statutes* §§ 115A.06, Subd. 2 and 115D.05, subd. 3(b).

All persons have until 4:30 p.m. on September 10, 1991, to submit comments in support or opposition to the amendments or any part or subpart of the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed amendments 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 amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the Office will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

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

Julie MacKenzie, Coordinator  
Pollution Prevention Grant Program  
Minnesota Office of Waste Management  
1350 Energy Lane  
Saint Paul, MN 55108  
612-649-5494 or  
1-800-652-9747 (MN Toll-Free)

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

The proposed amendments, if adopted, will establish the criteria and procedures for awarding grants under the Office's Pollution Prevention Grant Program established by *Minnesota Statutes* § 115D.05 (1990). One free copy of the proposed rules is available upon request from 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 the Office upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1990), "Small business considerations in rulemaking," that the proposed amendments will have no negative effect on small business, as the amendments do not limit the ability of small business to participate in this program.

If no hearing is required, upon adoption of amendments, the amendments 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 of this material to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wishes to receive a copy of the amendments as adopted, must submit a written request to the name and address stated above.

Dated: 18 July 1991

Dottie Rietow  
Director

Rules as Proposed

WASTE REDUCTION GRANTS  
POLLUTION PREVENTION GRANT PROGRAM

9205.0400 SCOPE AND AUTHORITY.

Parts 9205.0400 to 9205.0480 ~~9205.0445~~ govern the administration of grants for hazardous waste reduction under *Minnesota Statutes*, section 115A.154 and for the prevention of pollution under *Minnesota Statutes*, section 115D.05.

9205.0410 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 9205.0400 to 9205.0480, The following terms have the meanings given them defined in this part apply to parts 9205.0400 to 9205.0445. For terms not defined in this part, the definitions in *Minnesota Statutes*, section 115D.03, apply, unless the context requires otherwise.

Subp. 2. and 3. [See repealer.]

Subp. 4. ~~Chair~~ **Director.** "Chair Director" means the chair director of the board Office of Waste Management.

Subp. 5. [See repealer.]

Subp. 5a. Hazardous substance. "Hazardous substance" has the meaning given it in *Minnesota Statutes*, section 115B.02, subdivision 8.

Subp. 6. **Hazardous waste.** "Hazardous waste" means those wastes identified and listed in the rules of the Minnesota Pollution Control Agency, parts 7045.0100 to 7045.0141 has the meaning given it in *Minnesota Statutes*, section 116.06, subdivision 13.

Subp. 7. **Industrial waste.** "Industrial waste" has the meaning given it in *Minnesota Statutes*, section 115A.03, subdivision 13a.

Subp. 8. to 10. [See repealer.]

Subp. 10a. Office. "Office" means the Office of Waste Management established in *Minnesota Statutes*, section 115A.055.

[For text of subp 11, see M.R.]

Subp. 12. to 15. [See repealer.]

Subp. 16. Pollution prevention or prevent pollution. "Pollution prevention" or "prevent pollution" means eliminating or reducing at the source the quantity or toxicity of toxic pollutants, hazardous substances, hazardous wastes, or industrial wastes used, generated, or released. Examples of technologies or methods to prevent pollution include process modification, inventory control measures, feedstock substitutions, various housekeeping and management practices, and improved efficiency of machinery.

Subp. 17. Release. "Release" has the meaning given it in *Minnesota Statutes*, section 115D.03, subdivision 10.

Subp. 18. Toxic pollutant. "Toxic pollutant" has the meaning given it in *Minnesota Statutes*, section 115D.03, subdivision 11.

9205.0420 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible applicants.** The following are Eligible to apply for a applicants are persons who use, generate, or release toxic pollutants, hazardous substances, hazardous wastes, or industrial waste reduction grant:

A. a generator; or

B. an association that consists of or represents two or more generators generating similar wastes in a business, institutional, or governmental setting in Minnesota or associations that represent persons who use, generate, or release toxic pollutants, hazardous substances, hazardous wastes, or industrial wastes in a business, institutional, or governmental setting in Minnesota.

Subp. 2. **Eligible projects.** Eligible projects designed to determine are:

A. projects to study or demonstrate the feasibility of applying specific new technologies or methods and technologies to reduce the generation of hazardous or industrial waste are eligible to receive a hazardous or industrial waste reduction grant. Eligible projects include projects to study the specific application of a method or technology already developed and projects to analyze a method or technology for which additional research is necessary to establish prevent pollution by the eligible applicant; and

B. projects to study or demonstrate the feasibility of the method or technology applying existing technologies or methods to prevent pollution by the eligible applicant in previously untested applications. Decreases in quantity or toxicity are not reductions where the decrease is solely the result of a decrease in the output of the facility.

**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

Application or research Projects currently under development by the applicant and new projects are eligible; however, grant funds shall only be awarded for costs incurred after the effective date of the grant agreement.

Subp. 3. **Eligible costs.** Eligible costs are limited to the costs of conducting studies and analyses consistent with subpart 2. Eligible costs are limited to a maximum of two-thirds of the total cost of the project. Grant money awarded through this program may not be spent for capital improvements or the purchase of equipment.

Subp. 4. **[See repealer.]**

### 9205.0430 GRANT APPLICATION.

An applicant shall

Subpart 1. Notification by director. To initiate the process for awarding a pollution prevention grant, the director shall publish a notice in the State Register advising eligible applicants of the availability of pollution prevention grants. The notice shall describe the procedure for awarding grants and establish a deadline by which applications must be submitted. In the notice, the director may limit the types of projects for which a grant would be awarded in the funding round initiated by the notice and may specify the maximum amount of funding to be awarded to a project.

Subp. 2. Applications. Following the publication of a notice in the State Register, applicants that seek assistance must submit an application applications in the form specified by the chair director. An Applications must be received by the director by the deadline established in the notice. Upon the request of the applicant, the office shall handle specific information in the grant application as nonpublic data in accordance with the criteria established by Minnesota Statutes, section 115A.06, subdivision 13; however, all information developed as a result of a pollution prevention grant shall be public data. Each application must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants;

B. a description of the applicant's managerial and technical ability to undertake a hazardous or industrial waste reduction feasibility study proposed project, including any consultant help that may be anticipated.

B. A statement outlining the method or technology that will be studied by the applicant and the waste reduction that may result from application of the method or technology. This statement must include a discussion of the following items:

(1) a description of the method or technology proposed to be studied, with a list of project activities and an implementation schedule;

(2) a statement as to whether the study involves the application of an existing this method or technology, or original or continuing research on a is new or existing, with a literature search or similar demonstration in support of this statement;

(3) a discussion of whether implementation of this method or technology for which additional research is necessary likely to determine the feasibility of the method or technology minimize the transfer of pollution from one environmental medium to another;

(3) (4) a description listing of the toxic pollutants, hazardous or substances, hazardous wastes, or industrial waste affected by wastes that are the subject of the proposed project that is generated by the applicant, including with a statement, in pounds, of the quantity of each of these pollutants, substances, or wastes that the applicant generated in the previous calendar year;

(4) (5) an estimate, in pounds, of the decrease in the quantity of the toxic pollutants, hazardous substances, hazardous wastes, or industrial waste generated wastes that the applicant believes could be realized if the methods and technologies to be studied in the proposed project were implemented; and

(5) (6) a statement of the current method used to manage the hazardous or industrial waste generated by the applicant, and any anticipated change in management occurring after the reduction- status of the proposed project;

C. information demonstrating that the project will comply with applicable regulations, including a list of permits required for the project;

D. a statement of financial feasibility for the project must be included with the application, and must include a discussion of the following items willingness of the applicant to implement the methods and technologies proposed to be studied, if those methods and technologies are found to be technically and economically feasible;

E. a statement of the willingness of the applicant to assist the director in disseminating information about the results of the project;

F. a statement describing the statewide significance of the information to be gained from the proposed project;

G. a project budget that:

(1) identifies the total cost of the proposed project and identifies each of the expenditures that make up this cost; and

(2) states the amount of grant funds being requested; and

(2) an estimate of the total amount of matching funds needed to complete the study. This section should include a discussion of any financial support that might be available to the applicant from other sources, including both external and internal sources being supplied by the applicant or others. If a person other than the applicant is providing matching funds, the application must identify the sources of the additional funds.

**Subp. 3. Eligibility and completeness review.** For all applications received by the director by the deadline established in the notice under subpart 1, the director shall determine the eligibility of the applicant, the proposed project, and the costs identified in the application and shall determine the completeness of the application.

**Subp. 4. Notice of determination of eligibility and completeness.** The director shall notify the applicant of the director's determination of eligibility and completeness of the application. If the director determines that the applicant or the project is ineligible, the director shall reject the application and notify the applicant. If the director determines that any of the project costs are ineligible or that the application is incomplete, the director shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 14 days after receiving the notice to correct any inadequacies.

**Subp. 5. Evaluation of proposal.** In order to determine which projects should receive a pollution prevention grant, the director shall evaluate each application that is determined to be eligible and complete. In making this evaluation, the director shall consider whether:

A. the proposed project involves the study or analysis of a method or technology that has a significant potential to prevent pollution;

B. the proposed project involves the study or analysis of a method or technology that is consistent with the legislative goals and policies in *Minnesota Statutes*, sections 115A.02 and 115D.02;

C. the persons who will undertake the proposed project are qualified to perform the work described in the project;

D. implementation of the method or technology that is the subject of the proposed project is likely to minimize the transfer of pollution from one environmental medium to another;

E. the proposed project will comply with regulatory requirements;

F. the applicant is willing to implement methods and technologies that the proposed project finds to be feasible;

G. the applicant is willing to assist the director in disseminating information about the results of the project; and

H. the proposed project has statewide significance.

**Subp. 6. Award of grants.** The director shall award grants to those projects that the director determines best meets the evaluation criteria in subpart 5. The director shall promptly notify all applicants as to whether they have been awarded a grant.

**Subp. 7. No grant awards.** If the director determines that no proposed project has sufficient potential to prevent pollution in Minnesota, the director shall not award any grants. The director may then reinstate the process for awarding grants by publishing a notice under subpart 1.

**Subp. 8. Consultation.** In the director's evaluation of an application, the director may solicit and consider any recommendations provided by Office of Waste Management advisory councils, task forces, citizen groups, or any independent consultant hired by the director to assist in the review of applications.

#### **9205.0435 LIMITATIONS.**

**Subpart 1. Reduced grant awards.** The director shall ask an applicant to document the impacts of reduced financial assistance before finalizing an award for less than the eligible amount requested by an applicant or less than the maximum award established in the notice under part 9205.0430, subpart 1. Reduced funds shall be awarded where the director determines:

A. program resources are insufficient to provide full assistance to all applicant to which the director intends to award grants or loans; or

B. the applicant could operate the project at a reduced level and still achieve project objectives.

**Subp. 2. Limit on disbursement of funds.** No grant shall be disbursed until the director has:

A. determined the total estimated cost of the project;

B. ascertained that the provision of matching funds is assured by the recipient; and

C. executed a written grant agreement with the recipient meeting the requirements in part 9205.0445.

#### **9205.0445 GRANT AGREEMENT.**

A grant agreement shall:

A. establish a work plan and schedule and require that the recipient perform and complete project activities according to this work plan and schedule;

## Proposed Rules

B. provide that any cost overruns incurred in the implementation of the proposed project shall be the sole responsibility of the recipient;

C. require that the recipient provide periodic written reports to the director on the progress and results of the project;

D. authorize the director to rescind the grant and require the grant recipient to repay the grant in full if the director determines that, due to the bad faith of the grant recipient, a project has not been conducted according to terms and conditions of the grant agreement;

E. authorize the director to cease making further disbursements to the recipient and to recover unspent funds if the director determines that, for reasons other than bad faith, a project has not made progress according to the terms and conditions of the grant agreement and an amendment to the agreement is not justified;

F. provide that the results of all studies or analyses performed under this agreement are public data;

G. require that a percentage of funds not be paid to the recipient until the director approves the recipient's final report;

H. require that the recipient maintain detailed records of all expenditures related to the agreement; and

I. establish other conditions or terms needed to manage or implement the grant agreement.

**REPEALER.** *Minnesota Rules*, parts 9205.0410, subparts 2, 3, 5, 8, 9, 10, 12, 13, 14, and 15; 9205.0420, subpart 4; 9205.0440; 9205.0450; 9205.0460; 9205.0470; and 9205.0480 are repealed.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Priorities for Soil Lead Abatement

#### Rules as Proposed (all new material)

##### 4760.0500 SCOPE.

Parts 4760.0500 to 4760.0540 establish procedures for determining priorities for response action for residential sites and playgrounds in the state where soils are found to be contaminated with lead, as required by *Minnesota Statutes*, section 116.53, subdivision 2.

##### 4760.0510 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 4760.0500 to 4760.0540, the following terms have the meanings given them.

Subp. 2. **Child.** "Child" means a human being under the age of six years.

Subp. 3. **Distributing authority.** "Distributing authority" means a governmental agency or entity, such as a local board of health, that distributes funds for the abatement of soil lead contamination.

Subp. 4. **Elevated blood lead level.** "Elevated blood lead level" means a confirmed concentration of 25 micrograms or more of lead in each deciliter of whole blood.

Subp. 5. **Person.** "Person" has the meaning given in *Minnesota Statutes*, section 116.06, subdivision 8.

Subp. 6. **Playground.** "Playground" means an open area, including vacant lots, used for outdoor games, recreation, and amusement that may contain swings, seesaws, slides, or other means for children's recreation and play.

Subp. 7. **Residence.** "Residence" means a house, duplex, apartment, or other building or structure used or intended for use as human habitation and the real property upon which the building or structure is located.

Subp. 8. **Response action.** "Response action" has the meaning given in *Minnesota Statutes*, section 116.51, subdivision 5.

Subp. 9. **Site.** "Site" means an area of land that has been sampled for soil lead concentration. A site may be as small as a residence or as large as a census tract.

##### 4760.0520 PRIORITY RANKING SYSTEM.

Subpart 1. **Priority one.** A site is a priority one site if the site contains more than 300 parts per million lead and the site is a residence of a child with an elevated blood lead level or the residence of a pregnant woman with a blood lead level of ten micrograms per deciliter or more.

Subp. 2. **Priority two.** A site is a priority two site if the site contains more than 300 parts per million lead and the site is a residence or a playground and the site is frequented by a child with an elevated blood lead level.

Subp. 3. **Priority three.** A site is a priority three site if it is a census tract that meets one or more of the following criteria:

A. it contains the residence of a child with an elevated blood lead level or a pregnant woman with a blood lead level of ten micrograms per deciliter or more;

- B. any soil sample within the census tract indicates a soil lead level of more than 300 parts per million; or  
 C. the census tract is on the following list:

	<u>Census Tract Number</u>	<u>City</u>	<u>Lower Confidence Limit</u>	<u>Mean</u>	<u>Upper Confidence Limit</u>
1.	84	Minneapolis	460.019	736.507	1179.170
2.	332	St. Paul	361.915	733.350	1485.990
3.	83	Minneapolis	358.645	460.916	592.350
4.	71	Minneapolis	340.962	514.736	777.080
5.	78	Minneapolis	336.858	459.276	626.180
6.	72	Minneapolis	324.952	412.103	522.630
7.	69	Minneapolis	322.637	407.247	514.050
8.	79	Minneapolis	310.606	514.142	851.050
9.	93	Minneapolis	291.339	640.391	1407.640
10.	18	Minneapolis	241.486	437.469	792.510
11.	23	Minneapolis	239.560	536.452	1201.290
12.	12	Duluth	250.261	519.718	1079.300
13.	82	Minneapolis	264.749	379.520	544.050
14.	25	Minneapolis	182.547	509.773	1423.570
15.	354	St. Paul	260.405	363.646	507.820
16.	15	Minneapolis	209.802	450.573	967.660
17.	366	St. Paul	112.570	588.720	3078.890
18.	47	Minneapolis	192.907	417.770	904.750
19.	70	Minneapolis	37.422	363.044	3522.060
20.	94	Minneapolis	187.400	400.858	857.460
21.	22	Minneapolis	251.728	346.117	476.720
22.	92	Minneapolis	112.740	495.288	2175.890
23.	86	Minneapolis	186.407	349.367	654.790
24.	337	St. Paul	245.707	319.574	415.650
25.	35	Minneapolis	160.398	338.992	716.440
26.	344	St. Paul	218.728	320.605	469.930
27.	57	Minneapolis	164.839	290.643	512.460
28.	65	Minneapolis	52.789	257.315	1254.250
29.	21	Minneapolis	66.709	255.534	978.840
30.	19	Minneapolis	171.870	282.398	464.000
31.	36	Minneapolis	94.638	254.595	684.910
32.	111	Minneapolis	110.134	257.701	602.990
33.	312	St. Paul	47.241	227.399	1094.610
34.	103	Minneapolis	40.160	218.218	1185.740
35.	368	St. Paul	3.343	136.804	5597.760
36.	2	Minneapolis	104.219	239.240	549.190
37.	17	Minneapolis	46.312	192.512	800.230
38.	27	Duluth	57.187	191.895	643.920
39.	85	Minneapolis	146.515	244.739	408.810
40.	16	Duluth	69.174	197.015	561.120
41.	54	Minneapolis	39.020	161.430	667.850
42.	50	Minneapolis	186.525	255.434	349.800
43.	95	Minneapolis	123.395	217.816	384.490
44.	320	St. Paul	0.124	31.690	8091.850
45.	325	St. Paul	122.539	213.922	373.450

**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

	<u>Census Tract Number</u>	<u>City</u>	<u>Lower Confidence Limit</u>	<u>Mean</u>	<u>Upper Confidence Limit</u>
46.	99	Minneapolis	79.929	189.789	450.650
47.	60	Minneapolis	114.333	204.372	365.320
48.	61	Minneapolis	74.229	173.984	407.800
49.	49	Minneapolis	56.477	159.926	452.870
50.	371	St. Paul	135.290	216.914	347.786
51.	18	Duluth	28.309	112.400	446.290
52.	75	Minneapolis	93.796	195.579	407.810
53.	340	St. Paul	99.113	183.212	338.672
54.	363	St. Paul	29.196	110.590	418.900
55.	350	St. Paul	22.960	99.916	434.810
56.	19	Duluth	90.188	196.893	429.840
57.	28	Duluth	56.699	139.281	342.145
58.	112	Minneapolis	48.806	126.633	328.561
59.	16	Minneapolis	29.691	98.646	327.741
60.	52	Minneapolis	0.750	16.699	372.000
61.	357	St. Paul	115.904	188.437	306.360
62.	73	Minneapolis	71.059	148.505	310.357
63.	349	St. Paul	58.097	136.714	321.717
64.	315	St. Paul	152.960	214.613	301.116

Subp. 4. **Prioritizing census tracts.** Priority three census tracts are further prioritized as described in items A to D.

