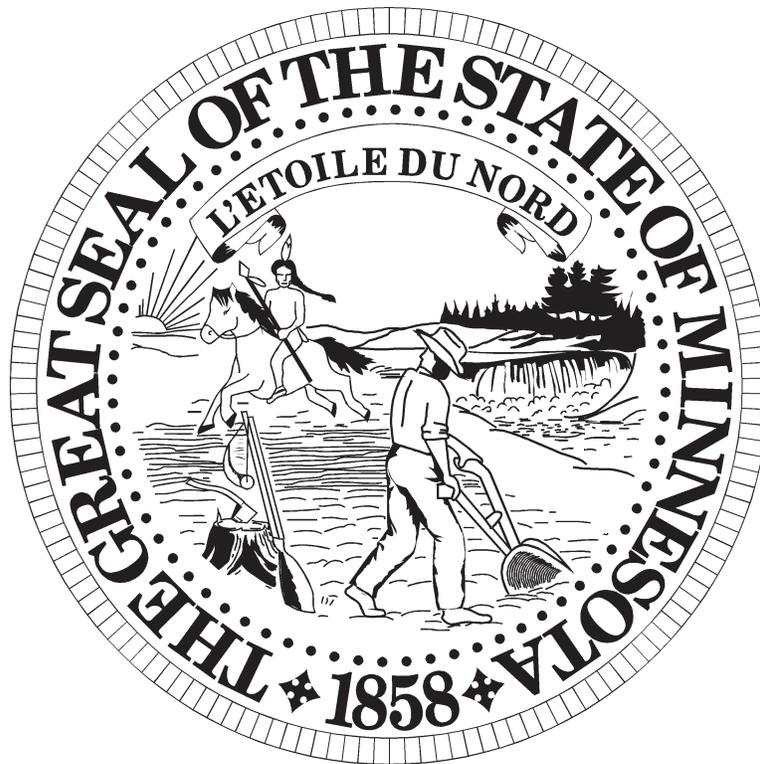


# Minnesota

# State Register

(Published every Monday (Tuesday when Monday is a holiday).)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts;  
Non-State Public Bids, Contracts & Grants**

**Monday 22 July 2013  
Volume 38, Number 4  
Pages 75 - 128**

# Minnesota State Register

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

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 38 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 5	Monday 29 July	Noon Tuesday 23 July	Noon Wednesday 17 July
# 6	Monday 5 August	Noon Tuesday 30 July	Noon Wednesday 24 July
# 7	Monday 12 August	Noon Tuesday 6 August	Noon Wednesday 31 July
# 8	Monday 19 August	Noon Tuesday 13 August	Noon Wednesday 7 August

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

THE MINNESOTA STATE REGISTER IS PUBLISHED by Plant Management Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available on-line at website: <http://www.comm.media.state.mn.us/bookstore/mnbookstore>

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**House Public Information Services** (651) 296-2146  
State Office Building, Room 175,  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
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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 80 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. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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, but 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.

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 issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

## Volume 37 - Minnesota Rules

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# Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Minnesota Pollution Control Agency (MPCA)

### Watershed Division

#### Proposed Permanent Rules Relating to Feedlots

#### 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

#### Proposed Rule Amendments to *Minnesota Rules*, Chapter 7020, Governing Animal Feedlots, Chapter 7001, Governing Permits and Certifications, and Chapter 7002, Governing Permit Fees

**Introduction.** The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on August 26, 2013, one public hearing will be convened at 2:00 p.m. on Monday, September 9, 2013, and will continue until all parties are heard that afternoon, and it will resume at 7:00 p.m. that evening. The public hearing will be conducted at the MPCA St Paul Office, 520 Lafayette Road North, Saint Paul, Minnesota 55155, and, to enable the public to participate throughout the state, it will be broadcast via video-conference at the following MPCA Regional Offices:

- MPCA Brainerd Regional Office, 7678 College Road, Suite 105, Baxter, MN 56425
- MPCA Detroit Lakes Regional Office, 714 Lake Ave., Suite 220, Detroit Lakes, MN 56501
- MPCA Mankato Regional Office, 12 Civic Center Plaza, Suite 2165, Mankato, MN 56001
- MPCA Marshall Regional Office, 504 Fairgrounds Rd Suite 200, Marshall, MN 56258
- MPCA Rochester Regional Office, 18 Wood Lake Drive SE, Rochester, MN 55904
- MPCA Willmar Regional Office, 1601 Highway 12 East, Suite 1, Willmar, MN 56201

To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the MPCA contact person after August 26, 2013, and before September 9, 2013.

**MPCA Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is: Kim Brynildson, MPCA, Watershed Division, 520 Lafayette Road North, Saint Paul, MN 55155-4194, **telephone:** (651) 757-2250; **fax:** (651) 297-2343 and **e-mail:** [mnrule7020.pca@state.mn.us](mailto:mnrule7020.pca@state.mn.us)

TTY users may call the MPCA at TTY (651) 282-5332 or 1-800-657-3864.

# Proposed Rules

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**Subject of the Rules.** The MPCA proposes to amend *Minnesota Rules* Chapter 7020, rules governing animal feedlots. The amendments address changes governing the issuance of permits made to *Minnesota Statutes*, section 116.07, subdivision 7c (“Statutory Permitting Changes”) in 2011. The MPCA is also taking this opportunity to remove obsolete rule requirements, address other statutory changes made since *Minnesota Rules* Chapter 7020 was adopted 13 years ago, and clarify certain existing rules. The MPCA also proposes minor amendments to *Minnesota Rules* Chapters 7001 and 7002 as they relate to feedlot permitting. The list below highlights some of the amendments the MPCA is proposing. For more information concerning the proposed amendments and the reasons supporting the amendments, please refer to the Statement of Need and Reasonableness, which is available as stated below.

**1. 2011 Statutory Permit Changes:** The 2011 Statutory Permitting Changes require the MPCA to issue National Pollutant Discharge Elimination System (NPDES) permits “only as required by federal law,” unless a feedlot owner requests that an NPDES permit be issued. The MPCA is, therefore, amending the permitting provisions in *Minnesota Rules* Chapters 7020 and 7001, specifically parts 7020.0405 and 7001.1030, to reflect this change. State Disposal System (SDS) permits will still be required for facilities with the capacity of 1,000 animal units, as currently required.

**2. Additional Statutory Changes:** Since the last time the MPCA amended *Minnesota Rules* Chapter 7020 (October 2000), there have been five additional statutory changes affecting feedlots, as itemized below. The modifications the MPCA is currently proposing will update and better align the applicable rule provisions with each of the respective statutory changes.

**a. Pasture Definition.** The definition of the term “pasture” has been revised at *Minnesota Statutes* section 116.07, subdivision 7q, and also at *Minnesota Statutes*, section 116.07, subdivision 7d, resulting in two different definitions of the term. In addition, this term is also defined in existing *Minnesota Rules*, part 7020.0300, subpart 19. Consequently, the MPCA is proposing to modify the definition of “pasture” in *Minnesota Rules* Chapter 7020 to conform the rule definition to include all elements from both statutory subdivisions.

**b. No Permit Required.** *Minnesota Statutes*, section 116.07, subdivision 7g, exempts feedlots with more than 10, but less than 50, animal units that are not in shoreland areas from the requirement to obtain a permit. These facilities are not required to obtain a Construction Short Form or Interim Permit, but are still required to notify the permitting authority (MPCA or delegated county) of proposed construction or expansion.

**c. Neighbor Notification.** *Minnesota Statutes*, section 116.07, subdivision 7a, requires a feedlot owner to notify all residents and land owners located within 5000 feet of the feedlot, when proposing to construct or expand a facility capable of holding 500 animal units or more, as follows: (a) the notice must be provided 20 business days before the date on which a permit is issued; (b) the notice must also include the town clerk; and (c) the owner must certify and document that the notification requirements have been met. In addition, the MPCA or delegated county must verify that proper notification was provided before issuing a permit.

**d. Shoreland Restriction.** *Minnesota Statutes*, section 116.0711, subdivision 1c, allows a feedlot that is located in shoreland and that has been unused to resume operation after obtaining a permit from the MPCA or delegated county, regardless of the number of years that the feedlot was unused.

**e. Ten-year term for SDS permits.** *Minnesota Statutes*, section 115.03, subdivision 8b, was amended to allow SDS permits that are issued without an NPDES permit to be issued for a term of up to ten years.

**3. Obsolete Provisions:** The MPCA is proposing to delete a large number of obsolete rule provisions with this rulemaking. Many of these provisions related to the transition from the feedlot permitting system in the 1990s to the system that has been in place since 2000. The following are some obsolete provisions that will be deleted:

- a.** References to initial registration of feedlots (*Minnesota Rules* part 7020.0350), as this process is complete.
- b.** Existing *Minnesota Rules*, part 7020.2003, subparts 4-6, which pertain to Open Lot Agreements for feedlots capable of holding 300 or fewer animal units.
- c.** *Minnesota Rules*, part 7020.2110, which pertains to unpermitted or uncertified liquid manure storage areas (LMSA). The MPCA is proposing to allow an owner of certain unpermitted or uncertified LMSAs to seek approval from the MPCA or a County Feedlot Pollution Control Officer to use that LMSA, if it can be proven to be safe and not a pollution hazard.

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# Proposed Rules

d. References to documents that are no longer valid or necessary because they relate to rule provisions now obsolete.

**4. Clarifications:** The MPCA is also proposing certain revisions to *Minnesota Rules* Chapter 7020 to clarify the intent of the rule provisions and remove ambiguity. Four of the more substantive clarifications are highlighted below.

a. **LMSAs.** Since the term “Liquid Manure Storage Area” is used in the existing rules, but is not currently defined, a clear definition is proposed at *Minnesota Rules*, part 7020.0300, subpart 13c. Because this new definition will include structures that, in practice, the MPCA has not always required to conform fully to the technical standards applicable to LMSAs, the MPCA is also proposing to amend *Minnesota Rules*, part 7020.2100, to clarify the requirements for the design, construction and operation of LMSAs to provide regulatory flexibility for certain LMSAs that pose a reduced risk.

b. **Permit Processing.** The MPCA is also proposing to clarify the procedures that should be followed by counties and the MPCA and the rights of applicants as permits applications are processed to replace vague language in the existing rule at *Minnesota Rules*, part 7020.0535, subpart 3. In addition, the MPCA is proposing to clarify the term “modification” in the proposed rules, and, at part 7020.0405, subpart 5, to more clearly define the type of activities that would necessitate modifying an owner’s feedlot permit.

c. **Location Restrictions.** The MPCA is also proposing amendments to *Minnesota Rules*, part 7020.2005, subpart 1, to clarify the applicable reference to the Minnesota Department of Health rules governing the distance new feedlots and manure storage areas must be from water supply wells.

d. **Emergency Plans.** The MPCA is also proposing to modify *Minnesota Rules*, part 7020.0505, subpart 4, to clarify that owners of feedlots with 1,000 or more animal units should include carcass disposal after a catastrophic event, such as a fire, extreme weather conditions, power failure or disease, in the facility’s overall emergency response plan that is currently required to be submitted and approved by the MPCA as part of a permit application process.

**Statutory Authority.** The statutory authority to adopt these proposed rule amendments is *Minnesota Statutes*, section 115.03, subdivision 1(e) and in *Minnesota Statutes*, section 115.03, subdivision 5.

**Availability of Rules.** A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed at the following MPCA web sites: <http://www.pca.state.mn.us/iryp3c9> and at the Feedlot Rulemaking Web page: <http://www.pca.state.mn.us/tchyffd>. A free copy of the proposed rules is also available upon request by contacting Janice Lehner-Reil at: (651) 757-2091. Only one copy will be sent per request.

**Public Comment.** You have until 4:30 p.m. on August 26, 2013, 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 MPCA contact person by the due date. Written comments may be submitted to the MPCA contact person at the address, Fax number, or email address listed above. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**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 MPCA contact person by 4:30 p.m. on August 26, 2013. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the public hearings, scheduled above, will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print,

# Proposed Rules

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Braille, or cassette tape. To make such a request, or if you need an accommodation to make this hearing accessible, please contact the MPCA contact person at the address, telephone number, or email address listed above.

**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 be supported by data and views submitted to the MPCA or presented at the hearing. The adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. 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 September 9, 2013, as indicated above, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person at 651-757-2250 after August 26, 2013, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, hearings will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearings will be held on the dates and at the time and places listed above. Each hearing will continue until all interested persons have been heard. Administrative Law Judge Ann O'Reilly is assigned to conduct the hearing. Judge O'Reilly can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620; **telephone:** (651) 361-7844; **e-mail:** [ann.oreilly@state.mn.us](mailto:ann.oreilly@state.mn.us); and **fax:** (651) 361-7936.

**Hearing Procedure.** If hearings are 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 before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit 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. Following the comment period, there is a five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the MPCA contact person at the address stated above.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness (SONAR) is now available from the MPCA, and can be viewed at the following MPCA websites: <http://www.pca.state.mn.us/iryp3c9> and at the Feedlot Rulemaking webpage: <http://www.pca.state.mn.us/tchyffd>. The SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. A copy of the SONAR may also be obtained from the MPCA, at the cost of reproduction, by contacting Janice Lehner-Reil at (651) 757-2091. In addition, a copy of the SONAR can be reviewed at any of the MPCA offices listed above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, Saint Paul, MN, 55155, telephone: (651) 296-5148 or 1-800-657-3889.

