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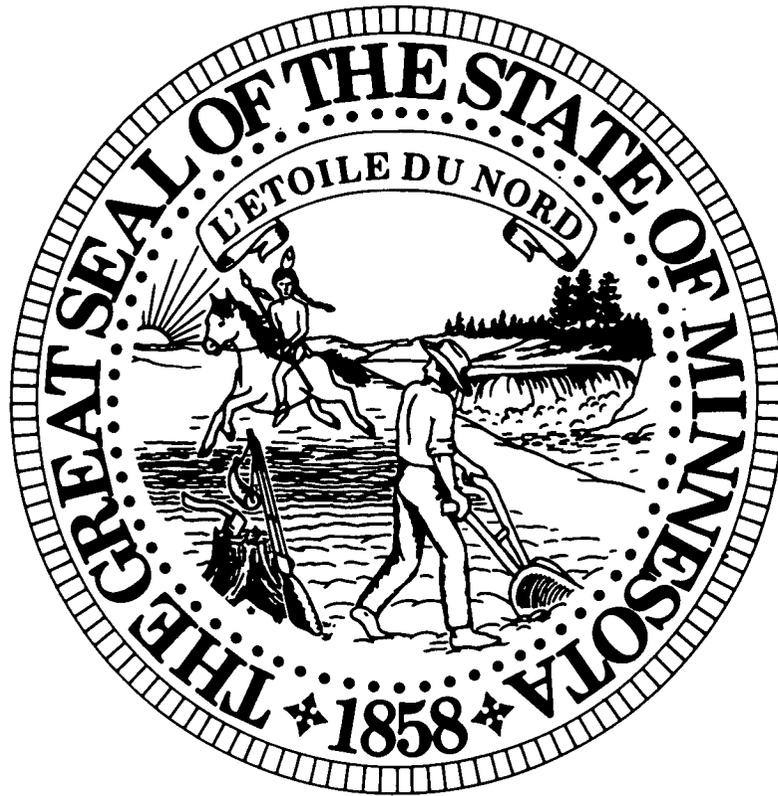
The Minnesota

# State Register

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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, professional, technical and consulting contracts, non-state bids and public contracts, and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

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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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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 1-800-657-3757.

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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 Transportation

### Proposed Permanent Rules Relating to Standards for Mailbox Installations and Supports

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

**Introduction.** The Minnesota Department of Transportation intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons request a hearing on the rule within 30 days or by December 22, 1993, a public hearing will be held on January 12, 1994. To find out whether this rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after December 22, 1993 and before January 12, 1994.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

John Howard,  
Office of Maintenance  
MN Department of Transportation  
395 John Ireland Boulevard  
Room G-20  
St. Paul, MN 55155  
Telephone Number: (612) 297-3593

**Subject of Rule and Statutory Authority.** The proposed rules are about permissible locations of and standards for mailbox installations and supports on streets or highways. The statutory authority to adopt the rules is *Minnesota Statutes*, section 169.072, subdivision 2. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. Persons desiring a copy of the rules may contact John Howard at the address above.

**Comments.** You have until 4:30 p.m. on December 22, 1993 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the Agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on December 22, 1993. Your written request for a public hearing must include your name, address and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as attached and printed in the *State Register* and

must be supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for January 12, 1994 will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call John Howard at (612) 297-3593 after December 22, 1993 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on January 12, 1994 in Room 500 North, State Office Building, beginning at 1:00 P.M. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Allan W. Klein. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7609.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Department may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judges must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of the evidence and argument which the department anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction at the Office of Administrative Hearings.

**Small Business Considerations.** In preparing the rules, the department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of these rules will not affect small businesses. Therefore, *Minnesota Statutes*, section 14.115 is not applicable.

**Expenditure of Public Money by Local Public Bodies.** The adoption of the proposed rules will not require a total expenditure of public monies by local public bodies of more than \$100,000 in either of the two years immediately following adoption. Therefore, *Minnesota Statutes*, section 14.11, subdivision 1, is not applicable to this rulemaking proceeding.

**Impact on Agriculture Lands.** Adoption of the proposed rules will not have a direct or substantial adverse impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11, subdivision 2, is not applicable to this rulemaking proceeding.

**Accessibility.** The hearing room is accessible to persons with disabilities. For special accommodation needs or to request an auxiliary aid, you should contact John Howard at the address and telephone number given above at least two weeks before the date of the hearing.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor South, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent the form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to John Howard at the address listed above.

**Adoption Procedure After the Hearing.** If a hearing is held, after the close of the hearing record the administrative law judge

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## Proposed Rules

will issue a report on the proposed rules. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the department may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The department's notice of adoption must be mailed on the same day the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 12 November 1993

James N. Denn, Commissioner  
Department of Transportation

### Rules as Proposed (all new material)

#### 8818.0100 DEFINITIONS.

Subpart 1. **Airspace.** "Airspace" means the space extending vertically upward from a particular surface on the earth.

Subp. 2. **Cross-sectional area.** "Cross-sectional area" means the area of the resultant shape defined by cutting through something at a right angle to its axis.

Subp. 3. **Encroach.** "Encroach" means to advance beyond the specified area or space.

Subp. 4. **Mailbox installation or installation.** "Mailbox installation" or "installation" means the entire mailbox structure including the support, mailbox, hardware, and attachments.

Subp. 5. **Mailbox support or support.** "Mailbox support" or "support" means the part of the mailbox installation that holds up the mailbox, excluding hardware and auxiliary attachments.

Subp. 6. **Neighborhood delivery and collection box units.** "Neighborhood delivery and collection box units" means a cluster of several individual locked mailboxes packaged as a single unit.

Subp. 7. **Pounds per foot.** "Pounds per foot" means the weight of a one-foot portion, measured vertically, of the mailbox support.

Subp. 8. **Usable roadway.** "Usable roadway" means the normally traveled vehicular lanes as well as the adjacent road surfaces that are used by motor vehicles, such as shoulders, turn lanes, and parking lanes.

#### 8818.0200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 8818.0100 to 8818.0300 is to provide for standards and permissible locations of mailbox installations and supports on streets or highways in Minnesota so that potentially hazardous fixed roadside appurtenances are eliminated.

Subp. 2. **Scope.** Parts 8818.0100 to 8818.0300 apply only to installations on streets or highways that have a speed limit of 40 miles per hour or greater.

#### 8818.0300 PROHIBITED MAILBOX STRUCTURES; EXCEPTIONS.

Subpart 1. **Unlawful installations and supports.** The following mailbox installations and supports are declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public:

A. an installation that contains more than one vertical support;

B. a single support containing more than two mailboxes;

C. a wooden support with a cross-sectional area greater than 16 square inches at any above-ground point along the support (for example, the maximum allowable square and round support dimensions are four inches by four inches and 4.5 inches in diameter, respectively), except that larger wooden supports are acceptable if, at a height four inches above the ground, the support cross-sectional area is altered in some fashion so as to reduce the cross-sectional area at that point to 16 square inches or less;

D. a metal support of a weight of four pounds per foot or more for any one foot of vertical measurement above ground (for example, a standard steel pipe of up to two inches inner diameter would be acceptable), except that larger metal supports are acceptable if, within the first three inches above ground the metal support is less than four pounds per foot (less than one pound for the three-inch length);

E. a mailbox that is not United States Postal Service approved;

F. adjacent mailbox installations whose respective supports are spaced closer than 30 inches, as measured from center of support to center of support;

G. neighborhood delivery and collection box units, whether or not United States Postal Service approved;

H. a support comprised of material other than solely wood or metal that either exceeds 16 square inches in total cross-sectional area at a height four inches above ground or is of a weight of four pounds per foot or more for any one foot of vertical measurement above ground, unless within the first three inches above ground the support is less than four pounds per foot (less than one pound over the three-inch distance). Examples of such nonconforming supports could include supports such as filled milk cans, brick structures, plows, and concrete-filled pipe; and

I. an installation, whether a support or closed mailbox, that encroaches the usable roadway or its airspace.

Subp. 2. **Exceptions.** Notwithstanding subpart 1, mailbox installations that are documented to have passed an accredited crash test are acceptable. An accredited crash test is considered to be a test conducted in accordance with procedures described in the most recent National Cooperative Highway Research Program report, "Recommended Procedures for the Safety Performance Evaluation of Highway Appurtenances," published by the Transportation Research Board, National Academy of Sciences, 2101 Constitution Avenue N.W., Washington, D.C. 20418. This report and future revisions of this report are incorporated by reference. The report is not subject to frequent change and is available to the public at the State Law Library, Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, and through the Minitex interlibrary loan system.