A. A census tract is a priority A if the upper and lower confidence level values for soil lead, within a 95 percent confidence interval, exceed 300 parts per million and a child with an elevated blood lead level or a pregnant woman with a blood lead level of ten micrograms per deciliter or more resides within the census tract.

B. A census tract is a priority B if the upper confidence level value for soil lead, within a 95 percent confidence interval, exceed 300 parts per million and a child with an elevated blood lead level or a pregnant woman with a blood lead level of ten micrograms per deciliter or more resides within the census tract.

C. A census tract is a priority C if the upper and lower confidence level values for soil lead, within a 95 percent confidence interval, exceed 300 parts per million.

D. A census tract is a priority D if the upper confidence level value for soil lead, within a 95 percent confidence interval, exceeds 300 parts per million.

Subp. 5. **Individual residences and playgrounds within a census tract.** A residence or playground within a census tract that meets the criteria for a priority one or a priority two site must be prioritized as a priority one or a priority two site.

Subp. 6. **Ranking.** A site must be ranked at the highest priority for which it qualifies, whether the site is a residence or a playground or a census tract.

### 4760.0530 ABATEMENT PRIORITY LIST.

Subpart 1. **Distributing authority.** A distributing authority shall prepare an abatement priority list that ranks known sites within the distributing authority's jurisdiction according to the priorities established in part 4760.0520. The abatement list shall list those known residences and playgrounds that are priority one or priority two and those known census tracts as priority 3A, 3B, 3C, or 3D. The abatement list shall be prepared before the distributing authority uses public funds to abate any site.

Subp. 2. **Amendment of list.** A distributing authority may at any time amend its abatement priority list. A distributing authority shall add additional sites to its abatement priority list at any time that information becomes available identifying new sites.

Subp. 3. **Additional sampling.** A distributing authority may elect to take additional samples before prioritizing a residence or playground or a census tract. The distributing authority shall consider all sample results that the authority considers reliable in making a decision on the proper priority ranking for a particular residence or playground or census tract.

### 4760.0540 RESPONSE ACTION.

Subpart 1. **Use of public funds.** No distributing authority shall authorize public funds for abatement until the authority has prepared an abatement priority list. Public funds shall be used for abatement in order of priority established by the abatement priority list.

Subp. 2. **Additional abatement.** Nothing in parts 4760.0500 to 4760.0540 shall be construed to preclude any person from abating



any site, regardless of priority, if the person pays for the abatement without the use of public funds or if the soil abatement is part of a publicly funded abatement project that is not strictly limited to soil lead abatement.

Subp. 3. **Abatement not required.** Parts 4760.0500 to 4760.0540 do not require:

- A. any person to abate any site at that person's expense; or
- B. a distributing authority to abate any site that does not exceed the soil lead standard of 300 parts per million.

Subp. 4. **Abatement procedures.** A person who undertakes abatement of a site contaminated with lead shall follow the abatement procedures in chapter 4760.

## 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.

## Board of Technical Colleges

### Adopted Permanent Rules Relating to Teacher Licenses

The rules proposed and published at *State Register*, Volume 15, Number 35, pages 1870-1875, February 25, 1991 (15 SR 1870) are adopted with the following modifications:

~~3700.0440~~ 3700.0450 **DIAGNOSTIC MEDICAL SONOGRAPHER.**

**REPEALER.** *Minnesota Rules*, parts 3515.0900; and 3515.1000; and ~~3515.5500~~; ~~subpart 9~~, are repealed. ~~Part 3515.9942 no longer applies to a new license for supplemental support staff/technical tutor. A person with a license previously issued under parts 3515.5500, subpart 9, and 3515.9942, supplemental support staff/technical tutor who is using the license may keep and renew the license under those parts as long as the person remains employed by the person's employer on the effective date of this repealer.~~

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## Revenue Notices

Effective July 1, 1991, the Department of Revenue has authority to issue revenue notices. A revenue notice is a policy statement made by the department that provides interpretation, details, or supplementary information concerning the application of law or rules. This authority was provided by the Legislature in *1991 Session Laws Chapter 291*, article 21, section 6 and will be codified at *Minnesota Statutes* section 270.0604.

## Department of Revenue

### Revenue Notice #91-6: Sales/Use Tax—Isolated or Occasional Sales

**Facts:** Effective July 1, 1991, sales of tangible personal property primarily used in a trade or business do not qualify for the isolated or occasional sales tax exemption found in *Minnesota Statutes* § 297A.25, subd. 12. However, if the sale occurs in a transaction subject to or described in Internal Revenue Code (IRC) §§ 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031, 1033, or

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## Revenue Notices

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1504(a), the sale may still be eligible for the exemption. The conclusions reached in this revenue notice are based on the assumption that the sales described in each issue are not within one of the listed IRC sections. For further examples, please refer to the Department Fact Sheet regarding isolated or occasional sales.

### Issues and Conclusions:

1) What is the definition of a "trade or business"?

For purposes of this statute, "trade or business" means any activity carried on for the production of income from selling goods or performing services. However, organizations exempt from federal taxation under Internal Revenue Code, subchapter F are only considered to be engaged in a trade or business to the extent the activity is unrelated to their exempt purposes. Examples of trades or businesses include home day care centers, farms, and apartment buildings or rental property. Government entities are not considered to be engaged in a trade or business since all of their activities are conducted to further a public purpose.

2) What does the term "primarily used" mean?

When an item is used for purposes other than trade or business use, the owner must determine what the primary use is when deciding whether or not to charge tax on the sale of the item. "Primarily used" means that the item is used at least 50 percent or more of its operating time, in the trade or business. If it is used less than 50 percent of the time in the trade or business, it will be considered not to be primarily used in the trade or business, and the sale of the item is eligible for the isolated or occasional sale exemption.

3) Who has to use the item primarily in a trade or business; the seller, the buyer, or both?

The seller's use of the equipment is the determining factor. It does not matter how the buyer will use the item.

4) Will business inventory sales now be subject to tax?

The sale of business inventory was never subject to the isolated/occasional sale exemption since the inventory was sold in the regular course of business. The seller must either charge sales tax, or accept an exemption certificate from the buyer.

5) When business assets, including both tangible personal property and other property (real property, intangibles, etc.), are sold for a lump-sum price, how will the seller determine the purchase price of the tangible personal property in order to charge sales tax?

If the seller has not separately stated the purchase price of the tangible personal property, the sales tax must be collected on the fair market value of the tangible personal property. The tax will only apply to those items which are considered tangible personal property. Items subject to ad valorem property tax, large and ponderous equipment, or items considered a permanent improvement to real property, are not subject to sales tax. However, these items are taxable if they are sold separately and removed from the underlying real property.

6) Does a sale actually have to be reported to the Internal Revenue Service under one of the listed IRC sections in order to be eligible for isolated/occasional sale exemption?

Yes, the sale must qualify and be reported as a transaction occurring under one of the listed Internal Revenue Code sections, in order to qualify for the isolated/occasional sale exemption.

7) If a trade or business closes and sells off its assets over a period of time (for example, a manufacturer closes down operations and over the next three years sells off the business assets), are these sales still eligible for isolated/occasional sale status?

No, these sales are not eligible for isolated/occasional sale status. Since the assets were primarily used in a trade or business, their sale is taxable even though the trade or business is no longer in operation when the assets are finally sold.

8) Are auctions of business property still eligible for the isolated/occasional sale exemption?

No, auctions (including farm auctions) of tangible personal property primarily used in a trade or business are no longer eligible for this exemption. The person at the auction who is responsible for collecting the sale money, is also responsible for collecting and remitting the sales tax. This may be the auctioneer, the bank, the owner of the property, or any other person who collects the purchase price from the buyers. If the equipment being sold is farm machinery, the 2.5 percent rate applies. The person responsible for remitting the tax must charge this rate only on farm machinery. If an auction includes farm machinery, nonfarm equipment, and nonbusiness items (such as tools, household goods, etc.), the 2.5 percent rate only applies to the farm machinery. The other items used in the trade or business (e.g., tools) would be subject to the 6.5 percent rate, and the nontrade or nonbusiness items (e.g., household goods) would be exempt.

9) Are sales of business assets on an Indian reservation subject to sales tax?

Sales of business assets occurring on an Indian reservation are taxable if the sale is made to a nontribal member or non-Indian. Sales of business assets occurring on a reservation to a tribal member depends on whether that band has a refund agreement with the state. If the band has a refund agreement, these sales are taxable. If the band does not have a refund agreement, the sales are not taxable. Sales to the tribal government are not taxable.

10) Are garage sales still eligible for the isolated/occasional sale exemption?

Yes, sales at a garage sale are still eligible for this exemption if the garage sale does not occur regularly, the person is not in the business of conducting garage sales, and no trade or business assets are sold at the sale. If any trade or business assets are sold at the garage sale, sales tax is due only on those items.

11) What are the sales tax consequences when a bank or similar lender repossesses secured property primarily used in a trade or business?

The transfer to the bank is treated as a sale for resale as long as the bank will be reselling the item. The bank or other lender must collect and remit tax when it resells the items. Sales of repossessed property by banks or other lenders was never subject to the isolated or occasional sale exemption.

12) Who is responsible for collecting and remitting the tax when a bankruptcy trustee sells off business property?

The bankruptcy trustee is responsible for collecting and remitting the sales tax. If the debtor possessed a sales tax permit, prepetition, the tax must be reported under that permit. If the debtor did not possess a permit, the trustee must use the special occasional sale return provided by the Department. (See reporting procedure section following question #16.)

13) How will installment sales of business assets be treated?

The sale occurs when there is a transfer of title or possession. If the seller uses an accrual accounting basis, the tax must be reported when the sale is made. If the seller uses a cash accounting basis, the tax must be reported when the seller actually receives the payment. If the sale is a lease, tax is due on each lease payment as it becomes due. If the seller is leasing out the business property, the seller must obtain a sales tax permit and report the tax under the permit until the lease has ended.

14) When personal property is sold along with real property, it is subject to the state deed tax. Is the sales tax in addition to that state deed tax?

Yes, the sales tax on the personal property is in addition to any state deed tax which may be due on the transaction.

15) Are items of tangible personal property, such as washers, dryers and other appliances, sold incidental to the sale of an owner occupied residence (a "homestead") or an owner occupied seasonal residence (a "cabin") subject to the sales tax as a sale of tangible personal property primarily used in a trade or business?

No, these items are not "used primarily in a trade or business" and thus are not subject to sales tax regardless of whether the owner sold the residence him or herself, through the services of a real estate broker, or by a bank or other financial institution that repossessed the residence and then sold it without any intermediary business use.

16) If a purchaser makes a purchase of stock in a corporation, is the purchaser considered to be purchasing the business assets of that corporation and thus subject to sales tax on the tangible personal property owned by that corporation?

This transaction is not subject to sales tax. The purchaser is considered to be buying nontangible property (stock) and thus this is not a sale of tangible personal property. If the sale were structured as an asset sale rather than a stock sale, then the sales tax would be due on the price of the tangible personal property.

**Reporting Procedures:** If the seller already has a sales/use tax permit, the sale of the business assets must be reported on the return along with the seller's regular sales. If the seller does not have a permit, the seller must report the sales on a special occasional sale return available from the Department. This special return is due on or before the 20th day of the month following the month in which the sale is made. If the seller is making sales of business assets on a regular basis, the seller must apply for a sales tax permit and report sales on a monthly, quarterly, or annual basis until all of the assets are sold.

Dated: 12 August 1991

## Department of Revenue

### Revenue Notice #91-7: Timing of Implementation of 1991 Law Changes to the Political Contribution Refund

The 1991 legislative session resulted in several changes to the political contribution refund program. One requires a signature on the official receipt which contributors need to claim the refund. Another restricts refundable contributions to gifts of money. A third limits refunds for contributions made to candidates, to those candidates who not only have entered into campaign spending limitation agreements but who have also designated a principal campaign committee.

This revenue notice explains how the Department of Revenue intends to administer the timing of the implementation of those changes which all became effective June 1, 1991.

## Revenue Notices

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**Signature:** Each official political contribution refund receipt Form EP-3 ("receipt") issued after May 31, 1991, must be signed in the handwriting of the candidate, the treasurer of the candidate's principal campaign committee, or the party chair. Versions of the Form EP-3 which do not designate a space for a signature should be signed near the bottom of the front side of the receipt.

Contributor refund claims based on unsigned receipts issued after May 31, 1991, will be denied or returned to the contributor. Contributor refund claims based on unsigned receipts issued before June 1, 1991, will be allowed.

**Contributions:** Receipts may be issued, and refunds will be paid, to taxpayers who made a transfer of funds or a donation in kind prior to June 1, 1991. Receipts may be issued to these contributors either before or after June 1, 1991.

For contributions made after May 31, 1991, receipts should be issued, and refunds will be paid, only to contributors of gifts of money.

**Designation of Principal Campaign Committee:** Contributors to candidates who entered into campaign spending limitation agreements in 1990 but did not designate a principal campaign committee are eligible for refunds for contributions made to those candidates in 1991 provided that the contributions were made prior to June 1, 1991, and the receipt was issued prior to June 1, 1991.

Dated: 12 August 1991

## Department of Revenue

### Revenue Notice #91-8: Definition of Contribution for Purposes of Issuing an Official Receipt (Form EP-3) for the Political Contribution Refund

*Minnesota Statutes* § 290.06, subd. 23(c) defines "contribution," for purposes of the political contribution refund, as "a gift of money." Eligible candidates and parties should therefore not issue official receipt Form EP-3 ("receipt") to contributors of goods or services.

**Example 1.** The contributor donates \$50 worth of lumber so that the candidate can build a booth at the county fair. No receipt should be issued.

Furthermore, to the extent that the contributor expects to receive value for a contribution, the contribution is not a gift, and therefore is not refundable.

**Example 2.** The contributor purchases a gift certificate good for \$100 of office supplies for \$50 at a political fund raiser auction. No receipt should be issued.

**Example 3.** The contributor purchases a gift certificate good for \$100 of office supplies for \$150 at a political fund raiser auction. A receipt may be issued for \$50.

**Example 4.** The contributor purchases a raffle ticket for \$10, which entitles the contributor to a chance to win several prizes worth more than \$250. No receipt should be issued since the \$10 is merely the purchase price for the chance to win a valuable item.

**Example 5.** The contributor purchases a \$50 ticket for admission to a fund raiser dance. Dinner is served, followed by brief comments from the candidate. Then the band plays, uninterrupted, for the remainder of the evening. The contributor may be issued a receipt for the portion of the \$50 that exceeds the fair market value of the dinner and the dance. The issuer of the receipt must make a good faith, reasonable estimate of each of the benefits available to the contributor in determining the amount of the contribution to include on the receipt. This is true even if the contributor does not attend the function.

Dated: 12 August 1991

# Official Notices

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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.

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## Minnesota Comprehensive Health Association

### Notice of Meeting Actuarial Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association Actuarial Committee will be held on Friday, August 30 at 12:00 noon in the Fishbowl at the Blue Cross and Blue Shield of Minnesota building in Eagan.

For further information call Earl Hoffman at 612-372-5369 or Judy Busse at 612-456-8571.