**Request to Have MPCA Citizens' Board Make Decision on Rule if No Hearing is Required.** If hearings are required, the MPCA Citizens' Board will make the final decision on whether to adopt the proposed rules. However, even if hearings are not required, you may submit a request to the MPCA Commissioner or an MPCA Citizens' Board member to have the MPCA Citizens' Board make the decision on whether to adopt the proposed rule amendments. Your request must be in writing, must state to whom it is directed, and must be received by the MPCA contact person by 4:30 p.m. on August 26, 2013. Under *Minnesota Statutes*, section 116.02, where a hearing is not required, the MPCA Citizens' Board will only make the decision on the rule if the MPCA Commissioner grants your request or if an MPCA Citizens' Board member makes a timely request that the decision be made by the MPCA Citizens' Board.

**Adoption Procedure if No Hearing.** If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The

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rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may request the MPCA contact person to notify you of the date the rules are submitted to the Office of Administrative Hearings. In addition, if you want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

**Adoption Procedure After a Hearing.** If hearings are held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the MPCA adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the MPCA contact person stated above.

**Order.** I order that the rulemaking hearings be held at the dates, time, and locations listed above.

Dated: 3 July 2013

John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

## 7001.0210 GENERAL PERMITS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Notice of intent.** The applicant and the agency shall follow the same procedures to issue a general permit as are required for the issuance of an individual permit. However, to comply with part 7001.0100, subpart 3.5, item C, the agency shall publish notice of intent to issue a general permit in the State Register.

[For text of subps 5 and 6, see M.R.]

## 7001.1030 PERMIT REQUIREMENT AND EXEMPTIONS.

[For text of subp 1, see M.R.]

Subp. 2. **Exemptions.** The following persons are not required to obtain a national pollutant discharge elimination system permit:

[For text of items A to G, see M.R.]

H. persons injecting water, gas, or other material into a well to facilitate the production of oil or gas; ~~and~~

I. persons disposing of water in a well if this water is associated with oil and gas production; ~~and~~

J. persons operating a feedlot who are not required to obtain an NPDES permit under federal law. This item does not release such persons from the requirement to obtain an NPDES permit to discharge a pollutant when required by federal law or from the requirement to obtain a state disposal system permit to discharge a pollutant into the waters of the state.

## 7001.1050 CONTENTS OF NPDES PERMIT APPLICATION.

[For text of subp 1, see M.R.]

Subp. 2. **Manufacturing, commercial, mining, and silvicultural discharges.** If the applicant is requesting the issuance, modification, revocation and reissuance, or reissuance of a national pollutant discharge elimination system permit for a manufacturing, commercial, mining, or silvicultural discharge, the applicant shall submit the following information to the commissioner:

[For text of items A to L, see M.R.]

M. If the applicant proposes to construct or operate a new or existing concentrated animal feeding operation or aquatic animal production facility, the information required in *Code of Federal Regulations*, title 40, section 122.21~~(h)~~(i).

[For text of items N and O, see M.R.]

## 7002.0253 WATER QUALITY PERMIT APPLICATION FEES AND ADDITIONAL FEES.

[For text of subp 1, see M.R.]

Subp. 2. **Additional points.** The points assessed for activities designated in this subpart shall be multiplied by the dollar per point

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value as determined in part 7002.0252 to calculate the additional fee.

[For text of items A to C, see M.R.]

D. If a permit applicant requests a variance under ~~parts part~~ 7000.7000 or 7020.1900, the applicant shall pay a fee equivalent to 35 points.

[For text of items E and F, see M.R.]

## 7020.0205 INCORPORATION BY REFERENCE.

For the purposes of parts 7001.0020 and 7020.0200 to 7020.2225, the documents in items A to ~~E~~ K are incorporated by reference. These documents are not subject to frequent change.

[For text of items A to D, see M.R.]

E. *Code of Federal Regulations*, title 40, part 412, Feedlots Point Source Category. This publication is available ~~through the Minitex interlibrary loan system on the Internet at <http://www.epa.gov>.~~

F. *Code of Federal Regulations*, title 40, ~~section 122.23, Concentrated Animal Feeding Operations part 122, EPA Administered Permit Programs: The National Pollutant Discharge Elimination System.~~ This publication is available ~~through the Minitex interlibrary loan system on the Internet at <http://www.epa.gov>.~~

[For text of items G and H, see M.R.]

I. ~~Minnesota Natural Resources Conservation Service Practice Standard, Waste Storage Pond (Code No. 425), November 1991, or Waste Storage Facility, Conservation Practice Standard Code No. 313), January 1998, United States Department of Agriculture, Natural Resources Conservation Service, October 2003, and as subsequently amended.~~ This publication is available ~~through the Minitex system on the Internet at <http://www.nrcs.usda.gov>.~~

J. ~~Feedlot Inventory Guidebook, Minnesota Board of Water and Soil Resources, June 1991.~~ This publication is available ~~through the Minitex interlibrary loan system.~~

~~K. J. Annual Book of American Society for Testing Materials (ASTM), part 4, ASTM D 2922, Test Method for Density of Soil and Soil-Aggregate in Place by Nuclear Methods (Shallow Depth). 1996 Edition.~~ This publication is available through the Minitex interlibrary loan system.

~~L. An Evaluation System to Rate Feedlot Pollution Potential, United States Department of Agriculture, Agricultural Research Service, April 1982.~~ This publication is available ~~through the Minitex interlibrary loan system.~~

K. Published Soil Surveys for Minnesota, United States Department of Agriculture, Natural Resources Conservation Service (NRCS). The surveys are available on the Internet at [http://soils.usda.gov/survey/printed\\_surveys/state.asp?state=Minnesota&abbr=MN](http://soils.usda.gov/survey/printed_surveys/state.asp?state=Minnesota&abbr=MN) or at the local NRCS office.

## 7020.0300 DEFINITIONS.

[For text of subps 1 to 5, see M.R.]

Subp. 5a. [See repealer.]

Subp. 6. **Certificate of compliance.** “Certificate of compliance” means a letter ~~from~~ sent before October 23, 2000, by the commissioner or the county feedlot pollution control officer to the owner of an animal feedlot or manure storage area stating that the feedlot or manure storage area meets agency requirements.

[For text of subps 6a to 7c, see M.R.]

Subp. 7d. **Concentrated animal feeding operation or CAFO.** “Concentrated animal feeding operation” or “CAFO” means an animal feedlot meeting the definition of a large, medium, or small CAFO under *Code of Federal Regulations*, title 40, section 122.23.

[For text of subps 8 to 11a, see M.R.]

Subp. 11b. **Facility.** “Facility” means an animal feedlot, a manure storage area, or an animal feedlot with a manure storage area.

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[For text of subps 12 to 13b, see M.R.]

Subp. 13c. **Liquid manure storage area.** “Liquid manure storage area” means an area where liquid animal manure and process wastewaters are stored or processed. For purposes of this subpart, “liquid animal manure” is manure that does not meet the stockpile standard under part 7020.2125, subpart 1, item B.

[For text of subp 14, see M.R.]

Subp. 14a. **Modification.** “Modification” means a change to a facility component or operational practice described, required, or authorized by a permit issued under this chapter, including an expansion. Major and minor modifications are as defined in part 7001.0190.

[For text of subps 15 to 16, see M.R.]

Subp. 17. **Owner.** “Owner” means all persons having or proposing to have possession, control, or title to an animal feedlot or manure storage area.

Subp. 18. **Pastures.** “Pastures” means:

A. areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation allows a vegetative cover is to be maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or watering devices; that vegetative cover is not required:

(1) in the immediate vicinity of supplemental feeding or water devices;

(2) in associated corrals and chutes where livestock are gathered for the purpose of sorting, providing veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal husbandry practices; or

(3) in associated livestock access lanes used to convey livestock to and from areas of the pasture; or

B. agricultural land:

(1) where livestock are allowed to forage during the winter;

(2) that is used for cropping purposes in the growing season; and

(3) where the concentration of animals is such that a vegetative cover of crops is maintained during the growing season without the need for manure removal to avoid exceeding nutrient application rate standards as provided in part 7020.2225, except in the immediate vicinity of temporary supplemental feeding or watering devices.

[For text of subp 18a, see M.R.]

Subp. 19. **Permit.** “Permit” means a ~~document~~ written authorization issued by the agency or county animal feedlot pollution control officer, which may contain requirements, conditions, or schedules for:

A. achieving compliance with the discharge standards and requirements for;

B. management of animal manure; or

C. construction or operation of animal holding areas or manure storage areas. Permits issued under this chapter are NPDES, state disposal system, interim, and construction short-form permits.

[For text of subps 19a to 23, see M.R.]

Subp. 24. **State disposal system permit or SDS permit.** “State disposal system permit” or “SDS permit” means a state permit that ~~may be~~ is processed in accordance with ~~parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110~~ chapter 7001.

Subp. 25. **Unpermitted or noncertified liquid manure storage area.** “Unpermitted or noncertified liquid manure storage area” means a liquid manure storage area that ~~is in operation and; has never been permitted or approved as meeting the standards in part 7020.2100 and that did not obtain approval or certification pursuant to the process established in Minnesota Rules 2011, part 7020.2110.~~

~~A. the owner does not have an agency or delegated county permit or certificate of compliance for the manure storage area and was required to apply for and obtain a permit or certificate of compliance prior to the construction or operation of the manure storage area; or~~

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B. ~~the owner has not complied with the preoperational requirements of part 7020.2100 or permit requirements, if applicable.~~

[For text of subp 26, see M.R.]

Subp. 27. Waters of the United States. “Waters of the United States” has the meaning given under the federal Clean Water Act.

## 7020.0350 REGISTRATION REQUIREMENTS FOR ANIMAL FEEDLOTS AND MANURE STORAGE AREAS.

Subpart 1. **Registration data.** ~~After January 1, 2002;~~ The agency and all delegated counties shall maintain registration data for animal feedlots and manure storage areas. The registration data must include the ~~information required in a Level II feedlot inventory as described in the Feedlot Inventory Guidebook and must contain the following:~~

A. ~~date the registration form was completed;~~

B. ~~name and address of all owners of the animal feedlot; or manure storage area; or pasture;~~

[For text of items C to J, see M.R.]

[For text of subp 2, see M.R.]

Subp. 3. [See repealer.]

Subp. 4. **Registration requirements after January 1, 2002.** Owners of animal feedlots and manure storage areas who are required to register under subpart 2 shall comply with items A and B, as applicable.

A. ~~Owners of facilities not in operation prior to January 1, 2002;~~ shall register with the commissioner or delegated county prior to or upon commencement of operation. Owners shall comply with at least one of the following:

[For text of subitems (1) and (2), see M.R.]

B. Owners shall update their registrations prior to the registration update deadlines, which shall be established by adding four-year increments to the initial registration deadline of January 1, 2002. Owners shall register at least once during each of the four-year registration update intervals by meeting ~~one of the following:~~

~~(1) the owner shall comply with requirements of item A, subitem (1) or (2); or~~

~~(2) the owner shall be listed on a feedlot inventory that:~~

~~(a) is a Level II or Level III inventory as described in the Feedlot Inventory Guidebook that contains the information under subpart 1, items A and E to J;~~

~~(b) has been updated within the applicable four-year registration interval;~~

~~(c) contains the information required under subpart 1, items B to D and K; and~~

~~(d) in its updated form has been submitted to the commissioner, including the information in unit (c):~~

[For text of subp 5, see M.R.]

## 7020.0405 PERMIT REQUIREMENTS.

Subpart 1. **Permit required.** Four types of permits are issued under this chapter and chapter 7001: interim permits, construction short-form permits, SDS permits, and NPDES permits. The owner shall apply for a permit as follows:

A. ~~an NPDES/NPDES/SDS permit for the construction and, expansion, modification, or operation of an animal feedlot that meets the criteria for a CAFO as required by federal law;~~

B. ~~unless required to apply for a permit under item A, an SDS permit under the following conditions: for the construction, expansion, modification, or operation of an animal feedlot or manure storage area:~~

~~(1) the construction and operation of an animal feedlot or manure storage area that has been demonstrated not to meet the criteria for CAFO and is capable of holding 1,000 or more animal units or the manure produced by 1,000 or more animal units; that is capable of holding, or will be capable of holding, 1,000 or more animal units or the manure produced by 1,000 or more animal units;~~

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(2) ~~the facility that~~ does not comply with all applicable requirements of parts 7020.2000 to 7020.2225 and for which the pollution hazard cannot be, or has not been, corrected under the conditions in part 7020.0535 applicable to interim permits;

(3) for which the owner is proposing to construct or operate with a new technology. An SDS permit is required for new technology operational methods while these operational methods are employed; or

(4) ~~the facility is one~~ for which conditions or requirements other than those in parts 7020.2000 to 7020.2225 were assumed:

*[For text of units (a) and (b), see M.R.]*

C. unless required to obtain a permit under ~~items A and~~ item A or B, an interim permit for:

(1) facilities a facility identified as a pollution hazard; ~~or~~

(2) a facility where the owner is proposing to expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more, and that has been identified as a pollution hazard; or

~~(2)~~ (3) an animal feedlot or a manure storage area with a capacity of 300 or more animal units prior to applying manure or process wastewater:

(a) on land where the soil phosphorus test levels exceed the levels in part 7020.2225, subpart 3, item C;

(b) on land in special protection areas with slopes exceeding six percent; or

(c) in a drinking water supply management area where the aquifer is designated vulnerable under chapter 4720; or

D. unless required to obtain a permit under ~~items A to~~ item A, B, or C, a construction short-form permit for an animal feedlot or manure storage area proposing to construct or expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more. ~~However, if a facility is determined to be a pollution hazard and the owner is proposing to expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more, the owner shall apply for an interim permit under item C.~~

### Subp. 2. **Expansion and stocking limitations requirements.**

A. Prior to expansion or modification, an owner required to apply for a construction or operating permit under subpart 1, item A or B, shall have obtained the permit, or permit modification, as applicable.