## Adopted Rules

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

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

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

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

## Department of Commerce

### Adopted Permanent Rules Governing Uniform Conveyancing Blanks

The rules proposed and published at *State Register*, Volume 18, Number 7, pages 538-571, August 16, 1993 (18 SR 538), are adopted with the following modifications:

#### Rules as Adopted

#### 2820.4730 FORM 79-M: MECHANIC'S LIEN STATEMENT BY INDIVIDUAL.

Subp. 2. **Contents.**

**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.

Mechanic's Lien Statement  
Pursuant to Minn. Stat. § 514.08 Subd. 2  
By Individual

Form No. 79-M

Minnesota Uniform Conveyancing Blanks (1993)

**MECHANIC'S LIEN  
STATEMENT**

(reserved for recording data)

Date: \_\_\_\_\_, 19\_\_\_\_

The undersigned hereby gives notice to the public and states as follows:

- 1. I am (check one)  the lien claimant  a person acting at the instance of the lien claimant.
- 2. The lien claimant hereby gives notice of intention to claim and hold a lien upon the land in \_\_\_\_\_ County, Minnesota, described as follows:

(If more space is needed, continue on back)

- 3. The name and mailing address of the lien claimant is:
- 4. The amount of the lien claimed is \$ \_\_\_\_\_, and is due and owing to the lien claimant for labor performed or skill, material or machinery furnished to the land.
- 5. The lien claimant did or supplied the following:
- 6. The lien claimant's contribution to the improvement was performed or furnished from \_\_\_\_\_ to \_\_\_\_\_, for or to the following person(s): \_\_\_\_\_  
(date of last item) (date of first item)
- 7. The name of the present owner of the land according to the best information lien claimant now has is:
- 8. The lien claimant acknowledges that a copy of this statement must be served personally or by certified mail on the owner, the authorized agent of the owner or the person who entered into the contract with the lien claimant within 120 days of doing the last work or furnishing the last item of such skill, material or machinery.
- 9. Notice as required by Minnesota Statutes Section 514.011 (2), if any, was given.

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ } ss. \_\_\_\_\_  
Signature

\_\_\_\_\_, being duly sworn, on oath says that I am \_\_\_\_\_ the lien claimant in the within statement, and have knowledge of the facts stated in the statement. This statement is made by, or at the instance of, said lien claimant and is true of my own knowledge.

\_\_\_\_\_  
Signature  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS):  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL  
NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR NAME)  
\_\_\_\_\_  
\_\_\_\_\_

2820.4740 FORM 80-M: MECHANIC'S LIEN STATEMENT BY CORPORATION OR PARTNERSHIP.

Subp. 2. Contents.

Mechanic's Lien Statement  
Pursuant to Minn. Stat. § 514.08 Subd. 2  
By Corporation or Partnership

Form No. 80-M

Minnesota Uniform Commercial Code (UCC) § 9.101

**MECHANIC'S LIEN STATEMENT**

Date: \_\_\_\_\_, 19\_\_\_\_

(reserved for recording data)

**The undersigned hereby gives notice to the public and states as follows:**

- I am acting at the instance of the lien claimant, \_\_\_\_\_, a \_\_\_\_\_ under the laws of the State of \_\_\_\_\_ as its \_\_\_\_\_.
- The lien claimant hereby gives notice of intention to claim and hold a lien upon the land in \_\_\_\_\_ County, Minnesota, described as follows: \_\_\_\_\_

(If more space is needed, continue on back)

- The name and mailing address of the lien claimant is: \_\_\_\_\_
- The amount of the lien claimed is \$ \_\_\_\_\_, and is due and owing to the lien claimant for labor performed or skill, material or machinery furnished to the land.
- The lien claimant did or supplied the following: \_\_\_\_\_
- The lien claimant's contribution to the improvement was performed or furnished from \_\_\_\_\_ to \_\_\_\_\_ (date of last item), for or to the following person(s): \_\_\_\_\_ (date of first item)
- The name of the present owner of the land according to the best information lien claimant now has is: \_\_\_\_\_
- The lien claimant acknowledges that a copy of this statement must be served personally or by certified mail on the owner, the authorized agent of the owner or the person who entered into the contract with the lien claimant within 120 days of doing the last work or furnishing the last item of such skill, material or machinery.
- Notice as required by Minnesota Statutes Section 514.011 (2), if any, was given.

STATE OF MINNESOTA }  
COUNTY OF \_\_\_\_\_ } ss. \_\_\_\_\_ Signature

\_\_\_\_\_, being duly sworn, on oath says that I am the \_\_\_\_\_ of the lien claimant in the within statement, and have knowledge of the facts stated in the statement. This statement is made at the instance of said lien claimant and is true of my own knowledge.

\_\_\_\_\_  
Signature  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

THIS INSTRUMENT WAS DRAFTED BY CHAMBER & ASSOCIATES

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL  
NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR BANK

REVISOR NOTE. Minnesota Rules, part 2820.4730, has been modified by replacing Form 79-M with a revised form and Minnesota Rules, part 2820.4740, has been modified by replacing Form 80-M with a revised form.

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## Adopted Rules

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### Board of Chiropractic Examiners

#### Adopted Permanent Rules Relating to License Renewal and Application Fees

The rules proposed and published at *State Register*, Volume 18, Number 11, pages 815-816, September 13, 1993 (18 SR 815), are adopted as proposed.

### Board of Dentistry

#### Adopted Permanent Rules Relating to Fees

The rules proposed and published at *State Register*, Volume 18, Number 10, pages 751-752, September 7, 1993 (18 SR 751), are adopted as proposed.

### Pollution Control Agency

#### Adopted Permanent Rules Relating to Air Quality Performance Test Methods and Requirements

The rules proposed and published at *State Register*, Volume 17, Number 43, pages 2691-2711, April 26, 1993 (17 SR 2691), are adopted with the following modifications:

##### Rules as Adopted

##### GENERAL PROVISIONS

##### 7005.0100 DEFINITIONS.

Subp. 42b. **State air pollution control rules.** "State air pollution control rules" means chapters 7005, 7007, 7009, 7011, 7017, 7019, and 7028, and parts 7005.0040 7023.0100 to 7005.3060 and 7017.2000 to 7017.2060 7023.0120.

##### 7017.1000 CONTINUOUS MONITORING.

Subp. 9. **Monitoring data.** Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages except that a one minute averaging period as described in part ~~7017.2000~~ 7017.2060, ~~subpart 7 sub-~~ parts 5 and 6, item B shall be used in the event an applicable standard of performance for opacity allows an excursion above the standard for a specified number of minutes in a one-hour period. Opacity averages shall be calculated from all equally spaced consecutive 15 second (or shorter) data points in the applicable averaging period. For systems other than opacity, the data shall be reduced to one hour averages, which shall be computed from four or more data points equally spaced over each one hour period.

Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this subpart. An arithmetic or integrated average of all data may be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form (e.g. ppm pollutant and percent O<sub>2</sub> or lb of pollutant/million Btu). All excess emissions shall be converted into units of the standard using the conversion procedures specified in the applicable regulation. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in the regulation to specify the applicable standard (e.g. rounded to the nearest one percent opacity).

##### STANDARDS OF PERFORMANCE FOR SULFURIC ACID PLANTS

##### 7019.3010 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

###### Subpart 1. Method.

A. Except as provided in item B, all calculations of actual emissions required under part 7019.3000 shall be based on the operating data supplied in the emission inventory, multiplied by an emission factor. The emission factor used in this calculation shall be an EPA emission factor or, where no EPA emission factor is available, an emission factor generated by the agency. An emission factor generated by the agency shall be calculated using engineering methods consistent with the methods used by the EPA to calculate EPA emission factors. Control equipment efficiency shall be based on the average of the range of EPA efficiency factors or shall be based on the efficiency verified by a performance test conducted according to parts ~~7017.2000~~ 7017.2001 to 7017.2060, provided the performance test took place in the year for which emissions are being calculated.