## Department of Health

### Notice of Completed Application and Notice of and Order for Hearing in the Matter of the Ambulance License Application of Health One Corporation to Upgrade from Basic to Advanced and to Expand the Current Primary Service Area

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Health One Transportation Services to upgrade EMS #335, (Health One, St. Francis Base Station) from Basic to Advanced Ambulance and to expand the current primary service area of the license into portions of Sherburne and Wright Counties, including the City of Elk River. The applicant has requested that the Department combine license numbers 057 (Advanced Base of Operation: Mercy Medical Center, Coon Rapids) and 335 (Basic Base of Operation: St. Francis) as part of this application.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 to 14.69 and 144.802 a public hearing will be held on September 9, 1991 at Anoka Ramsey Community College, College Development Center, 11200 NW Mississippi Blvd., Room 101, Coon Rapids, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set out at *Minnesota Statutes* §§ 144.802, subd. 3(g).
2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 to 144.8093, *Minnesota Statutes* §§ 14.57 to 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.
3. Peter Erickson, Office of Administrative Hearings, 500 Flour Exchange, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone: (612) 341-7606, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.
4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* pt. 1400.6200 on or before September 3, 1991. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.
5. In addition to or in place of participating at the hearing any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before September 19, 1991.
6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* pt. 1400.7000.
7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.
8. Please be advised that if non public data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* §§ 14.60, subd. 2.

## Official Notices

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9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* §§ 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 5 August 1991

Marlene E. Marschall  
Commissioner

## Minnesota Higher Education Coordinating Board

### Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Definitions for Higher Education Programs, and Child Care Grants

**NOTICE IS HEREBY GIVEN** that the Minnesota Higher Education Coordinating Board is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing Definitions for Higher Education Programs, and Child Care Grants. The amendment of the rule is authorized by *Minnesota Statutes* 136A.04, Subd. 1(9), and 136A.16, Subd. 2 (1990), which allows the Board to prescribe policies, procedures and rules necessary to administer programs.

The Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Mary Lou Dresbach  
Minnesota Higher Education Coordinating Board  
Capitol Square Building, Suite 400  
550 Cedar Street  
St. Paul, MN 55118-4356  
Telephone: (612) 296-3974

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until August 26, 1991. Any written materials received by the Board shall become part of the rulemaking record in the event that any of the amendments are adopted.

David R. Powers  
Executive Director

## Minnesota Housing Finance Agency

### Notice of Public Hearing on the Proposed Minnesota Comprehensive Housing Affordability Strategy

The Minnesota Housing Finance Agency (MHFA) announces the availability of the proposed Minnesota Comprehensive Housing Affordability Strategy (CHAS) for review and public comment.

The National Housing Affordability Act of 1990 requires the state and local governments, as a condition of receipt of federal housing assistance, to prepare a CHAS. The purpose of the CHAS is to identify statewide housing needs, establish priorities for state investment in affordable housing for a five-year period, and set forth a one-year action plan with specific investment goals.

Interested persons may request either a complete copy or relevant sections of the CHAS by calling 1-800-652-9747 and asking for CHAS. A copy of the CHAS is also available for review at the offices of the MHFA, 400 Sibley Street, Suite 300, St. Paul, Minnesota, any of the Regional Development Commissions, or the following public libraries around the state:

Bemidji Public Library  
6th & Beltrami  
Bemidji, MN 56601

Marshall-Lyon County Library  
301 West Lyon Street  
Marshall, MN 56258

Lake Agassiz Regional Library  
115 S. 6th St., Box 699  
Moorhead, MN 56560

Great River Regional Library  
405 St. Germain  
St. Cloud, MN 56301

Winona Public Library  
151 West 5th St.  
Winona, MN 55987

Duluth Public Library  
520 West Superior Street  
Duluth, MN 55802

Minnesota Valley Regional Library  
100 E. Main St.  
Mankato, MN 56002

Rochester Public Library  
11 First Street SE  
Rochester, MN 55901

Pioneerland Public Library System  
410 W. 5th St.  
Willmar, MN 56201

Nobles County Library  
Post Office Box 99  
Worthington, MN 56187

Written or oral comments on the proposed CHAS will be taken by the Minnesota Housing Finance Agency from August 15, 1991 until October 15, 1991. Interested persons should call 1-800-652-9747 and ask for CHAS. Written comments may be submitted to the MHFA, 400 Sibley Street, Suite 300, St. Paul, Minnesota, 55101, attn: Patty Beech.

In addition, the Minnesota Housing Finance Agency will hold four public hearings to solicit comments on the proposed CHAS. The public hearings will be held at the times and places listed below.

**Wednesday, September 11, 1991**

10:00 a.m. meeting for social service providers  
1:00 p.m. public hearing  
Fergus Falls City Hall  
112 West Washington Avenue  
Fergus Falls, MN.

**Tuesday, September 17, 1991**

10:00 a.m. meeting for social service providers  
1:00 p.m. public hearing  
Ramsey Action Programs Conference Room  
400 Sibley Street, Room 160  
St. Paul, MN.

**Thursday, September 12, 1991**

10:00 a.m. meeting for social service providers  
1:00 p.m. public hearing  
Bemidji City Hall  
401 Minnesota Avenue  
Bemidji, MN.

**Wednesday, September 25, 1991**

10:00 a.m. meeting for social service providers  
1:00 p.m. public hearing  
Best Western Garden Inn  
Highway 169 North  
North Mankato, MN.

All persons interested will be given an opportunity to express their views. Written comments may also be submitted and will be considered at the hearing.

## Department of Human Services

### Division for Persons with Developmental Disabilities

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of *Minnesota Rules*, parts 9525.0015 to 9525.0165, Governing Case Management Services to Persons with Mental Retardation

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing case management services to persons with mental retardation. The amendments are being proposed to make the rule consistent with *Minnesota Statutes 1991*, section 256B.092.

The State Department of Human Services requests information and opinions regarding 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:

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

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Oral statements will be received during regular business hours over the telephone at 612/297-1217 and in person at above address.

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

Dated: 5 August 1991

Laura Plummer  
Rules and Bulletins Division  
Department of Human Services

## Metropolitan Council

### Public Hearing on 1992 Work Program and Budget

The Metropolitan Council will hold a public hearing on its proposed 1992 work program and budget on Thurs., Sept. 12, 1991, 7 p.m., at the Metropolitan Council offices, Mears Park Centre, 230 E. Fifth St., St. Paul. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Jack Brewer at 291-6456. Written comments will also be accepted, but must be received at the Council by Sept. 12. A draft of the document for public hearing will be adopted by the Council on Aug. 22. Copies of the proposed work program and budget will be available for public inspection beginning Aug. 26 at designated libraries throughout the region. For information on the location of these libraries or a free copy of the budget document, call 291-8140.

## Pollution Control Agency

### Office of the Commissioner

### Public Notice and Opportunity to Comment on the Commissioner's Plan for Implementing the Authority to Issue Administrative Penalty Orders

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Minnesota Pollution Control Agency proposes to present to the Agency Board the following plan for implementing the use of administrative penalty orders. The requirement to publish the plan is contained in Section 14 of *Laws of Minnesota*, Chapter 347 1991. The Agency must adopt the plan by October 1, 1991. The plan is not subject to the administrative rule adoption process that is established in *Minnesota Statutes* § 14 or rules adopted under this law.

The proposed plan contains the following parts. Part I is a brief overview and introduction to this enforcement tool. Part II is a discussion of the legislative authority and description of the types of orders that the Commissioner can issue. Part III is a discussion of the types of applications where the Commissioner is expected to use the authority. Each program has included a general discussion of where the authority could be used. Part IV describes the process that the Commissioner will use to determine which enforcement tool to use and describes the steps that will be taken before and after issuance of an order. Parts V and VI discuss the process of appealing orders and referral to the Attorney General in those cases where compliance with orders does not occur. The plan also contains the forms that the Commissioner proposes to use when issuing various types of orders. Each program has provided a hypothetical example of a situation where this authority would be used.

All persons have until 4:30 p.m. on September 13, 1991, to provide written comments on the content of the plan. The Commissioner will consider changing the contents of the plan before it is presented to the Board for final adoption. The Commissioner may choose not to modify the plan. The final plan will be presented to the Board at the September 24, 1991 meeting.

All persons are encouraged to provide written comments on the plan. Written comments should be sent to:

Charles W. Williams, Commissioner  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155

### Administrative Penalty Order Implementation Plan

#### I. Introduction

The legislation that authorizes the Minnesota Pollution Control Agency (MPCA) to use the Administrative Penalty Order (Order) requires an implementation plan. The Commissioner of the MPCA shall prepare a plan for using the administrative penalty authority



in *Minnesota Statutes* § 116.072. The Commissioner shall provide a 30-day period for public comment on the plan. The plan must be submitted to the agency for approval by October 1, 1991.

*Minnesota Statutes* § 116.072 allows the MPCA Commissioner to issue administrative penalties for violations that occur under programs authorized under ch. 116, 115, 115A, 115D or 115B.17, subd. 3. The Minnesota Department of Health (MDH) operates the Infectious Waste Control Act that is authorized under *Minnesota Statutes* § 116.78.

This plan does not establish procedures for MDH use of orders. The MPCA Commissioner will not use this authority at facilities where the MDH has issued an order. Any use of this authority by the MDH is not subject to MPCA review. Appeals that may occur from MDH actions under this authority are the responsibility of the MDH.

In developing the Administrative Penalty Order Implementation Plan (Plan), the Commissioner has attempted to describe the manner in which the administrative penalty authority will be implemented. As experience is gained in issuing Orders, changes in the manner in which the Commissioner uses this authority will be necessary. It is not possible to develop a plan that will fit all enforcement situations that arise. The Commissioner reserves the right to act in ways not specified in this plan in order to pursue an appropriate enforcement response and to protect Minnesota's environment.

The Order authority is not a new enforcement tool for the MPCA. During the 1987 Legislative Session, *Minnesota Statutes* § 116.072 was passed that authorized the MPCA Commissioner authority to issue Orders for up to \$10,000 for violations of *Minnesota Rules* ch. 7045 [Hazardous Waste]. The MPCA has used the authority since passage of that legislation in over 170 different cases. The experience gained in determining when to use the authority, how to develop penalties, how to document cases and the administrative appeal process has all been extremely valuable and is the basis for the development of this plan.

The Plan that follows includes: (1) a brief overview of the Order authority; (2) a discussion of the application of the authority; (3) an explanation of the process used to implement the authority; (4) the procedures by which a regulated party may challenge an Order; and (5) the process by which an Order will be referred to the Attorney General for failure to comply.

## **II. Overview of the Authority**

During the 1991 Legislative Session, the scope of existing authority was amended to allow the Commissioner to issue Orders requiring violations to be corrected and administratively assessing monetary penalties. Violations of *Minnesota Statutes* chapters 115, 115A, 115D, and 115E, and 116, any rules adopted under those chapters, limitations, or conditions established in an MPCA permit and failure to respond to a request for information under *Minnesota Statutes* § 115B.17, subdivision 3 are covered under this authority.

An Administrative Penalty Order is an order that is issued unilaterally by the Commissioner. It identifies the violations that have been discovered, requires that the violations be corrected, and imposes a penalty that may or may not be forgiven depending on the seriousness and repetitiveness of the violations and the violator's response to the order.

A violation is either forgivable after compliance is attained (within 30 days) or may be nonforgivable if the violation is serious or repeated. When a violation(s) is not serious or repeated, the penalty must be forgiven after compliance is achieved, or when appropriate steps toward compliance are taken. The statute provides specific considerations to be used in determining amount of penalty. The Commissioner may consider willfulness, gravity, history, number of violations, economic benefit and other factors as justice may require. For violations after an initial violation, the Commissioner shall also consider similarity to the most recent previous violation, time elapsed since the last violations, number of previous violations and response of the person to the most recent previous violation.

The Order must include a statement of facts supporting the claim that the violations have occurred, a reference to the rule or law that has been violated, a statement of the factors used to establish the penalty amount and a statement of the person's rights to review the Order.

The statute provides for an expedited administrative hearing process or judicial review as a means for due process. Refer to Part V of the plan and Attachment 4 for further description of the appeal process.

## **III. Applicability**

### **A. General**

The U.S. Environmental Protection Agency (EPA) delegation for many programs requires that each violation documented at an inspection be resolved as quickly as possible, leaving the staff with no alternative but to attempt to resolve all cases without regard to the time spent in the process. Where violations are minor, a lot of time is often spent to persuade the violator towards compliance. This is not always productive. A lot of time is spent trying to resolve noncompliance at this level, diverting attention from higher priority issues and inspection activities.

The Order authority is an important supplement to existing enforcement tools, and one way to streamline the enforcement process. The Order helps achieve a balance of enforcement options that range from the letters and Notices of Violation (Notice) to criminal prosecutions. Streamlining the enforcement process has become critical to meeting the challenge of assuring a high rate of compliance for thousands of Minnesota's regulated parties. The Order authority will play a major role in making enforcement actions efficient and effective.

## Official Notices

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Orders will become the primary enforcement tool for the Agency in resolving routine violations. However, an Order will not normally be used when violation(s) warrant an escalated level of enforcement or the time to resolve the noncompliance is lengthy (usually greater than 90 days). The Agency staff will continue to use other enforcement options (i.e. Stipulation and Compliance Agreements) that will be brought to the Agency Board for approval to resolve many compliance problems.

The Order will replace some Letters of Warning, Notices and minor Stipulation Agreements. However, these enforcement tools may continue to be used on a case by case basis as circumstances warrant.

The Order is a streamlined, efficient compliance tool that allows less serious violations to be resolved quickly, thus avoiding the problems from developing into serious situations with increased real or potential harm to the environment.

The concept of an Order with a forgivable penalty when the violator takes quick action to correct problems is one compliance option. By providing that the penalty must be forgiven if compliance is achieved within time limit (unless the violations were serious or repeated), the legislation provides a clear incentive for compliance.

It is also important to consider the increased deterrent by assessing nonforgivable penalties for the serious and or repeated violations.

Seriousness, as implemented under the Order authority is defined by judgment and experience based on individual program management history.

For example, in the Hazardous Waste Division there are many violations that are classified as serious. The actual range of seriousness is very broad. Activities like overaccumulation, outdoor storage and a release to the environment are all serious, however, all investigation factors associated with the violations must be evaluated prior to determining the appropriate enforcement action.

Hazardous Waste Division staff finds that this compliance tool is effective. Regulated parties have responded positively. Compliance is achieved more quickly than with previous efforts as it gives the regulated parties and staff a chance to work together and to foster a positive working relationship. Additionally, the Order prompts many regulated parties to take a hard look at their management practices and implement improvements beyond just correcting violations.

### **B. Program Specific Applications**

#### **1. Hazardous Waste Division**

a. The Regulatory Compliance Program of the Hazardous Waste Division has had Order authority since 1987. The decisions made as to the type of enforcement action/follow-up to use to resolve violations can be very difficult. Therefore, the Hazardous Waste Division developed a decision making process referred to as "enforcement forums" to ensure consistent and current approaches to deal with the various types of enforcement situations. The enforcement forum process is discussed in Section IV.

The Regulatory Compliance program will continue to use this tool as it has in the past to resolve compliance problems at all types of hazardous waste facilities.

b. The Order authority is new to the Tanks and Spills Programs in the Hazardous Waste Division. The Order may be used in these programs for violations that include not reporting a release or spill, failure to register underground or aboveground storage tanks; lack of storage safeguards required by applicable rules such as secondary containment, corrosion protection or leak detection; failure to prevent or prepare for spills, violations of the tank contractor certification program, and failure to follow-up on cleanup requirements.

#### **2. Water Quality Division**

In the Water Quality Program, an Order may be used to facilitate compliance with permitted and unpermitted municipal and industrial dischargers, animal feedlots, large individual sewage treatment systems, dredge and fill operations requiring 401 certification and municipal sewage sludge disposal.

The types of Water Quality violations where an Order will be considered include reporting violations, effluent violations, compliance schedule violations and violations of other requirements or prohibitions contained in permits, rules, statutes or enforcement documents. Examples of possible violations include: failure to submit a required report, effluent violations reported on a Discharge Monitoring Report (DMR), failure to complete a compliance schedule requirement, an unauthorized discharge, lack of a certified waste water treatment plant operator, failure to have permit required chemical analyses conducted by a certified laboratory, failure to construct a wastewater treatment system in accordance with approved plans and specifications, and constructing a wastewater treatment plant expansion or sewer extension without obtaining the proper permits.

#### **3. Ground Water and Solid Waste Division**

a. An Order may be used in the Solid Waste and Waste Tire Programs to address and resolve violations that can be corrected in a timely manner. Typical violations that may be addressed by an Order at permitted facilities include failure to submit required reports, solid waste management operational violations, failure to follow the industrial solid waste management plan or acceptance of prohibited wastes or, failure to conduct necessary monitoring. Use of the Order at nonpermitted facilities will depend on the amount and type of waste that was improperly disposed. The Order may be used for violation of infectious waste program

requirements. Applications for use of the Order in the Waste Tire Program management include compliance with transporter requirements, illegal collection, storage or processing, violations of permit conditions, and abatement of small tire stockpiles which do not qualify for reimbursement under *Minnesota Rules* ch. 9200.

b. An Order may be issued in the Superfund Program for failure to respond to a request for information (RFI).