B. Prior to expansion, an owner required to apply for a construction permit under subpart 1, item C or D, shall have obtained the permit, or permit modification, as applicable.

C. An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to the fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

Subp. 3. **No permit required.** ~~The A owner of an animal feedlot or manure storage area is not required to apply for a permit for:~~

~~A:~~ a feedlot or manure storage area that meets the requirements of part 7020.2003, subparts 4 to 6;

~~B:~~ A. a short-term stockpile or compost site if the owner is not an owner of an animal feedlot or manure storage area other than a short-term stockpile or composting site;

~~C:~~ B. a livestock facility located on county fairgrounds; ~~or~~

~~D:~~ C. a change in an existing facility that consists solely of a change in ownership of the building, grounds, or feedlot; or

D. an animal feedlot with more than ten but less than 50 animal units that is not in a shoreland area.

Subp. 4. **New name; change of ownership.** ~~Prior to the change in the ownership or control of an animal feedlot or manure storage area issued~~

A. Before changing the name of a facility operating under a permit issued under this chapter, the new owner shall submit to the permitting authority, either the commissioner or county feedlot pollution control officer ~~the information required in item A or B, as~~

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~~applicable. If the commissioner or county feedlot pollution control officer determines that the new owner meets the requirements for obtaining the permit, then the commissioner or the county feedlot pollution control officer shall issue the permit to the new owner. The new owner shall submit, who issued the permit, documentation of the new name and the permitting authority shall issue a permit modification reflecting the new name.~~

~~B. Before changing ownership or control of an animal feedlot or manure storage area issued a permit under this chapter, the new owner shall submit to the permitting authority the information required under part 7001.0190. If the permitting authority determines that the new owner meets the requirements for obtaining the permit, then the permitting authority shall issue the modified permit to the new owner. All other modifications must comply with subpart 5.~~

~~A: a request for permit modification according to part 7001.0190 for facilities covered under an SDS or NPDES permit; or~~

~~B: a change of ownership form provided by the commissioner.~~

## Subp. 5. Modification of permit.

~~A. If an owner of a facility that has coverage under an NPDES/SDS or SDS permit plans to make a modification, the owner must follow the procedures in chapter 7001. Modifications that do not meet the criteria in part 7001.0190 are considered major modifications and must follow the procedures in parts 7001.0100 to 7001.0130.~~

~~B. If an owner of a facility with coverage under an interim or construction short-form permit plans to make a modification, the owner must seek approval from the permitting authority on a form provided by the commissioner. The form must be submitted to the permitting authority at least 30 days before making the modification.~~

## **7020.0505 PERMIT APPLICATIONS AND PROCESSING PROCEDURES.**

Subpart 1. **Submittals.** Permit applications must be submitted according to items A and B. An application is complete when all applicable information in subpart 4 and application fees under parts 7002.0250 and 7002.0310 have been received by the commissioner or the county feedlot pollution control officer, as appropriate. Incomplete permit applications must not be processed by the commissioner or delegated county feedlot pollution control officer.

A. NPDES and SDS permit applications must be submitted to the agency in accordance with this part and chapter 7001, with a copy submitted to the delegated county.

B. Interim permit and construction short-form permit applications must be submitted to the agency or delegated county in accordance with this part ~~and part 7020.0535.~~

Subp. 2. **Permit application submittal schedule.** An owner of an animal feedlot or a manure storage area who is required to apply for a permit under part 7020.0405, subpart 1, shall apply in accordance with the following according to the schedule: provided in items A to D.

A: the following facilities that are in existence on or before October 23, 2000, must submit a permit application by June 1, 2001:

(1) a CAFO; and

(2) an animal feedlot capable of holding 1,000 animal units or more or a manure storage area capable of holding the manure produced by 1,000 animal units or more for which the owner has demonstrated that the facility does not meet the CAFO criteria;

B: a CAFO as determined through the case-by-case determination process under Code of Federal Regulations, title 40, section 122.23(c), shall submit a permit application by the submittal deadline established by the commissioner's written request. The owner has at least 30 days to submit the permit application;

C: an animal feedlot or a manure storage area that is new or expands after October 23, 2000, and required to apply for an SDS or NPDES permit, shall submit a permit application at least 180 days prior to the planned date of commencement of construction or expansion;

D: an animal feedlot or a manure storage area that is new or expanding after October 23, 2000, and is required to apply for a construction short-form permit, shall submit a permit application at least 90 days prior to the planned date of commencement of

construction or expansion; and

~~E. a facility determined to be a pollution hazard shall submit a permit application by the submittal deadline established by the commissioner or the county feedlot pollution control officer's written request. The owner has at least 15 days to submit the permit application.~~

~~A. For NPDES/SDS permit coverage for an animal feedlot that:~~

~~(1) is new or expanding or will undergo a major modification, the owner must submit a permit application to the agency at least 180 days before the planned date of commencement of construction, expansion, or major modification; or~~

~~(2) has been determined to be a medium or small CAFO as determined through the case-by-case determination process under Code of Federal Regulations, title 40, section 122.23(c), the owner must submit a permit application by the submittal deadline established by the commissioner's written request. The owner has at least 30 days to submit the permit application.~~

~~B. For SDS permit coverage for an animal feedlot or manure storage area:~~

~~(1) that is new or expanding or will undergo a major modification, the owner must submit a permit application to the agency at least 150 days before the planned date of commencement of construction, expansion, or major modification;~~

~~(2) when the owner is proposing to construct or operate with a new technology, the owner must submit a permit application to the agency at least 180 days before the planned date of commencement of construction or operation; or~~

~~(3) that is required to complete environmental review, pursuant to chapter 4410, and the owner formally proposes, during the environmental review process, to implement mitigation measures that are more protective of the environment than the standards identified in parts 7020.2000 to 7020.2225, the owner must submit an amended permit application containing the additional site-specific mitigation measures, if requested by the commissioner. The amended permit application must be submitted to the agency or delegated county within 30 days of receiving written notification from the commissioner.~~

~~C. For a construction short-form permit, the owner must submit a permit application to the agency or delegated county at least 90 days before the planned date of commencement of construction or expansion.~~

~~D. For an interim permit for a facility:~~

~~(1) that has been determined to be a pollution hazard by the commissioner or a county feedlot pollution control officer, the owner must submit a permit application to the agency or delegated county by the submittal deadline established by the commissioner or the county feedlot pollution control officer's written request. The owner has at least 15 days to submit the permit application;~~

~~(2) that has been determined to be a pollution hazard by the commissioner or a county feedlot pollution control officer and is expanding to a capacity of 300 or more animal units, or increasing the manure storage area to hold the manure produced by 300 or more animal units, the owner must submit a permit application to the agency or delegated county at least 90 days before the planned date of commencement of construction, expansion, or major modification; or~~

~~(3) with a capacity of 300 or more animal units or a manure storage area that holds or is capable of holding the manure produced by 300 or more animal units, the owner must submit a permit application at least 30 days before the planned date of land application of manure or process wastewater on any of the following areas:~~

~~(a) on land where the soil phosphorus test levels exceed the levels in part 7020.2225, subpart 3, item C;~~

~~(b) on land in special protection areas with slopes exceeding six percent; or~~

~~(c) in a drinking water supply management area where the aquifer is designated vulnerable under chapter 4720.~~

~~[For text of subp 3, see M.R.]~~

#### Subp. 4. **Content of permit application.**

A. An application for a permit must contain the following:

[For text of subitems (1) to (6), see M.R.]

(7) the soil type or texture and depth to saturated soils at the facility as identified in the ~~USDA~~ most recent published soil survey

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~~Manual for the applicable county~~ or a site-specific soils investigation. Soil surveys are incorporated by reference under part 7020.0205. If applicable, submittal of the soils investigation information required in parts 7020.2100 to 7020.2225 meets this requirement;

[For text of subitems (8) and (9), see M.R.]

(10) if applying for an SDS or NPDES permit or interim permit under part 7020.0405, subpart 1, item C, subitem (2), a manure management plan that meets the requirements under part 7020.2225, subpart 4; and

(11) if applicable, a description of all conditions that make the facility a pollution hazard and a description of the corrective and protective measures proposed to correct the pollution hazard; and

~~(12) if applying for an NPDES permit, a supplemental federal application form.~~

B. In addition to the requirements of item A, a permit application for an animal feedlot capable of holding 1,000 animal units or more or a manure storage area capable of holding the manure produced by 1,000 animal units or more must contain:

[For text of subitem (1), see M.R.]

(2) an emergency response plan that includes a description of the procedures that will:

(a) contain, minimize, and manage an unauthorized discharge;

(b) provide notification to the proper authorities; ~~and~~

(c) mitigate any adverse effects of an unauthorized discharge; and

(d) provide for the disposal of carcasses resulting from a catastrophic event such as extreme weather conditions, fire, unexpected power failures, or disease.

[For text of items C to E, see M.R.]

F. A permit application for a minor modification need only contain the information requested on a form provided by the commissioner and, as applicable, the information in items C to E.

Subp. 5. **Application processing.** Permit applications must be processed according to items A to C and any requirements specified under a permit.

A. ~~NPDES and SDS NPDES/SDS permit applications and~~ permits must be processed according to the procedures under this part and ~~part 7001.0020, item F~~ parts 7001.0010 to 7001.0210 and 7001.1000 to 7001.1150. The term of an NPDES/SDS permit is five years. NPDES/SDS permits must include all applicable requirements of Code of Federal Regulations, title 40, part 122, and all requirements necessary to comply with this chapter and chapters 7001 and 7053.

B. ~~The agency and delegated county shall issue, reissue, revoke and reissue, or modify a permit according to part 7001.0140 and other applicable agency rules. SDS permit applications and permits must be processed according to the procedures under this part and parts 7001.0010 to 7001.0210. The term of an SDS permit is ten years. SDS permits must include all requirements necessary to comply with this chapter and chapters 7001 and 7053.~~

C. Construction short-form and interim permit applications must be processed in accordance with parts 7020.0505 ~~and~~, 7020.0535, and chapter 7001, except that according to part 7001.0020, item F, parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110, do not apply. County feedlot pollution control officers shall also process permit applications according to part 7020.1600, subpart 4a.

[For text of subp 6, see M.R.]

## **7020.0535 CONSTRUCTION SHORT-FORM AND INTERIM PERMITS.**

Subpart 1. **Applicability.** This part applies to owners who apply for construction short-form and interim permits required under part 7020.0405.

Subp. 2. [See repealer.]

## Subp. 3. ~~Delegated county~~ Procedures for denial and revocation.

A. ~~In the case of a denial of a permit application by the county feedlot pollution control officer, Denial of construction short-form and interim permit applications must be administered according to this item:~~

~~(1) the applicant must be informed in writing by the county of the reasons for denial and must be informed of appeal procedures all rights of review afforded under chapter chapters 7000 and 7001. The applicant shall retain all rights of fundamental fairness afforded by law and the applicant may make an appeal to the agency to review the county's action. The denial by a county shall be without prejudice to the applicant's right to an appearance before the agency to request a public hearing or to file a further application after revisions are made to meet objections specified as reasons for denial. In the case of denial of a permit application by a county feedlot pollution control officer, the county is responsible for administering the review procedures unless the applicant has requested agency review; and~~

~~(2) at the time a county feedlot pollution control officer notifies the applicant of the reasons for denial, the applicant must be informed in writing of the applicant's right to make a request to the agency to review a denial of a permit application by a county feedlot pollution control officer. To be timely, the request must be filed within 30 days of receipt of notice of the denial by the county. The agency shall not review untimely requests. If the agency denies the application, the applicant may request review under chapters 7000 and 7001. The commissioner is responsible for administering the review procedures under this part and the commissioner or the agency shall make the final decision on the denial.~~

B. ~~In order for a delegated county to revoke a permit, a copy of the permit together with a written justification for revocation must be submitted to the commissioner for review. The commissioner shall, after receipt of the justification for revocation from the county, review the matter within 60 days to determine compliance with applicable agency rules. The county must receive written approval of the permit revocation from the commissioner before taking action. If a revocation has been approved by the commissioner, the applicant must be informed in writing by the county of the reasons for revocation and the applicant shall retain all rights of appeal afforded under chapter 7001. Revocation without reissuance of the permit must follow the requirements under part 7001.0180: Revocation of construction short-form and interim permits must be administered according to this item:~~

~~(1) the permittee must be informed in writing of the reasons for revocation and must be informed of all rights of review afforded under chapters 7000 and 7001. In the case of revocation of a permit by a county feedlot pollution control officer, the county is responsible for administering the review procedures;~~

~~(2) before notifying the permittee of the reasons for revocation, the county must follow the procedures under part 7020.1600, subpart 4a, item F, and receive written approval from the commissioner; and~~

~~(3) revocation without reissuance must be administered according to parts 7001.0180, 7001.0190, and 7020.0505 and other applicable parts of chapter 7001.~~

[For text of subs 4 to 8, see M.R.]