Subp. 3. **Stack test data.** Emission factors from stack tests may be used for the calculation of emissions, provided that the following conditions are met:

A. all the requirements of parts ~~7017.2000~~ 7017.2001 to 7017.2060, all other applicable state and federal laws, and all applicable air emission permit conditions relating to stack testing have been complied with; and

Subp. 4. **Volatile organic compound (VOC) material balance.** A material balance method may be used to calculate VOC emissions. A person using material balance to calculate VOC emissions shall determine the total VOC emissions (E) as follows:

$$E = (a - b - c) * (1 - d)$$

where:

a = the amount of VOC entering the process. A signed statement from the supplier or the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

b = the amount of VOC incorporated permanently into the product. This includes VOC's chemically transformed in production. It does not include latent VOC remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air.

d = the overall efficiency, or the product of capture efficiency and control efficiency, of any device used to capture and/or control VOC emissions, expressed as a decimal fraction of 1.00. This overall efficiency shall be based on the average of the range of EPA efficiency factors, or shall be based on the overall efficiency verified by a performance test conducted according to parts ~~7017.2000~~ 7017.2001 to 7017.2060, provided that the performance test took place in the year for which emissions are being calculated.

#### **7011.0535 PERFORMANCE TEST PROCEDURES.**

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

#### **7011.0725 PERFORMANCE TEST PROCEDURES.**

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

#### **7011.0115 PERFORMANCE TESTS.**

Unless another method is approved by the agency, any person required to submit performance tests for emission facilities for which parts ~~7005.1100~~ 7011.0100 to ~~7005.1130~~ 7011.0115 are applicable shall utilize Method 9 for visual determination of opacity.

Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

#### **7011.1625 PERFORMANCE TEST PROCEDURES.**

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

Subp. 4. **Acid mist and sulfur dioxide emissions.** Unless the commissioner approves another method, acid mist and sulfur dioxide emissions, expressed in pounds per ton (kg/metric ton) of 100 percent H<sub>2</sub> SO<sub>4</sub>, shall be determined by dividing the emission rate in lb/hr (kg/hr) by the acid production rate. The emission rate shall be determined by the equation,  $Q_s \times c = \text{lb/hr (kg/hr)}$ , where  $Q_s$  = volumetric flow rate of the effluent in dscf/hr (dscm/hr) as determined in accordance with part ~~7005.1390~~ 7011.1620, item B, and c = acid mist and sulfur dioxide concentrations in lb/dscf (kg/dscm) as determined in accordance with part ~~7005.1390~~ 7011.1620, item D.

#### **7011.1725 PERFORMANCE TEST PROCEDURES.**

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

Subp. 2. **Special procedures.** For Method 7, the same site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 meter (3.28 feet). Each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

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## Adopted Rules

Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

For each run, nitrogen oxides, expressed in lb/ton of 100 percent nitric acid (kg/metric ton), shall be determined by dividing the emission rate in lb/hr (kg/hr) by the acid production rate. The emission rate shall be determined by the equation:

$$Q_s \times c = \text{lb/hr (kg/hr)}$$

where  $Q_s$  = volumetric flow rate of the effluent in dscf/hr (dscm/hr), as determined in accordance with part ~~7005.1490~~ 7011.1720, item B, and  $c$  =  $\text{NO}_2$  concentration in lb/dscf (kg/dscm), as determined in accordance with part ~~7005.1490~~ 7011.1720, item D.

### 7011.0825 PERFORMANCE TEST PROCEDURES.

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

Subp. 2. **Special procedures.** In testing for the concentration of particulate matter and the associated moisture content, the minimum sampling time and minimum sample volume for each run, except when other times and volumes are approved by the agency, shall be as follows: 60 minutes and 30 dscf (0.85 dscm) for the kiln, and 60 minutes and 40.6 dscf (1.15 dscm) for the clinker cooler.

Total kiln feed rate (except fuels) expressed in tons per hour on a dry basis, shall be determined during each testing period by a method approved by the agency, and shall be confirmed by a material balance over the production system.

For each run, particulate matter emissions, expressed in pounds per ton of kiln feed, shall be determined by dividing the emission rate in pounds per hour by the kiln feed rate. The emission rate shall be determined by the equation,  $\text{lb/hr} = Q_s \times c$ , where  $Q_s$  = volumetric flow rate of the total effluent in dscf/hr as determined in accordance with part ~~7005.1940~~ 7011.0820, item B, and  $c$  = particulate concentration in lb/dscf as determined in accordance with part ~~7005.1940~~ 7011.0820, item D.

### 7011.0920 PERFORMANCE TEST PROCEDURES.

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

### 7011.1430 PERFORMANCE TEST PROCEDURES.

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

### 7011.1815 PERFORMANCE TEST PROCEDURES.

~~Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts 7017.2000 to 7017.2060.~~

Subp. 2. **Special procedures.** In testing for the concentration of particulate matter and the associated moisture content, the minimum sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the agency. Particulate sampling shall be conducted during representative periods of furnace operation, including charging and tapping.

### 7011.1915 PERFORMANCE TEST PROCEDURES.

Subpart 1, **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

### 7011.2015 PERFORMANCE TEST PROCEDURES.

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

### 7011.1325 PERFORMANCE TEST PROCEDURES.

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

Subp. 5. **Compliance with standards.** Compliance with part ~~7005.2370~~ 7011.1310 shall be determined as follows:

$$C_{ds} = (10^3) \frac{C_{aw}}{S_d} \text{ (Metric Units)}$$

or

$$C_{ds} = (2000) \frac{C_{aw}}{S_d} \text{ (English Units)}$$

where:

$C_{ds}$  = particulate emission discharge, g/kg dry sludge (English units: lb/ton dry sludge).

$10^3$  = Metric conversion factor, g/mg.

2,000 = English conversion factor, lb/ton.

**7011.9945 PERFORMANCE TEST PROCEDURES.**

Subpart 1. ~~In general.~~ Performance tests shall be conducted according to the requirements of this part and parts 7017.2000 to 7017.2060.

~~Subp. 2.~~ **Notice to commissioner.** The commissioner shall be notified in writing at least 30 days prior to an emission test.

Subp. 3. 2. **Sampling.** Samples shall be taken over such a period or periods as are necessary to accurately determine the maximum emissions which will occur in any 24-hour period. Where emissions depend upon the relative frequency of operation of different types of processes, operating hours, operating capacities, or other factors, the calculation of maximum 24-hour-period emissions shall be based on that combination of factors which is likely to occur during the subject period and which results in the maximum emissions. No changes in the operation shall be made, which would potentially increase emissions above that determined by the most recent source test, until a new emission level has been estimated by calculation and the results reported to the commissioner.

Subp. 4. 3. **Analysis.** All samples shall be analyzed and beryllium emissions shall be determined within 30 days after the source test. All determinations shall be reported to the commissioner by a registered letter dispatched before the close of the next business day following such determination.

**7011.9954 PERFORMANCE TEST PROCEDURES.**

Subpart 1. ~~In general.~~ Performance tests shall be conducted according to the requirements of this part and parts 7017.2000 to 7017.2060.

~~Subp. 2.~~ **Notice to commissioner.** The commissioner shall be notified in writing at least 30 days prior to an emission test.

Subp. 3. 2. **Sampling.** Samples shall be taken over such a period or periods as are necessary to accurately determine the maximum emissions which will occur in a 24-hour period. No changes in the operation shall be made, which would potentially increase emissions above that determined by the most recent source test, until the new emission level has been estimated by calculation and the results reported to the commissioner.

Subp. 4. 3. **Analysis.** All samples shall be analyzed, and mercury emissions shall be determined within 30 days after the source test. Each determination shall be reported to the commissioner by a registered letter dispatched before the close of the next business day following such determination.

Subp. 5. 4. **Cell room emissions.** Cell room emissions at a mercury chlor-alkali plant shall be determined by passing all cell room air in forced gas streams through stacks suitable for testing.

Subp. 6. 5. **Substitute for cell room performance tests.** In lieu of performance tests for cell room emissions at a mercury chlor-alkali plant, the owner or operator may elect to carry out design, maintenance, and housekeeping practices approved by the commissioner and assume that emissions from the cell room ventilation system contain 1,300 grams of mercury per day.

Subp. 7. 6. **Substitute for sludge incineration and drying plant performance tests.** In lieu of performance tests for sludge incineration and drying plants, the owner or operator of such a plant may elect to carry out a sludge sampling program according to

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## Adopted Rules

Method 105, Method for Determination of Mercury in Wastewater Treatment Plant Sewage Sludges, set forth in appendix B of Code of Federal Regulations, title 40, part 61, and according to the procedures set forth below:

### 7011.0620 PERFORMANCE TEST PROCEDURES.

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

### 7011.1135 PERFORMANCE TEST PROCEDURES.

Subpart 1. **In general.** Performance tests shall be conducted according to the requirements of this part and parts ~~7017.2000~~ 7017.2001 to 7017.2060.