#### **4. Air Quality Division**

In the Regulatory Compliance Section, the programs that would most likely use Orders to address violations include: permits [minor permit violations]; enforcement [minor rule violations—permitted and non-permitted facilities]; asbestos [reporting and removal procedures]; open burning [no permit, unauthorized permit, illegal materials]; vehicle tampering [minor state and federal violations, failure to make repairs]; and noise [rule violations].

### **IV. Process**

The key to ensuring that an effective program is implemented is the establishment of a uniform process across all agency programs. Each program will adhere to the following process.

#### **A. Developing Actions**

MPCA staff conducts investigations and compliance reviews throughout the State. Staff then evaluates the results of the investigation and determines if violations may have occurred. Staff develops the case to ensure that the evidence is documented and supports the claim that violations have occurred. The staff then recommends the appropriate enforcement response to program supervisors/managers.

With the addition of the Order authority to the Agency's existing "compliance tools," it is apparent that a formal decision making process (enforcement forums) was necessary to ensure that a fair, consistent and current approach to enforcement is taken. It is important to understand that rule changes, program growth and other influences change forum decisions over time and therefore, the decision making process must evolve within each program.

An enforcement forum is held shortly after conducting a compliance review (normally on a weekly basis). The investigator/inspector presents the facts of the case and recommends follow-up enforcement action to supervisors/managers and other individuals as appropriate. The forum participants evaluate the circumstances surrounding the case including, but not limited to; violations observed, severity, impact to human health and the environment, past history, responsible parties attitude, reason for noncompliance, and correction action necessary.

A decision is then made on which compliance tool to use and whether the approach is consistent with past actions, represents proper use of agency authorities and resolves the noncompliance issues in a reasonable time frame. Normally the forum members include the supervisors, staff and managers, and may include Attorney General staff input.

In addition to Orders, the forums decision may be to use other enforcement tools which include letters, a Notice, Stipulation Agreements, or referral for possible civil or criminal actions. Attachment 5 illustrates the various compliance/enforcement tools available to the agency for resolving noncompliance.

A letter/Notice will be used prior to issuing a nonforgivable Order. In the letter/Notice the violations are detailed clearly and the regulated party is asked to respond if they have any information that may adjust the facts. This approach to issuing nonforgivable Orders in the Hazardous Waste Program has been very effective in that it provides accuracy, ensures fairness, and reduces the potential for a hearing.

The Commissioner may issue three types of Orders. Forgivable Orders are issued unless it has been determined that the violations are repeated or serious. Nonforgivable Orders are issued for violations that are considered repeat and/or serious, however, are not of a magnitude that would warrant more serious administrative, civil or criminal remedies. Combined Orders (forgivable/nonforgivable) are issued when there are a number of violations with differing levels of concern and penalties. Attachments 1, 2, and 3 represent the format the Commissioner will be using when issuing Orders. The Order format was designed to ensure that the regulated parties could clearly understand the circumstances and requirements of the Order and their rights under the law.

After the decision has been made that an Order will be issued, Agency staff will prepare the Order and supporting documents. The Order will be reviewed by Agency management and the Attorney General as necessary and presented to the Commissioner for issuance.

Immediately after the Order has been mailed, Agency staff will contact the regulated parties to explain the Order and to offer assistance. If the responsible party does not respond to the Order, Agency staff will contact them prior to the end of the 30-day compliance period to verify the status of the case.

If the responsible party requests an expedited hearing, the Agency will offer one pre-hearing conference to discuss circumstances surrounding the case. The intent of this meeting is to clarify the issues, not to negotiate a settlement.

After the responsible party has complied with the Order and Agency staff have verified compliance, the Commissioner will notify the responsible party in writing as to their status with the Order and penalty.

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### B. Developing Penalties

As provided for in *Minnesota Statutes* § 116.072, subp. 2(b) and (c), penalties are determined using the criteria established in law. The agency staff also use the civil penalty determination process that has been endorsed by the agency board. The factors the Commissioner may consider in determining a penalty are:

1. The willfulness of the violation
2. The gravity of the violation including damage to humans, animals, air, water, and other natural resources of the state
3. The history of past violations
4. The number of violations
5. The economic benefit gained by the person by allowing or committing the violation; and
6. Other factors as identified by the MPCA Commissioner

For repeat violations, additional penalty factors are considered:

1. Similarity of the most recent previous violation and the violation to be penalized
2. Time elapsed since the last violation
3. Number of previous violations; and
4. Response of the person to the most recent previous violation identified

The penalty is determined by completing a penalty calculation worksheet and then having it reviewed for consistency. The same level of scrutiny and care is given to determine the penalty amount for Orders as is given to other MPCA enforcement and penalty calculation processes. It is extremely important that when an Order is issued it is fair, consistent and developed in accordance with the authority given to the Commissioner.

### V. Procedure to Challenge Orders

Procedures to challenge an Order or the determination that a violation has not been corrected are established in *Minnesota Statutes* § 116.072, subds. 6 and 7. The recipient of an Order has 30 days after receiving the Order to request an expedited administrative hearing or to file a petition for review in district court. The recipient also has 20 days in which to request a hearing after receiving notice from the Commissioner that the violation has not been corrected or notice that the appropriate steps have not been taken to correct the violation.

Procedural time lines for the review of the Order are set in statute. If the recipient of an Order requests an expedited administrative hearing, the Commissioner notifies all parties of the time and place of the hearing within 30 days unless all parties agree to a different date. Both parties have an opportunity to comment; written arguments must be submitted to the Administrative Law Judge (ALJ) within 10 days after the hearing record closes. The recommendation from the ALJ is issued within 30 days after the close of the hearing. The recipient has 5 days in which to submit comments for consideration by the Commissioner prior to the issuance of the final Order by the Commissioner. The final Order can be appealed by the recipient to the Minnesota Court of Appeals. A flow chart showing the appeal process is contained in Attachment 5.

### VI. Referral to Attorney General's

The Attorney General's Office is authorized to institute legal action to enforce Orders.

Where the Commissioner has either assessed a nonforgivable penalty or determined that a forgivable penalty is due because a person has not satisfactorily completed the required corrective action within the prescribed time frame, the Attorney General may proceed to collect the penalty. The Attorney General may petition the district court to file the Order as an Order of the Court. The only matters a party may contest at a court hearing are procedural and Notice issues.

The Attorney General may also commence a civil action in district court to seek payment of penalties or may seek injunctive or other appropriate relief. This provision of the law provides that the Attorney General may recover monetary damages, attorney fees, cost and interest on behalf of the Commissioner.

### Attachment 1

STATE OF MINNESOTA  
Minnesota Pollution Control Agency  
**ADMINISTRATIVE PENALTY ORDER**

Johnson Ink Company, Inc.  
2240 Johnson Road  
Johnsonville, Minnesota 55444

Company Status: Small Quantity Generator  
Inspection Date: November 26, 1990  
Inspection Location: Johnsonville

*This Administrative Penalty Order (Order) is issued pursuant to Minnesota Statutes § 116.072 (1990), for violations of the hazardous*

waste laws of the state of Minnesota. You must document to the Commissioner, in writing, that the violations have been corrected or that appropriate steps have been taken to correct the violations within 30 days of receipt of this Order unless you contest the Order. The Commissioner will notify you whether your corrective action is satisfactory. If your corrective action is satisfactory, the penalty ordered herein will be forgiven. The penalty ordered herein will not be forgiven unless you properly document corrective action within 30 days. If you fail to provide documentation of corrective action, the penalty is due on the 31st day after receipt of the Order. If your corrective action is unsatisfactory, the penalty is due on the 20 day after notification that it is unsatisfactory. Payment is to be by check or money order payable to the Environmental Response, Compensation & Liability Fund.

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**VIOLATION**

1. *Minnesota Rules* pt. 7045.0219, subp. 5, item A, paragraph 4 [SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE; Management requirements] which references *Minnesota Rules* pt. 7045.0292, subp. 1, item C [ACCUMULATION OF HAZARDOUS WASTE; When allowed without a permit]

The Company failed to mark accumulation start dates and the words "Hazardous Waste" on six 55-gallon drums of solvent (D001) waste.

2. *Minnesota Rules* pt. 7045.0219, subp. 5, item A, paragraph 4, which references *Minnesota Rules* pt. 7045.0292, subp. 4, item B, paragraph 2 [ACCUMULATION OF HAZARDOUS WASTE; Accumulation of waste by generator]

The Company failed to mark or label three 55-gallon drums containing solvent filled rags and one 55-gallon drum of solvents, stored at various satellite accumulation areas with the words "Hazardous Waste."

3. *Minnesota Rules* pt. 7045.0219, subp. 5, item A, paragraph 7, which references *Minnesota Rules* pt. 7045.0626, subp. 4 [USE AND MANAGEMENT OF CONTAINERS; Management of containers]

The Company failed to store closed three 55-gallon drums containing solvent filled rags, and one 55-gallon drum of solvents, stored at various satellite accumulation areas.

4. *Minnesota Rules* pt. 7045.0219, subp. 5, item B, paragraph 4

The Company failed to document that all employees are trained in proper waste handling and emergency procedures.

5. *Minnesota Rules* pt. 7045.0219, subp. 5, item B, paragraph 3

The Company failed to post information regarding the location of fire extinguishers and spill control material next to all telephones.

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**CORRECTIVE ACTION REQUIRED**

Pursuant to *Minnesota Statutes* § 116.072, subd. 4 (1990), you are required to correct all violations listed in this Order. If you have any questions on the corrective action required, please call the inspector identified below for assistance.

1. Mark or label all containers holding hazardous waste with the words "Hazardous Waste," the accumulation start date, and a clear description of the waste identifying its contents. **Within 5 days upon receipt of this Order.**
2. Insure that all satellite accumulation hazardous waste containers are marked or labeled with the words "Hazardous Waste." **Within 5 days upon receipt of this Order.**
3. Keep all hazardous waste containers closed except when adding or removing waste, this includes all satellite accumulation containers. **Within 5 days upon receipt of this Order.**
4. Submit a complete personnel training plan that describes the programs, emergency procedures and the responsibilities for employees involved in hazardous waste management at the facility. **Within 30 days upon receipt of this Order.**
5. Submit documentation ensuring that all employees have received personnel training regarding hazardous waste and emergency procedures, at the Company. **Within 30 days upon receipt of this Order.**
6. Post next to all telephones information regarding the location of fire extinguishers and spill control equipment. **Within 5 days upon receipt of this Order.**

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**PENALTY**

You are hereby assessed a penalty of \$2,875 for violations cited above. In determining the amount of penalties, the Commissioner considered the willfulness of the violation(s), the economic benefit gained by the Company, and the gravity of the violation(s), including the potential for damage to humans, animals, air, water, land, or other natural resources of the state. However, if the Company performs and documents the corrective action procedures listed above to the satisfaction of the Commissioner, within 30 days after receipt of the Order, the penalty is:

**FORGIVEN**

## Official Notices

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### RIGHT TO REVIEW

You have the right to contest this Order or the determination that your corrective action is unsatisfactory. Within 30 days of receipt of this Order or within 20 days of receipt of the Commissioner's determination that your corrective action is unsatisfactory, you may file a written notice of contest with the Commissioner. An expedited hearing by the Office of Administrative Hearings pursuant to Minnesota Statutes ch. 14 (1990), will then be scheduled. The Office of Administrative Hearings is an independent administrative judicial agency. You may, instead, file a petition in district court within the same time periods for review of this Order. The petition must state the specific grounds upon which you challenge this Order. You must send a copy of your petition to Charles W. Williams, Commissioner, Minnesota Pollution Control Agency, and file a proof of service on the Commissioner with the clerk of the district court. If your contest is found to be frivolous, you may be required to pay the costs of the contest. Your review rights are more thoroughly described in Minnesota Statutes § 116.072, subs. 6 and 7 (1990). Please check the law carefully.

Date

Charles W. Williams  
Commissioner

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

For further information, please contact:

John Dow  
Minnesota Pollution Control Agency  
Compliance and Enforcement Unit II  
Regulatory Compliance Section  
520 Lafayette Road North  
Saint Paul, Minnesota 55155-3898  
(612) 642-0000

### Attachment 2

STATE OF MINNESOTA  
Minnesota Pollution Control Agency  
**ADMINISTRATIVE PENALTY ORDER**

Johnson Industries, Incorporated  
Johnson Boat Division  
Johnsonville, Minnesota 55555

Company Status: Large Quantity Generator  
Inspection Date: December 12, 1990  
Inspection Location: Johnsonville

*This Administrative Penalty Order (Order) is issued pursuant to Minnesota Statutes § 116.072 (1990), for violation(s) of the hazardous waste laws of the state of Minnesota. You must document to the Commissioner, in writing, that the violation(s) have been corrected or that appropriate steps towards correcting the violation(s) have been taken within 30 days of receipt of this Order unless you contest the Order. The Commissioner will notify you whether your corrective action is satisfactory.*

*This Order contains both a nonforgivable penalty, and a provisionally forgivable penalty. The violation(s) in Category A listed below are serious and require the Company to pay a penalty which is not forgivable. The penalty is due on the 31st day after receipt of this Order unless you contest. Payment is to be made by check or money order payable to the Environmental Response, Compensation and Liability Fund.*

*The violation(s) in Category B listed below are assessed a provisionally forgivable penalty provided the Company's corrective action is satisfactory. The penalty ordered herein will not be forgiven unless you properly document corrective action within 30 days of receipt of this Order. If you fail to provide documentation of corrective action, the penalty is due on the 31st day after receipt of the Order. If your corrective action is unsatisfactory, the penalty is due on the 20 days after notification that it is unsatisfactory. Payment is to be by check or money order payable to the Environmental Response, Compensation and Liability Fund.*

### CATEGORY A. VIOLATIONS

1. *Minnesota Rules pt. 7045.0292, subp. 1, item H [ACCUMULATION OF HAZARDOUS WASTE; When allowed without a permit] which references Minnesota Rules pt. 7045.0558, subp. 4 [PERSONNEL TRAINING; Effective date].*

The Company failed to provide proper training regarding management of hazardous waste to new employees within six months of their employment.

2. *Minnesota Rules pt. 7045.0292, subp. 1, item H, which references Minnesota Rules pt. 7045.0558, subp. 5 [Training review].*

The Company failed to provide an annual review of the initial training regarding management of hazardous waste to personnel.

**CATEGORY B. VIOLATIONS**

3. *Minnesota Rules* pt. 7045.0292, subp. 1, item H, which references *Minnesota Rules* pt. 7045.0558, subp. 6, item A [Personnel records].

The Company failed to provide job titles for each position related to hazardous waste management or the name of the employee filling each job.

4. *Minnesota Rules* pt. 7045.0292, subp. 1, item H, which references *Minnesota Rules* pt. 7045.0558, subp. 6, item B.

The Company failed to provide a written job description for each position related to hazardous waste management.

5. *Minnesota Rules* pt. 7045.0292, subp. 1, item H, which references *Minnesota Rules* pt. 7045.0558, subp. 6, item D.

The Company failed to have records which document that employees filling positions related to hazardous waste management have completed the required training.

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**CORRECTIVE ACTION REQUIRED**

Pursuant to *Minnesota Statutes* § 116.072, subd. 4 (1990), you are required to correct all the violation(s) listed in this Order. If you have any questions on the corrective action required, please call the inspector identified below for assistance.