## 7020.1600 AUTHORITIES AND REQUIREMENTS FOR DELEGATED COUNTIES.

[For text of subp 1, see M.R.]

Subp. 2. **County feedlot pollution control officer requirements.** A delegated county animal feedlot program shall require the county feedlot pollution control officer to:

[For text of items A to I, see M.R.]

J. submit an annual report to the commissioner by April 1 of each year, in a format requested by the commissioner, that includes the following:

[For text of subitems (1) and (2), see M.R.]

(3) permitting summary information from the previous year, including information regarding permits for facilities with fewer than 1,000 animal units that are CAFOs under Code of Federal Regulations, title 40, part 122, ~~appendix B(b);~~

[For text of subitems (4) to (6), see M.R.]

[For text of item K, see M.R.]

L. forward to the commissioner all permit applications, inspection reports, and all other applicable documents for the facilities

# Proposed Rules

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identified in subpart ~~4~~4a, item B.

Subp. 3. [Repealed, 25 SR 834]

Subp. 3a. **Resolutions and delegation agreements.** To assume responsibility for administering the delegated county feedlot program under this part, a Minnesota county board shall complete the requirements in items A to D. ~~Counties that have received delegation authorization from the commissioner prior to October 23, 2000, may administer the delegated county feedlot program provided that the requirements of item B are completed by June 1, 2001.~~ Delegation agreements must be reviewed and revised by the commissioner and the county annually to determine if the requirements of item B are being fulfilled and to establish new goals.

[For text of item A, see M.R.]

B. Submit to the commissioner, for review and approval, a delegation agreement that contains:

(1) inspection goals for facilities capable of holding fewer than 300 animal units or the manure produced by fewer than 300 animal units:

[For text of units (a) and (b), see M.R.]

(c) for determining compliance with discharge standards ~~and schedules for existing open lot facilities eligible under part 7020.2003, subparts 3 to 6, subpart 3;~~

[For text of subitems (2) to (4), see M.R.]

(5) scheduled compliance goals, coordinated with county local water plans, for bringing feedlot operations into compliance with the applicable standards under parts 7020.2000 to 7020.2225, ~~including the compliance dates of part 7020.2003, subparts 5, item B, and 6, item A;~~ considering the following:

[For text of units (a) to (c), see M.R.]

[For text of subitems (6) to (8), see M.R.]

[For text of items C and D, see M.R.]

Subp. 4. [Repealed, 25 SR 834]

Subp. 4a. **Permit application processing procedures.** The processing of permit applications by a delegated county shall be conducted according to the procedures in items A to ~~D~~E.

A. The county feedlot pollution control officer shall process permit applications and issue construction short-form and interim permits according to this part and ~~part parts 7020.0505 and 7020.0535,~~ except as directed in item B.

[For text of items B to D, see M.R.]

E. Upon issuance of a permit according to this part, a delegated county shall provide the commissioner written notice of its action. Pursuant to Minnesota Statutes, section 116.07, subdivision 7, the commissioner shall, after receipt of written notification of the issuance of a permit by a delegated county, have 15 days to review, suspend, modify, or reverse the issuance of the permit. If the agency takes no action, the action of the county is final, subject to appeal as provided in Minnesota Statutes, chapter 14. If the agency suspends, modifies, or reverses the issuance of the permit, the applicant must be informed in writing by the agency of the reasons for suspension, modification, or reversal and must be informed of review procedures under chapters 7000 and 7001. If no person requests a contested case hearing within 30 days, the agency decision with regard to the permit becomes final, subject to appeal as provided in Minnesota Statutes, chapter 14.

F. For a delegated county to revoke a permit, a copy of the permit together with a written justification for revocation must be submitted to the commissioner for review. The commissioner shall, after receipt of the justification for revocation from the county, review the matter within 60 days to determine compliance with applicable agency rules. The county must receive written approval of the permit revocation from the commissioner before taking action.

[For text of subps 5 to 7, see M.R.]

## 7020.2000 OVERVIEW.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Neighbor notification of proposed construction or expansion of 500 animal units or more.**

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# Proposed Rules

A. An owner of an animal feedlot or manure storage area proposing to construct or expand an animal feedlot capable of holding 500 or more animal units, or a manure storage area capable of holding the manure produced by 500 or more animal units, shall ~~no later than ten business days after the application is submitted to the agency or delegated county~~ not less than 20 business days before the date on which a permit is issued, provide notice to:

(1) each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot by:

A-

(a) publishing in a newspaper of general circulation within the affected area a notification containing the following information:

(1)

i. the names of the owners or the legal name of the facility;

(2)

ii. the location of the facility by county, township, section, and quarter section;

(3)

iii. species of livestock and total animal units;

(4)

iv. types of confinement buildings, lots, and areas at the animal feedlot; and

(5)

v. the types of manure storage areas;

B-

(b) sending a written notice to ~~them~~ each resident and owner of real property containing the information in ~~item A, subitems (1) to (5);~~ unit (a) delivered by first class mail or in person; or

C-

(c) providing equal or greater notification required as part of ~~obtaining a county conditional use permit, or township permitting process; and~~

(2) the clerk of the town in which the animal feedlot or manure storage area is proposed, by sending a copy of the notice to the clerk via first class mail.

B. The owner shall provide documentation to the commissioner or county feedlot pollution control officer that the required notifications have been completed as required under part 7020.0505, subpart 4, item D. The agency or a county board must verify that notice was provided as required under item A before issuing a permit.

Subp. 5. **Government notifications of proposed construction or expansion.** An owner proposing to construct or expand an animal feedlot or manure storage area shall notify the government authorities listed in items A and B. Notification must be on a form provided by the commissioner and include the information in subpart 4, item A, ~~subitems (1) to (5);~~ subitem (1), unit (a), subunits i to v. The owner shall provide documentation to the commissioner or county feedlot pollution control officer that the required notifications have been completed as required under part 7020.0505, subpart 4, item C.

[For text of items A and B, see M.R.]

[For text of subp 6, see M.R.]

## 7020.2003 WATER QUALITY DISCHARGE STANDARDS.

Subpart 1. **Subsurface discharges from animal feedlots and manure storage areas.** No person shall discharge animal manure, manure-contaminated runoff, or process wastewater from any animal feedlot, including ~~CAFOs~~ a CAFO, or manure storage area is prohibited from flowing into a sinkhole, fractured bedrock, well, surface tile intake, mine, or quarry, or other direct conduits to groundwater.

Subp. 2. **CAFOs and facilities animal feedlots with 1,000 animal units or more.**

# Proposed Rules

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A. An owner of an animal feedlot that is a CAFO or is capable of holding 1,000 animal units or more, or a manure storage area capable of holding the manure produced by 1,000 animal units or more, shall comply with the effluent limitation requirements of Code of Federal Regulations, title 40, part 412, and discharge only as authorized by an NPDES/SDS, SDS, or other applicable permit.

B. No discharge, as defined by Code of Federal Regulations, title 40, section 122.2, shall be allowed from a CAFO into waters of the United States, unless the animal feedlot or manure storage area has an NPDES/SDS permit authorizing such discharge.

C. No discharge shall be allowed from a CAFO or an animal feedlot capable of holding 1,000 animal units or more or a manure storage area capable of holding the manure produced by 1,000 animal units or more into waters of the state unless the animal feedlot or manure storage area has an SDS permit authorizing the discharge.

Subp. 3. **Other facilities.** An owner of an animal feedlot or a manure storage area shall comply with the effluent limitations in part ~~7050.0215~~ 7053.0305 unless the animal feedlot or the manure storage area is subject to the effluent limitation requirements in subpart 2 or ~~if the owner of the animal feedlot is subject to and meets all of the requirements in subpart 4~~ an effluent limitation established in a permit issued under this chapter.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

## **7020.2005 LOCATION RESTRICTIONS AND EXPANSION LIMITATIONS.**

Subpart 1. **Location restrictions.** A new animal feedlot or a manure storage area must not be constructed within a floodplain or within 300 feet of a sinkhole. A new animal feedlot or a manure storage area must not be constructed within the applicable isolation distance required by part 4725.4450 or 100 feet of a water supply well, whichever is greater. Except as provided in items A and B, a new animal feedlot or a manure storage area must not be constructed within shoreland, a floodplain, 300 feet of a sinkhole, 100 feet of a private well, or within 1,000 feet of a community water supply well or other wells serving a public school as defined under Minnesota Statutes, section 120A.05, a private school excluding home school sites, or a licensed child care center where the well is vulnerable according to part 4720.5550, subpart 2.

A. An animal feedlot or a manure storage area located in shoreland meeting the requirements of part 7020.0300, subpart 15, item B, ~~(1) that has been unused for less than ten years is a pollution hazard and may resume operation after applying for and obtaining an interim permit under part 7020.0405, subpart 1, item C; or. The requirements of part 7020.2100, subpart 1, item C, shall be followed for any liquid manure storage areas that have not been used for three years or more.~~

~~(2) that has been unused for ten years or more must not resume operation.~~

~~*[For text of item B, see M.R.]*~~

~~*[For text of subps 2 and 3, see M.R.]*~~

## **7020.2015 LIVESTOCK ACCESS TO WATERS RESTRICTION.**

~~*[For text of subp 1, see M.R.]*~~

Subp. 2. **Non-CAFO animal feedlots.** Except as required in subpart 1, ~~by October 1, 2001,~~ animals of a non-CAFO animal feedlot must be fenced to prohibit entry to, and must not be allowed to enter, a lake classified by the Minnesota Department of Natural Resources as a natural environment lake, recreational development lake, or a general development lake, as defined in part 6120.3000.

## **7020.2100 LIQUID MANURE STORAGE AREAS.**

Subpart 1. **General requirements; exemption.**

A. This part describes site restrictions and requirements for design, construction, maintenance, and operation of liquid manure storage areas. ~~An owner shall submit a permit application, as applicable, under part 7020.0405, subparts 1 and 2.~~

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# Proposed Rules

B. Except as required in subpart 2; All liquid manure storage areas must be designed, constructed, and operated in accordance with subparts 3.2 to 7.

C. An owner of a liquid manure storage area that has been unused for a period of three years or more shall, prior to using the structure for storing manure or process wastewaters, have a design engineer evaluate and prepare a report on the condition of the liner and include this report with a permit application submitted according to part 7020.0405.

D. A liquid manure storage area that provides temporary storage or temporary processing of manure, manure-contaminated runoff, or process wastewater is not subject to this part if the commissioner determines that the liquid manure storage area is a limited risk liquid manure storage area. In making this determination, the commissioner shall consider the:

(1) location of the proposed liquid manure storage area in relation to waters of the state;

(2) geologic sensitivity of the proposed location;

(3) length of time the manure, manure-contaminated runoff, or process wastewater is stored or processed in the liquid manure storage area;

(4) likelihood of a discharge to waters of the state given the design standards that are proposed, including the volume that will be stored; and

(5) type of material proposed to be stored and the material's expected pollutant concentration.

An exemption granted under this item does not prevent the agency from imposing permit conditions, if appropriate to protect human health and the environment, to govern construction and operation of the limited risk liquid manure storage area.

Subp. 2. **Site restrictions.** Except as provided in item C, the construction or expansion of a liquid manure storage area is prohibited in the areas identified under part 7020.2005 and items A and B.

[For text of item A, see M.R.]

B. In areas which are susceptible to soil collapse or sinkhole formation, the minimum separation distance to bedrock and the manure storage area liner design standards under subpart 3, item B, and prohibitions must be in accordance with subitems (1) to (3).

[For text of subitem (1), see M.R.]

(2) Animal feedlots capable of holding 300 or more and fewer than 1,000 animal units and manure storage areas capable of holding the manure produced by 300 or more and fewer than 1,000 animal units that contribute to liquid manure storage areas at the facility shall comply with the following:

[For text of units (a) and (b), see M.R.]

(c) where the separation distance to bedrock is five feet or more and less than ten feet, the manure storage area must be:

i. an aboveground manure storage area;

ii. concrete-lined with a secondary liner consisting of a synthetic liner, HDPE liner, or ~~one~~ two foot or greater cohesive soil liner; or

iii. composite-lined with at least a three-foot compacted cohesive soil liner under the synthetic liner.

[For text of subitem (3), see M.R.]

[For text of item C, see M.R.]

D. Removal of bedrock in order to comply with the applicable separation distances under item B is prohibited unless specifically authorized by the commissioner. In making the determination to allow the removal of bedrock, the commissioner shall consider:

(1) geologic sensitivity of the proposed location;

(2) type and extent of bedrock to be removed;

# Proposed Rules

(3) length of time the manure, manure-contaminated runoff, or process wastewater is stored or processed in the liquid manure storage area;

(4) likelihood of a discharge to waters of the state given the design standards that are proposed, including the volume that will be stored;

(5) type of material proposed to be stored and the material's expected pollutant concentration; and

(6) analysis of other options that would allow for compliance with the separation distances.

Authorization to remove bedrock under this item does not prevent the agency from imposing permit conditions, if appropriate to protect human health and the environment, to govern construction and operation of the liquid manure storage area.