### PERFORMANCE TEST METHODS AND REQUIREMENTS TESTS

#### 7017.2000 7017.2001 APPLICABILITY.

Subpart 1. **Applicability.** For the purpose of conducting performance tests as required by a compliance document, federal regulation, or Minnesota rule or statute, parts ~~7017.2000~~ 7017.2001 to 7017.2060 apply unless more stringent requirements or equivalent procedures are mandated by a compliance document, federal regulation, or Minnesota rule or statute applicable to the emission facility.

Subp. 2. **Transition to new rule.** Parts ~~7017.2000~~ 7017.2001 to 7017.2060 supersede the requirements of Exhibit C, entitled "Performance Test Procedures" as attached to air emission permits issued by the agency prior to ~~September~~ November 1, 1993. For performance tests required by permits issued prior to November 1, 1993, if the commissioner cannot establish worst case operating conditions under part 7017.2025, subpart 2, operating conditions for the performance test shall be defined in the test plan. In this situation, if the performance test demonstrates compliance, then part 7017.2025, subpart 3, item B, applies.

#### 7017.2005 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts ~~7017.2000~~ 7017.2001 to 7017.2060, the definitions given in part 7005.0100 shall apply unless otherwise defined in this part.

Subp. 2. **Compliance document.** "Compliance document" means a permit, stipulation agreement, administrative penalty order, administrative order, compliance agreement, schedule of compliance, consent order, consent decree, or variance issued by the agency to control air pollution.

Subp. 3. Federal regulation. "Federal regulation" means any regulation promulgated by EPA under the Clean Air Act, United States Code, title 42, section 7401, et seq.

~~Subp. 3. 4. Performance test.~~ "Performance test" means the quantification of emissions or determination of the physical, chemical, or aesthetic properties of those emissions from an emissions unit by means of conducting one or more test runs at an emission facility. This includes conducting test runs for a relative accuracy test on a continuous emissions monitoring system.

~~Subp. 4. 5. Test plan.~~ "Test plan" means the document which describes the objectives of a performance test, how the emissions unit will be operated during the performance test, how operating conditions will be monitored and recorded, which test methods will be used, and any other specific requirements of the applicable compliance document, federal regulation, or Minnesota rule or statute.

~~Subp. 5. 6. Test run.~~ "Test run" means the procedure for sampling or analyzing emissions at or before the emission point of an emissions unit over a defined length of time at specified operating conditions.

~~Subp. 6. 7. Testing company.~~ "Testing company" means a corporation, partnership, or sole proprietorship that conducts performance tests as a normal part of its business activities and that is not the owner or operator of the emission facility or a subsidiary, division, or subdivision of the owner or operator of the emission facility.

~~Subp. 7. 8. Worst case conditions.~~ "Worst case conditions" means the mode of operation of an emissions unit, including the air pollution control equipment, that is allowed under the applicable compliance document, federal regulation, or Minnesota rule or statute and which is known, through performance test data or mass balance calculation, to give the highest emission rate for an air pollutant within the allowed range of operating conditions. The type of operating conditions included in this definition shall be limited to the process or operating rate and any operational parameters that are regulated by the applicable compliance document, federal regulation, or Minnesota rule or statute.

#### 7017.2020 PERFORMANCE TESTS GENERAL REQUIREMENTS.

Subpart 1. **Testing required.** The owner or operator of an emission facility shall arrange to conduct a performance test to determine the characteristics and amount of emissions of air pollutants from any emission facility at the times required by an applicable compliance document, federal regulation, or Minnesota rule or statute and at additional times if the commissioner requests a performance test in order to:

C. determine compliance subsequent to a performance test that indicated noncompliance or where compliance could not be determined due to errors in following a test method, lack of or inaccurate documentation, or because the requirements of parts ~~7017.2000~~ 7017.2001 to 7017.2060 were not met;

F. determine the relative accuracy of a continuous emissions monitoring system.

EPA may request a performance test under this part for the reasons listed in items A to F. When EPA requires a performance test under this subpart, and EPA directly administers the performance test, EPA will make the decisions that the commissioner makes under parts 7017.2001 to 7017.2060 for that performance test.

Subp. 2. **Testing company.** The performance test shall be conducted by a testing company unless a compliance document allows the owner or operator to conduct the performance test or to contract with an alternative entity that does not meet the criteria of the definition, or unless the agency, EPA, or any authorized employee or agent of the agency or EPA is conducting the performance test.

Subp. 4. **Verification of test results.** The results of a performance test are not final until a complete report, as defined in part 7017.2035, subpart 3, is submitted and the commissioner gives written verification of the compliance status of the emission facility. Upon verification of the test results, the duration of the compliance status that the performance test determines for the emission facility begins with the date of the performance test.

Subp. 5. **Test runs.** Each performance test shall consist of at least three separate test runs using the applicable test method, with the exception of opacity determinations and performance tests conducted for the purpose of completing a relative accuracy test on a continuous emissions monitoring system. One test run shall be required for opacity determinations; ~~and~~ Relative accuracy tests shall be conducted in accordance with the applicable ~~performance specification in Code of Federal Regulations, title 40, part 60, Appendix B compliance document, federal regulation, or Minnesota rule or statute.~~ However, the commissioner shall require more test runs to be conducted if the applicable compliance document, federal regulation, or Minnesota rule or statute requires additional test runs or determination of emissions at more than one process or operating condition.

The arithmetic mean of the test runs is the result of the performance test, with the exception of opacity readings which are subject to part 7017.2060, subparts 5 and 6. In the event that a sample is accidentally lost or conditions occur in which one of three test runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the control of the owner or operator and the testing company, compliance may, upon the commissioner's approval, be determined using the arithmetic mean of the two remaining test runs.

#### **7017.2025 OPERATIONAL REQUIREMENTS AND LIMITATIONS.**

Subp. 3. **Compliance demonstrated at tested conditions.** Upon the commissioner's written notice that the emission facility has demonstrated compliance under the conditions of the performance test, the owner or operator of the emission facility shall operate the affected emissions unit as specified in item A, B, ~~or~~ C, or D, unless another performance test is conducted at alternative conditions and the commissioner gives written notification that the performance test demonstrated compliance at those conditions:

D. if the owner or operator conducted the performance test at worst case conditions, the owner or operator shall comply with any applicable compliance document, federal regulation, or Minnesota rule or statute.

If the owner or operator conducted the performance test under subpart 2, item D, no operational limitations will be imposed. However, if the performance test was conducted at less than 50 percent of rated capacity, the commissioner will reject the results of the performance test.

Subp. 4. **Failure to demonstrate compliance.** Upon the commissioner's written notice that the emission facility has failed to demonstrate compliance with an applicable emission limit, the owner or operator of the emission facility, unless an alternative schedule is given in an applicable compliance document, federal regulation, or Minnesota rule or statute, shall:

D. the owner or operator may receive an extension to the schedule in items A to C if one of the following special circumstances apply:

(3) weather conditions that prevent using the applicable test methods or prevent operation of the affected emission units at the required operating conditions; ~~or~~

(4) any other conditions beyond the control of the owner or operator that prevent using the applicable test methods or prevent operation of the affected emissions units at the required operating conditions; or

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## Adopted Rules

(5) any other condition beyond the control of the owner or operator that prevents completion of a retest within the required schedule.

Any request for an extension of the time schedule shall be submitted to the commissioner in writing by the owner or operator prior to the date by which retesting is required ~~and~~. The request shall specify the reason why the extension is needed, include an alternative retest schedule, and include a detailed summary of the measures the owner or operator will take to bring the affected emission unit into compliance. The commissioner shall grant the request for extension if the commissioner finds that one or more of the special conditions in item D apply. If the commissioner grants an extension, the owner or operator shall implement the alternative retest schedule and compliance measures. The compliance plan may also include a detailed summary of additional measures the owner or operator will implement if the owner or operator fails the retest. A requested extension shall not be effective unless the commissioner has given written approval of the extension. The commissioner shall not extend a retest date more than 30 days after the start-up, completion of maintenance, seasonal weather change, or other improvement in conditions occurs under item D, subitems (1) to (4). The commissioner shall not extend a retest date under item D, subitem (5), for more than 30 days.

**Subp. 5. Failure of retest.** If a retest has been conducted under subpart 4 and the commissioner provides written notice to the owner or operator of the emission facility that the retest provides a second demonstration of noncompliance with an applicable emission limit, the owner or operator shall shut down the affected emissions units. The owner or operator may not operate the emissions units unless items A to C apply.