**A. Corrective Action Required for Category A. Violations**

1. Conduct training or provide a schedule with dates to ensure that employees receive annual training to familiarize them with emergency procedures, emergency equipment, emergency systems, and proper hazardous waste handling procedures relevant to the positions in which they are employed. **Within 30 days upon receipt of this Order.**

**B. Corrective Action Required for Category B. Violations**

2. Develop and submit to the MPCA for review and approval, the Company's personnel training program for the training of employees in proper hazardous waste management. The training program must include a listing of the job titles and job descriptions which are required to receive training, must identify the employees to be trained, and must provide a record to document that the required training has been provided. **Within 30 days upon receipt of this Order.**

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**CATEGORY A. PENALTY**

You are hereby assessed a penalty of Two Thousand Four Hundred Twenty Five Dollars (\$2,425) for the violation(s) cited in Category A. In determining the amount of the penalty for Category A, the Commissioner considered the willfulness of the violation(s), the economic benefit gained by the Company, and the gravity of the violation(s), including the potential for damage to humans, animals, air, water, land, or other natural resources of the state. Based on the serious nature of the violation(s), the Commissioner has determined that the penalty of Two Thousand Four Hundred Twenty Five Dollars (\$2,425) is:

**NONFORGIVABLE****CATEGORY B. PENALTY**

If the corrective action requirements for Category B are corrected and documented by the Company to the satisfaction of the Commissioner, within 30 days after receipt of the Order, penalty of Two Thousand Four Hundred Twenty Five Dollars (\$2,425) shall be:

**FORGIVEN**

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**RIGHT TO REVIEW**

*You have the right to contest this Order or the determination that your corrective action is unsatisfactory. Within 30 days of receipt of this Order or within 20 days of receipt of the Commissioner's determination that your corrective action is unsatisfactory, you may file a written notice of contest with the Commissioner. An expedited hearing by the Office of Administrative Hearings pursuant to Minnesota Statutes ch. 14 (1990), will then be scheduled. The Office of Administrative Hearings is an independent administrative judicial agency. You may, instead, file a petition in district court within the same time periods for review of this Order. The petition must state the specific grounds upon which you challenge this Order. You must send a copy of your petition to Charles W. Williams, Commissioner, Minnesota Pollution Control Agency, and file a proof of service on the Commissioner with the clerk of the district court. If your contest is found to be frivolous, you may be required to pay the costs of the contest. Your review rights are more thoroughly described in Minnesota Statutes § 116.072, subds. 6 and 7 (1990). Please check the law carefully.*

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Date

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Charles W. Williams  
Commissioner

## Official Notices

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

For further information, please contact:

Jane Dow  
Minnesota Pollution Control Agency  
Regulatory Compliance Section  
520 Lafayette Road North  
St. Paul, Minnesota 55155-3839  
(612) 642-1111

### Attachment 3

STATE OF MINNESOTA  
Minnesota Pollution Control Agency  
**ADMINISTRATIVE PENALTY ORDER**

Johnson Corporation—Johnsonville  
2276 Johnson Road  
Johnsonville, Minnesota 55666

Company Status: Storage Facility  
Inspection Date: September 17, 1990  
Inspection Location: Johnsonville

*This Administrative Penalty Order (Order) is issued pursuant to Minnesota Statutes § 116.072 (1990), for violations of the hazardous waste laws of the state of Minnesota. You must document to the Commissioner, in writing, that the violations have been corrected or that appropriate steps toward correcting the violations have been taken within 30 days of receipt of this Order unless you contest the Order. The Commissioner will notify you whether your corrective action is satisfactory. The penalty is due on the 31st day after receipt of this Order unless you contest. Payment is to be made by check or money order payable to the Environmental Response, Compensation & Liability Fund.*

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#### PERMIT VIOLATIONS

Hazardous Waste Storage Facility Permit Johnson Computer Systems, U.S. Environmental Protection Agency (EPA) Identification Number MND888888888 issued September 17, 1984.

1. PART I. D. 15, REPORTING NONCOMPLIANCE.

The Company failed to notify the MPCA, within five (5) days, that they were storing seven (7) drums of hazardous waste in open containers.

2. PART II. I. 1, IMPLEMENTATION OF CONTINGENCY PLAN.

The Company failed to immediately implement its contingency plan when F006 plating sludge was spilled in the Company's sludge drying area on September 17, 1990.

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#### VIOLATIONS

3. *Minnesota Rules* pt. 7045.0275, subp. 3 [PROPER HAZARDOUS WASTE MANAGEMENT, Spills; Duty to recover].

The Company failed to recover the spill or release of F006 plating sludge that escaped its containment system.

4. *Minnesota Rules* pt. 7045.0526, subp. 6, item A (1) [USE AND MANAGEMENT OF CONTAINERS] Containment.

The Company failed to maintain a containment system in the hazardous waste storage area that was capable of collecting and holding spills or leaks and is sufficiently impervious to contain spills or leaks until the collected material is detected and removed.

5. *Minnesota Rules* pt. 7045.0526, subp. 4 [USE AND MANAGEMENT OF CONTAINERS].

The Company failed to maintain seven (7) 55-gallon containers of hazardous waste closed during storage. These seven (7) containers contained F006 plating sludge that was to be put into the sludge during process according to Company employees.

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#### CORRECTIVE ACTION REQUIRED

*Pursuant to Minnesota Statutes § 116.072, subd. 4 (1990), you are required to correct all the violations listed in this Order. If you have any questions on the corrective action required, please call the inspector identified below for assistance.*

1. The Company must immediately recover spilled F006 plating sludge in accordance with the Minnesota hazardous waste rules. **Immediately.**



2. The Company must store the seven (7) drums of hazardous waste in closed containers except when it is necessary to add or remove waste. **Within 5 days upon receipt of this Order.**
3. The Company must maintain a containment system in the hazardous waste storage area that is capable of collecting and holding spills or leaks until the collected material is detected and removed. **Within 30 days upon receipt of this order.**

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**PENALTY**

You are hereby assessed a penalty of \$9,250.00 for the violation(s) cited above. In determining the amount of the penalty, the Commissioner considered the willfulness of the violation(s), the economic benefit gained by the Company and the gravity of the violation(s), including the potential for damage to humans, animals, air, water, land, or other natural resources of the state. Based on the serious nature of the violations, the Commissioner has determined that the penalty is:

**NONFORGIVABLE**

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**RIGHT TO REVIEW**

*You have the right to contest this Order or the determination that your corrective action is unsatisfactory. Within 30 days of receipt of this Order or within 20 days of receipt of the Commissioner's determination that your corrective action is unsatisfactory, you may file a written notice of contest with the Commissioner. An expedited hearing by the Office of Administrative Hearings pursuant to Minnesota Statutes ch. 14 (1990), will then be scheduled. The Office of Administrative Hearings is an independent administrative judicial agency. You may, instead, file a petition in district court within the same time periods for review of this Order. The petition must state the specific grounds upon which you challenge this Order. You must send a copy of your petition to Charles W. Williams, Commissioner, Minnesota Pollution Control Agency, and file a proof of service on the Commissioner with the clerk of the district court. If your contest is found to be frivolous, you may be required to pay the costs of the contest. Your review rights are more thoroughly described in Minnesota Statutes § 116.072, subs. 6 and 7 (1990). Please check the law carefully.*

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Date

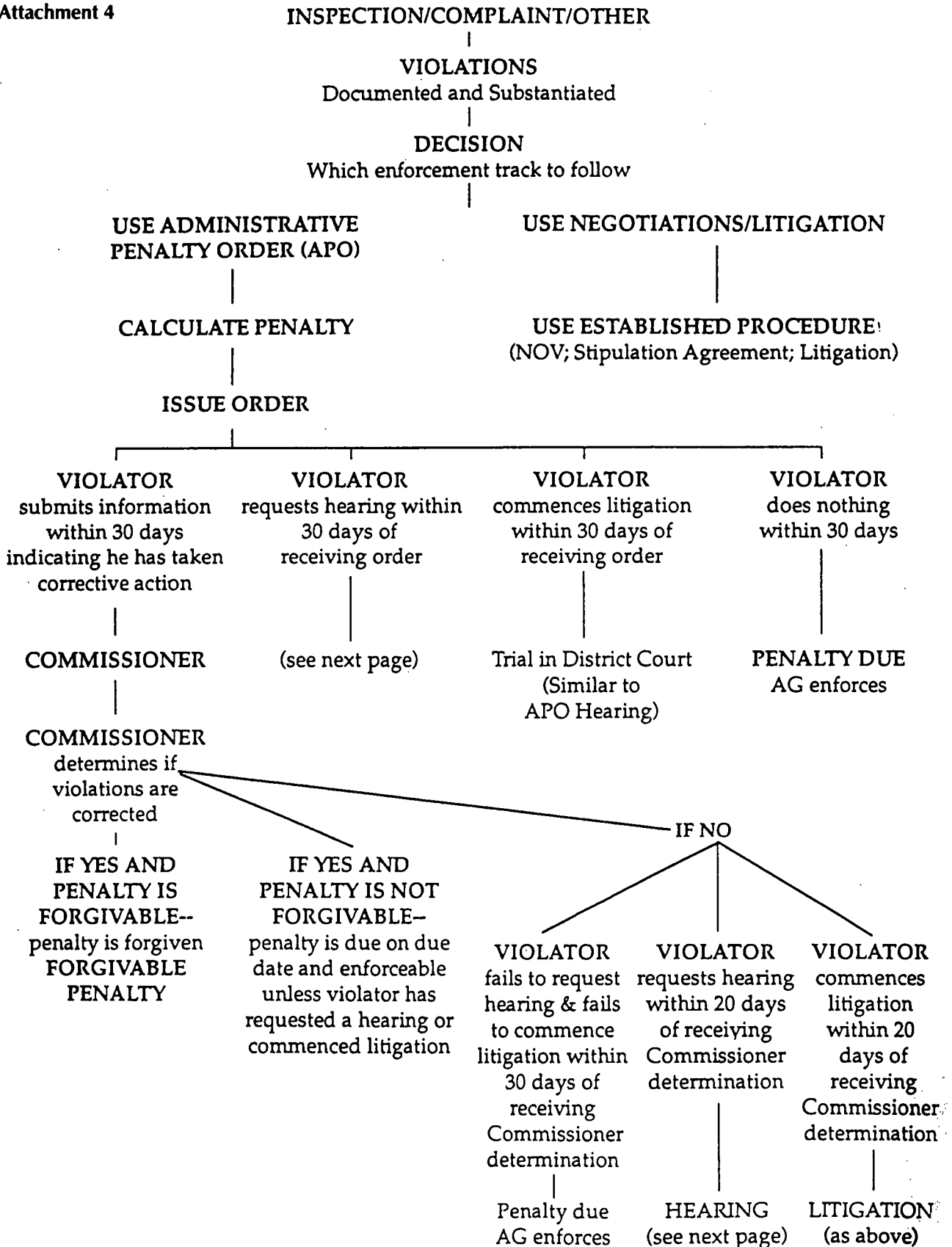
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Charles W. Williams  
Commissioner

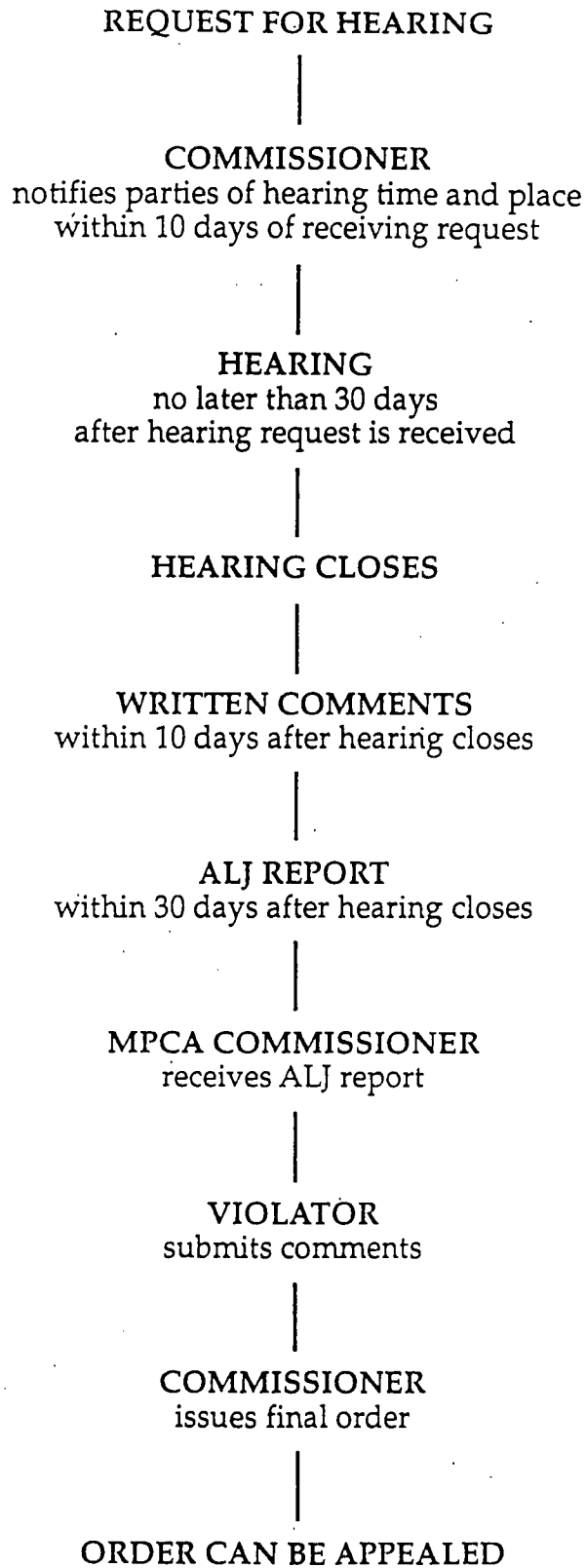
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

For further information, please contact:

Jean Dow  
Minnesota Pollution Control Agency  
Regulatory Compliance Section  
520 Lafayette Road North  
St. Paul, Minnesota 55155-3898  
(612) 642-2222



Attachment 5



## Official Notices

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### Examples

#### Example of a Forgivable/Nonforgivable Administrative Penalty Order Involving Hazardous Waste Violations

##### Inspection Background:

A hazardous waste inspection was conducted at Johnson Printing on May 5, 1991. The inspection revealed the following hazardous waste violations:

- The Company was conducting "right-to-know" training, however, it lacked a personnel training program and any training records for hazardous waste management.
- Failure to evaluate one of six waste streams for hazardous waste properties.
- The Company's contingency plan lacked an updated evacuation plan.
- The Company's outdoor hazardous waste storage area was unsecured.
- Failure to maintain a written record of the Company's inspections of their hazardous waste storage area.

##### Forum/Decision:

A week after the inspection, the inspector summarizes the following facts at an enforcement forum:

- The Company is a large quantity generator and employs one hundred people, seven of which are required to have training in hazardous waste management.
- The Company generated a "new waste" that was not evaluated or disclosed prior to the inspection.
- The Company had a contingency plan, however, it needed to have an updated evacuation plan to reflect recent plant expansion.
- While inspecting the Company's outdoor hazardous waste storage area, the inspector observed that it was unlocked.
- The Company told the inspector that they were unaware of the rules that required them to maintain a written record of their inspections.
- Overall, the Company appeared to be managing their hazardous waste property. However, it is unacceptable not to have a personnel training program on hazardous waste management which more than likely accounted for the other hazardous waste violation observed.
- The Company was cooperative and no actual environmental damage was observed.

Based upon the above mentioned factors, the forum's decision was to issue the Company an APO that contained a forgivable and nonforgivable penalty. The nonforgivable portion was considered serious because of the lack of a personnel training program for hazardous waste management.

##### Ten Day Letter:

Because the APO would contain a nonforgivable penalty, the inspector sent a ten day letter to the Company which cited the alleged violations. The letter also requested the Company to respond within ten days, on the accuracy of the violations and if they were in disagreement, provide an explanation.

##### Company Response:

The Company responded to the ten day letter within a week. Their response addressed each violation and indicated what steps they were taking to correct the violations.

##### Order:

After receiving the Company's response to the ten day letter, an APO containing a forgivable and nonforgivable penalty was sent to the Company. The APO cited the rule violations, contained a compliance schedule and assessed a forgivable penalty for four of the five violations provided compliance was achieved or a schedule was submitted within thirty days. A nonforgivable penalty was assessed to the Company due to their failure to have a personnel training program. This is viewed as a serious violation because of the potential to create harm to human health and/or the environment.

#### Example of a Forgivable/Non-Forgivable Administrative Penalty Order Situation Involving Air Quality Division Violations

##### Background:

The Company owns a Barber-Greene and Boeing model asphalt concrete plants that were issued air emission operating permits in 1989 and 1990, respectively, for the operation of the plants and wet scrubber air pollution control equipment. The permits contained specific conditions for plant operations, monitoring, recording and emission limitations.

During an MPCA compliance inspection of the Company's Barber-Greene plant on September 22, 1989, MPCA staff documented fugitive dust emission violations from leaks in the plant's ductwork. Staff also discovered that the Company had failed to install a

water flow meter for the scrubber as required by the permit. In addition, the plant operator informed MPCA staff that the plant had been using recycled asphalt pavement in 1988 and 1989, but had not applied for and received an amendment to its permit authorizing recycling.

On January 9, 1990, the MPCA issued a Notice of Violation (NOV) to the Company for recycling without authorization, failure to install a scrubber water flow meter, and failure to conduct daily recording of the scrubber water flow rate as required by the permit. The Company was told that it should make all of its employees aware of the permit conditions for each of its plants. The Company eventually satisfied the requirements of the NOV.

On May 22, 1991, MPCA staff received a complaint that the Company's Boeing plant was operating in Anoka County and emitting visible emissions. MPCA staff checked the file to determine whether the Company had submitted a relocation notice. The last notice was for a move to Wright County in 1990. Staff conducted an inspection of the plant the same day at 2 p.m. Before entering the plant area, MPCA staff observed and documented visible emission violations from the plant's scrubber stack. Staff entered the plant area and discussed the complaint and visible emission violations with the plant operator. After discussions with the operator, and inspection of the plant equipment and records, MPCA staff determined that the visible emission violations were a result of the scrubber water being shut off due to a water line break that had occurred at 9 a.m. that day. In the Company's response to the NOV that was issued, MPCA staff learned that the Company had not submitted a relocation notice and had not informed staff of the scrubber shutdown.