## Subp. 3. **Design standards.**

A. ~~Except as provided in item B,~~ a new or modified liquid manure storage area ~~at an animal feedlot a facility~~ capable of holding 1,000 animal units or more ~~or the manure storage area capable of holding~~ the manure produced by 1,000 animal units or more must be designed to provide a minimum ~~of storage volume necessary so that the facility has at least~~ nine months of storage capacity.

B. Liquid manure storage areas designed and operated to provide storage for only manure-contaminated runoff or process wastewater shall be designed to provide a minimum storage volume necessary to accommodate the volume generated from a 25-year, 24-hour storm event and any additional volume needed to be consistent with the proposed manure management plan application frequency.

~~B. C.~~ Liquid manure storage area liners must comply with the following:

[For text of subitems (1) to (4), see M.R.]

~~C. D.~~ Water supply systems, fuel lines, electrical conduit, or other equipment not solely functioning as part of the manure handling or transfer system must not be designed or constructed to penetrate the liner of a liquid manure storage area. Piping and equipment functioning as part of the manure handling or transfer system which penetrates the liner of a liquid manure storage area must be identified in the design plans and specifications. The design plans and specifications must include details on the location and purpose of the penetrations, dimensions of the penetrations, and the methods and materials used to provide a seal between each penetration and the liner.

Subp. 4. **Design plans and specifications.** The owner shall prepare and submit to the commissioner or county feedlot pollution control officer, for review and approval, design plans and specifications, including all assumptions and calculations, meeting the requirements of items A to N with a permit application or at least 90 days prior to the commencement of construction. Design plans and specifications, except plans and specifications for concrete-lined manure storage areas having a capacity of 20,000 gallons or less, must be prepared and signed by a design engineer.

[For text of items A and B, see M.R.]

C. The estimated storage capacity by volume and time period based on the volume of manure, manure-contaminated runoff, and process wastewaters generated, which includes all assumptions and calculations and meets the criteria of subpart 3, item A or B, if applicable or as necessary to ensure adequate storage of manure, manure-contaminated runoff, and process wastewaters consistent with the proposed manure management plan.

D. In addition to the designed storage volume in item C, ~~allowance for the greater capacity of the following for manure storage areas open to precipitation or subject to discharge of runoff into the manure storage area:~~ a freeboard depth of not less than one foot. Liquid manure storage areas that store animal manure and that receive precipitation runoff must provide a freeboard depth of not less than one foot or the volume generated by a 25-year, 24-hour storm event, whichever is greater.

(1) ~~a volume capacity for precipitation and runoff without overflow for a 25-year, 24-hour or greater precipitation or rainfall event; or~~

(2) ~~a freeboard depth of not less than one foot.~~

[For text of items E to N, see M.R.]

## Subp. 5. **Construction and notification requirements.**

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# Proposed Rules

A. The owner shall construct the manure storage area according to the design plans and specifications submitted to the commissioner or the county feedlot pollution control officer and as approved by the commissioner or the county feedlot pollution control officer. Proposed engineering changes or modifications to the design plans and specifications, ~~related to the liner specifications, location, depth, or separation distance to bedrock,~~ must be submitted to the commissioner or county feedlot pollution control officer ~~prior to~~ for review and approval before commencement of construction related to the proposed change.

B. An owner shall notify the commissioner or county feedlot pollution control officer and the design engineer of intent to construct a minimum of three business days prior to commencement of construction. Notification must be completed by letter, telephone, ~~or~~ facsimile, or electronic mail and include:

[For text of subitems (1) to (5), see M.R.]

[For text of items C and D, see M.R.]

[For text of subp 6, see M.R.]

Subp. 7. **Operation and maintenance.** The owner of a manure storage area shall operate and maintain the manure storage area according to ~~the operation and maintenance plan submitted in accordance with subpart 4, item N,~~ plans and specifications approved by the commissioner or county feedlot pollution control officer.

## 7020.2110 UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE AREAS.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Operation prohibition.** No person shall operate an unpermitted or noncertified liquid manure storage area except as provided in subpart 5.

Subp. 5. **Approval to operate.** An owner of an unpermitted or noncertified liquid manure storage area that was installed and operated prior to October 23, 2000, and that serves a facility that has the capacity for less than 1,000 animal units must obtain approval from the commissioner or a county feedlot pollution control officer to continue to operate the liquid manure storage area. To be approved, the owner must submit the information in item A or B within the time frame requested by the commissioner or a county feedlot pollution control officer. This option is not available if the commissioner or a county feedlot pollution control officer has determined that the liquid manure storage area is a pollution hazard:

A. a report prepared by an engineer licensed in Minnesota that demonstrates that the liquid manure storage area was constructed according to standard engineering principles and practices at the time of construction and remains in good operating condition at the time the report is submitted. The commissioner or county feedlot pollution control officer must approve the report; or

B. evidence that the liquid manure storage area has a capacity of 20,000 gallons or less and meets the following criteria:

(1) was constructed of man-made and noncorrosive materials;

(2) was designed and constructed with standard engineering principles and practices at the time of construction; and

(3) remains in good operating condition.

## 7020.2120 POULTRY BARN FLOORS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Notifications of construction.** An owner shall notify the commissioner or county feedlot pollution control officer of intent to construct a minimum of three business days prior to commencement of construction and within three business days following completion of construction. Notification must be completed by letter, telephone, ~~or~~ facsimile, or electronic mail and include:

[For text of items A to D, see M.R.]

# Proposed Rules

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## 7020.2125 MANURE STOCKPILING SITES.

Subpart 1. **General.** This part describes requirements for permitting, design, construction, location, operation, and maintenance of short-term and permanent stockpiling sites. An owner of a stockpiling sites site must comply with part 7020.2005 and items A to D.

A. Manure stockpiling sites must be located and constructed such that manure-contaminated runoff from the site does not discharge to waters of the state.

B. Manure must not be placed on a stockpiling site unless a three-to-one horizontal-to-vertical ratio can be maintained ~~or~~ and the manure has, at least, a 15 percent solids content.

[For text of items C and D, see M.R.]

Subp. 2. **Additional requirements for short-term stockpiling.** ~~By October 1, 2001, all~~ An owner of a short-term stockpile sites site must operate and maintain the stockpile such that:

A. ~~have~~ the manure is removed from the site and land applied in accordance with part 7020.2225, within one year of the date when the stockpile was initially established;

B. ~~have~~ a vegetative cover is established on the site for at least one full growing season prior to reuse as a short-term stockpiling site except for the following:

[For text of subitems (1) and (2), see M.R.]

C. it is not ~~be~~ located within:

[For text of subitems (1) to (4), see M.R.]

D. ~~maintain~~ a minimum distance of two feet is maintained between the base of the stockpile and the seasonal high water table or saturated soils, as identified in the most recent ~~USDA/NRCS published~~ soil survey manual for the applicable county or based on a site-specific soils investigation; and

E. ~~be prohibited~~ the stockpile is not placed on:

(1) ~~on~~ land with greater than six percent slope;

(2) ~~on~~ land with slopes between two and six percent, except where clean water diversions and erosion control practices are installed; and

(3) ~~on~~ soils where the soil texture of the entire soil profile to a depth of five feet is coarser than a sandy loam as identified in the most recent ~~USDA/NRCS published~~ soil survey Manual or based on a site-specific soils investigation.

[For text of subp 3, see M.R.]

Subp. 4. **Additional requirements for permanent stockpile sites.** ~~By October 1, 2001, all~~ An owner of a permanent stockpile sites site must comply with this part. The owner shall also install a liquid manure storage area according to part 7020.2100 to collect and contain manure-contaminated runoff, if necessary to comply with the requirements of part 7020.2003. An owner shall submit a permit application, as applicable, under part 7020.0405, subpart 1.

[For text of items A to D, see M.R.]

E. An owner shall notify the commissioner or county feedlot pollution control officer of intent to construct a minimum of three days prior to commencement of construction and within three days following completion of construction. Notification must be completed by letter, telephone, ~~or~~ facsimile, or electronic mail and include:

[For text of subitems (1) to (4), see M.R.]

F. The owner shall ~~comply with subpart 2, item D;~~ ensure that the liner is installed and maintained above the seasonal high water table or saturated soils, as identified in the most recent soil survey for the applicable county or based on a site-specific soils investigation. Soil surveys are incorporated by reference under part 7020.0205.

## 7020.2225 LAND APPLICATION OF MANURE.

[For text of subps 1 to 3, see M.R.]

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## Proposed Rules

Subp. 4. **Manure management plan requirements.** Item A indicates who must prepare a manure management plan and when the plan must be prepared. Item B lists when manure management plans must be submitted to the agency or delegated county for review. Item C describes when the manure management plan must be reviewed and revised. Item D lists the required elements of a manure management plan. Item E describes exceptions to manure management plans when manure ownership is transferred.

[For text of item A, see M.R.]

B. A manure management plan that complies with the requirements of item D must be submitted to the commissioner or delegated county when any one of the following conditions applies:

(1) when an owner submits a permit application to the commissioner for an NPDES, SDS, or an interim permit under part 7020.0405, subpart 1, item C, subitem ~~(2)~~ (3); or

(2) the manure management plan is requested by the commissioner or county feedlot pollution control officer.

[For text of items C to E, see M.R.]

[For text of subs 5 to 8, see M.R.]

**RENUMBERING INSTRUCTION.** The range reference “7020.0100 to 7020.1900” shall be changed to “7020.0100 to 7020.1800” in Minnesota Rules, parts 6120.3300, 7002.0253, 7020.1500, and 7020.1800.

**REPEALER.** Minnesota Rules, parts 7020.0300, subpart 5a; 7020.0350, subpart 3; 7020.0355, subparts 3 and 4; 7020.0535, subpart 2; 7020.1900; 7020.2003, subparts 4, 5, and 6; and 7020.2110, subparts 1, 2, and 3, are repealed.

# Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Minnesota Department of Natural Resources (DNR) Commissioner's Order: Designation of Mountain Bike Trail in the Richard J. Dorer Memorial Hardwood Forest

**WHEREAS**, the Department of Natural Resources proposes to develop an approximately 9.6 mile-long trail for mountain biking in the Bronk Management Unit of the Richard J. Dorer Memorial Hardwood Forest in Winona County, Minnesota.

**WHEREAS**, *Minnesota Rules*, part 6100.1355, subpart 3, stipulates that within the Richard J. Dorer Memorial Hardwood Forest bicycles may be used only on designated bicycle trails or where motor vehicles are allowed.

**WHEREAS**, *Minnesota Statutes*, section 89.19, subdivision 2, requires that all designations of forest trails shall be by written order published in the *State Register*, and requires sixty-day public notice and a public meeting prior to designation.

**WHEREAS**, the Department of Natural Resources has satisfied all procedural requirements for trail designation, including a public meeting and sixty-day notice of the proposed designation and public meeting in the *State Register*, in the legal newspaper serving Winona County, and in a statewide news release.

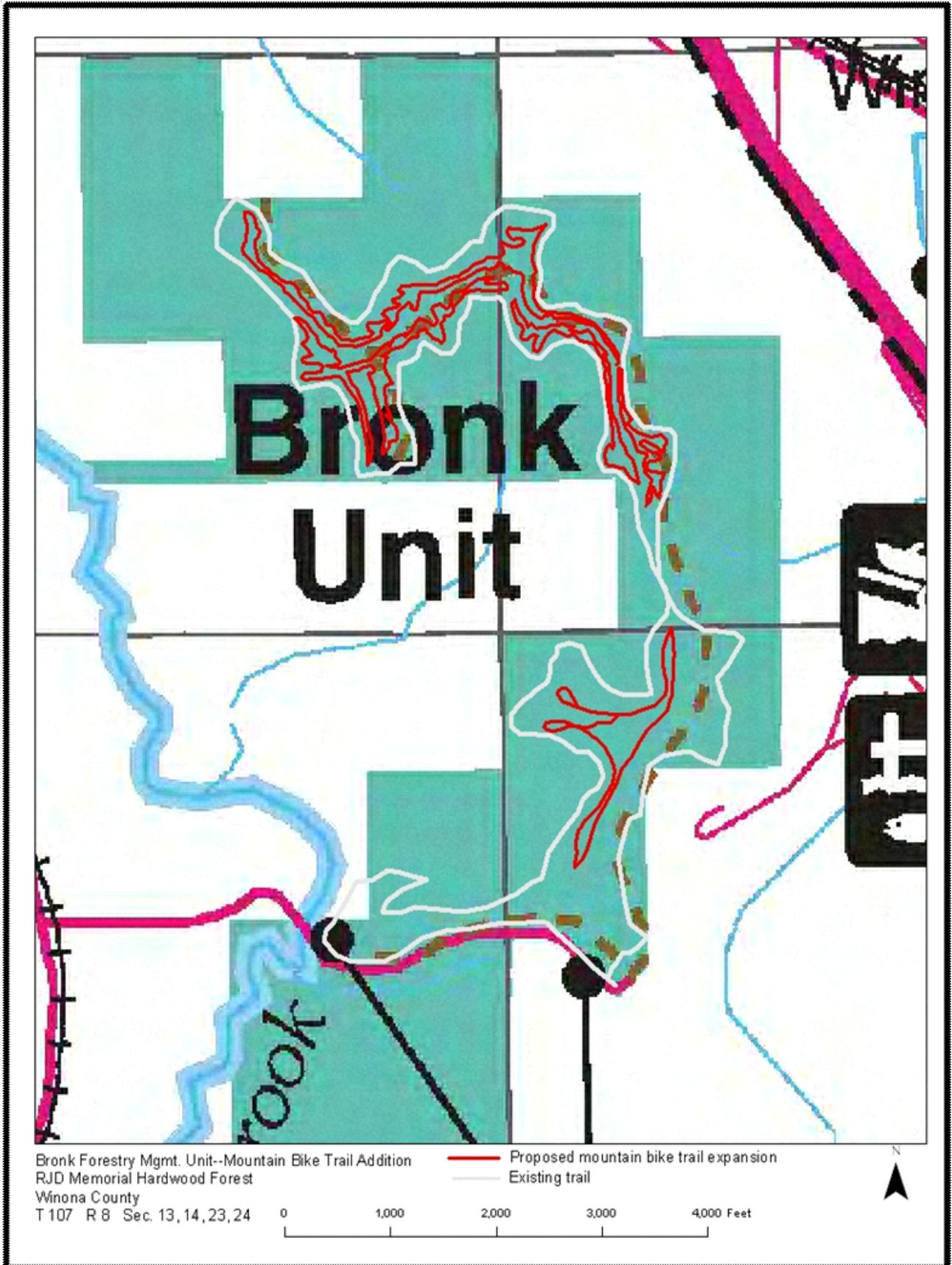
**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 89.19, subdivision 2, that the approximately 9.6 mile trail, to be constructed in the Bronk Unit of the Richard J. Dorer Memorial Hardwood Forest, and depicted in Exhibit A, attached hereto and incorporated herein, is designated for mountain biking.