A. The owner or operator is able to demonstrate to the commissioner that corrective actions or procedural changes have been made which will be applied consistently and which will, when properly executed, ensure that the emission units will demonstrate compliance at all times with all applicable emission limits and capture, removal, or destruction efficiency requirements;

B. The owner or operator has received the commissioner's written acceptance of demonstrating the conditions in item A; ~~and~~, This written acceptance may be given at the same time as the notification of noncompliance if a compliance plan has already been submitted under subpart 4 or otherwise and it satisfies the requirements of item A.

**Subp. 6. Agency tests.** Upon request of the agency or the commissioner, the owner or operator of an emission facility shall allow the agency or EPA, or any authorized employee or agent of the agency or EPA, to enter upon the premises of the owner or operator for the purposes of conducting performance tests. The owner or operator shall provide performance testing facilities that enable the agency or its employees or agents to conduct performance tests, including:

D. utilities for sampling and testing equipment.

The agency or EPA, or authorized employee or agent of the agency or EPA shall provide all other equipment and personnel necessary to conduct the performance test methods.

### **7017.2030 PERFORMANCE TEST PRETEST REQUIREMENTS.**

**Subp. 2. Submittal and approval of test plan.** The owner or operator of the emission facility shall submit to the commissioner a test plan with or in advance of the test notification required under subpart 1 or in response to the commissioner's request for supplemental permit application information. If the proposed test plan does not contain sufficient or accurate enough detail to ensure that the performance test meets the requirements of the applicable compliance document, federal regulation, or Minnesota rule or statute, the commissioner shall ask for an updated test plan to be submitted or shall write a test plan in place of the submitted document.

The commissioner shall give written approval of the test plan when the commissioner determines that it meets the requirements of parts ~~7017.2000~~ 7017.2001 to 7017.2060. Written approval means any signed letter, note, or facsimile transmission which states that a given test plan may be used during a specific performance test. The commissioner shall reject the results of a performance test if it was conducted without written approval of the test plan.

### **7017.2040 CERTIFICATION OF PERFORMANCE TEST RESULTS.**

**Subp. 2. Certification of sampling procedures.** The team leader of the personnel conducting the sampling procedures shall certify that the data presented in the test report is true, accurate, and complete. The following statement shall be signed and dated by that person:

"I certify under penalty of law that the sampling procedures were performed in accordance with the approved test plan and that the data presented in this test report are, to the best of my knowledge and belief, true, accurate, and complete. All exceptions are listed and explained below."

**Subp. 3. Certification of analytical procedures.** The person responsible for the laboratory analysis of field samples from a performance test shall certify that the data presented for use in the test report is true, accurate, and complete. The following statement shall be signed and dated by that person:

"I certify under penalty of law that the analytical procedures were performed in accordance with the requirements of the test

methods and that the data presented for use in the test report were, to the best of my knowledge and belief, true, accurate, and complete. All exceptions are listed and explained below."

Subp. 4. **Certification of test report by testing company.** The senior staff person at the testing company who is responsible for compiling and checking the test report shall certify that the information contained within the test report is true, accurate, and complete. The following statement shall be signed and dated by that person:

"I certify under penalty of law that this test report and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the test information submitted. Based on my inquiry of the person or persons who performed sampling and analysis relating to the performance test, the information submitted in this test report is, to the best of my knowledge and belief, true, accurate, and complete. All exceptions are listed and explained below."

Subp. 5. **Certification of test report by owner or operator of emission facility.** The owner or operator of the emission facility shall certify that the report accurately reflects the operating conditions at the emission facility during the performance test and that the required operational and maintenance data for the month prior to the performance test has been reported in a true, accurate, and complete manner. The following statement shall be signed and dated by that person:

"I certify under penalty of law that the information submitted in this test report accurately reflects the operating conditions at the emission facility during this performance test and describes the date and nature of all operational and maintenance activities that were performed on process and control equipment during the month prior to the performance test. Based on my inquiry of the person or persons who performed the operational and maintenance activities, the information submitted in this test report is, to the best of my knowledge and belief, true, accurate, and complete. All exceptions are listed and explained below."

#### **7017.2045 QUALITY ASSURANCE REQUIREMENTS.**

Subp. 3. **Quality assurance.** Any performance test shall meet the minimum requirements for quality assurance, performance standards, and specifications as stated in the reference method or in the alternative or equivalent method. The provisions in items A and B also apply.

B. Only employees of the testing company may operate source sampling equipment or otherwise be a part of the sampling or analysis of air pollutants from the emission facility during a performance test. The owner or operator or employees of the emission facility may not assist in any sampling or any analysis of samples unless authorized within an approved test plan.

Any request to deviate from the requirements of this subpart shall be submitted at least seven working days before the performance test. The commissioner shall reject the results of all test runs where deviations from quality assurance or methodology or test plan requirements exceeded those allowed under subpart 4.

Subp. 5. **Precision of test methods.** The inherent precision, level of confidence, and bias of any test method approved by the commissioner for use during a performance test shall not be a factor in determining the compliance status of an emission facility. However, the commissioner shall reject any test runs that were not conducted with acceptable accuracy within the limits of the test method and the sampling conditions or if the detection limit of the test method was higher than the applicable emission standard.

If the commissioner determines that the test results are valid under the quality assurance requirements of the method and that the performance test was conducted in accordance with parts ~~7017.2000~~ 7017.2001 to 7017.7060 and the applicable compliance document, federal regulation, Minnesota rule or statute, and the test result exceeds the applicable emission limit by any amount, the owner or operator is in violation of that emission limit.

#### **7017.2060 PERFORMANCE TEST PROCEDURES.**

Subp. 5. **Opacity determination by Method 9.** Opacity observations shall be performed by a certified observer ~~from a testing company~~ and in accordance with the requirements of Method 9. In addition, the requirements of subpart 6 and the following items shall apply:

A. The commissioner may reject the opacity results if the commissioner cannot determine the compliance status of the emission facility due to error, bias, or insufficient documentation during the performance test. The quality assurance recommendations of Method 9 and EPA document EPA-600/4-77-027b, Addition Section 3.12 (Feb. 1984), as amended, entitled "Quality Assurance Handbook for Air Pollution Measurement Systems: Volume III. Stationary Source Specific Methods," which is incorporated by

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## Adopted Rules

reference, shall be the criteria for acceptability of opacity results. This document is available at the state law library and is not subject to frequent change.

**REPEALER.** *Minnesota Rules*, part ~~7005.1860~~ 7017.2000, is repealed.

**RENUMBERER.** The part numbers in column A shall be renumbered as the part numbers in column B and internal references shall be corrected:

A	B
7005.0116	7011.0120
7005.0370	7011.0535
7005.0500	7011.0725
7005.1130	7011.0115
7005.1400	7011.1625
7005.1410	7011.1630
7005.1500	7011.1725
7005.1850	7017.1000
7005.1876	7019.3010
7005.1950	7011.0825
7005.2040	7011.0920
7005.2160	7011.1430
7005.2230	7011.1815
7005.2280	7011.1915
7005.2330	7011.2015
7005.2400	7011.1325
7005.2590	7011.9945
7005.2680	7011.9954
7005.2790	7011.0620
7005.2920	7011.1135

## Board of Social Work

### Adopted Permanent Rules Relating to Licensing and Continuing Education Fees

The rules proposed and published at *State Register*, Volume 18, Number 10, pages 772-774, September 7, 1993 (18 SR 772), are adopted with the following modifications:

#### Rules as Adopted

##### 8740.0290 FEES.

The fees in items A to G shall be paid by cash, personal check, bank draft, cashier's check, or money order made payable to the Board of Social Work. All fees are nonrefundable.

B. Initial license fee, payable in addition to application fee:

- (1) licensed social worker, ~~\$90~~ \$80;
- (2) licensed graduate social worker, ~~\$150~~ \$140;
- (3) licensed independent social worker, ~~\$225~~ \$210;
- (4) licensed independent clinical social worker, ~~\$250~~ \$230.

C. Biennial renewal fee:

- (1) licensed social worker, ~~\$90~~ \$80;
- (2) licensed graduate social worker, ~~\$150~~ \$140;
- (3) licensed independent social worker, ~~\$225~~ \$210;
- (4) licensed independent clinical social worker, ~~250~~ \$230.

F. Inactive status fee:

- (1) licensed social worker, ~~\$90~~ \$80;
- (2) licensed graduate social worker, ~~\$150~~ \$140;
- (3) licensed independent social worker, ~~\$225~~ \$210;
- (4) licensed independent clinical social worker, ~~\$250~~ \$230.