#### **Compliance Determination:**

Staff discussed together the nature and extent of the violations cited in the NOV for the Boeing plant and the Company's response. Staff also discussed the past history of the Company. After discussion of the facts with the forum, the following Administrative Penalty Order (APO) was presented for issuance:

#### **Forgivable—Nonsubmittal of Relocation Notice:**

Although a condition of its permit, the Company had been punctual in 1990 with its submittals for each plant, and the job in Wright County was the first plant relocation in 1991.

#### **A Fictitious Example of Use of Administrative Penalty Orders in the Solid Waste Section**

A hypothetical example of an inspection, observed violations and subsequent forum follows.

A staff completes an inspection at a mixed municipal solid waste management facility, the following violations are noted:

- Acceptance of prohibited waste—lead acid batteries were observed in the working face.
- Lack of intermittant cover—the facility is required to cover daily with six inches of cover unless an alternate plan has been approved. There was a large working face observed during the inspection, estimated to be about one week's worth of waste based on waste acceptance rates.
- No certified operator present at the site.
- No permanent benchmark installed.
- Contingency Action, Closure, and Postclosure Plans were not present at the facility.
- No permanent markers were present at the fill area.

A Solid Waste Enforcement Forum was held where the staff person presented the facts pertaining to the case and the information acquired from the permittee during the inspection.

- The permittee of the facility informed the inspector that they also operated a recycling facility next door. There had been a certified operator on-site, but he was working at the recycling facility at the time of the inspection and was just next door.
- The facility's Industrial Solid Waste Management Plan did designate that lead acid batteries were not accepted at the site and the procedures that would be followed to notify haulers on what types of waste were acceptable. The inspector was informed that these procedures had been carried out. The batteries were removed from the working face during the inspection.
- An area of exposed garbage, estimated to contain 1,600 cubic yards of waste, was observed during the inspection. The permittee estimated that they get 400 cubic yards of waste a day, the permittee said they had been busy all week at the recycling facility and had not gotten a chance to apply cover.
- No grading stakes or permanent markers were observed during the inspection. The operator said he did not realize that those were required by the rules.
- The permittee had submitted a Contingency Action, Closure and Postclosure Plans to the MPCA, which were approved. However, a copy had not been delivered to the office at the facility.

Based upon the facts and information obtained during the inspection, the decision made by members of the forum was to issue the permittee an Administrative Penalty Order that included a forgivable penalty and a non-forgivable penalty. The non-forgivable portion was considered serious because of lack of a certified operator on-site during operating hours and acceptance of prohibited waste.

Because the penalty contained a non-forgivable penalty, a letter was sent to the permittee citing the alleged violations. The permittee was requested to respond within ten days on the accuracy of the information and requested an explanation if the information was disputed. The permittee responded within the time period, stating they had brought the batteries to the appropriate recycler.

An APO was issued to the permittee after receiving the response. The APO contained a forgivable penalty for four of the six violations provided that compliance is achieved within 30 days. A non-forgivable penalty was assessed to the permittee for lack of a certified operator and acceptance of prohibited waste. These are viewed as serious violations because of the potential to create harm to human health and/or the environment.

### **Example of a Fictitious Forgivable/Non-Forgivable Administrative Penalty Order Involving Water Quality Violations**

#### **Background:**

Majorville, Minnesota is a municipal NPDES permittee (NPDES Permit No. MN0000001) identified as a major discharger in accordance with U.S. Environmental Protection Agency (EPA) and Minnesota Pollution Control Agency (MPCA) criteria. The municipal wastewater treatment plant discharges to an effluent limited receiving water. Monthly average plant limitations in effect for this facility are 25 mg/l CBOD<sub>5</sub> and 30 mg/l TSS.

A computer generated discharge monitoring report (DMR) review conducted on August 30, 1991, (eleven days after the July DMR was received) identified that the facility reported a monthly average TSS discharge of 35 mg/l for July 1991. The July TSS violation is considered a chronic violation as defined by EPA's "Criteria for Noncompliance Reporting in the NPDES Program."

A subsequent computer generated DMR review conducted on September 25, 1991, identified that the city's August 1991 DMR reported a TSS violation of 45 mg/l as a monthly average. The August TSS violation exceeded EPA's technical review criteria (TRC)<sup>1</sup>. In response to the August TSS violation MPCA staff issued a Notice of Violation (NOV) which alleged that permit violations for TSS occurred in July and August 1991. The NOV required that the city respond to the NOV, in writing, within twenty days after receipt with a proposed schedule of corrective actions that would return the facility to compliance within thirty days.

The city's response to the NOV acknowledged that the violations did indeed occur. The city further explained that the violations were caused by the WWTF operating staff's inability to properly dispose of sludge. Apparently the WWTP's solids processing system was approaching its maximum storage capacity near the end of June. The operating staff, however, did not start land applying the sludge because the volatile solids were higher than recommended. Finally, in early July, the volatile solids levels dropped below 70 percent and the operating staff started land application of the sludge in accordance with *Minnesota Rules* ch. 7040. Soon after the sludge spreading started, however, the city's sludge truck broke down. Significant repairs were needed and the city waited three weeks for parts to be delivered to complete repairs on the truck. During this period of time, solids continued to build up in the WWTF. The operators' inability to properly waste sludge combined with excess volumes of high strength supernatant being returned to the head of the treatment facility from the secondary digester resulted in excess TSS being wasted through the effluent during the last ten days of July and continuing through August. The city further projected in its response to the NOV that effluent TSS violations may continue into September before operating staff could spread enough sludge to provide adequate digestion capacity.

A computer generated DMR review on October 30, 1991, identified that the city had reported a TSS violation of 50 mg/l during September 1991. Additional comments by the City Administrator on the September DMR discussed that the city's class A certified operator quit his job September 1 and went to work for a neighboring city.

#### **Forum/Decision:**

The following discussion and determinations were made by water quality staff during an enforcement forum:

The nature and extent of the city's violations were evaluated. Both the August and September violations were considered serious since they exceeded EPA's TRC which are defined as Category I violations by 40 CFR 123.45. Staff also considered the violations repeat violations, since they occurred over three consecutive months. Staff estimated that the city could have avoided the violations by simply starting to spread sludge at an earlier date. The city could have applied sludge with high volatile solids if the sludge was immediately incorporated into the soil to prevent odors. Further, the city could have rented a sludge truck from a neighboring city or another source to land apply during its critical situation. As a result of these determinations, staff concluded that the TSS violations warranted a non-forgivable penalty. Staff then calculated the non-forgivable portion of the proposed penalty utilizing MPCA's civil penalty determination process and EPA's Federal Clean Water Act Civil Penalty Policy dated February 11, 1986, as a guidance document.

Utilizing the above referenced calculation methodology, staff assessed a portion of the penalty for the city's economic savings; the cost of renting a sludge truck while the city's truck was down for repairs. Staff further established the gravity component for

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<sup>1</sup>EPA's Technical Review Criteria (TRC) for defining reportable violations are described in 40 CFR 123.45. Violations of conventional pollutants that exceed the permit limitation by 40 percent or more are serious violations if they occur during two or more months during a consecutive six month period. Violations of conventional limitations below a 40 percent exceedance level are considered chronic violations. Chronic violations are considered serious if they occur four or more months during a consecutive six month period.

the three monthly TSS violations in July, August and September. Staff determined that no additional adjustment factors either upward or downward were appropriate in this particular case. Using this approach, staff established the nonforgivable penalty.

In addition, based upon the city's comments on the September DMR, staff concluded that the city was not operating the WWTP with a properly certified operator in responsible charge of the facility as required by *Minnesota Rules* ch. 9400. As a result of this violation, staff determined that a forgivable penalty was appropriate. The APO identified that a penalty for failure to have a properly certified operator would be forgiven if the city retained an appropriately certified wastewater operator within 30 days after the APO was issued.

#### **Fictional Example of a Forgivable/Non-Forgivable Administrative Penalty Order Involving Waste Tire Management Violations**

##### **Inspection Background:**

An inspection of a waste tire processing facility was conducted at XYZ Tire Processing. The inspection revealed the following violations:

- the company was accepting tires at a rate which exceeded their ability to process the tires; resulting in a significant accumulation of tires in excess of the permit level.
- the company had not reported any problems to MPCA staff prior to the inspection.
- the company had not maintained the required 50 foot fire lanes between tire stockpiles at the facility.

##### **Forum/Discussion:**

One week after the inspection, the inspector summarized the following facts at a waste tire forum.

- the maximum number of tires is clearly stated in the permit and there have been previous discussions with the operator regarding potential capacity problems at the facility; however, this is the first instance in which an overage has been documented.
- the company is required by a permit condition to notify MPCA if the permitted capacity is exceeded and they did not do that in this case.
- the company is aware of the fire lane requirements of the permit but has failed to maintain fire lanes, which is a violation of permit conditions and creates a hazard.
- the company has repeatedly failed to maintain fire lanes at the site; written and verbal warnings on this issue has not been effective in maintaining compliance.
- no actual environmental damage has occurred due to the violations, rather there is a potential for great environmental damage if a fire were to occur.

##### **Forum Decision:**

Based on the above-mentioned factors, the forum's decision was to issue the company an APO that contained both a forgivable and a non-forgivable penalty. The non-forgivable penalty was considered necessary because of both the repeated nature of the failure to maintain fire lanes and the fact that the violation exacerbated the potential for serious environmental damage if a fire had occurred.

##### **Notice Letter:**

Because the APO would contain a non-forgivable penalty, the staff sent a letter allowing the company 10 days to respond to the cited violations. The letter also requested the company to comment on the accuracy of the cited violations and to provide an explanation if it was in disagreement.

##### **Company Response:**

The company responded to the notice letter within a few days. It explained the circumstances which caused the problems and indicated what they would do in order to correct the violations. The company could not deny that the violations existed or that it had been noted on previous occasions.

##### **Order:**

After reviewing the company's response to the notice letter, an APO containing a forgivable and non-forgivable penalty was sent to the company. The APO cited the permit violations, contained a compliance schedule, and assessed a forgivable penalty for the capacity violation if compliance was achieved within the scheduled time frame of 30 days. A non-forgivable penalty was assessed for the fire lane violation because of the repeated nature and the potential for serious environmental damage.

### Public Employees Retirement Association

#### Notice of Meeting of Board of Trustees

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) is scheduled to be held on Thursday, August 15, 1991, at 9:30 a.m. in the Association offices, 514 St. Peter Street, Suite 200—Skyway Level, St. Paul, Minnesota.

### Department of Public Service

#### Energy Division

#### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rule Amendments Governing Residential Thermal Insulation Standards

**NOTICE IS HEREBY GIVEN** that the Department of Public Service is seeking information or opinions from sources outside the agency in preparing proposed amendments to the *Minnesota Rules* Chapter 7640 governing Residential Thermal Insulation Standards. The adoption of this rule is authorized by *Minnesota Statutes*, section 325F.20 subdivision 1 and 325F.21 subdivisions 1 & 2.

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  
900 American Center Building, 150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Phone: (612) 297-2313 fax (612) 297-1959

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

All statements of information and opinions will be accepted until October 1, 1991. Any written material received by the State Department of Public Service 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: 31 July 1991

Krista L. Sanda  
Commissioner

### Office of the Secretary of State

#### Notice of Vacancies in Multi-Member Agencies

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is September 3, 1991.

#### Consumer Advisory Council on Vocational Rehabilitation

390 N. Robert, 5th Floor, St. Paul 55101. 612-296-1822  
*Minnesota Statutes* 129A.02

APPOINTING AUTHORITY: Commissioner of Jobs and Training. COMPENSATION: \$55 per diem.

VACANCY: One member.

The council advises the assistant commissioner of vocational rehabilitation on policy matters relating to vocational rehabilitation services.

The council consists of a maximum of thirteen members, the majority shall be persons with a disability, current or former recipients of vocational rehabilitation services or who represent consumer/advocacy groups serving vocational rehabilitation clients. If qualified persons are available, one member is appointed from each of the following: business, labor, education, medicine, and private not for profit rehabilitation industry. Monthly meetings.



**Gambling Control Board**

Dept. of Gaming, Gambling Control Division, 1711 W. Co. Rd. B, Roseville 55113. 612-639-4000  
*Minnesota Statutes* 349.151

**APPOINTING AUTHORITY:** Governor/Attorney General/commissioner of Public Safety. **COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** Two members: one to be appointed by the commissioner of Public Safety, and one to be appointed by the attorney general.

The board issues, suspends and revokes licenses of organizations, bingo halls, distributors and manufacturers of gambling equipment, registers gambling equipment, collects license fees and inspects records, conducts hearings to insure integrity of operations and compliance with all applicable laws and rules.

The board consists of seven members including five members appointed by the governor, one member appointed by the commissioner of Public Safety, and one member appointed by the attorney general. No more than three members appointed by the governor may belong to the same political party. All appointments are with the advice and consent of the senate.

**Council on Disability**

Metro Square Bldg., Suite 145, St. Paul 55101. 612-296-6785  
*Minnesota Statutes* 256.481—256.482

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** One member: from Metro Area—Region 11. Persons of color are encouraged to apply.

The council advises the governor, legislature, service-providing agencies, and the public on the needs and potentials of people with physical, mental, or emotional disabilities.

The council consists of twenty-one members representing the general public and organizations which provide services for persons with disabilities: at least one member from each development region—a majority of members are persons with disabilities or parents or guardians of persons with disabilities (service consumers). The commissioners of the Departments of Education, Health, Human Services, Jobs and Training, Human Rights, and the directors of Vocational Rehabilitation and State Services for the Blind or their designees are ex-officio members.

The meetings are held bi-monthly.

**Minnesota Board of Chiropractic Examiners Peer Review Committee**

2700 University Ave. W., Suite 20, St. Paul 55114-1089. 612-642-0591  
*Minnesota Statutes* 148.01—148.106

**APPOINTING AUTHORITY:** Executive Director, State Board of Chiropractic Examiners. **COMPENSATION:** \$55 per diem.

**VACANCY:** One member: professional, Doctor of Chiropractic.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable.

The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied.

**Abused Children Advisory Task Force**

Minnesota Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate, St. Paul 55104. 612-642-0200  
*Minnesota Statutes* 15.014

**APPOINTING AUTHORITY:** Commissioner of Corrections. **COMPENSATION:** Reimbursement of expenses.

**VACANCY:** Twelve members: Please see the description of this new advisory task force.

The task force advises the commissioner of Corrections on all planning, development, data collections, rulemaking, funding and evaluation of programs and services to abused children other than matters of a purely administrative nature.

The task force consists of twelve members. No more than 6 of the members shall be representatives of the community or governmental organizations that provide services to abused children. One-half of the members shall be from the metro area and one-half of the members from non-metro, including all non-metro regions of the state. Special consideration to comprising task force of diverse populations.

Monthly meetings, approximately three hours, at the Dept. of Corrections central office.

**Sexual Assault Advisory Council**

Minnesota Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate, St. Paul, MN 55104. 612-642-0200  
*Minnesota Statutes* 611A.25, Sec. 7

**APPOINTING AUTHORITY:** Commissioner of Corrections. **COMPENSATION:** Reimbursement of expenses.

**VACANCY:** Twelve members: Please see the description of this new advisory council.

## Official Notices

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The advisory council advises the commissioner of Corrections on all planning, development, data collection, rulemaking, funding and evaluation of programs and services to sexual assault victims other than matters of a purely administrative nature.

The council consists of twelve members. No more than six of the members of the council shall be representative of community or governmental organizations that provide services to sexual assault victims. One-half of the members shall be from the metro area and one-half of the members from the non-metro, including all non-metro areas of the state. Special consideration to comprising the council of diverse populations.

Monthly meetings, approximately three hours, at the Dept. of Corrections central office.

### **General Crime Advisory Council**

Minnesota Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate, St. Paul, MN 55104. 612-642-0200  
*Minnesota Statutes* 611A.361, Sec. 16

**APPOINTING AUTHORITY:** Commissioner of Corrections. **COMPENSATION:** Reimbursement of expenses.

**VACANCY:** Twelve members: Please see the description of this new advisory council.

The advisory council advises the commissioner of Corrections on all planning, development, data collections, rulemaking, funding and evaluation of programs and services to victims of general crime other than matters of a purely administrative nature.

The advisory council consists of twelve members. No more than 6 of the members shall be representative of community or governmental organizations that provide services to victims of crime other than sexual assault and domestic abuse. One-half of the members shall be from the metro area and one-half of the members from non-metro, including all non-metro regions of the state. Special consideration to comprising the council of diverse populations.

Monthly meetings, approximately three hours, at the Dept. of Corrections central office.

### **Battered Women's Advisory Council**

Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate Ave., St. Paul 55104. 612-642-0200  
*Minnesota Statutes* 611A.34 (revised by *Laws of 1991*).

**APPOINTING AUTHORITY:** Commissioner of Corrections. **COMPENSATION:** Reimbursed for expenses.

**VACANCY:** Twelve members: Applications will continue to be accepted until October 1. Appointments will be effective January 1992. Six members shall be appointed to one-year terms and six shall be appointed to two-year terms.