This order is effective upon publication in the *State Register*.

**Date signed:** July 13, 2013

**Approved by:** Tom Landwehr, Commissioner  
Minnesota Department of Natural Resources

**Exhibit A (next page):** Mountain Bike Trail Designation – R.J. Dorer Memorial Hardwood Forest, Bronk Management Unit, Winona County, Minnesota



## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

### **Minnesota Agricultural and Economic Development Board Notice of Public Hearing on the Proposed Issuance of Bonds by the Colorado Health Facilities Authority to Finance and Refinance Projects of the Evangelical Lutheran Good Samaritan Society, a North Dakota Nonprofit Corporation, Located in the State of Minnesota**

**NOTICE IS HEREBY GIVEN** that the Minnesota Agricultural and Economic Development Board (the “Ag Board”) or its designee representative, shall meet on August 7th, 2013 at 9:00 a.m., at 1st National Bank Building, 332 Minnesota Street, Suite E200, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of one or more series of bonds by the Colorado Health Facilities Authority (the “CoHFA Bonds”) to finance or refinance projects on behalf of The Evangelical Lutheran Good Samaritan Society, a North Dakota nonprofit corporation (the “Applicant”). Under this plan of finance, the CoHFA Bonds will be issued in an aggregate principal amount not to exceed \$115,000,000. CoHFA Bond proceeds in an amount not to exceed \$15,650,000 will be used to finance or refinance the following projects located in Minnesota (the “Mn Projects”), in the following approximate amounts:

- (i) \$200,000 to refinance bonds issued in 2004 for the acquisition, construction, improvement and equipping of a 53 bed long-term care facility at the Good Samaritan Center – Arlington located at 411 7th Avenue NW in Arlington, Minnesota;
- (ii) \$3,000,000 to refinance bonds issued in 2004 for the acquisition, construction, improvement and equipping of a 44 bed congregate care addition at the Good Samaritan Village - Bethany located at 804 Wright Street in Brainerd, Minnesota;
- (iii) \$1,700,000 to refinance bonds issued in 2004 for the acquisition, construction, improvement and equipping of a 30 bed congregate care unit and the acquisition, construction, improvement and equipping of a 16 bed assisted living facility, both in connection with the Good Samaritan Village – Woodland located at 100 Buffalo Lane East in Brainerd, Minnesota;
- (iv) \$2,500,000 to refinance bonds issued in 2004 for the acquisition, construction, improvement and equipping of a 117 bed nursing care center, 23 bed sub-acute care center congregate care and \$1,200,000 of 2013 Bonds for the construction of a roof and other upgrades, both in connection with the Good Samaritan Center - Maplewood located at 550 Roselawn Avenue E. in St. Paul, Minnesota;
- (v) \$1,950,000 to refinance bonds issued in 2004 for the acquisition, construction, improvement and equipping of 36 residential units and 105 bed long term care facility and \$950,000 of 2013 Bonds for the acquisition and construction of a boiler and other upgrades, both in connection with the Good Samaritan Center – Whispering Pines located at 518 Jefferson Avenue in Pine River, Minnesota;
- (vi) \$2,700,000 to refinance bonds issued in 2004 for the acquisition, construction, improvement and equipping of a dining room and \$250,000 of 2013 Bonds for the construction of elevators, both in connection with the Good Samaritan Center – Waconia located at 333 West Fifth Street in Waconia, Minnesota; and
- (vii) \$1,200,000 of 2013 Bonds for the acquisition and construction of a boiler and other upgrades at the Good Samaritan Center – Marshall Manor located at 410 South McKinley Street in Warren, Minnesota.

The Applicant is the initial owner of the Mn Projects, and the Mn Projects will be owned, operated and managed by the Applicant. It is contemplated that the Mn Projects will be used, or will continue to be used, as nursing homes, senior housing, assisted living or related facilities. The CoHFA Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and no holders of any such bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the CoHFA Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

This Notice of Public Hearing is being given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

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## Official Notices

A copy of the Ag Board's proposed resolution regarding the Ag Board's "approval", as such term is used in IRC §147(f) and for the sole purpose of complying with the requirements therein, of the CoHFA Bonds is available for public inspection at the offices of the Ag Board at 1st National Bank Building, 332 Minnesota Street, Suite E200, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

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

Dated: 22 July 2013

BY ORDER OF THE MEMBERS OF THE  
MINNESOTA AGRICULTURAL AND ECONOMIC  
DEVELOPMENT BOARD  
Robin Sternberg, Executive Director

### Minnesota Comprehensive Health Association (MCHA) Notice of Finance Committee Meeting 30 July 2013

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Finance Committee will be held at 1:30 p.m. on Tuesday, July 30, 2013.

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN; it should be noted that some or all attendees will participate telephonically.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office (952-593-9609) for additional information.

### Minnesota Environmental Quality Board (EQB) REQUEST FOR COMMENTS on Possible Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules* Chapter, 4410; Revisor's ID Number R-04157

**Subject of Rules.** The Minnesota Environmental Quality Board (EQB or Board) is considering revising the existing rules governing the Environmental Review Program. These are the rules under which Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and other environmental review documents are prepared. This possible rulemaking may include the following categories or subparts:

- 1) Mandatory categories for environmental assessment worksheets located under part 4410.4300:
  - a. subp. 2. Nuclear fuels and nuclear waste;
  - b. subp. 3. Electric generating facilities;
  - c. subp. 5. Fuel conversion facilities;
  - d. subp. 7. Pipelines;
  - e. subp. 8. Transfer facilities;
  - f. subp. 14. Industrial, commercial, and institutional facilities;
  - g. subp. 16. Hazardous waste;
  - h. subp. 17. Solid waste;
  - i. subp. 18. Wastewater systems;
  - j. subp. 19. Residential development;
  - k. subp. 22. Highway projects;
  - l. subp. 28, item B. Forestry;

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- m. subp. 30. Natural areas;
  - n. subp. 32. Mixed residential and industrial-commercial projects;
  - o. subp. 36. Land use conversion, including golf courses;
  - p. subp. 36a. Land conversions in shoreland; and
  - q. subp. 37, items B and C. Recreational trails.
- 2) Mandatory categories for environmental impact statements located under part 4410.4400:
- a. subp. 2. Nuclear fuels and nuclear waste;
  - b. subp. 3. Electric generating facilities;
  - c. subp. 11. Industrial, commercial, and institutional facilities;
  - d. subp. 13. Solid waste;
  - e. subp. 14. Residential development;
  - f. subp. 21. Mixed residential and commercial-industrial projects; and
  - g. subp. 24. Pipelines.

This rulemaking may also include revisions that may come up as a result of public comments and further review of Chapter 4410. This rulemaking can be referred to as the “Mandatory Categories Rulemaking” since the Board is currently pursuing two separate rulemakings for Chapter 4410.

**Plain English Summary.** This Request for Comments is the Board’s legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section above. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. For example, we recognize that costs to regulated parties can be a concern with rulemaking; if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Submitting your ideas and information to us at this early stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part.

**Where to Get More Information.** If you are interested in being notified when a draft of the rule revisions is available and of other activities related to this rulemaking, please register for GovDelivery at: <http://www.eqb.state.mn.us/>. If you are unable to receive electronic notices, please contact Beth Tegdesch at (651) 757-2100.

**Persons Affected.** The proposed amendments may affect project developers, local units of government and state agencies, private citizens and citizens groups, and environmental groups. However, changes to the rules governing the Environmental Review Program may directly or indirectly affect all citizens of the state.

**Statutory Authority.** *Minnesota Statutes*, section 116D.04, subd. 2a(a) and 5a and *Minnesota Statutes* section 116D.045, establish the Environmental Review Program and authorize the EQB to adopt rules governing its operation.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on August 23, 2013. The EQB will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules. Interested and affected parties are invited to submit information relative to the cumulative effect of the rule with other federal and state regulations.

**Rules Drafts.** The Board has not yet drafted the possible rules amendments.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules, should be directed to:

Kate Frantz  
Environmental Quality Board  
520 Lafayette Road North  
St. Paul, MN 55155  
**Phone:** (651) 757-2370  
**Fax:** (651) 297-2343  
**E-mail:** [kate.frantz@state.mn.us](mailto:kate.frantz@state.mn.us)

TTY users may call the EQB at 1-800-627-3529

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 17 July 2013

David Fredrickson, Chair  
Environmental Quality Board

## Minnesota Environmental Quality Board (EQB) REQUEST FOR COMMENTS on Possible Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules* Chapter, 4410; Revisor's ID Number R-04196

**Subject of Rules.** The Minnesota Environmental Quality Board (EQB or Board) is considering revising the existing rules governing the Environmental Review Program. These are the rules under which Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and other environmental review documents are prepared. This possible rulemaking shall amend “*rules for environmental review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and processing to take into account the increased activity in the state and concerns over the size of specific operations. The EQB shall consider whether the requirements of Minnesota Statutes, section 116C.991, should remain part of the environmental review requirements for silica sand and whether the requirements should be different for different geographic areas of the state.*” **Laws 2013, chapter 114, article 4, section 105**

This rulemaking may also include revisions that may come up as a result of public comments. This rulemaking can be referred to as the “Silica Sand Rulemaking” since the Board is currently pursuing two separate rulemakings for Chapter 4410.

**Plain English Summary.** This Request for Comments is the Board’s legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section above. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. For example, we recognize that costs to regulated parties can be a concern with rulemaking; if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Submitting your ideas and information to us at this early stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part.

**Where to Get More Information.** If you are interested in being notified when a draft of the rule revisions is available and of other activities related to this rulemaking, please register for GovDelivery at: <http://www.eqb.state.mn.us/>. If you are unable to receive electronic notices, please contact Beth Tegdesch at (761) 757-2100.

**Persons Affected.** The proposed amendments may affect project developers, local units of government and state agencies, private citizens and citizens groups, and environmental groups. However, changes to the rules governing the Environmental Review Program may directly or indirectly affect all citizens of the state.

**Statutory Authority.** *Minnesota Statutes*, section 116D.04, subd. 2a(a) and 5a and *Minnesota Statutes*, section 116D.045, establish the Environmental Review Program and authorize the EQB to adopt rules governing its operation. *Laws 2013*, chapter 114, article 4, section 105 provide that EQB amend its rules for environmental review with respect to silica sand mining and processing.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on August 23, 2013. The EQB will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from

# Official Notices

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the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules. Interested and affected parties are invited to submit information relative to the cumulative effect of the rule with other federal and state regulations.

**Rules Drafts.** The Board has not yet drafted the possible rules amendments.

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

Jeff Smyser  
Environmental Quality Board  
520 Lafayette Road North  
St. Paul, MN 55155  
**Phone:** (651) 757-2279  
**Fax:** (651) 297-2343  
**E-mail:** [Jeff.Smyser@state.mn.us](mailto:Jeff.Smyser@state.mn.us)  
**TTY** users may call the EQB at 1-800-627-3529

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 17 July 2013

David Fredrickson, Chair  
Environmental Quality Board

## Minnesota Department of Human Services (DHS) Office of Economic Opportunity Minnesota's Draft Community Services Block Grant FY2014-2015 Plan Available for Public Inspection and Comment, Public Hearing 8/20/13

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on August 20, 2013 by the Department of Human Services/Office of Economic Opportunity in conjunction with the development and submittal of Minnesota's Community Services Block Grant FY 2014-2015 Plan. The hearing will be held on August 20, 2013 at 10 a.m. at the MCIT Building, 100 Empire Drive, St. Paul, MN 55103 (for directions, see <http://www.mcit.org/directions.aspx>). The purpose of this hearing is to provide the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment to the State of Minnesota under the Community Services Block Grant Act. These funds are used by federally defined eligible entities including Community Action Agencies, Tribal Governments and the Department of Human Services to combat the causes and effects of poverty. Draft plans will be distributed at the hearing or can be accessed for public inspection and comment by contacting Barb Alt at [barb.alt@state.mn.us](mailto:barb.alt@state.mn.us) or (651) 431-3884.