## Department of Labor and Industry

### Adopted Permanent Rules Relating to Managed Care

The rule adopted in the *State Register*, Volume 18, Number 21, dated 22 November 1993, page 1380 erroneously excluded the following text:

#### 5218.022 COVERAGE RESPONSIBILITY OF MANAGED CARE PLAN

This text is shown below in its correct sequence:

(7) Employees must have access to the evaluating and primary treating health care provider within 30 miles of either the employee's place of employment or residence if either the residence or place of employment is within the seven county metropolitan area. The seven county metropolitan area includes Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties. If both the employee's residence and place of employment are outside the seven county metropolitan area, the allowable distance is 50 miles. If the employee requires specialty services that are not available within the stated mileage restriction, the managed care plan may refer the employee to a provider outside of the stated mileage restriction. If the employee is medically unable to travel to a participating provider within the stated mileage restriction, the managed care plan shall refer the employee to an available nonparticipating provider to receive necessary treatment for the injury.

#### 5218.0200 COVERAGE RESPONSIBILITY OF MANAGED CARE PLAN.

##### Subp. 4. Restrictions on employer or insurer formed plans.

~~A. Any person or entity, other than a workers' compensation insurer licensed under *Minnesota Statutes, chapter 79A*, or an employer for its own employees, may not own, form, or operate apply for certification as a certified managed care plan. A health maintenance organization A self-insured employer, an entity licensed under *Minnesota Statutes, chapter 62C or 62D*, or a preferred provider organization that is self-insured for workers' compensation is not precluded from applying subject to *Minnesota Statutes, chapter 72A*, is eligible for certification. An employee of a certified managed care plan shall not be required to obtain services under the plan.~~

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# 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 Department of Agriculture

### Agronomy Services Division

#### Waste Pesticide Collection Program Bidders' Conference

NOTICE IS HEREBY GIVEN that a bidders' conference is scheduled for Monday, December 13, 1993 at 9:00 AM at the Minnesota Department of Agriculture Building, 90 West Plato Boulevard, St. Paul, Minnesota, conference room 1.

The purpose of this conference, with Department staff members, is to discuss the Waste Pesticide Collection Program and the work to be performed under this contract. Prospective bidders will be allowed to ask questions arising from the review of the RFP. A copy of the RFP is available upon request.

Persons interested in attending the meeting should register in advance. Contact person: Larry Palmer, (612) 297-7082.

## Department of Commerce

### Notice of Solicitation of Outside Information or Opinions In the Matter of the Proposed Rules Relating to Consolidation of Prelicensing and Continuing Education Requirements for Appraisers, Building Contractors, Real Estate and Insurance Licensees

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce is seeking information or opinions from sources outside the agency in preparing to propose rules relating to the consolidation into one chapter of *Minnesota Rules* existing rules pertaining to the prelicensing and continuing education requirements for regulated parties in the following areas: real estate, appraisers, building contractors and insurance. The adoption of the rules is authorized by *Minnesota Statutes*, sections 60K.19 subdivision 6(c), 82.22 subdivision 13(b), 82.28, 82B.19 subdivision 2, 82B.13 subdivision 3, 326.98 and 45.023. These sections authorize the commissioner of commerce to adopt rules as to the courses, instruction and procedures for prelicensing and continuing education required by statute of persons in the insurance, real estate, appraisal and building contractor industries.

Outside opinion is also being solicited as to how the rules will affect small businesses as defined under *Minnesota Statutes* Section 14.115, subdivision 1.

The Minnesota Department of Commerce 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:

Donna M. Watz  
Staff Attorney  
Minnesota Department of Commerce  
133 East Seventh Street  
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-6694 and in person at the above address.

All statements of information and opinions shall be accepted until 5:00 p.m. on December 20, 1993. Any written material received by the Minnesota Department of Commerce 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: 15 November 1993

James E. Ulland  
Commissioner of Commerce

## **Department of Health**

### **Notice of Public Hearing on the Additions to the Application for Preventive Health and Health Services Block Grant for Federal Fiscal Year 1994**

Minnesota currently receives \$3.8 million in funding through the Preventive Health and Health Services Block Grant which is used by the Minnesota Department of Health to support a variety of public health activities to reduce the incidence of acute disease, to reduce the occurrence and severity of chronic disease and injury, to increase the effectiveness and efficiency of Minnesota's public health infrastructure, and to provide services to victims of sexual assault. The Department invites written or oral public comment on several additions to the 1994 application. Oral testimony (5 minute limit) may be offered at the following time and location:

Thursday, December 9, 1993  
3:00 - 4:30 P.M.  
Chesley Room  
Minnesota Department of Health  
717 Delaware Street Southeast  
Minneapolis, Minnesota 55440

Copies of the additions to the 1994 application are available by calling (612) 623-5363. Written testimony may be submitted to Debra Burns, Policy Analyst, Disease Prevention and Control, Minnesota Department of Health, P. O. Box 9441, Minneapolis, MN, 55440 no later than December 9, 1993.

## **Labor and Industry Department**

### **Labor Standards Division**

### **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective November 29, 1993 prevailing wage rates were determined and certified for commercial construction projects in: Hennepin county: Metropolitan Airports Commission Miscellaneous Asbestos Abatement, GTC Middle/West Valet Parking & Roadway Expansion MSP Airport, U of M Johnston Hall Remodeling 3rd & 4th Floor & Cancer Center-Minneapolis/St. Paul, Communications Systems Plan-Phase III Telephone System Equipment/Park Center Sr. High/Brooklyn Jr. High-Phase III Telephone System Equipment/Educational Service Center-Brooklyn Park & Maple Grove. Nicollet county: South Central Technical College Facilities Planning & Alterations-North Mankato, St. Peter Regional Treatment Center Install Air Conditioning in Buildings 2 & 3-St. Peter. Olmsted county: Rochester Public Library-Rochester. Ramsey county: Metropolitan Airports Commission Holman Field Administration Building Lobby Modifications-St. Paul. St. Louis county: Bear Head Lake State Park Well and Pump Installation Phase II-Tower, Duluth MN/DOT Headquarters Mechanics Renovation-Duluth. Wright county: Otsego Elementary School-Otsego.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr  
Commissioner

## **Minnesota Higher Education Facilities Authority**

### **Notice of Public Hearing on Revenue Obligations**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the College of Saint Benedict, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on December 15, 1993 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original principal amount of up to approximately \$12,500,000 (up to approximately \$7,000,000 for the component of the project described in clause (i) below) to finance a project generally described as:

(i) the acquisition, construction, furnishing and equipping of a residence hall for approximately 242 students, including appurtenant site improvements; and (ii) the refunding of the Authority's outstanding Mortgage Revenue Bonds, Series Two-Q (College of Saint Benedict), dated May 1, 1988 originally issued to finance construction, furnishing and equipping of Margretta Hall, a resi-

## Official Notices

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dence hall, with appurtenant site improvements and adjacent parking; the renovation of St. Teresa Hall for Faculty and administrative offices and a reception area; the installation of air conditioning in Claire Lynch Hall, a gymnasium; and the installation of a storm sewer (collectively, the "Project") owned or to be owned and operated by the College and located on its main campus, the principal street address of which is 37 South College Avenue, St. Joseph, Minnesota 56374.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 29 November 1993

By Order of the Minnesota Higher  
Education Facilities Authority  
Joseph E. LaBelle  
Executive Director

## Minnesota Pollution Control Agency

### Water Quality Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment to Rule Governing Water Quality Permit Fees, Minn. Rules parts 7002.0210 to 7002.0310.

The Minnesota Pollution Control Agency (Agency) is seeking information or opinions from interested parties on amendments of the rules governing water quality permit fees, *Minnesota Rules* parts 7002.0210 to 7002.0310. Fees are assessed to all persons required to obtain a permit from the Agency. Permits are required for the construction, installation, or operation of a disposal system and the associated discharge of a pollutant into the waters of the state.

The adoption of the rule is authorized by *Minnesota Statutes*, section 116.07, subd. 4d, which allows the Agency to collect permit fees to cover the costs of reviewing and acting upon permit applications and implementing and enforcing the conditions of the permit pursuant to agency rules. This statute also directs the Agency to adopt rules according to section 16A.128 to insure fees are not inappropriately collected.

The Agency is planning to renovate the water quality permit fee rules by amending the process for establishing the amount of a permit fee. Most fees are currently based on flow discharged from a facility. The Agency plans to amend the rules so fees are more closely related to the quantity of pollutants discharged.

The Agency is just beginning the planning and development work for the rule amendment effort, which is the first step in a two year process. At this time, the Agency is requesting information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Renee Bush  
Municipal Section  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-7254 and in person at the above address.

All statements of information and opinions shall be accepted until January 7, 1994. Any written material received by the Agency shall become part of the rulemaking record to be submitted to the attorney general or administrative laws judge in the event that the rule amendment is adopted.