The advisory council advises the commissioner of Corrections on all matters related to the department's funding of battered women's programs in Minnesota, other than purely administrative matters. The council advises on grants-related planning, development, data collection, rule-making, funding and evaluation of programs. The council conducts business at monthly meetings and by subcommittee processes, with staff support provided by the department, and works closely with the Battered Women's Program Director.

The council consists of twelve members, knowledgeable about and with experience or interest in issues concerning battered women, including the need for effective advocacy services. Six positions are reserved for persons who are not service providers in community or governmental organizations (persons not affiliated with grantee or potential grantee programs). Six positions are to be filled by residents of the seven-county metro area, and six positions by residents of greater Minnesota. The department seeks to ensure that the council includes battered women, that at least six members are from communities of color in Minnesota, and that council membership reflects diversity with respect to age, disability, and sexual orientation.

Monthly meetings, three to six hours, at the Dept. of Corrections.

## **Minnesota State Agricultural Society—Minnesota State Fair**

### **Meeting Notice**

The first scheduled meeting of the Minnesota State Agricultural Society's board of managers during the 1991 State Fair, Aug. 22 through Sept. 2, will be at 10 a.m. Friday Aug. 23 in the Administration Building on the State Fairgrounds.

Subsequent meetings will be at the call of the society's president as necessary to conduct fair-related business. Dates and times will be available from the media and public relations office in the Service Building on the fairgrounds.

## Department of Transportation

### Program Management Division

### Office of Waterways & Railroads

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Port Development Assistance Program

**NOTICE IS HEREBY GIVEN** that the State Department of Transportation is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the Port Development Assistance Program. The adoption of these rules is authorized by *Laws of Minnesota 1991*, Chapter 298, Article 3, which permit the agency to adopt rules governing the program.

The State Department requests information and opinions concerning the subject matter of the rules. 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:

DuWayne Elliott  
Office of Railroads and Waterways  
Suite 925  
Kelly Annex  
Transportation Building  
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at 612-296-0364 and in person at the above address.

All statements of information and opinions shall be accepted until September 20, 1991. Any written material received by the State Department of Transportation shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 2 August 1991

Edwin H. Cohoon  
Deputy Commissioner

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## 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.

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## Department of Human Services

### Chemical Dependency Program Division

#### Request for Proposals to Provide Services for Employment Development and Financial Health Programs for Chemically Dependent Women

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter CDPD) is soliciting proposals for initiation or enhancement of services to increase positive treatment outcomes for chemically dependent women through employment development and financial management. A grant award of \$100,000 is available for two or more grantees. Eligible applicants are licensed alcohol and drug treatment programs run by non-profit or private organizations, individuals, and or units of government knowledgeable in the areas of chemical dependency, vocational and financial rehabilitation who are willing to develop a project for recovering substance abusing women in alcohol and drug treatment. Proposals may be submitted for:

The provision of vocational and/or financial management information and skill building to substance abusing women as early as three weeks into treatment and aftercare through improvements or expansions to existing treatment or aftercare services for substance abusing women.

## State Grants

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Funds may be used for salaries, program development, and operating costs. It is anticipated that the work called for would begin October 1, 1991 or later. The funds contemplated for this Request for Proposals (RFP) are federal funds. Federal funds are available for use through September 30, 1992.

This Request for Proposals is contingent on the availability of funds. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The state will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Seven copies of the proposal must be received by CDPD no later than 4:30 p.m. on September 3, 1991, or have a legible postmark date no later than August 31, 1991. Proposals must follow the CDPD proposal format. Grant application forms are available on request from Dorrie Hennagir (612/296-4617). Copies of the RFP are available on request from Pamela Young (612/296-4589). Proposals should be sent to:

Dorrie Hennagir, Grants Analyst  
Chemical Dependency Program Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155

Requests for information concerning program issues should be addressed to Pamela Young (612/296-4589) and budget/fund usage questions should be addressed to Dorrie Hennagir (612/296-4617).

## Department of Human Services

### Chemical Dependency Program Division

#### Request for Proposals to Provide Statewide Services for Children Who Abuse Chemicals

The Chemical Dependency Program Division is requesting proposals for the provision of statewide intervention and referral services for children age 14 and younger who abuse chemicals. The proposed project(s) must serve all children 14 and younger who abuse chemicals and must also contain special services directed at chemically abusing American Indian children. A total of \$150,000 is available for one or more grantees. The funded program(s) would begin on or about October 1, 1991 and continue for 12 months. The project(s) may continue beyond the initial year based on satisfactory performance and the availability of funds.

The goal of this RFP is to reduce the abuse of addictive chemicals by children age 14 and younger. Chemicals of abuse include, but not limited to, alcohol, inhalants and chewing tobacco. The proposal(s) will address the following objectives: (1) To improve the coordination and provision of chemical health services within Minnesota to children age 14 and younger who are abusing addictive chemicals; (2) To provide information about and facilitate access to short-term intervention or counseling services within the state to families with children who are abusing chemicals; and (3) To provide training and education to children's chemical abuse issues to local agency chemical dependency counselors, social workers, school personnel and others upon request.

Telephone requests for programmatic information concerning this RFP should be directed to Sharon Johnson at (612) 296-4711 or Ron Welch at (612) 296-4043. Budget/fund use questions should be directed to Dorrie Hennagir at (612) 296-4617.

## Department of Human Services

### Chemical Dependency Program Division

#### Request for Proposals to Create Prevention Projects

The Chemical Dependency Program Division (CDPD) is requesting proposals to create projects in four areas. They are: (1) Pregnant Women and their Children; (2) Prenatal Drug and Alcohol Exposed Babies; (3) Relationship of Chemical Abuse and Sexual Assault at Post-Secondary Educational Institutions; and (4) Community Prevention Programs. For this RFP, community is defined as state, region [multi-county], county, city or town, or neighborhood.

A total of \$340,000 is available to be distributed in the following manner: (1) Pregnant Women and Children—\$100,000; (2) Prenatal Drug and Alcohol Exposure of Babies—\$40,000; (3) Post-Secondary Institutions—\$50,000; and (4) Community Prevention Projects—\$140,000. The funded projects will begin on or about October 1, 1991.

The goal of the pregnant women and women with children projects is to provide ancillary services which facilitate their access to treatment. The goal of the prenatal drug and alcohol exposed babies projects is to reduce the effects of prenatal drug and alcohol exposure on babies through improved public information, professional training, development of a statewide strategy, and/or improved data collection and research. The goal of projects addressing the relationship between chemical abuse and sexual assault at post-

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## Professional, Technical & Consulting Contracts

secondary educational institutions is to create increased awareness of individual and societal responsibility in preventing sexual assault while using intoxicating chemicals. The goal of the community prevention projects is to increase awareness of alcohol and other drug abuse problems as they affect community attitudes and behaviors regarding what is acceptable alcohol and other drug use.

Telephone requests for programmatic information concerning this RFP should be directed to Sharon Johnson at (612) 296-4711. Budget/fund use questions should be directed to Dorrie Hennagir at (612) 296-4617.

## Professional, Technical & Consulting Contracts

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**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.**

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### Department of Administration

#### Governor's Planning Council on Developmental Disabilities

#### Request for Proposals for a Contract Relating to the Council's Priority of *Leadership for Empowerment*

The Governor's Planning Council on Developmental Disabilities announces that it is seeking proposals from public or private organizations to undertake projects related to the Council's priority of Leadership for Empowerment. Specifically the Council is seeking proposals for the following project:

**Evaluator**—To be responsible evaluating projects funded by the Council to determine if the projects are achieving the objectives of each project, achieving the Council's goals, of high quality, and becoming sustainable. The Council has allocated \$20,000 for this project.

This project is for approximately a one year period beginning as soon after October 1, 1991, as possible and ending as soon after September 30, 1992, as is feasible. For additional information about the projects contact:

Governor's Planning Council on Developmental Disabilities  
Centennial Office Building, Room 300  
658 Cedar Street

St. Paul, Minnesota 55155  
Phone (612) 296-4018  
296-9962 TDD

### Department of Finance

#### Request for Proposals for Professional Consulting Services

The Minnesota Department of Finance is requesting proposals for professional consulting services to develop a cost/benefit analysis of and an implementation plan for: (1) replacement of critical statewide accounting, purchasing and personnel/payroll systems; (2) improvement of interfaces between these systems and other state financial and human resource information systems; and (3) development of an executive information/decision support system.

The Department has estimated the cost of this project to be \$250,000.

It is anticipated that the contract period will begin October 15, 1991, and continue through May 31, 1992.

For further information, or to obtain a copy of the completed Request for Proposal, contact:

Geri Benting  
Assistant Commissioner  
Department of Finance  
400 Centennial Building

658 Cedar Street  
St. Paul, MN 55155  
Phone: (612) 296-1699

Proposals must be received at the above address no later than 4:30 p.m. on September 6, 1991.

Dated: 5 August 1991

Geri Benting  
Assistant Commissioner

### Minnesota Historical Society

#### Notice of Contract Availability—Copper Roof Repair

The Minnesota Historical Society is seeking bids for repair of cooper roofing at its James J. Hill House, 240 Summit Avenue, St. Paul. Some replacement of slate will also be required. The work will be performed under contract.

Bids from qualified individuals and firms will be accepted until 2:00 p.m. Central Daylight time, August 28, 1991.

Bidders will be required to show that they have experience and skill in the types of repair required for this contract.

Specifications and bidding documents are available from Gary W. Goldsmith, Contracting Officer, 690 Cedar Street, St. Paul, MN 55101. Telephone (612) 296-2155.

### Minnesota Historical Society

#### Notice of Contract Availability—Electrical Wiring and Installation

The Minnesota Historical Society is seeking bids for electrical contractor services at its Minnesota History Center, 160 John Ireland Boulevard, St. Paul, MN. All work will be performed under contract.

Bids from qualified union contractors will be accepted until 2:00 p.m. Central Daylight time, August 28, 1991. Projects will be awarded during the period September 1, 1991 through June 30, 1992. Total value of all projects available is expected to be between \$50,000 and \$100,000.

Projects may be awarded on a bid basis or on a time and materials basis. Some projects will involve labor only and incidental materials for the installation of owner's components.

Specifications and bidding documents are available from Gary W. Goldsmith, Contracting Officer, 690 Cedar Street, St. Paul, MN 55101. Telephone (612) 296-2155.

### Department of Human Services

#### Children's Services Division

#### Notice of Request for Proposals for the Development of New Crisis Nursery Programs

The Children's Services Division of the Department of Human Services is soliciting proposals from qualified applicants to develop new crisis nursery programs. At least 2 new crisis nursery programs will be funded. At least one new crisis nursery program will be located outside of the 7 county metropolitan area. Multi-county and/or multi-agency proposals are encouraged.

Eligible applicants are private and public agencies with the capacity to carry out the project activities.

A total of \$85,000 will be available for the development of the 2 new crisis nursery programs, pending receipt of a federal grant. Proposals are being sought now to facilitate the grant contract execution process. A minimum of \$10,000 and a maximum of \$40,000 per project will be funded per year for a total of three years. An additional \$5,000 per year is available for the development of a supportive parent-to-parent volunteer program. Funding beyond the first year is contingent upon successful program implementation. A 30% match (in-kind, cash, or a combination) for the first year, 40% match for the second year, and 50% match for the third year is required.

The new crisis nursery program projects will begin December 1, 1991, and end November 30, 1994. Successful applicants will be required to attend a funded technical assistance conference to be held December, 1991 in Washington, D.C. The project design must include an evaluation component, and the project must be able to be replicated in other Minnesota counties or regions.

Requests for copies of the complete RFP for the Development of New Crisis Nursery Programs should be directed to Becky Montgomery at 612/297-3634. The original and ten copies of the proposal in response to the RFP must be submitted to the Children's Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3830, no later than **4:00 p.m. on October 15, 1991.**

The Children's Services Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

## **Department of Human Services**

### **Long Term Care Management Division**

#### **Notice of Request for Proposals for Respite Care for Children With Disabling Conditions and Chronic Illnesses**

The Long Term Care Management Division of the Department of Human Services is soliciting proposals from qualified applicants to develop foster respite care for children with disabling conditions. Eligible applicants are private and public agencies with the capacity to carry out the project activities.

A total of \$200,000 is available for the development of respite care for children with disabling conditions provided in a foster care setting. A minimum of \$10,000 and a maximum of \$40,000 is available per project per year for three years. At least two new project sites will be funded, and two-thirds of the total grant award will be spent on projects outside of the seven county metropolitan area. A twenty-five per cent (25%) match, either cash or in kind, preferably a combination of both, is required.

The projects will begin December 1, 1991 and end November 30, 1994. The project design must include an evaluation component, and the project must be able to be replicated in other Minnesota counties or regions.

Requests for copies of the complete RFP for the Development of Respite Care for Children with Disabling Conditions in Foster Care Settings should be directed to Melody Nagy at 612-297-1698.

Requests for further information should be directed to Nancy Smith at 612-296-5892. Ten copies of the proposal in response to the RFP must be submitted to the Caregiver Support Project, Long Term Care Management Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3844, no later than **4:00 p.m. on October 15, 1991.**

The Long Term Care Management Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

## **Department of Natural Resources**

### **Request for Proposals for Analytical Determination of Concentrations of Environmental Contaminants in Fish of Minnesota**

The Minnesota Department of Natural Resources (MDNR) is seeking the services of a qualified private or government laboratory to analyze for environmental contaminants in fish taken from Minnesota waters. The contracted laboratory will determine residue levels of polychlorinated biphenyl compounds (PCBs), chlorinated insecticides, mercury and percent lipids in processed fish samples.

#### **A. Purpose**

The purpose of gathering this analytical information is to form a database for the statewide human consumption advisory for fish caught in Minnesota waters. These data will also be correlated with the physiological condition in a selected number of individual fish in order to study the impact of the above contaminants on fish health.

#### **B. Goals**

The quantitative goals of this project are to analyze for and report:

- 1) Levels of PCBs and percent total lipids in 500 samples.
- 2) Levels of chlorinated pesticides in 30 samples.
- 3) Levels of mercury in 700 samples.

At least 100 of the PCB analyses and 125 of the mercury analyses must be completed within the first two months of the contract period. The remainder of the samples must be analyzed by May 15, 1992.

#### **C. Project Tasks**

1. Analyze homogenated fish samples prepared and provided by the DNR for PCBs, chlorinated pesticides, percent total lipids, and mercury.
2. Submit monthly written progress reports of analytical results for the above cited parameters and submit summary reports of the analysis results of samples cited in Paragraph B. above) by April 15, 1992.
3. The laboratory protocol for the PCBs, chlorinated pesticides, and mercury determinations must generally follow current EPA or FDA analytical guidelines.

## Professional, Technical & Consulting Contracts

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4. The quality assurance practices to be followed should include the following steps:
  - a) A method blank for each grouping of samples.
  - b) Replicate samples in each analytical batch of samples document precision.
  - c) A spiked sample for each batch of samples to determine the percent recovery.
  - d) A Calibration standard for each batch of samples.
5. Detection limits are required to be within the following ranges:
  - a) Aroclors 1016, 1242, 1254, and 1260: 50 to 10 ng/gm (ppb).
  - b) Chlorinated pesticides (tentatively identified to include some or all of the following: Dieldrin, Endrin, DDT, DDE, and DDD): 5 to 1 ng/gm (ppb).
  - c) Total mercury: 20 ng/gm (ppb).

### D. Submission of Proposals

All proposals must be sent to and received not later than 4 weeks following the date of publication of the RFP in the *State Register*.

Robert L. Glazer  
Research Scientist Supervisor  
Carlos Avery Research Center  
Minnesota Department of Natural Resources  
5463 Broadway, West  
Forest Lake, Minnesota 55025  
Phone: (612) 464-1247

Late proposals will not be considered. Submit 3 copies of the proposal; these are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the submitting organization. Prices and terms of the project must remain valid for the length of the project.

### E. Project Codes

The Department of Natural Resources has estimated that the cost of this project should fall in the range of \$130,000 to \$150,000.

### F. Project Completion Date

The project is to be completed by June 1, 1992.

### G. Proposal Contents

The following will be considered minimal contents of the proposal:

1. A restatement of the objectives, goals, and tasks to show or reflect the responder's view and understanding of the nature of the project.
2. Identification and description of all parts of the deliverable product which is to be provided by the responder.
3. An outline of the responder's background and experience with particular emphasis on work for government agencies at state, federal, and local levels.
4. Identification of the key personnel who will conduct the project and detail their training and experience. No change in personnel assigned to the project will be permitted without approval of the State Project Director/Manager.
5. A detailed cost and work plan which will identify the major tasks to be accomplished, their scheduling, and the basis and timing for invoicing.
6. Statement/identification of the level of the Minnesota Department of Natural Resources' degree of participation in the project as well as any other services to be provided by the DNR.