Comments to the plan should be submitted no later than August 20, 2013 to:

Barb Alt  
Department of Human Services  
P.O. Box 64962  
St. Paul, MN 55164-0962  
**E-mail:** [barb.alt@state.mn.us](mailto:barb.alt@state.mn.us)

**Minnesota Department of Human Services (DHS)****Human Services Performance Council****Department of Human Services Seeks Applicants for Human Services Performance Council**

Qualified volunteer candidates are being sought for the **Human Services Performance Council** authorized by the legislature in 2013. The Council's purpose is to advise the Commissioner of the Department of Human Services on the implementation and operation of the human services performance management system, including county performance management and departmental procedures, and to provide annual reviews and reports to the legislature related to human services performance management. – *Minnesota Statutes*, section 402A.15 (2013)

The Council will consist of 15 members, with three each representing 1) the Association of Minnesota Counties (AMC); 2) the Minnesota Association of County Social Service Administrators (MACSSA); 3) the Department of Human Services (DHS); 4) Tribes and communities of color; and 5) service providers and advocates for persons receiving human services. DHS will be appointing members from tribes and communities of color, service providers and advocates, and DHS. AMC and MACSSA will be recruiting and appointing their members separately.

The Human Services Performance Council was authorized by the Legislature as a result of recommendations by the Steering Committee on Performance and Outcome Reforms formed as a part of the 2009 State-County Results, Accountability and Service Delivery Reform Act.

More information on the County Performance Management System can be found at:

[www.dhs.state.mn.us/main/dhs16\\_177556](http://www.dhs.state.mn.us/main/dhs16_177556).

**Council applications** may be **submitted through August 18<sup>th</sup>, 2013**. Please forward this information to others who may have an interest in the work of the Human Services Performance Council. Thank you.

**Minnesota Department of Human Services (DHS)****Provider and Enrollment Division****Notice of Availability of the Minnesota Health Care Programs Provider Participation List [*Minnesota Rules*, Parts 9505.5200 to 9505.5240, also known as DHS Rule 101-Provider Compliance List]**

**NOTICE IS HEREBY GIVEN** that the Minnesota Health Care Programs provider participation list for **July 2013** is now available.

The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101 (*Minnesota Rules*, Parts 9505.5200 to 9505.5240). If a provider name is not on the list, the Department considers the provider non-compliant. The list of providers is separated by provider type, each section is in alphabetical order by provider name, and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce.

To obtain the list, contact Julie Hervas, Rule 101 Specialist, at (651) 431-2704 or toll-free at 1-800-366-5411. You may fax your request to (651) 431-7462 or mail to the Department of Human Services, PO Box 64987, St. Paul, MN 55164-0987.

Lucinda Jesson, Commissioner  
Minnesota Department of Human Services

# Official Notices

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## Metropolitan Airports Commission (MAC) Notice of Public Hearing on Draft Ordinance: Reliever Airports Minimum Standards for General Aviation Commercial Aeronautical Operations

NOTICE IS HEREBY GIVEN that on the 12<sup>th</sup> day of August, 2013, at 7:00 p.m. in the Lindbergh Conference Room at the General Office Building of the Metropolitan Airports Commission located at 6040 28<sup>th</sup> Avenue South, Minneapolis, MN 55450, the Metropolitan Airports Commission will hold a public hearing to receive verbal and written testimony relative to the proposed amendment to Ordinance No. 78.

### RELIEVER AIRPORTS MINIMUM STANDARDS FOR GENERAL AVIATION COMMERCIAL AERONAUTICAL OPERATIONS

An ordinance of the Metropolitan Airports Commission amending and specifying Minimum Standards, by amending and restating Ordinance No. 78, for General Aviation Commercial Aeronautical Operations and Flying Clubs at the Commission's Reliever Airports.

Copies of the draft ordinance and supporting documentation may be obtained on or anytime after July 22 at:  
<http://metroairports.org/Airport-Authority/Metropolitan-Airports-Commission/Public-Meetings/Other-MAC-Meetings.aspx>

or by contacting Kelly Ubel at (612) 467-0522.

Written comments will be accepted at the public hearing or until 4:00 p.m. on August 16, 2013 at the following address:

Attn: Reliever Airports Department  
Metropolitan Airports Commission  
General Office  
6040 - 28<sup>th</sup> Avenue South  
Minneapolis, MN 55450-2799  
(612) 467-0522

Dated this 15th day of July, 2013.

Mr. Jeffrey W. Hamiel, Executive Director  
Metropolitan Airports Commission  
6040 - 28th Avenue South  
Minneapolis, MN 55450

## Minnesota Department of Natural Resources (DNR) Division of Lands and Minerals Request for Comments on Possible Rules Governing Reclamation of Silica Sand Mines, Revisor's ID Number R-04198

**Subject of Rules.** The Minnesota Department of Natural Resources requests comments on its possible rules governing reclamation of silica sand mines. The Department is considering rules that would control possible adverse environmental effects of silica sand mining, preserve natural resources, and encourage planning of future land utilization. The rules may address other reclamation issues that come up during the rulemaking process.

**Persons Affected.** The rules would likely affect entities that are proposing to mine or are mining silica sand, local units of government that regulate silica sand mining, and citizens and companies located in the proximity of proposed or existing silica sand mining operations.

**Statutory Authority.** *Laws of Minnesota 2013*, Chapter 114, Article 4, Section 105 (b) requires the Department to adopt rules for reclamation of silica sand mines.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further

notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible rules. However, the Department may consult with the silica sand technical assistance team assembled by the Environmental Quality Board pursuant to *Laws of Minnesota 2013*, Chapter 114, Article 4, Section 91.

**Rules Drafts.** The Department has not yet drafted the possible rules.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

Heather Arends  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4045  
**Phone:** (651) 259-5376  
**E-mail:** [heather.arends@state.mn.us](mailto:heather.arends@state.mn.us).

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: July 13, 2013

Tom Landwehr, Commissioner  
Minnesota Department of Natural Resources

## Minnesota Pollution Control Agency (MPCA) Request for Comments on Planned Amendments to Rules Pertaining to the Control of Particulate Emissions and Other Pollutants from Silica Sand Projects

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is requesting comments on plans to amend rules relating to silica sand projects as directed by the 2013 Legislature. The Agency may amend Chapters 7011 (standards of performance for specific types of facilities), 7001 (water permitting), 7007 (air permitting), 7009 (air standards), 7017 (air testing), 7050 (water standards), or other related and affected chapters.

**Subject of Rules:** The Agency requests comments on plans to amend its rules or establish new rules pertaining to the control of particulate emissions and other pollutants from silica sand projects that may affect the state's air or water resources.

As will be discussed in this rulemaking, "silica sand" is well-rounded, sand-sized grains of quartz that is commercially valuable for use in the hydraulic fracturing of shale to obtain oil and natural gas. Silica sand does not include common rock, stone, aggregate, gravel, sand with a low quartz level, or silica compounds recovered as a by-product of metallic mining.

"Silica sand project" means the excavation, mining and processing of silica sand; the washing, cleaning, screening, crushing, filtering, drying, sorting, stockpiling and storing of silica sand, either at the mining site or at any other site; the hauling and transporting of silica sand; or a facility for transporting silica sand to destinations by rail, barge, truck or other means of transportation.

The Legislature has directed the Agency to adopt rules pertaining to particulate emissions from silica sand projects. The Agency will also consider adopting rules to control other potential pollutants from silica sand projects, such as those that might contribute to water

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pollution. This *Request for Comments* is the Agency's initial notice of its intent to begin rulemaking. This is only the first of several opportunities for public comment and input on this rulemaking.

**Where to Get More Information:** If you are interested in being notified when a draft of the rules is available, or of other activities related to this rulemaking, please register for GovDelivery at: <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>. The "Pollution from Silica Sand Projects Rules" subscriber link is located under the Public Notices and Rulemaking topic. This *Request for Comments* and future notices will be published on the Agency's Public Notice website:

<http://www.pca.state.mn.us/index.php/public-notices/list.html>.

The Agency will establish a page on its website <http://www.pca.state.mn.us/> for this rulemaking where additional information will be posted as it becomes available.

**Persons Affected:** The Agency's planned rulemaking potentially affects any owner or operator of an existing or proposed silica sand project and those persons potentially impacted by particle emissions or water discharges from silica sand projects.

**Statutory Authority:** *Laws of Minnesota 2013*, Chapter 114, Article 4, Section 105, (a) directs the Agency as follows: "The commissioner of the Pollution Control Agency shall adopt rules pertaining to the control of particulate emissions from silica sand projects. The rulemaking is exempt from *Minnesota Statutes*, § 14.125." The exemption from § 14.125 is that the Agency is not limited by an 18-month time limit to adopt, amend, or repeal rules following legislative direction. Further, the Agency plans to use existing general authorities under § 115.03, subs. 1(e) and (g); 5, and 5c; and § 116.07, subd. 4(b) to maintain rules that protect state waters.

**Rules Draft:** The Agency has not yet drafted the rule amendments. Persons interested in being notified when a draft of the rules is available and of other activities relating to this (or other Agency rulemakings) are encouraged to register at:

<https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

**Public Comment:** The Agency presently has no proposed rules on which to comment, but encourages interested parties to submit written comments or information regarding the Agency's plans to amend rules on this subject until 4:30 p.m. on September 30, 2013. The Agency cannot publish a *Notice of Intent to Adopt Rules* until at least 60-days from the date of this *Request for Comments*. Comments or information should be submitted to the Agency contact at the address below.

**Note:** Written comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The Agency is required to submit to the judge only those written comments received in response to the rules proposed in a *Notice of Intent to Adopt Rules*. If you submit written comments in response to this notice or during the development of the rules, and you want to ensure that the administrative law judge reviews those comments, you should resubmit those same comments in accordance with the instructions found in the *Notice of Intent to Adopt Rules*.

The Agency does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, § 14.128. Local governments are welcome to submit written information to the contrary if this belief is incorrect.

**Agency Contact Person:** Written comments, requests to receive a draft of the rules when it is available, and requests for more information on these planned rule amendments should be directed to:

Nathan Brooks Cooley  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
Saint Paul MN 55155-4194  
**Telephone:** (651) 757-2290  
**Toll-free:** 1-800-657-3864  
**TTY:** (651) 282-5332  
**E-mail:** [nathan.cooley@state.mn.us](mailto:nathan.cooley@state.mn.us)

**Alternative Format:** Upon request, this information can be made available in an alternative format, such as large print, Braille or audio. To make such a request, please contact the rule process contact person at the telephone number or address listed above.

Dated: 10 July 2013

John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

## **MNsure**

### **Request for Comments on Proposed Rules for MNsure Appeals**

**NOTICE IS HEREBY GIVEN** that the Commissioner of Minnesota Management and Budget (MMB) exercising the authorities and responsibilities under the authority of *Laws of Minnesota 2013*, Chapter 9, Section 14, is issuing notice of proposed rules on the policies and procedures available for appealing eligibility determinations made by MNsure.

Full text of these proposed rules are available on the MNsure website at: <http://mnsure.org/hix/get-involved/public-feedback.jsp>.

#### **Request for Comments**

MNsure is soliciting comments on these proposed rules and requests that all comments are organized by and reference the subpart of the proposed rule to which they reference.

#### **Comment Date**

All comments on these proposed rules must be received no later than 11:59 P.M. Central Standard Time on Monday, August 12, 2013. Comments are subject to review by the Commissioner of MMB and may be used to revise the final publication of these rules.

#### **How to Send Comments**

Mailed comments can be sent to:

Attention: Jessica M. Kennedy  
MNsure  
81 Seventh Street East, suite 300  
Saint Paul MN 55101-2211

E-mailed comments can be sent to: [PublicComments.HIX@state.mn.us](mailto:PublicComments.HIX@state.mn.us) with "MNsure Appeals Proposed Rules" in the subject line of the email.

## **Minnesota Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment**

### **NOTICE OF SUSPENSION**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation ("MnDOT") has ordered that the following vendors be suspended for a period of sixty (60) days, effective May 6, 2013 until July 5, 2013:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

### **NOTICE OF DEBARMENT**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation ("MnDOT") has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN

# Official Notices

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- Master Drywall, Inc. and its affiliates, Little Canada, MN

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

*Minnesota Statute* section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller’s or transfer’s debarment.

## State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division’s (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWFT system.

## Minnesota State Colleges and Universities (MnSCU)

### Inver Hills Community College

#### Notice of Request for Proposals for Purchase of Laboratory Steam Sterilizer

Inver Hills Community College is requesting proposals for the purchase of a new laboratory steam sterilizer (i.e. autoclave). The sterilizer should be suitable for frequent sterilization of wrapped and unwrapped goods, liquids, biological waste and other heat and moisture stable materials.