Charles W. Williams  
Commissioner

## Public Employees Retirement Association

### Board of Trustees, Notice of Meetings

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, December 9, 1993, at 9:30 a.m. in the PERA offices, 514 St. Peter Street - Suite 200, St. Paul, Minnesota.

An Information Forum of the Public Safety Officers will be held on Wednesday, December 15, 1993, at 1:00 p.m. in the offices of the Association.

## **Minnesota Department of Revenue**

### **Meeting Notice**

The Capital Equipment Advisory Council meets on the following dates:

- Tuesday, December 7, 1993, 9:00 a.m., Room 5, State Office Building, St. Paul
- Tuesday, December 21, 1993, 9:00 a.m., Room 5, State Office Building, St. Paul
- Tuesday, January 11, 1994, 9:00 a.m., Room 5, State Office Building, St. Paul
- Tuesday, January 25, 1994, 9:00 a.m., Room 5, State Office Building, St. Paul

Refer questions to Kathryn Kmit, 434 State Office Building, St. Paul, MN 55155, or call (612) 296-5376.

Dated: 29 November 1993

## **Teachers Retirement Association**

### **Notice of Regular Meeting**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, December 16, 1993, at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

## **Department of Transportation**

### **Goals for Disadvantaged Business Enterprises for Federal Fiscal Year 1994.**

The Minnesota Department of Transportation (Mn/DOT) has established a goal of 10% for Disadvantaged Business Enterprises (DBE) for all mode of transportation for federal fiscal year 1993 (October 1, 1993 through September 30, 1994).

The department's DBE plan is available for public inspection during normal business hours (8:00 am to 4:00 pm) at Mn/DOT Central Office, Room 123 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, for 30 days following the date of this notice. The comments are for information purposes only.

Please respond to: The Minnesota Department of Transportation  
EEO Contract Management Office  
395 John Ireland Boulevard  
Room 123 Transportation Building  
St. Paul, Minnesota 55155

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.

## **Minnesota Higher Education Coordinating Board**

### **Notice of Availability of Request for Proposals to Operate a Higher Education Center Against Violence and Abuse.**

The Minnesota Higher Education Coordinating Board is requesting proposals from Minnesota post-secondary institutions to operate a Higher Education Center Against Violence and Abuse. The Center will serve as a resource to all Minnesota higher education institutions and to selected professional licensing agencies.

Currently there is \$120,000 per year available for this project.

## State Grants

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Proposals must be submitted by 4:00 p.m., January 28, 1994.

Those interested in receiving requests for proposals should contact:

Nancy Bunnett  
Policy and Program Planning  
Minnesota Higher Education Coordinating Board  
550 Cedar Street, Suite 400  
St. Paul, Minnesota 55101  
(612) 297-2021

## Department of Jobs and Training

### Division of Community Based Services

#### Dislocated Worker Unit Grantee Selection

Eligible organizations interested in providing worker adjustment services may submit an application to the Department of Jobs and Training, Dislocated Worker Unit (DWU), in accordance with Section 268.9781 of the *Laws of Minnesota*, 1993. Up to six (6) grantees may be authorized under this section of the law. Authorized grantees will be eligible to submit worker adjustment services plans to assist dislocated workers to transition to new employment.

Applications for grantee status may be submitted on or before December 10, 1993, to the DWU for consideration for grantee status for the two year operating period beginning July 1, 1994. The Department of Jobs and Training reserves the right to accept or reject an application, and may further solicit to meet the criteria established by the Department.

The DWU will provide limited assistance to interested applicants responding to this solicitation. Verbal instructions or explanations are not binding on the State or the Department.

The submission of an application does not obligate the State of Minnesota or the Department of Jobs and Training in any respect with regard to selection of grantees or costs incurred in the application process.

Interested organizations are to provide a complete and comprehensive response to the information requested. Selection criteria information may be obtained by contacting the Department of Jobs and Training, DWU, Room 125, 390 N. Robert Street, St. Paul, MN 55101, (612) 297-1965. The only person authorized to answer questions in this regard is Connie McGowan, (612) 297-1965.

Incomplete proposals will be rejected. Successful bidders will be given an opportunity to submit a Worker Adjustment Services Plan to provide dislocated worker services to the identified constituency. Grantee selection is subject to a Pre-Award review conducted by the DWU.

Eligible organization means a local government unit, nonprofit organization, community action agency, business organization or association, or labor organization.

## Minnesota Office of Waste Management and the Metropolitan Council

### Notice of Request for Proposals (RFP)

The Minnesota Office of Waste Management (OWM) is a state agency established by the Minnesota Legislature to provide financial and technical assistance to industry and local governments to encourage the proper management of hazardous and solid waste. In the area of solid waste, the OWM's objective is to minimize land disposal of solid waste through the promotion of waste reduction, recycling, and resource recovery. The OWM's Recycling Market Development Unit provides financial and technical assistance to both public and private organizations to encourage and implement projects that develop markets for recyclable materials.

The purpose of this notice is to solicit proposals for projects that meet the objectives under the County Grant and Loan Program. The notice is issued by the Director of the OWM (Director) under authority provided in *Minn. Rules* parts 9210.0600 to 9210.0635. Under this program, the OWM intends to provide grants and loans for recycling market development activities that (1) have broad application in the state, (2) will potentially create or expand manufacturing capacity for recyclable materials, or (3) will increase demand for products made of recycled materials.

The County Grant and Loan Program is intended to encourage and assist counties in local market development efforts. Eligible applicants are Minnesota counties and/or for-profit businesses that are sponsored by a Minnesota county. Eligible recycling market development activities include: projects that create/expand local manufacturing capacity to utilize recycled feedstock, processes that add value to materials to improve their marketability, and projects that demonstrate the performance of recyclable materials or recycled products.

County projects or private businesses sponsored by a county may receive funding for up to 75 percent of the total project costs for non-capital projects up to a maximum of \$50,000. County projects or projects sponsored by a county may receive a grant for up to 25 percent of the total project costs for capital costs with a maximum of \$100,000. County-sponsored private business projects may receive low-interest loan funding for up to 50 percent of the total eligible project costs for capital costs with a maximum loan of \$500,000. Low-interest loan funds will have a maximum interest rate of two percent below the prime rate. Grant and loan terms will be negotiated on a project-specific basis after funds are awarded. To be eligible, private business projects **MUST** be sponsored by a Minnesota county. County sponsorship of a private business project must be in the form of a resolution passed by the county board sponsoring the project. Specific details on funding for the types of projects included in this grant/loan round are provided in the RFP.

The OWM has identified four broad categories as priority recyclable materials for this funding round. Those materials are (1) glass, (2) paper, (3) problem materials containing toxics, and (4) problem materials without toxics. A description of these priority materials is contained in the RFP. Projects addressing other materials will be considered. However, projects addressing the priority materials will be given a higher ranking during the evaluation phase of the funding round.

In conjunction with the OWM's County Grant and Loan Program the Metropolitan Council (Council) is offering grants from its Metropolitan Council Landfill Abatement Account. The funding is available only to metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington counties). It is designed to supplement the OWM's Grant and Loan Program. Projects funded under the Council's program must meet the criteria established by the OWM for toxicity reduction and/or landfill abatement. Under the Council's grant program up to 50 percent of the non-capital project costs may be funded, to a maximum of \$75,000.

Copies of the Request for Proposals, including the rules applicable to this program, are available by contacting:

Ginny Black  
Minnesota Office of Waste Management  
1350 Energy Lane  
St. Paul, MN 55108  
(612) 649-5787 or 1-800-657-3843

Proposals meeting the requirements of *Minn. Rules* parts 9210.0600 to 9210.0635 must be received by the OWM at the above address by 5:00 p.m., CST, Friday, January 21, 1994.

## **Department of Public Safety**

### **Driver and Vehicle Services Division**

#### **Request for Proposals for Management of DWI Offender Driver License Exam Grant Program**

The Department of Public Safety anticipates receiving a grant from the National Highway Traffic Safety Administration to manage a grant program that will develop a specialized written test for initial DWI offenders. The Department is seeking to contract for professional and technical services to develop and administer the program.

The request for proposals (RFP) for this contract has been opened. Details are contained in an RFP which may be obtained by calling or writing:

Wayne Jerrow  
Driver and Vehicle Services Division  
Department of Public Safety  
205 Transportation Bldg.  
395 John Ireland Blvd.  
St. Paul, MN 55155  
(612)296-9501

The estimated cost of the contract is \$15,000.00. Final date for submitting proposals is December 20, 1993.