### H. Special Bid Requirement: Analysis of Blind Samples

The bidders may be asked to satisfactorily analyze 2 blind samples by each type of analysis (i.e. PCBs, chlorinated pesticides, percent total lipids, and mercury analyses) to compete in the bid process. Subject blind samples are to be furnished by the DNR and are to be run at the bidder's expense. The results of the analyses are to be submitted within 15 working days following receipt of the samples.

### I. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Natural Resources. In some



instances an interview with personnel of the submitting organization will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project tasks.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both organization and personnel. The experience of project personnel will be given greater weight than that of the organization.

Evaluation and selection of the bidder will be completed no later than 4 weeks following the bid submission deadline date. Notice of decision to accept or not to accept a bid will be sent promptly to each responder.

Samples for this study have been readied for analysis and will be made available to the successful bidder immediately following the selection to allow sufficient work time for completion of the project as scheduled in this RFP.

### J. Department Contact

Prospective responders who have questions regarding this Request for Proposals (RFP) may call or write:

Robert L. Glazer  
Research Scientist Supervisor  
Carlos Avery Research Center  
Minnesota Department of Natural Resources  
5463 Broadway, West  
Forest Lake, Minnesota 55025  
Phone: (612) 464-1247

### Please note:

This request for proposals does not obligate the state to carry the project to completion and reserves the right of the state to cancel this request for proposal should such action be considered to be in its best interest.

Other Department of Natural Resources personnel are not allowed to discuss the project with responders before the submittal-of-proposal deadline.

## Department of Public Safety

### Commissioner Seeks Motorcyclists for Safety Committee

Commissioner of Public Safety Ralph Church is seeking applications for membership on the Minnesota Motorcycle Safety Advisory Committee. The committee provides input and advice to the Commissioner on the state's motorcycle safety program. The program includes projects in the areas of public information, rider training, and licensing, and is funded by a surcharge on motorcycle license endorsements. Six new members are being sought for four year terms and one new member for a two year term; five current members will return. The committee meets approximately four times a year in St. Paul at a time decided by the members.

Applications should be in the form of a letter and must include the applicant's:

- 1) Name, age, address, telephone number, and current employment position.
- 2) History of riding experience and motorcycle club or organization memberships.
- 3) Identification of at least two motorcycle issues he or she considers to be most important.
- 4) Statement of any expertise or other unique qualifications he or she may bring to the committee.

Letters of application must reach the Department by August 30. Further questions on the committee may be addressed to Susan Palmer on (612) 296-8512. New members will be introduced at the meeting to be held on Thursday, September 26 at 5:00 p.m. in St. Paul.

Those wishing to apply should address their letters to:

Commissioner Ralph Church  
Department of Public Safety  
Motorcycle Safety Advisory Committee Membership  
211 Transportation Building  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155

# 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:** Laboratory supplies  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 16  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14099

**Commodity:** Copier rental  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 16  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Various places  
**Requisition #:** B 79800-03883

**Commodity:** Pick-up trucks  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** August 19  
**Agency:** Department of Natural Resources—Southern Service Center  
**Deliver to:** Various places  
**Requisition #:** B 29000-56364-1

**Commodity:** Boat trailer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 15  
**Agency:** Department of Natural Resources—Regional Headquarters  
**Deliver to:** St. Paul  
**Requisition #:** B 29006-10754

**Commodity:** Ashcroft gauges  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 14  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-10924

**Commodity:** Gap bed lathe  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 16  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Maplewood  
**Requisition #:** B 79000-14890-1

**Commodity:** Fluorescent fixtures  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 14  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-10990

**Commodity:** Copy machines rental  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 2pm:** August 16  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Willmar  
**Requisition #:** B 79800-03884

**Commodity:** Four wheel drive tractor  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** August 16  
**Agency:** Department of Natural Resources—Southern Service Center  
**Deliver to:** Grand Rapids  
**Requisition #:** B 29000-56471-1

**Commodity:** Allis Chalmers pump parts  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 15  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-10920

**Commodity:** Vertical milling machine  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 16  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Maplewood  
**Requisition #:** B 79000-14889-1

**Commodity:** Arts and crafts  
**Contact:** Cherie Ackerman 296-3776  
**Bid due date at 2pm:** August 21  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Telecommunications:  
Norstar key system  
**Contact:** Pat Anderson 296-3770  
**Bid due date at 2pm:** August 30  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Contractor/road and lot repairs  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** August 19  
**Agency:** Fergus Falls Regional Treatment Center  
**Deliver to:** Fergus Falls  
**Requisition #:** B 55101-01278

**Commodity:** Silicone joint seal  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 14  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Rochester  
**Requisition #:** B 79600-04408

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## State Contracts and Advertised Bids

**Commodity:** Floor cleaning equipment  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Lakewood Community College  
**Deliver to:** White Bear Lake  
**Requisition #:** B 27154-47234

**Commodity:** Door locks and hardware  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** St. Peter Regional Treatment Center  
**Deliver to:** St. Peter  
**Requisition #:** B 55105-08871

**Commodity:** Photo lab work and framing  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 12  
**Agency:** Office of the State Auditor  
**Deliver to:** St. Paul  
**Requisition #:** B 61000-11500

**Commodity:** Meat for October  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** September 9  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Oak Park Heights  
**Requisition #:** B 78630-10393

**Commodity:** Core cut diamond saw blades  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Oakdale  
**Requisition #:** B 79900-82502

**Commodity:** Hydroline floor finish  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 14  
**Agency:** Hibbing Community College  
**Deliver to:** Hibbing  
**Requisition #:** B 27000-43238

**Commodity:** Whiteboard and install  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-22811-1

**Commodity:** Planting machine  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Department of Natural Resources—Regional Headquarters  
**Deliver to:** Altura  
**Requisition #:** B 29005-15328

**Commodity:** Plumbing/heating supplies  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** August 15  
**Agency:** Ah Gwah Ching Nursing Home  
**Deliver to:** Ah Gwah Ching  
**Requisition #:** B 55510-03757

**Commodity:** Poultry for October, November and December  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** September 9  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Oak Park Heights  
**Requisition #:** B 78630-10391

**Commodity:** Diamond saw blades per cured concrete  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Owatonna  
**Requisition #:** B 79650-00524

**Commodity:** Gates and accessories  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 19  
**Agency:** Building Construction Division  
**Deliver to:** Fergus Falls  
**Requisition #:** B 02310-19526

**Commodity:** Programmable thermometer  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 19  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-64149

**Commodity:** Utility trailer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 19  
**Agency:** Department of Natural Resources—Division of Fish and Wildlife  
**Deliver to:** St. Paul  
**Requisition #:** B 29000-56478

**Commodity:** Copier rental  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 2pm:** August 19  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Bemidji  
**Requisition #:** B 79200-04355

**Commodity:** Utility tilt bed trailer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 19  
**Agency:** Department of Natural Resources—Regional Headquarters  
**Deliver to:** New Ulm  
**Requisition #:** B 29004-14843

**Commodity:** 386/16 computers  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** August 20  
**Agency:** Department of Labor and Industry  
**Deliver to:** St. Paul  
**Requisition #:** B 42100-20017

**Commodity:** Octagon lab table  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 12  
**Agency:** Hibbing Extension Duluth Center  
**Deliver to:** Duluth  
**Requisition #:** B 27163-65036

**Commodity:** Ceramics supplies  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Rochester Community College  
**Deliver to:** Rochester  
**Requisition #:** B 27148-60790

**Commodity:** Plumbing supplies  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32200-30303

**Commodity:** Meat for September delivery  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** August 15  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Stillwater  
**Requisition #:** B 78620-00396

## State Contracts and Advertised Bids

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**Commodity:** Auto maintenance shop supplies  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-10965

**Commodity:** Air hose reel  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Windom  
**Requisition #:** B 79750-01141

**Commodity:** Lighting project—  
theatrical  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** August 20  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14088

**Commodity:** Electronic video badge system  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** August 21  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Stillwater  
**Requisition #:** B 78620-00397

**Commodity:** Forestry equipment and supplies  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Department of Natural Resources—Northern Service Center  
**Deliver to:** Grand Rapids  
**Requisition #:** B 29007-10417

**Commodity:** Tent  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** I R R & R B  
**Deliver to:** Chisholm  
**Requisition #:** B 43000-60104

**Commodity:** Exercise equipment  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-10898

**Commodity:** Drill bits and jig saw blades  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 15  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-10991

**Commodity:** Metal angles  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 20  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23109

**Commodity:** Stools  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 9  
**Agency:** Hibbing Extension Duluth Center  
**Deliver to:** Duluth  
**Requisition #:** B 27163-65041

**Commodity:** Display  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 20  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Maplewood  
**Requisition #:** B 79000-21644

**Commodity:** Fiberglass auto water softener  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 20  
**Agency:** Minnesota Academy for the Blind  
**Deliver to:** Faribault  
**Requisition #:** B 37001-20057

**Commodity:** Chesterton mech seals  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 16  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-10992

**Commodity:** Calculator  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 20  
**Agency:** Department of Natural Resources—Southern Service Center  
**Deliver to:** St. Paul  
**Requisition #:** B 29008-80469

**Commodity:** Irrigation hose  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 20  
**Agency:** Department of Natural Resources—General Andrews Nursery  
**Deliver to:** Akeley  
**Requisition #:** B 29003-04000

**Commodity:** Refrigeration compressor  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 16  
**Agency:** Cambridge Regional Human Service Center  
**Deliver to:** Cambridge  
**Requisition #:** B 55201-20207

## Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.**

**Commodity:** Traffic Accident Report, camera ready copy, negs available, 1-sided pages, 2-sided cover, 100M, stub, 2 parts, carbonless, perf., top padding, wrap-around cover, top-stitch binding

**Contact:** Printing Buyer's Office

**Bids are due:** August 15

**Agency:** Department of Public Safety

**Deliver to:** St. Paul

**Requisition #:** 17823

**Commodity:** Report of Arrest, set type, 2M books (+ 5 un-numbered), preprinted numbering, pad w/ chipboard, wrap-around cover, shrink wrap

**Contact:** Printing Buyer's Office

**Bids are due:** August 15

**Agency:** Department of Public Safety

**Deliver to:** St. Paul

**Requisition #:** 17822

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## Announcements

**Department of Natural Resources: Visit Us at the State Fair!** Our 1991 Exhibit at the DNR Building and Natural Resources Park, State Fairgrounds, includes: • world record carp (mounted) weighing 85 lbs. • 30 species of native fish and 20 reptiles • 35 species of native birds and mammals • Centennial Quilt by Minnesota quilters in commemoration of State Parks 100th anniversary • how to attract bats to your property • how to create a wildflower and butterfly garden • freebies on special days such as cookies, carp tasting, Centennial birthday cake, agates, lake data printouts and more • picture taking with Smokey Bear or Elmer the Elm Tree and many more activities. See you there!

**Minnesota's Bookstore Will Offer Many Popular Items at State Fair:** Visitors attending this year's Minnesota State Fair will have an opportunity to see and purchase many of the items sold by Minnesota's Bookstore at the division's booth in the Grandstand. • The booth will be located on the main floor of the Grandstand near the east entrance and will be open from 9 a.m.-9 p.m. each day of the fair. Featured at the fair will be travel and fishing books, cookbooks, nature publications, posters, 1992 calendars, flags, postcards and other information about Minnesota's Bookstore publications. Free information on how to order lake maps and a brochure featuring seasonal publications will also be available. • Minnesota's Bookstore State Fair Special is a full-color 5 poster set for \$14.95, a savings of \$10.50. The posters range in size from 15" x 30¾" to 22" x 17". There are photographs of a Black Bear cub, Minnesota Native Prairie and a cedar waxwing bird. The other posters are full-color paintings of Favorite Winter and Summer Birds. • Minnesota's Bookstore is operated by the State of Minnesota Department of Administration Print Communications Division. The division is also responsible for printing, publishing and selling state publications. Minnesota's Bookstore is located near the State Capitol in the Ford Building at 117 University Avenue in St. Paul. Stop by and see the wide selection of products with the *Minnesota Connection*. Minnesota's Bookstore is open from 8 a.m.-4:30 p.m. Monday-Friday. Whether recreation plans involve fishing, biking, traveling, exploring nature, or visiting our state's many historical sites, many useful tools to help you enjoy the best of Minnesota are available.

## Department of Commerce Regulated Profession Publications

**Banking Laws 1989.** Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76. \$31.95

**Business and Nonprofit Corporation Act of 1990.** Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 302A, 308A, 317A. Code #2-87 \$19.95

**Fair Labor Standards Act 1987.** Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$5.00

**Insurance Laws 1988.** A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1. \$18.00

**Insurance Rules 1989.** Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$22.95

**Banking Rules 1987.** Code #3-81.

**Notary Public Laws 1989.** Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$5.00

**Real Estate Laws 1989.** Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 \$8.00

**Real Estate Rules 1989.** Contains all education and licensing requirements for agents. Chapters 2800.2805, and 2810. Code #3-99 \$9.00

**Securities Laws 1989.** Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 \$7.00

**Securities Rules 1988.** Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 \$14.00

**Mailing Lists.** All kinds available. Call to receive a copy of mailing list service packet. (612) 297-2552.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.



## Woodworking for Wildlife

**Woodworking for Wildlife.** Includes a variety of game bird and mammal box designs, with information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Stock #9-14, \$3.95.

**Landscaping for Wildlife.** Gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages. Stock #9-15, \$8.95.

**Wildlife Set.** Order both books above as a set and save 15%. Stock #9-20, \$10.95.

**Minnesota's Favorite Birds Posters.** 22" x 17", full color. **Winter:** Code #9-2, \$5.00. **Summer:** Stock #9-50, \$5.00.

**Mammals of Minnesota,** discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperback, 290 pp. Stock #19-35, \$16.95.

**Bird Portraits in Color,** a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Stock #19-41, \$12.95.

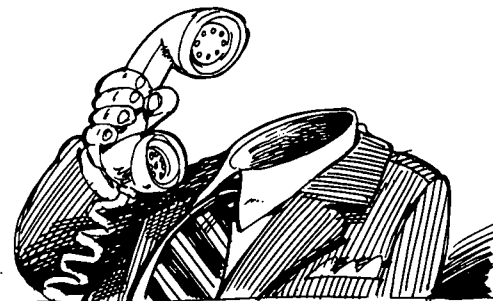
**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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## Ever called this guy?

**1990 State of Minnesota Telephone Directory.** Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically by name, agency, Minnesota region, plus an index for cross referencing. Over 288 pages, paperback, 8½"x11". Code #1-87, #12.95.

**Minnesota Guidebook to State Agency Services.** A treasure of information that cuts red tape and gets you **RESULTS** from Minnesota state government. This important resource helps you through applications, fees, licenses, reports, history, recreation and travel. It describes agencies in detail and how they can assist you, giving addresses, phones and contact people. Stock #1-4, \$15.00 plus tax.



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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# Minnesota's Bookstore

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## Publications, Services, Subscriptions

### Order Form on Back—For Information, Call 297-3000

**1991 Minnesota Rules.** Eleven volume set includes 1992 Supplement as a subscription service. Stock #18-100, \$200 + tax (Minnesota residents only). Individual volumes can be purchased at \$20.00 + tax.

**1990 Minnesota Session Laws.** Two volume set includes laws passed during the 1990 session and the 1989 Special Session. Stock #18-6, \$40.00 + tax.

**Community Waste Education Manual.** Practical guide helps communities develop waste education campaigns with organizing volunteers, planning a budget, working with media and more. Includes camera-ready art and copy for media and publication needs. Stock #5-7, \$22.95 + tax.

**School District Profile 1988-89.** Comparative enrollment, staffing and financial data on Minnesota's school districts, evaluation of the statistical content with commentary on trends and patterns. Stock #5-3, \$5.00 + tax.

**The School Book 1990-91.** Comprehensive guide to elementary schools in the Twin Cities: school addresses/phone, staffing information, and MTC bus connections at schools. List class size, student/teacher ratio, grading and curriculum. 554 pages. Stock #40-9, \$12.95 + tax.

**Chemical Dependency Programs Directory 1989.** Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 + tax.

**Process Parenting—Breaking the Addictive Cycle.** A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 + tax.

**It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists.** Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95 + tax.

### OTHER PUBLICATIONS

**Our Minnesota.** More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 + tax.

**Historic Sites and Place Names of Minnesota's North Shore.** John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 + tax.

**Landscaping for Wildlife.** Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$8.95 + tax.

**Woodworking for Wildlife.** Variety of game bird and mammal box designs, including details on placement in proper habitat areas and maintenance. Stock #9-14, \$3.95 + tax.

**Wildlife Set.** Both books above, save 15%. Code #9-20, \$10.95 + tax.

**Minnesota Manufacturer's Directory, 1991.** More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchase managers, and four manufactured products. Stock #40-2. \$85.00 + tax.

### SUBSCRIPTIONS:

**State Register.** Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$140; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

**Workers Compensation Decisions.** Volume 43. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$130.00.

### SERVICES:

**Mailing Lists.** Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

**American Flag.** Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00 + tax.

**1991 Lake Map Index.** Listing over 4,000 lake maps. Free.

**State Register Binder.** Durable 3½ inches, forest green binders imprinted with the State Register logo. \$6.50 + tax.