To receive a complete copy of the proposal, please contact Karla Colwell by e-mail at: [karla.colwell@inverhills.edu](mailto:karla.colwell@inverhills.edu)

Proposals must be sealed with a notation on the outside of the envelope stating: Laboratory Sterilizer Proposal – DELIVER IMMEDIATELY

Mail or deliver (faxes and email will not be accepted) sealed proposal must be delivered no later than 12:00P.M, FRIDAY, August, 2<sup>nd</sup>, 2013 to:

Inver Hills Community College  
2500 - 80<sup>th</sup> Street East  
Inver Grove Heights MN 55076  
Attn: Karla Colwell

Business Office, College Center Building Second Floor  
Phone: (651) 450-3871

PROPOSAL CLOSE DATE IS FRIDAY, August, 2nd, 2013 – 12:00 P.M

## Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical & Community College Formal Request for Proposal (RFP) for Five Axis Mill Machining Lab Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Five Axis Mill Machining Lab Equipment for Department of Labor Grant to equip instructional program labs.

**GEOGRAPHIC LOCATION COULD INCLUDE:**

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

St. Cloud Technical and Community College  
1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** [smeyer@sctcc.edu](mailto:smeyer@sctcc.edu)

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above, at which time the names of the vendors responding to this RFP will be read. **Late responses** cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person named above. This is a request for responses to an RFP and is not a purchase order.**

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical and Community College Formal Request for Proposal (RFP) for Purchase of EDM Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of EDM Equipment for Department of Labor Grant to equip Machine Tool instructional program labs.

Equipment to be purchased includes:

- Wire EDM
- Sinker EDM

**GEOGRAPHIC LOCATION TO INCLUDE:**

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

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1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** [smeyer@sctcc.edu](mailto:smeyer@sctcc.edu)

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The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFB.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person named above. This is a request for responses to an RFP and is not a purchase order.**

## Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical and Community Colleges Formal Request for Proposal (RFP) for Purchase of Live Tooling Lathe Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Live Tooling Lathe Equipment for Department of Labor Grant to equip instructional program labs.

**GEOGRAPHIC LOCATION COULD INCLUDE:**

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

St. Cloud Technical and Community College  
1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** *smeyer@sctcc.edu*

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above, at which time the names of the vendors responding to this RFP will be read. **Late responses** cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person named above. This is a request for responses to an RFP and is not a purchase order.**

## Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical and Community Colleges Formal Request for Proposal (RFP) for Purchase of Plastics Production Lab Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Plastics Production Lab Equipment for Department of Labor Grant to equip instructional program labs.

Equipment to be purchased may include:

- Injection Mold Press 110 Ton
- Injection Mold Press 55 Ton
- Temperature Controllers
- Dryers
- Chillers
- Tooling sets for Presses
- Robot arm for press
- Ventilation Units

# State Contracts

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## GEOGRAPHIC LOCATION TO INCLUDE:

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

## RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:

St. Cloud Technical and Community College  
1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** *smeyer@sctcc.edu*

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The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

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## Minnesota State Colleges and Universities (MnSCU)

### St. Cloud Technical and Community Colleges

## Formal Request for Proposal (RFP) for Purchase of Plastics Materials Lab Benchtop Package

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Plastics Materials Lab Benchtop Package for Department of Labor Grant to equip instructional program labs.

## GEOGRAPHIC LOCATION COULD INCLUDE:

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

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1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027  
**E-mail:** *smeyer@sctcc.edu*

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## Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical and Community Colleges Formal Request for Proposal (RFP) for Purchase of Rapid Prototyping Lab Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Rapid Prototyping Lab Equipment for Department of Labor Grant to equip instructional program labs.

Equipment to be purchased includes:

- Portable Scanner
- Epilog Laser, accessories and software
- Color 3Dimensional Printer Solid Modeling System
- Personal 3 dimensional Printer system
- Romer arm training table and accessories
- Multi-material 3Dimensional Printing Solid Modeling System
- MasterCAM Software Package
- Rapidform or Geomagic software

**GEOGRAPHIC LOCATION:**

St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

St. Cloud Technical and Community College  
1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** *smeyer@sctcc.edu*

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical and Community College Formal Request for Proposal (RFP) for Purchase of Robotics and Automation Lab Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Robotics and Automation Lab Equipment for Department of Labor Grant to equip instructional program labs.

**GEOGRAPHIC LOCATION COULD INCLUDE:**

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

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1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** [smeyer@sctcc.edu](mailto:smeyer@sctcc.edu)

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### Minnesota State Colleges and Universities (MnSCU)

#### St. Cloud Technical and Community College

#### Formal Request for Proposal (RFP) for Purchase of Surface Grinders Machining Lab Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Surface Grinders Machining Lab Equipment for Department of Labor Grant to equip instructional program labs.

**GEOGRAPHIC LOCATION TO INCLUDE:**

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

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Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** [smeyer@sctcc.edu](mailto:smeyer@sctcc.edu)

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### Minnesota State Colleges and Universities (MnSCU)

#### St. Cloud Technical and Community College

#### Formal Request for Proposal (RFP) for Purchase of Tool Room Lathe Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Tool Room Lathe Equipment for Department of Labor Grant to equip instructional program labs.

# State Contracts

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## **GEOGRAPHIC LOCATION COULD INCLUDE:**

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

## **RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

St. Cloud Technical and Community College  
1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** *smeyer@sctcc.edu*

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## **Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical and Community College Formal Request for Proposal (RFP) for Purchase of Vertical Milling Machining Lab Equipment**

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Purchase of Vertical Milling Machining Lab Equipment for Department of Labor Grant to equip instructional program labs.

Equipment to be purchased includes:

- CNC Vertical Milling Center
- Vertical Mill (Manual and CNC Controls)
- CNC Mill control system retrofits

## **GEOGRAPHIC LOCATION COULD INCLUDE:**

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

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Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

**E-mail:** *smeyer@sctcc.edu*

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All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person named above. This is a request for responses to an RFP and is not a purchase order.**

## Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical and Community College Formal Request for Proposal (RFP) for Purchase of Welding Lab Equipment

**RESPONSE DUE DATE AND TIME:** Tuesday, August 6, 2013 by 2:00 pm Central Time

The complete Request for Proposal will be available on Monday, July 22, 2013 on the website: *<http://www.sctcc.edu/rfp>*

**TITLE OF PROJECT:** Purchase of Welding Lab Equipment for Department of Labor Grant to equip instructional program labs.

Equipment to be purchased includes:

- Robotic Welding stations
- Six Axis Welding Robot with Two Axis Welding Positioner (Integrator)
- Welding Stations

**GEOGRAPHIC LOCATION COULD INCLUDE:**

- St. Cloud Technical and Community College, 1540 Northway Drive, St Cloud, MN 56303 (SCTCC)
- Central Lakes College, 1830 Airport Road, Staples, MN 56479 (CLC)
- Pine Technical College, 900 4<sup>th</sup> Street SE, Pine City, MN 55063 (PTC)

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

St. Cloud Technical and Community College  
1540 Northway Drive  
St. Cloud, MN 56303

Susan Meyer, Purchasing Agent Room 1-401

**Phone:** (320) 308-5973

**Fax:** (320) 308-5027

# State Contracts

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**E-mail:** *smeyer@sctcc.edu*

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## Department of Commerce

### Division of Energy Resources

#### Notice of Contract Availability for a White Paper Analysis of the Potential Costs and Benefits of Installing Utility-managed, Grid-connected Energy Storage Devices in Residential and Commercial Buildings in Minnesota

The Minnesota Department of Commerce, Division of Energy Resources requests proposals from a qualified contractor for a white paper analysis of the potential costs and benefits of installing utility-managed, grid-connected energy storage devices in residential and commercial buildings in Minnesota.

The desired outcomes are:

- 1) a white paper analysis including an estimate of the potential value of on-site energy storage devices as a utility load-management tool, examination of the interaction with on-site solar photovoltaic devices, and analysis of existing barriers to installation; and
- 2) a presentation on findings to the Minnesota Legislature.

A Request for Proposals (RFP) and required forms will be available for download on the Department's website:

*<http://mn.gov/commerce/>*

through Monday, August 12, 2013. Potential responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Department no later than 12:00 p.m. (Noon) Central Daylight Time (CDT) on Monday, August 12, 2013.

The RFP and forms can be obtained from:

Preferred Method: *<http://mn.gov/commerce/>*  
Hover over "Topics", then click on "Request for Proposals"

U.S. Postal Service: Grants Staff  
Minnesota Department of Commerce  
Division of Energy Resources  
85 - 7th Place East, Suite 500  
St. Paul, MN 55101-2198

Proposals submitted in response to this RFP must be received no later than 3:00 PM, CDT, Monday, August 12, 2013. **Late proposals will not be considered.** Instructions for submitting proposals are detailed in the RFP.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

### Minnesota Department of Health (MDH) Notice of Availability of Contract to Work with Minnesota Department of Health and the American Indian Communities to Plan, Convene and Facilitate a Culturally Appropriate Stakeholder Input Process with the American Indian Communities in Minnesota

The Minnesota Department of Health, Office of Statewide Health Improvement Initiatives is seeking qualified responders to plan, convene and facilitate a culturally appropriate stakeholder input process with the American Indian communities in Minnesota. The selected contractor will work with MDH and representatives of the American Indian communities in Minnesota to explore culturally appropriate, evidence-based methods of reducing obesity, commercial tobacco use and exposure, and other risk factors leading to the onset of chronic disease. Additionally, feedback on the MDH grant-making model will be sought. In an effort to be responsive to the community, we are seeking qualified individual(s) or organizations to solicit a broad base of community feedback regarding the successes and barriers of OSHII's PSE efforts in the American Indian community. The contractor will systematically gather this input/feedback, regularly meet with OSHII staff, and provide a final written report of the results and tangible recommendations to OSHII.

Work is proposed to start on August 26, 2013.

A copy of the full Request for Proposals will be online July 22, 2013, at: [www.health.state.mn.us/healthreform/ship](http://www.health.state.mn.us/healthreform/ship)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than August 5, 2013 at 4 p.m. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

### Minnesota Office of the Legislative Auditor Notice of Request for Proposals for Pavement-Selection Contracted Services

The Minnesota Office of the Legislative Auditor is requesting proposals from qualified professionals to provide technical expertise during an evaluation of the Minnesota Department of Transportation's pavement-selection process.

Access the full Request for Proposals at the Office of the Legislative Auditor's Web site: [www.auditor.leg.state.mn.us](http://www.auditor.leg.state.mn.us).

Proposals must be submitted no later than **4:30 PM**, central time, on **Friday, August 9, 2013**. Late proposals will not be considered. Work is expected to start after August 26, 2013.

The Office of the Legislative Auditor estimates that the cost of the contract will not exceed \$30,000. This notice does not obligate the office to spend the estimated dollar amount or to complete the work contemplated. The office reserves the right to cancel this solicitation.

For more information, contact:

Jody Hauer  
Minnesota Office of the Legislative Auditor  
Room 140  
658 Cedar Street  
St. Paul, MN 55155

# State Contracts

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**Phone number:** (651) 296-8501  
**E-mail address:** [jody.hauer@state.mn.us](mailto:jody.hauer@state.mn.us)

## **Minnesota Department of Military Affairs Facilities Management Office, Camp Ripley, Little Falls, MN Request for Proposals for Consultant Services for a Wind Resource Study for Camp Ripley, Little Falls, Minnesota (Project No. 13102)**

The State of Minnesota, Department of Military Affairs, is soliciting proposals from interested, qualified consultants to determine the feasibility of installing wind turbines at Camp Ripley, 15000 Highway 115, Little Falls, MN 56345.

A full Request for Proposal (RFP) is available on the Minnesota National Guard's website:

<http://www.MinnesotaNationalGuard.org/rfp>

All RFP responses must be received by the:

Department of Military Affairs  
Attn: Jan Graham  
Facilities Management Office  
Camp Ripley  
15000 Highway 115  
Little Falls, Minnesota 56345-4173

not later than **2:00 p.m. on Tuesday, August 6, 2013**. **Late responses will NOT be considered.**

The Department of Military Affairs is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

## **Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)**

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. Mail Stop 680  
St. Paul, MN 55155

### **Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices**

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

## Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

## Dakota County

### Request for Proposal for Interpreter and Translation Services

**NOTICE IS HEREBY GIVEN** that the Dakota County is seeking qualified vendors to provide interpreter and translation services County-wide. Work will primarily be conducted through the Community Services Division comprised of the following Departments: Employment & Economic Assistance, Public Health, Social Services and Community Corrections. Successful vendors will have proven experience working in health clinics, mental health settings, assisting with social work and/or public health home visits and in correctional settings. Additional consideration will be given to vendors who can demonstrate the ability to access third party insurance reimbursement through contracted relationships with multiple PMAP providers. Vendors must be able to assure access to service though out Dakota County and have the capacity to supply interpreters for rare languages, such as African dialects. Vendors must meet all of the specifications in the RFP to be considered for a multi-year contract to become effective on October 1, 2013.

Contact: Therese J. Richard, Contract Manager  
Dakota County Community Services Division  
1 Mendota Road West, Suite 500  
West St. Paul, MN 55118-4773  
**Phone:** (651) 554-5878  
**E-mail:** [therese.richard@co.dakota.mn.us](mailto:therese.richard@co.dakota.mn.us)

The RFP will be posted on Monday, July 22 at the following website:

<http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

Questions may be answered online or by phone through Friday, July 26 at 12:00 p.m. by contacting Therese Richard at the phone and email addresses listed above. Deadline for proposals is 4:30 p.m. (CDT) on Monday, August 5, 2013. Late proposals will NOT be considered.

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Previous Base Value Guides are also available. Call for more information.

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Notary Public Laws 2012, Stock No. 103, \$10.00

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