# Professional, Technical & Consulting Contracts

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

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

## Department of Trade and Economic Development

### Office of Business Development

#### Minnesota Main Street program

##### I. Scope of Project:

The purpose of this project is to coordinate and administer the Main Street four point approach to 10 community groups currently involved in the state Main Street program, and to market the program to prospective communities in order to expand program participation. Main Street is a comprehensive approach to downtown revitalization designed for communities of less than 10,000 in population. This request for Proposal does not obligate the state to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

##### II. Project goals:

1. To effectively deliver technical assistance to program participants by following the Main Street four point approach.
2. To maintain a network of participating communities around the state to enhance the effectiveness of program participation.
3. To market the program and increase the number of participating communities.

##### III. Project Tasks:

The contractor will be required to:

1. Coordinate and participate in the delivery of technical assistance as specified on the attached outline (Delivery of Services)
2. Coordinate activities of the Main Street network, handling details of quarterly meetings, etc. as specified on the attached outline (Delivery of Services)
3. Market the program through direct mail, personal contact, presentations, etc.
4. Respond to information inquiries regarding the Main Street program and related downtown revitalization topics/issues, with the support of DTED staff and resources.
5. Maintain clear line of communication with DTED staff regarding program participants.
6. Prepare follow-up memo to be submitted to DTED after Reconnaissance, Resource team and year-end visits.
7. Assist communities with workplan after completion of resource team by providing evaluation and feedback of workplan format that community creates.
8. Responder may propose additional tasks or activities if they will substantially improve the results of the project.

##### IV. Project Duration:

Approximately 18 months, through June 30, 1995.

##### V. Project Cost

The following outline describes funds available to execute the contract. DTED estimates that the cost of this project should not exceed \$40,000 in addition to the fees paid by participating communities. A breakdown of the available funds are as follows:

1. First year Main Street communities will pay a fee of \$2,500 for participation.
2. Renewal year Main Street communities will pay a fee of \$1,200 for participation.
3. DTED will supply \$2,000 per first year community participant, with a maximum of \$25,000, to cover technical assistance only.

DTED will supply \$1,000 per renewal year community participant, with a maximum of \$10,000, to cover technical assistance only.

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## Professional, Technical & Consulting Contracts

4. DTED will supply \$5,000 to be used on a draw down basis to cover marketing, mailing, printing, photocopying costs, etc.

### VI. Project Completion Date:

The project will run from November 1, 1993, through June 30, 1995.

### VII. DTED will...

Provide assistance in responding to general inquiries regarding the program, assist in direct mail marketing efforts, assist in application evaluation, maintain the Main Street Resource library and maintain affiliation with National Trust through membership at the National Main Street Center.

### VIII. Department Contacts:

If there are any questions regarding this request for proposal, please call or write Peggy Papenfuss, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 Seventh Place East, St. Paul, Minnesota 55101. (612) 297-1755.

Responders should not discuss the project with other department personnel before the deadline for submitting proposals.

### IX. Submission of Proposals:

All proposals must be sent to and received by Peggy Papenfuss, Economic Development Representative, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 Seventh Place East, St. Paul, Minnesota 55101, no later than 5:00 pm, December 13, 1993.

Late proposals will not be accepted. Submit one copy of the proposal only. Proposals are to be sealed in mailing envelopes or packages with responder's name and address clearly written on the outside. The proposal must be signed in ink by an authorized member of the entity making the proposal.

### X. Mandatory Proposal Contents:

1. A restatement of the objectives, goals and tasks to demonstrate the responder's view of the nature of the project.
2. A completed Main Street consultant application.
3. A detailed cost and work plan which will identify the major tasks to be accomplished.
4. A statement identifying the level of the DTED's participation in the project as well as any other services to be performed by the department.

### XI. Evaluation:

All proposals received by the deadline will be evaluated by representatives of the DTED. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to the following:

1. Background and experience of applicant
2. Knowledge of Main Street approach and related experience
3. Flexibility

### DELIVERY OF SERVICES

#### First year Cities:

1. Selection of participants
2. Reconnaissance and Organizational visit
3. Reconnaissance Memo
4. Resource Team visit
5. Work plan visit
6. Year-end evaluation and assessment visit for year two

#### Renewal year cities:

1. Three customized day-long visits

#### Training:

1. Four two-day training seminars for all communities

# Non-State Public Bids and Contracts

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The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

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## Metropolitan Waste Control Commission

### Public Notice for Letter of Interest For Professional Services

The Metropolitan Waste Control Commission will be seeking the services of a Professional Engineering Consultant for design services and construction support of a Distributed Process Control System for its 250 MGD Metro Wastewater Treatment Plant. Consultant expertise requirements include: Distributed Process Control System design, programming, and startup; soliciting input for the design from all levels of a union organization; organizational development; helping people cope with change; and designing and implementing training plans for system users. Firms interested in being considered for this Project are invited to submit a Letter Of Interest asking for the project Request for Qualifications (RFQ). Pending Commission approval, requests for Statements of Qualifications will be sent to firms indicating an interest in this project.

All inquiries and submittals are to be addressed to:

Ref: Project 910800  
Attn: Administrative Assistant  
Contracts & Documents Division  
Metropolitan Waste Control Commission  
230 East 5th Street  
St. Paul, MN 55101

October 28, 1993

By Order of the:  
**Metropolitan Waste Control Commission**

Gordon O. Voss  
Chief Administrator



## ATTENTION: Minnesota Business Leaders

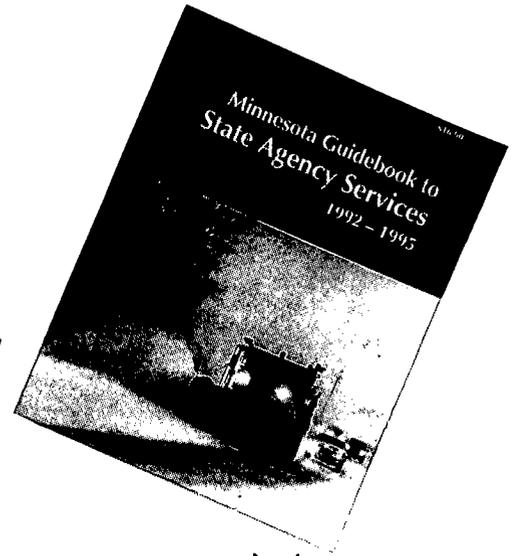
Avoid getting lost in your search for government services and marketing information.  
Reach your market and keep you on top of state government policies and programs.

### Business & Professional Directories -----

#### **Minnesota Guidebook to State Agency Services 1992-95**

An obvious "headliner" on any list for the business reference desk.  
The perfect "owner's manual" to Minnesota state government is a great reference tool for:

- \* applying for grants, bidding on contracts
- \* addresses, phone numbers and key contact people for each agency
- \* license requirements and fees
- \* gaining access to government services
- \* participating in state policy making and service delivery
- \* understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.



A MUST for the Minnesota business person. 710 pp. **Stock No. 1-11 SR** ~~REDUCED PRICE -- \$16.00~~ **NOW \$9.95**

#### **Minnesota Manufacturer's Directory 1993**

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available. 742 pp. **Stock No. 40-2 SR \$95.00**

#### **Airport Directory 1993**

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size) **Stock No. 1-8 SR \$5.95**

#### **Law Enforcement Directory 1993**

Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$7.00**

#### **Healing Arts (Physician's) Directory 1991**

Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp.

**Stock No. 1-1 SR \$19.95**

#### **Directory of Chemical Dependency Programs '92-93**

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp.

**Stock No. 1-12 SR \$17.00**

#### **State Agency Telephone Directory**

*Orders are now being taken for the 1994 Directory.*

This directory lists all State of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in Greater Minnesota. 264pp. **Stock No. 1-87 SR \$12.95**

#### **Mailing Lists ---**

Let our Mailing List Service guide you through their **broad selection of State of Minnesota licensed professionals and permit holders**. Lists are available in a variety of formats including computer printouts, directories, cheshire or pressure-sensitive labels, or diskette. **For a free catalog or further information, call - 612/ 296-0930.**

### Minnesota's Bookstore

117 University, St Paul, Minnesota 55155 (located 1/2 block west of the State Capitol)  
612/297-3000 (Metro area) 1-800-657-3757 (Toll Free)

TDD (Telecommunications Device for the Deaf): 612/282-5077 1-800-657-3706 (Toll Free)  
FAX 612/296-2265 Online computer access: 612/821-4096 (8-N-1, 1200/2400 bps)

